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Politics in Kenya:

1. The Political Culture of Kenya
   John Lonsdale

2. Politics and Democracy in Kenya
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Foreword

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THE POLITICAL CULTURE OF KENYA
Talk to Royal African Society of Scotland, 27 May 1992

Introduction

I want to try to suggest answers to three questions:
Why did Kenya once seem to do so well?
What, if anything, has gone wrong?
What are the signs for the future?

Political scientists and development economists try, or used to try to explain something they call or called 'Kenyan exceptionalism', just as German historians try to explain *der deutscher sonderweg*. Kenya's exceptionalism lies or lay in its combination of economic growth, despite its lack of minerals, and its political openness and stability, relative to so many countries of tropical Africa. It is difficult to know in what tense one should put that statement. In both economic and political spheres Kenya began to look more like the rest of Africa from 1982 in its stagnation and arbitrary political closures. Since December last year Kenya has also seemed to follow the new common path towards multi-party democracy, however much against President arap Moi's wishes. But even if Kenyan exiles and human rights organisations are right to insist that Kenya no longer deserved its good reputation in the West, most Kenyans themselves did and do feel different from their neighbours and are even thankful that they are not as others are. They have not starved; they have not been subject to military dictatorship nor yet torn themselves apart in civil war like four of their neighbours, Uganda, Sudan, Ethiopia and Somalia; they have not undergone the great social costs of the failed experiment in African socialism of their fifth neighbour, Tanzania. I will not be offering any comparative reflections on why Kenya is neither Uganda nor Tanzania, but I hope I can show that an historian can say as much as the political scientist or development economist, or indeed journalist, about why Kenya is Kenya and what, for Kenyans, that might actually mean, and then offer some idea of what Kenya's past might say to Kenya's future.

The politics of modern Kenya has always been an enigma. Looking at the same events and stories, actors and observers disagree violently on what they mean. It is, and always has been, a deeply divided society and polity. This is of course true of any complex system. But it seems to be more true of Kenya than many other countries in Africa. It was certainly true of Kenya Colony, home as much to Lord Delamere and Nelly Grant as to Alibhoy Jeevanjee, or to
Adonija Oginga Odinga and Kamau Ngengi, also known as Johnstone Kenyatta. And it remains true of modern Kenya. It is not just that its political culture is divided; it is difficult to agree on what it is divided about. So many divisions have been superimposed upon each other. And it is inevitably as an historian that I approach Kenya's modern political culture; I can see archaeological layers of political ideas and practice; I can't keep up with the rush of events or the calculations of high politics. I have no means of knowing what President Moi says to Mr Biwott or Dr Saitoti, what Tiny Rowlands says to the President (not much nowadays, I imagine) or indeed what Ambassador Smith Hempstone or High Commissioner Sir Roger Tomkys may, more sotto voce, say to him. Nor, for present purposes, am I much interested in that sort of question.

Rather, I want to pursue three themes of change and continuity, the historian's hammer and anvil of historical process: these are, the changing nature of political identity, the great continuity, as I see it, in the moral economy of wealth and poverty, patronage and clientage, and thirdly the slowly changing, much contested, question of the nature and purposes of any power that is wider than that of the small locality. Each of these themes has a different archeology, with different thicknesses in their layers. Which is why I find the study of Kenya's history so endlessly fascinating.

To take first the question of layers of identity: precolonial ethnic groups that were not tribes by any definition became tribes in colonial times and still more so thereafter. They did so at different rates; their nationalisms, and they were and are nationalisms, were differently constructed by enterprising politicians and intellectuals. But there is a very real question for most Kenyans as to whether they actually matter in politics. There are much smaller communities too, which may matter much more, agricultural or pastoral clans, village or urban neighbourhoods which have their own forms of purchase on political power. And they have their own very distinct ideas of political probity and purpose too. I like to distinguish between what I call the moral ethnicity of the small working community, which springs from below, and the political tribalism of invented nationality which may be manipulated from above. Both are calculating; moral ethnicity is not altruism but calculation between equally knowledgeable (and I stress: knowledgeable) social actors within attentive small communities. Political tribalism deals with the unknowable, the nightmare future of exclusion from power for instance. Moral ethnicity and political tribalism deal in mutually non-convertible currencies: the hard-earned money and vulnerable
personal commitment of known clients in a small society have to be traded against the promises of a patron with rumoured friends in high places and cash from one knows not where. From below, it is a necessarily corrupt relationship, however personally honest a political patron may be: small society has no means of knowing.

I also want to look at these layers of political ideas therefore as they have to do with wealth, poverty and obligation. Native Kenyan political thought is in reality primarily moral or individual rather than preoccupied with political structures. More theological than political. It has found imported western Christianity congenial to its outlook, or at least Protestant Christianity, since this has historically in Kenya been conservative, even fundamentalist, rather than liberal or critical in its theology. There is a thick layering here of very similar ideas, remarkably unaffected by the radical economic, social and political changes that Kenyans have encountered in the last century.

But neither native political thought nor western Christianity has greatly helped Kenyans, to introduce my third theme, to think about the nature of the state, distributive justice, or the highly abstracted collectivity of the nation to which the state might in theory be responsible, or even by which it might be held accountable. Kenyan university graduates, a rapidly increasing number, conceptualise the state in much the same utilitarian manner as we might. But their thin layer of specifically political thought sits awkwardly, if not irrelevantly, on top of Kenya's thick underlying layer of moral thought. It is a situation in which class thought or class action, to add another layer of identity, becomes difficult to project, whether intellectually or in political practice. But not impossible, which is one important reason why Kenya has followed an exceptional path: it has had, and has, pushy capitalists, alert and grasping small farmers, professional professionals, even honest politicians, all self-consciously working for collective interests distinct from that of tribe. This sense of corporate and professional self-interest may be the real legacy of white settlement. British settlers had the best-informed self-interest of any of Kenya's ethnic groups. They knew how to call government to account. Kenya's colonial government was probably the most efficient in colonial tropical Africa as a result, and in the 1950s it was the training ground for the men who became Kenyatta's top civil servants.

So much by way of introduction to my organising ideas. I want to develop them - identity, moral thought, and the nature of specifically political power - in three phases, precolonial, colonial and postcolonial. But it is all, of course, very recent history:
Precolonial Kenya.

In the nineteenth century, in precolonial times, what became Kenya was an open arena of peoples. They were ethnic groups but scarcely political tribes, and for 5 reasons:

1) none had any unified government.

2) none had a even a unified line of patriarchal descent from some point of origin; even myths of origin were more often plural than single.

3) virtually none practised only one mode of subsistence even if most were predominantly either farmers, or herders, or fishers, or hunters. But each group had lots of different ways of doing things (the things which make up a 'culture') and they all traded with each other as a matter of necessity. The big men in each group exercised authority because they knew how to profit by marriage and alliance with the big men of their ethnic 'others'. These richer families invested in friendly insurance schemes registered with their ethnic neighbours who practised a different form of livelihood further up in the hills or lower down in the plains and who might therefore offer asylum when localised drought or disease struck one's own community. The poor will then more likely have died, for want of alternative patrons, that is, employers, elsewhere as much as by the emptiness of their own granary. Trans-ethnicity, in other words, was practised most vigorously by the rich; the narrow ethnicity of the poor could be their undoing.

4) no ethnic group had a standard language, whether Luyia, Kamba, or Pokomo, and so on, but clusters of dialects that shaded into each other.

5) finally, and it was this that was to change most in the twentieth century, there was no power larger than the small community, no structure of competition therefore that might encourage leaders to try to control their ethnic group in order to turn it into a team - a 'political tribe' - against other such groups.

Turning to moral ideas, it seems that most people thought wealth meritorious, poverty delinquent. And these ideas are the most lasting part of Kenya's political culture; they constitute a natural high Tory sense of what rich and poor owe to each other. Men and women were justified by works. Fatness was fertile, poverty a life-sucking parasite. That was because men could prosper only in cooperation. Wealth demanded management, of dependent women and men. Successful management required obedience; household disciplines
were strict; there is a rich vocabulary of delinquency in the two or three dictionaries I have looked at. But wealth also needed generosity, because there were few economies of scale in the use of human labour. The more land one had, the more livestock, the more the labour of their production and the consumption of their product had to be shared out. There was a limit, as Max Gluckman once famously observed, to the amount of porridge one man could consume. Wealth ineluctably incurred obligations; the poor, if they were to survive, inevitably owed obedience. That was one of the two foundations of calculated moral economy. The other was the still open frontier of human colonisation, thanks to a sparse population in relation to abundant natural resources. So the moral maxims of equal opportunity that drove the poor to work for their own posterity did in fact convey some truth. Here were the twin foundations of moral ethnicity. What made one properly Luo, or Maasai or Nandi or Kikuyu, and so on, was disciplined adherence to canons of labour and obedience when young, and then the expanded use of well-managed resources to build up a following and, with that, proven wisdom, when head of household. These were all fee-paying societies. Wisdom was proven by the wealth that gave entry to higher levels of consultation and judgment. Dr Louis Leakey once calculated that it required the ritual payment of 170 goats to one's elders and betters through a long life-time for a Kikuyu to make a good death.

But, thirdly, what of wider forms of power than those that were visibly and daily exercised in the household or clan council? That sort of power was certainly needed, whether to divine and to take steps to control the future, or to bring rain and fertility or to trade in the esoteric knowledge of healing and magic. It was by definition impossible to apply practical local tests of virtue to people whose services were expert precisely because their knowledge was from outside any settled community. They were people one needed but could not trust. Once a definition of the witchdoctor it now applies as much to politicians. The 'otherness' of nineteenth century ritual experts, more open than that of modern politicians, was their professional licence, their craft. Whether they were Kalenjin orokpit, Luo jobilo, Maasai laibon, or Kikuyu arathi, they could scandalise the elders who called on their powers. Only by flouting parochial moral norms could they provide essential knowledge that was wider than conventional, practical, local wisdom could ever know.

In the Kenyan past it is arguable that such esoteric knowledge was all the more occult because there were no structures of secular politics wide enough to match it or compete. There were scarcely any concentrations of political power; spears and bows and arrows were
too democratic a means of killing for that; and without concentrations of power it was, as I have suggested, unnecessary and probably indeed unthinkable, to convert the separate civil moralities of ethnicity into a system of competitive political allegiances. Rather, there were layers of social, religious and political knowledge and practice that people learned to operate in different situations of need. This layered quality of political and moral perception, where rules of behaviour appropriate to one's own family or clan are inappropriate to the needs of survival among others, has become still more pronounced in recent times. Kenya has no one political culture; no unified concept of representation, accountability, legislation, probity and law.

Colonial Kenya:

If precolonial Kenya was an open arena of peoples colonial Kenya was rather like the Habsburg Empire, a prison-house of nations. Two things had happened. First, the British imposed a conquest state. It had enough power to make some people pay the costs of other people's benefits. Political constituencies mattered as never before; there were hierarchies of power. The racial hierarchy was the most obvious, but the ethnic hierarchy among Africans in the long run the more important. The British had their own tribal stereotypes, and Africans found that it paid to conform to them. Moreover, this new hierarchy overturned some existing values in a rapidity of change which probably made people think yet more furiously about the meaning of their 'identity'. Ethnic groups became political tribes. Precolonially herdsman such as the Masai and Kalenjin had led the more meritorious lives, if also the most fragile. Cattle were wealth in its most honourable form. But in colonial times farmers, like the Luo, Luyia and Kikuyu made money and got education, and had to work out how to make these honourable too.

So the British were not solely responsible for the invention of political tribes. Africans were their own self-inventors. For the second major development in the colonial era was the growth of a literate tradition of historical thought, first stimulated by the history book that all who could read did read, the Bible. This was soon made available in a number of standardised vernaculars that for the first time put a premium on linguistic conformity. Once a people is given a Bible it becomes a tribe. And one, moreover, with a politically

1. Waller, Ecology, Migration and Drought; Spear & Waller, Becoming Masai; Anderson and Waller in Seers and Prophets; Anderson, Waller and Sobania in Cain & Abel.
interventionist God and human saviours, Moses or David: it is difficult to exaggerate the importance of the Bible in giving those who read it in their vernacular a sense of being a chosen people. Conversely, the Bible also gave one’s enemies divinely approved names. Pharaoh and Goliath were both British; in the Kikuyu of the Bible kaburu was a corporal, a Boer farmer, and an Egyptian taskmaster from whom the children of Israel fled in search of the promised land; Judas Iscariot was all the chiefs who signed the petition for the deportation of the first modern nationalist, Harry Thuku in 1922. I shall return to this Biblical imagery later; it has a powerful hold on the modern Kenyan imagination. Ngugi wa Thiongo has complained that he cannot shake it off however hard he tries.

Meanwhile, between the wars, it was the medium in which tribal nationalisms took root, nationalisms of endurance in the wilderness, of lamentations by the waters of Babylon, ruled over by hired servants, the British-appointed chiefs. There was little cash value in these nationalisms when the first generation of literates, or readers as they are called, wasomaji, asomi, athomi, josomo, first excitedly explored their possibility. Rather, they were the answer to an intellectual and moral challenge: how could Christians, so outrageous in their behaviour and beliefs, redefine their local moral ethnicities in such a way that they were included in its wider relevance, not simply excluded by their inability to participate fully in family ritual. The thinking of contemporary Kenya’s professional middle classes goes back a long way. In the 1930s Harry Thuku’s veranda’d and whitewashed farmhouse, surrounded by hedged and contour-terraced fields, became an icon of Kikuyu progress although so different in appeance from the village of a conventionally wealthy man, because it could be given the added authority of Biblical reference: the farm was called Paradise.

Taking up again, then, my second theme, of social oligation, the moral economy of wealth and poverty, it seems clear from the example of Harry Thuku that mission Christianity scarcely revolutionised attitudes, however much it first took root, in some places, among orphans, landless tenants and runaway wives. But full church membership demanded successful work in a money economy; it was a message of soap with salvation. Many memoirs remark on the smart clothes, the clean and healthy bodies of the first converts. Pictures of early marriages feature excruciatingly uncomfortable-looking white dresses, white suits for the grooms and shiny, tight-looking black shoes. The style of dress of the young Kenyatta was
positively foppish. The rosebud buttonhole that marks the uniform of Kenya politicians (and now our own Labour Party) was copied from an early Scottish missionary. Some Christians then adopted the Muslim term *shenzi*, a dirty heathen, to show their disdain for their unlettered cousins. By the 1930s some readers were so little worried about continued exclusion from their own society that they used their control of church committees to exclude others from the benefits of literacy. That turbulent political priest, Archdeacon Owen, scourge of the settlers who knew him as the Archdemon of Kavirondo, complained of his Luo Anglican leaders that they made sure that such bursary money as was available to help the poor went in fact to the children of their friends who could afford the fees. The same attitudes exist today (and they are not, of course, peculiar to Kenya): there seems to be little *abstract* sense of responsibility for the poor among the rich - only, reciprocally, for those poor to whom one is related or whose service one needs. Reciprocity, after all, is not altruism.

But the fault was not of course all African. Missionaries, however little they could afford the living standards of white society, lived far better than their African flocks. For decades the only expatriate organisation to try to alleviate the conditions of Nairobi's poor was the Salvation Army. There were churches that championed the needs of the poor, especially of the many women whose husbands were away at work, leaving them otherwise legally defenceless in any local land dispute. These were the independent African 'spirit' churches, the various *dini ya Rohos*. But they were a minority; they catered only for individual misfortune; they had no concept of structural sin. And they were despised - not only by white missionaries but also by the more politically minded African independent churches and schools that emphasised improvement and progress rather than healing. The incipient African middle classes were as nervous of the Holy Ghost as their British counterparts.

African secular political discourse in colonial times also seems to have retained its respect for wealth, its contempt for poverty. It is important to understand why. And there is none better to explain than Henry Muoria Mwaniki, the man who was Kenyatta’s press officer in the late 1940s, at the time when the latter was the President of the first national party, the Kenya African Union, KAU, Cow. [Happily he and his wife Nuno, who has fed me more good curries than I can remember, are able to be with us tonight (at SOAS, 4 iii 92)]. Muoria was one of the first editors of a vernacular newspaper after the second world war, *Mumenyereri*, the Guardian. He published a booklet, *What can we do for our own sake*, which reads like a primer
in self-help. Muoria’s basic premise was theological, as much indigenous as Protestant. God, he wrote, wanted good things for his people, but he had to rely on human hands. Idleness insulted him; and to pray without action was to believe in magic. God loved a hard worker. It was a mistake to believe that poverty was saintly: Christ had condemned not wealth but greed. But Muoria’s most strongly felt argument was entirely Kikuyu, drawing on centuries of struggle against the physical and psychic dangers of the wilderness by which their agricultural civilisation was surrounded. He concluded his booklet by saying ‘Wealth is like a big broom with which one sweeps away all the bad things so that the good things can be kept intact... All sorts of poverty and all needs are swept away. This enables the rich man to live in peace.’ Light should stream through the rich man’s windows. The ignorant built their huts ‘full of darkness and the smell of goat’s urine and their droppings’ as in the old days. His readers, he went on, must not be upset by this suggestion that the white men had brought improvement. Rather, they should be emulated.

After all, the history of the British could be turned against them—a theme he pursued in his newspaper: the English, it was said, were a nation of shopkeepers, why not the Kikuyu? Well, most African businesses failed. And what was the reason? He did not mince his words: traders were ignorant, thieves, jealous of their partners. They had to change their ways. But they could do so only if the state changed too. Africans must be allowed freedom of assembly. For trade caused disputes, discussion brought understanding, understanding cooperation and cooperation progress. Without debate therefore there could be no schools, no trade, no escape from colonial slavery. It was true, he admitted, that Kikuyu had more need for democracy than others of Kenya’s nationalities. But that was not because they were proud; but they were richer; they therefore had more internal conflict that needed to be resolved. Muoria wrote all this over 40 years ago. Exactly the same arguments can be found in the Kenyan newspapers of today. There is the same deep-rooted drive for the cleansing of the wild that is now called development: the Kalenjin have the same wonderful word for each concept, *tililindo*. But there is also the same regional, ethnic, inequality of access to any free market in production, trade and power that its critics, President Moi chief among them, aver that multi-party democracy can only widen.

It came as some surprise to me to discover that there was this same admiration for wealth and contempt for poverty even in the Mau Mau movement, whose insurgency in the 1950s finally persuaded
the British government that white settler objections could not exempt Kenya from the general pattern of decolonisation that led to African majority rule. The chairman of the movement’s central committee, Eliud Mutonyi, could scarcely have put it more plainly. After listing his business successes in his memoirs he wrote, ‘poverty knows no patriotism’ - an adaptation of the old proverb ‘poverty has no responsibilities’ which is also to say that the poor can exercise no moral agency and can therefore know no freedom. It is an attitude that seems to have little room for representative democracy. The most radical leader of Mau Mau thought, Bildad Kaggia, just before his arrest, left instructions that his tailor and his laundryman should be paid - cleanliness again - but made no attempt to join the forest fighters. The memoirs of the forest fighters show that they respected wealthy rural traders provided they were known to be honest, and took care not to loot them. Their chief nightmares were bandits nicknamed komererera, a term which connotes idleness, and a dissident gang known as either the Musical or the Moscow society, whose programme included the abolition of property. One of the forest fighters’ songs admonished: ‘Vagrancy and idleness will never benefit the country’. And they tore themselves apart on the issue of literacy and superstition. The literate, Bible-carrying Dedan Kimathi, whose official portrait showed him with two fountain-pens in his breast-pocket, triumphed, and brutally, over the leader of the unlettered, Stanley Mathenge, whose men were more likely to listen to the traditional Kikuyu seers whom Kimathi’s literate lieutenants despised. Kenyatta was by no means the only man to call Mau Mau imaramari, which is to say disobedient hooligans, loafers.

What then, finally, of the African experience of and attitude to power that was wider than the locality in colonial Kenya? I want to look at three sorts, the power of official chiefship, of Kenya’s first black civil servants; And then at the different kinds of power that first Mau Mau and then the constitutional nationalists tried to put together.

Except among the Luo and some of the Luyia peoples no Kenyan people had known anything like colonial chiefship, and it is significant that the history of chiefship in western Kenya, the Nyanza basin, was noticeably less stormy than elsewhere. But chiefship illustrated the sharp difference between the publicly known moral economy of the small community, its moral ethnicity, and the amoral, unknowable, uncontrollable power of the state. The colonial government was rather like a collective latibon, unpredictable, malevolent, necessary. The wealth of office, above all, was both ambiguous in ways in which
it had not been before and potentially more intrusive on the wealth of others. The problem was accentuated by monetisation. Cash was not goats or cows. Previously the lubricant of power had been livestock. Everybody knew whose they were, whether given upwards to patrons or loaned downwards to clients. It was difficult to nod and wink in such a moral economy; deals were openly calculable by all. But cash was private, it could be pocketed. Chiefs' salaries, admittedly derisory, came from outside and had no moral connection with local social relations at all. Big men had always arbitrated local disputes but they were local big men who had to carry opinion with them. Chiefs could now appeal to, and reasonably expect, the support of District Commissioners who did not know the language and who would be gone, posted elsewhere, before an aggrieved plaintiff could put his case more convincingly together. Not only was state power to that extent irresponsible, the state also, very deliberately, installed new forms of wealth, of capital. DCs encouraged chiefs to open markets, policed by their own retainers; to instal water-powered maize-mills, rather like a medieval baronage; to sponsor all manner of improvements whose benefits were divisible and in which chiefs would not be the last to share. It was no accident that many of President Kenyatta's cabinet ministers and senior civil servants were sons of chiefs. The distinction between meritorious, knowable, wealth accumulated in the small community, a source of authority, and unknowable, and thus almost by definition, ill-gotten gains, possibly as a result of sorcery, remains at the root of Kenya's political culture.

But if the power of the colonial state had an amoral unknowability about it in Kenya's hundreds of small communities, the larger power that Kenyans tried to put together themselves was scarcely less alarming. Mau Mau terrified most of the lineage elders of Kikuyuland, the men whose wealth and remembered wisdom normally gave them control in agrarian society. Their authority was moral; it was inherited from those who had first cleared the wilderness for civilised living. But they were also powerless; they could not, fragmented as they were, do much to get rid of the British. Only those without land, the young, the outcast of Nairobi and farm squatters on the 'white highlands' wanted to fight; but then, poor and landless as they were they would have no legal title to exercise power. Mau Mau terrified whites because of its violence. It terrified Kikuyu more because of the moral nightmare in which legitimate parochial authority could not apparently gain decisive access to the power of the state without invoking the assistance of illegal - youthful and unpropertied - force.
Transethnic territorial nationalism in the later 1950s faced that and another problem: the lack of that shared discourse or conceptual language of rights and obligations that the intellectuals of ethnic nationalism had hitherto managed to expand only from the clannish small working community to the imagined large community of the tribe. Tom Mboya, Kenya’s chief nationalist strategist at the time, openly recognised the problem. Nationalists, he said in his memoirs, should only demand independence; they must by all means not discuss what they should do with it. That would only bring division. And in the very next breath he drew the contrast with the despised tribalism, an arena wherein a joint history of moral argument enabled one to debate what one could not discuss at the territorial, all-Kenya, level, for instance, he suggested, the status of women.

Independent Kenya

Kenya has been independent for nearly 30 years. It has become customary to divide its independent political history more or less in half. The real division came not so much at Kenyatta’s death in 1978 as in 1982, four years into arap Moi’s presidency. His preparations for a de jure one-party state were interrupted by the attempted Air Force coup - which may not have been the only coup being planned at the time. Perhaps the most searing image of that coup for all Kenyans in a job and over the age of 30 was that of the hungry mob of the poor from Nairobi’s slums who swarmed across the city, especially its most vulnerable Indian areas, in a paroxysm of looting, at last getting their hands on the most material of the fruits of independence, the matunda ya uhuru. What middle class Kenyans fear most - as wealthy Kikuyu once feared the hooliganism of Mau Mau.

This conventional chronological division has much to be said for it. But it has as much to do with the timing of the oil shocks as the mortality of Kenyatta. Kenyatta was a lucky President in terms of the world economy, Moi unlucky. The lessons to be drawn from distinctions between the two Presidents may not be quite so clear as may be generally thought. I can show my doubts with reference to my three themes, ethnicity, moral economy and wider, now state, power.

Kenyatta’s state was a federation of tribal baronies, not because that was inevitable but because that is what he intended. The politics of redistribution which he faced were more easily managed in that way, but they created still greater problems of distribution for his successor. Kenyatta’s first and greatest challenge was the redistribution of the White Highlands as most white settlers left under schemes financed from Britain. It was a new colonisation, one of
Kenya's many, and not its last. But it was a colonisation quite unlike those of precolonial times. Then there were colonisations of ecological zones, indeterminate and shifting. They were managed, and I mean managed, by big men whose authority came from their skills in herding and cultivating, their marriage alliances and their trans-ethnic trade and insurance agreements. This new process was a cartographical colonisation, a planned movement into districts with boundaries, with farm surveys and hydrological reports, of fences and cattle-dipping regimes. It was managed not so much by the professionals on the ground as by big men in offices who used the delegated power and credit arrangements of the state. At best they were telephone farmers; their power came not from accumulated labour on and expert knowledge of the land but from their alliances, admittedly trans-ethnic, which carved out protected constituencies rather than opened up mutually beneficial exchange relationships on the ground. The politics of land settlement, that underwrote the transfer of power, transferred power to gratefully politicised tribes. It was the founding experience of the new Kenya, and one whose implications the country is still working out, in blood.

Kenyatta set rules for the political game; he both encouraged the creation of ethnic baronies and tried to devise means for their control, both from below and above. First, his encouragement of the baronage: He did this partly by neglect; he paid little attention to the organisation of his party, KANU. In this he was quite different to his young neighbour, Julius Nyerere, who set a bureaucratic, centralised TANU against his own regional barons or district bosses. Kenyatta's toleration of open and competitive elections - once, that is, he had crushed the opposition Kenya Peoples Union - also encouraged the rise to parliamentary prominence and ministerial power of older, more wealthy men. Kenyatta seemed, perhaps deliberately, to be trying to resurrect the political principles of stateless precolonial society in which private wealth had demonstrated the capacity for public virtue.

But Kenyatta, again I think deliberately, also tried to devised rules that would tie political activity to localities much smaller than any tribal barony and be at least partially independent of them. I refer to the institution of Harambee, the Swahili term for cooperative self-help. The harambee idea was the foundation of Kenyatta's political success, but it was also the origins of Moi's problem. It helps to explain why Kenya once went 'right', but also why that might have been 'wrong'.
**Harambee** encouraged different levels of cooperation. At the bottom, small communities had to get together to collect their own voluntary resources of cash and labour, in order to qualify for state aid in the provision of services. At the top government bureaucracies, especially those of education and health, had to respond to local demands for the provision of trained staff. In the middle, incumbent MPs competed with their rivals to be effective brokers between bottom and top. **Harambee** has had three main effects, two of them clearly positive, the third dangerous:

i) it attached small communities to the state: in that local MPs could only negotiate with the Ministries of Education or Health for resources by building networks of alliance with other MPs from elsewhere, in order to tap into the national pool of Harambee-giving. This was a good test of politicians’ effectiveness both locally and nationally, so long as elections remained free (as they more or less did until 1983).

ii) it helped to make these big men to some extent accountable to small communities: the *harambee* committees. One of the great advantages of growing rate of literacy is the existence of committees who can read balance sheets and thus have the confidence to ask awkward questions. Again, this was an effective instrument of popular accountability so long as elections were free enough to allow people to turn rascals out; it may be that this is the strongest popular argument in favour of multi-paraty democracy. Furthermore, the only seriously statistical study of *harambee* suggests that, in general, *harambee* is an informal form of mildly progressive taxation, redistributing resources from the rich to the relatively poor - but not to the destitute who cannot afford the fees demanded for all levels of education.

iii) while *harambee* made practical day-to-day politics a matter of much smaller communities than political tribes and allowed tribal politicians to be questioned by their fellow tribesmen it is also, and in the end more importantly, true that the main flows of *Harambee* private giving and state aid were and are directed along lines greased by high-political corruption and intrigue.

**Harambee**: therefore carried an enormous cost: the gains of self-help tended to go to the already advanced regions. To those who had local resources to mobilise from the export of coffee, tea, maize and so on. Who had longer histories of education and therefore more members of the political elite. **Harambee** therefore, despite all I have said in its favour, helped to widen inter-ethnic differentials, especially differential access to the pork-barrel of official corruption. Kenyatta’s Kenya was governed by the wealthy men of the wealthy regions. They
were people and regions who knew how to turn the public goods of the state to private benefit in ways that enlarged Kenya’s productive capacity as a whole. It was an era of productive corruption. But it also caused factional strains. We must remember that Kenyatta did not stop short of at least condoning assassination as a means of ending political intrigue, two decades before Moi apparently took the same road.

The two biggest changes between the Kenyatta and Moi regimes are these: First, in the Kenyatta era, state power was more dangerous to those who wielded it than it was to its subjects. One has only to think of the unexplained deaths of J.M. Karuiki and Tom Mboya, perhaps of Ronald Ngala too and a number of other prominent deaths by homicidal motor traffic. Under the Moi regime - at least until the death of Robert Ouko - power has been much more dangerous to less prominent Kenyans, especially to those who have dared to criticise the government of the one-party state; and this continues to be the case, if one thinks of the treatment meted out in the past few months to the ‘Mothers of Freedom’, mothers of political detainees and, if the rumours are to be believed, the inter-ethnic killings that have pitted the Kalenjin against such opposition groups as Luo, Luyia and, more recently, the Rift Valley Kikuyu. There has been a growing paranoia of power which has spread fear, silence, insecurity and sycophancy everywhere. It is the fault for which Moi is most blamed. Perhaps the most serious effect this has had on Kenya’s prospects is that it is now much more difficult for Kenya’s talented top civil servants to exercise a critical professional judgment. Kenyatta encouraged this and it was one of the secrets of Kenya’s past success.

Nonetheless, I think it is important to stress - perhaps against the instant journalistic wisdom - that it is Kenya’s politics that are to blame for the present crisis as much as Moi’s. This brings me to the second contrast between the Kenyatta and Moi regimes. Colonial history and then the Kenyatta presidency widened ethnic and regional divisions, not to mention the gap between rich and poor. Moi has tried to close them - at the beginning of his rule he even tried to close the gap between wealth and poverty by a ceiling on land holdings. But the inheritance of plutocratic moral theory - of the merit of knowable wealth and the delinquency of poverty; the modern growth of political tribalism; and the distrust of the witchcraft of the state, have all made it impossible to conceive - or at least to publicly articulate and then to practise - a liberal democratic, let alone marxist, politics of redistribution, so as to bring Moi’s Kalenjin and other historically disadvantaged peoples to some greater degree of equality with the Luo and
Kikuyu by open reference to positive discrimination based on concepts of the equal rights of citizenship. It is, after all, hard enough to pursue that kind of politics in this country or in the USA. Distributional justice and 'good governance' may not be as blithely compatible in Africa as those who advocate donor pressures may wishfully think.

The only kind of politics of positive discrimination, affirmative action or distributional justice - call it what you will - that in the event seemed possible was an underhand one, a politics of intrigue, of undermining or colluding with the established barons of privileged ethnic groups. Kenya's political culture is not one that can use the rhetoric of the even-handedness of the state in the face of its equally entitled citizens. And with that liberal rhetoric simply not available, the political strains that a pro-Kalenjin policy set up could be dealt with only by extra-legal means, by the use of the security forces and, increasingly, given resistance to such force, by terror. By contrast with the Kenyatta era, Moi's is a time of unproductive corruption.

But I suspect that Kenya's critics have not thought seriously enough about quite how difficult a politics of compensation for past disadvantage actually is in a society that has historically developed group identities over individual rights, despises poverty and harbours such suspicions of the state. And the external pressures from the World Bank and the donor community to withdraw the state from the market will make such redistribution still harder. The economically and ecologically privileged regions, the regions of what Kenyans call 'old money' - which is to say private money derived from public privileges sufficiently long ago to have become respectable - will be able to pay for political influence, the drier areas, those with less of a history of school, will not. That perhaps is the most fundamental of Kenya's difficulties (perhaps of any country in Africa) but it is also the least of Kenya's immediate problems.

On these immediate problems can the historian be any more useful than the journalist or businessman? Probably not. But here are some concluding thoughts about the present and immediate future which may suggest some grounds for hope. The first is perhaps of greatest importance in securing the possibility of peaceful change; my other two reflections are more clearly related to the past and may also have more to say to the more distant future.

1) The opposition parties accuse Moi of wanting to stir up ethnic strife not only to prove his repeatedly insisted point that Kenya is 'not ready' for democracy - just as the British once said that she was 'not ready' for independence - but also in order to be able to declare a state of emergency that will nullify his undertakings to call multi-party
elections. But that objective may not be possible for him. The army is popularly believed to have refused to support what would in effect be a government coup. Moi, whose legitimacy is ebbing away with every new casualty figure from the ethnic strife which the security forces are ostentatiously failing to quell, may therefore have no option but to give way with as much grace as he can muster.

2) There may also be a self-limiting quality to the fighting that is now going on. As I said earlier, the politics of the African resettlement of the 'white highlands' at independence 30 years ago are still working themselves out. The most serious clashes have been in the ethnic border zones that the former 'white highlands' represent. Kalenjin groups who know themselves to have the longest historical claim to them have taken issue with more recent immigrants from the Luo and Luyia communities and, in the most recent and bloodiest clashes, the Kikuyu. It is a strange irony that the area in which people have fought most bloodily, Olenguruone, is generally thought to have given birth to the Mau Mau movement over 40 years ago, when Kikuyu immigrants there took an oath to resist the colonial government's demand to control the conditions of their settlement.

Sticking my neck out, to give the second ground of hope, I think it unlikely that the clashes will spread beyond these areas. These are the areas where one can most plausibly hope to alter boundaries in a situation of extreme land shortage. There seem to be 3 ways in which people attempt to do this. Big men can deny small men's title to land; this is the most damaging complaint against Biwott: he seizes Naboths' vineyards. Secondly, co-partners of different ethnic origin in land-buying syndicates on former white estates can fall out among themselves. Finally, neighbouring, ethnically solid, settlement schemes can come to blows. But the hopeful point is this: none of these potentially explosive situations exist over 80 per cent of Kenya's best land, in the former 'Native Land Units'. Here the closely guarded knowledge of who has right to what land should make people feel secure. And it is of course insecurity that makes people fight. So I think there are natural limits to the spread of violence. Kalenjin are too weakly represented in towns to take on other people there. And in any case the Kalenjin are a small and divided minority. It would seem suicidal for them to take on the rest. Perhaps more fundamentally, I think it is true now, as it was in the time of Mau Mau, that too many Kenyan householders of whatever ethnic origin, have no wish to hand their political fortunes over to their juniors, young unmarried men whom they will see as delinquent children.
I can illustrate this point with the aid of Gakaara wa Wanjau, one of Kenya’s most interesting popular writers. 40 years ago Mau Mau murdered his father, a Presbyterian minister. Gakaara himself spent many years in a colonial detention camp on suspicion of inspiring Mau Mau by his writings. He is still writing, from the rural market town of Karatina. His hero is the picaresque wa Nduuta, disrespectful to the wealthy but terrified by the popular demands for ‘paawa’ that he met in the 1982 attempted coup. It was a sort of madness, without authority. He felt safe, this cheeky townsman, only when he returned to his rural origins, among fellow clansmen (not merely fellow tribesmen) where he was known, where the insecurity of one affected all. The politics of small-scale society has much to be said for it as a mechanism for insulating people from the worst effects of high-political crisis. It is the most authentic expression of Kenya’s civil society; it gives safety to individuals known to small society. But it is precisely what makes the politics of a wider distributional justice so difficult.

3) But, finally, and equally contradictorily, there is also the politics of what western political scientists more usually think of as civil society, those citizens consciously organised to represent their own occupational interests in groups that speak to but do not seek to run the state. The Kenyan middle class likes to see itself as too large, too sophisticated and with too keen an awareness of its own self-interest in peace to allow matters to get still further out of hand. This, if true, is vital for the future, since the present small-scale clashes between rural dwellers are unlikely to pull down Kenya generally unless the politically articulate middle class encourages their political exploitation, either actively or by abject silence. I think neither course is likely, thanks largely to the growing confidence of the most vocal institution of civil society, the church. Kenya’s churches cover the whole spectrum of Christian theology. They have the strength of being both fundamentally of the people and critically part of the political arena. Despite all I have said, church leaders are beginning to develop a much stronger theology of the responsibility of state power -- perhaps because the Catholic church, by far the largest, is much more vocal than it used to be and more readily accepted by the previously dominant protestants.

Popular Kenyan Christianity is well able to criticise the arrogance and corruption of political power. It does so through hymns, for instance the hymn Mai ni maruru, ‘water is bitter’, composed in Kenyatta’s day. Just as Moses in the wilderness had to strike the rock to find drinkable water for the children of Israel, so Kenyans who still find the water of power bitter must pray that Jesus
will free them from structural evil.² Popular rumour also thrives on Biblical allusion. Many Kenyans felt their suspicions of political collusion in the death of Bishop Alexander Muge in a traffic accident confirmed when his widow’s white cockerel attacked the President three times when he called to offer his condolences. But church leaders too can also rely on popular knowledge of the Bible in order to press home very pungent criticism of current politics by indirect means. Five years ago, in June 1987, there was enormous excitement in the local press when Bishop David Gitari preached on the decision of the Emperor Darius, King of the Medes and Persians, to throw his minister Daniel into the lion’s den. Darius did not want to do so, but he was trapped by his tribalist and corrupt satraps, and his failure to consult others, all qualities of government that were uncomfortably close to home. In few countries could there be such knowledgeable discussion of the nature of Darius’s tyranny.³ There is a ready understanding in Kenya’s civil society of the proper limits to the demands that the state can make of its citizens and to the duty that citizens owe to the state.

That does not mean necessarily that multi-party democracy will make it any easier for Kenyans to practice good governance. Single-party rule and its monopoly of patronage can be one way of stirring up tribal jealousy; competitive party politics can be another. Kenya’s political culture is deeper than both forms of rule. Kenya’s (and Africa’s) real struggles are not between one-party autocracy and multi-party democracy but between the moral ethnicity of individual self-mastery and the political tribalism of group competition, between individual human rights and the patronage of wealth, and between the sorcerous unknowability of state power and new forms of public accountability. And the prospect is not all dark. As I have tried to show, Kenyans have been arguing about all these matters a long time. Their conclusions have changed in the past; debate is vigorous in the present; and few Kenyans have lost hope for the future.

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POLITICS AND DEMOCRACY IN KENYA

Wanyiri Kihoro

OUTLINE

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POLITICS AND DEMOCRACY IN KENYA TODAY.

Wanyiri Kihoro, exiled Kenyan Human Rights Lawyer


INTRODUCTION

I find that there are some people somewhere in Scotland who are still in doubt as whether Kenya is a country in crisis. Political, social and economical crisis that is. My objective throughout this paper is to demonstrate that Kenya is in a serious political crisis today and unless there is a timely intervention by Kenyans, with the support of the genuine friends of Kenya, to stop President Daniel arap Moi, the country is bound to relapse into deeper crisis and maybe civil war. With the experience of what has happened to Kenya's neighbours in Somalia, Ethiopia, Sudan and Uganda this is the time to stop Moi who is increasingly behaving like the Idi Amin of Kenya.

Let me from the onset state that I do not consider my mission to prove crisis in Kenya difficult since the facts speak for themselves. Many of you must have noticed that media interest and reportage about Kenya in the United Kingdom has markedly increased in the last few months. Apparently with a lot of reluctance, the British press has come to accept that all is not well in Kenya. The present press coverage is comparable to the one existing during the Kenya emergency period between 1952 and 1960. This was during our war of national liberation spearheaded by the Mau Mau which culminated in 1963 with our independence. That life and politics have become risky and violent business in Kenya is now common knowledge. Over
the last 6 months over 400 Kenyans have been killed across the country from Mombasa to Kisumu in politically motivated violence. Hundreds are reported missing in the areas of devastation mainly in the Rift Valley Province and they are now presumed dead. Many of those killed are women and children who have found themselves hunted down for no other reason than that they do not speak the language of the assassins. May be the murder of civilians has become necessary now because of the marked rise in the political awareness and involvement of Kenyans across society during 1990's. This popular awareness of the people in national affairs has threatened Moi who through the years has been accustomed to getting his way. President Moi has refused to accept this reality and instead he is playing the tribal card with fatal consequences.

What I propose to do for a start is summarise Kenya's post independence political history. I will then analyze political developments since the arrival of this decade and what they entail for the future of my country. Whereas I will be looking at politics and the fight for democracy in Kenya today, I will consider myself at liberty to examine generally Kenya's post independence socio-economic life. I also hope to provide an analysis of the current so-called ethnic clashes. There is no other way I believe which will appraise us of the present events.

Kenya's Political History Since 1963

Political life in Kenya's post independence period of about 30 years has been dominated by one party, the Kenya African National Union (KANU) which was formed in 1960 at Kiambu near Nairobi. Six months ago KANU's stranglehold was broken after an epic fight for the re-introduction of
multi-party politics. At independence on December 12th, 1963, Kenya had besides KANU, two other main political parties namely, the Kenya African Democratic Union (KADU) and the African Peoples Party (APP). The country was a liberal democracy with a bicameral legislature, an independent judiciary and an executive Prime Minister. The Civil Service was independent and non political. 30 years after, the country had been converted into a one party dictatorship with President Moi as the head. All the trade unions had been emasculated and run down by the Kenyatta and Moi regimes. Parliament after six general elections had become a rubber stamp with no control over the governance of the country. KANU progressively rigged the elections such that by the last election in 1988 every voter knew that the queue vote was a fraud and the only vote which mattered was the mighty vote of President Moi. Only 30% of the registered voters turned up to vote. Only 60% of Kenya's population eligible to vote is registered. It is on record that some honest candidates for civic offices have been rigged in such that when they were declared winners they publicly protested that they could not under any circumstances have won. The judiciary was overloaded with the president's incompetent appointees. Two judges indignantly withdrew from the bench because of the increasing intermeddling by politicians. The Civil Service had been conscripted into the KANU army and was thoroughly demoralised, underpaid and unmotivated. Moi came up with a concoction of a 'philosophy' of following in his footsteps which he called "NYAYOISM" and which rejected independent thinking and encouraged corruption at all levels.

The countdown to the present dictatorship began in 1965 when KADU and APP dissolved themselves and their members, including President Moi joined KANU. For a brief period Kenya became a one party state. The Kenya
People's Union (KPU) was formed in 1966 by elements of KANU who were dissatisfied with the course of events since independence. A period of vigorous politics followed which was not to KANU's liking. Kenyatta banned the KPU in 1969 and its members of parliament detained without trial. During the short period of KPU's existence, there was a lot of opposition to government policies on many issues of the day, including the land question.

President Kenyatta, himself a former detainee, ordered the passing of the Preservation of Public Security Act in June 1966. This law legalised detention without trial. Even after the banning of all political opposition both the Kenyatta and Moi regimes continued to wage an undeclared war against their political opponents. In addition to the new detention laws, Kenyatta put into use many repressive laws like the colonial Chiefs Act which gave them extensive powers to control rural life; the Public Order Act, which forbade the meeting of more than three people without a licence, and other laws like the Vagrancy Act and the Penal Code. The courts were used to criminalise all political opposition through mainly sedition and treason trials. Many democratic activists were dispatched to prison to rot. In 1970 Kenyatta imprisoned Bildad Kaggia a respected nationalist and a former KPU vice-president. He was also Kenyatta's colleague in colonial detention for 9 years and one of the Kapenguria six. Kaggia's crime was that he had attended an unlicensed meeting. Achieng Oneko, another of Kenyatta's colleagues in detention, was detained without trial for 6 years by Kenyatta from 1969. In the next two decades Kenyatta and Moi carried out crackdowns on parliamentarians in 1975, university lecturers in 1982 and the underground Mwakenya group and other activists in 1986. In 1990 Moi descended on the multi-party advocates and detained or
jailed them.

For those who could not be disposed off through the penal system, Kenyatta and Moi were increasingly prepared to hire thugs and assassins to deal with them. During the Kenyatta era, a nationalist politician of Asian origin, Pio Gama Pinto, was assassinated in 1965. Tom Mboya in 1969 and JM Kariuki in 1975. Under mysterious circumstances Kungu Karumba a Kenyatta critic and again one of the Kapenguria Six disappeared in 1974 and has never been seen since. Of course under the Moi regime we have had murders of Robert Ouiko, Minister of Foreign Affairs and Bishop Alexander Muge both in 1990.

Throughout the whole period of KANU’s one-party rule, there has been escalating opposition. It is not that the West and especially Britain and the USA did not know about this opposition. Measures in violation of human rights of Kenyans were taken by the two regimes to suppress their political adversaries and the West chose to turn a blind eye, supposedly to protect their economic and strategic interests. Kenya has been portrayed in the West as a show piece of stability and democracy and given every diplomatic support. The West did not raise a voice to condemn the undemocratic practices which I have outlined above.

The reason why Kenya is not like other countries where there is political violence, is due to the restraint of the Kenyan people as a whole who have realised that they have nothing to gain out of the violence. Their fight for political and democratic involvement has arisen out of their realisation that 30 years after independence no durable institutions have been built in the country. That the KANU politicians led by President Moi have systematically mismanaged all aspects of national affairs from local
education to foreign trade. That after 30 years of national existence, the only dynamic factor in Moi’s government is corruption which as we have been told by Scotland Yard investigators could have been at the root of the murder of Robert Ouko.

What has brought matters to a head in Kenya today? The present popular dissent is founded on the people’s desire to participate in the national life of their country and to break the KANU monopoly of all political power. Kenya’s population, which has doubled to about 22 million since independence, is clamouring for change. They want open, free and fair elections under a multi-party system to determine whether KANU should continue to preside over national affairs. But Moi and KANU are bent on frustrating the people’s aspirations. KANU is now violently attacking the people in a vain attempt to arrest the process. I have no doubt on my mind that KANU is working for the declaration of a state of emergency to avoid general elections which are due before February 1993. There is also a possibility that the life of the present parliament could be extended indefinitely by a vote taken there. There is already a precedent. In 1968 the life of Kenya’s first parliament was extended to 1969 on public policy grounds.

The Struggle for Multi-party democracy in the 90s

The popular demand of the Kenyan people especially from January 1, 1990 has been that Section 2A of the Constitution be amended to allow for the formation of other political parties. Section 2A read:

“There shall be only one political party, Kenya African National Union”
The ball was set rolling by a Presbyterian clergyman, Rev Timothy Njoya on January 1, 1990 in a church sermon. Rev Njoya said that the time had come for Kenya to instal a multi-party system of government in keeping with political trends in Africa and the rest of the world. That the days of one-party dictatorship were over and that KANU had violated the civil and human rights of Kenyans. The matter was taken up by many clergymen at an early stage in most of the protestant churches and especially by Rev Henry Okullu. Rev Okullu has been in the forefront of the struggle for democracy and human rights since the Kenyatta era. By May 1990, two former cabinet ministers, Kenneth Matiba and Charles Rubia joined the fray and called for political changes. KANU was defensive from the beginning. President Moi decreed that the debate was over even before it began. Matiba and Rubia applied for a licence to hold a meeting at the historic Kamukunji grounds in Nairobi on Saturday July 7, 1990 to explain the merits of a multi-party system. They were arrested and detained without trial with others, four days before the meeting could convene. The government declared the meeting illegal as it was not licenced under the Public Order Act. The people swore to attend the meeting with or without a licence.

On the day, which is popularly known all over Kenya and beyond as SabaSaba (Kiswahili for July 7 - seven, seven), Kenya police and KANU vigilantes shot into the thousands who had assembled at Kamukunji. At the end of one week of fighting and demonstrations, the Moi regime counted 27 Kenyans dead and hundreds injured. The unofficial count was over 100 dead. Moi declared then that multi-party politics would not be tolerated in Kenya until the society became 'cohesive' enough and tribal thinking was eliminated. Pressure continued to be exerted on the KANU government. The US ambassador to Kenya, Mr Smith Hempstone, spoke out in support of
pluralism. Norway cut diplomatic relations.

More Kenyans were killed as they attempted to attend meetings which KANU tried to prevent. KANU and Moi played the old game of intimidation and repression in a last effort to stop multi-party democracy. George Anyona, Ngotho Kariuki, Edward Oyugi and Augustus Kathangu were arrested and tried for sedition. Koigi wa Wamwere, Rumba Kinuthia, Mirugi Kariuki and others were arrested and tried for treason in October 1990 and charged with treason. Up to this day they remain in custody and have not been tried. They have been badly tortured and one of them, Rumba Kinuthia, is now confined in hospital pending the trial.

Lawyers went to court in 1990 and challenged the constitutional basis of Section 2A of the constitution. They argued that this section ran contrary to Section 80 of the Kenya constitution which allowed freedom of assembly and association.

"A person has a right to assemble freely and associate with other persons, particularly in order to form or belong to a trade union or other associations to protect their interests."

Section 80 is one of the original sections in the Kenya constitution which was negotiated at Lancaster House in 1962. Section 2A had been inserted by President Moi in May 1982 to enhance the role of KANU and himself and in total disregard of the other provisions of the Constitution of Kenya which guaranteed Kenyans their fundamental rights and freedoms. The courts ruled in Moi's favour as expected.
In April 1991, as a means of putting additional pressure to bring back multi-party politics, the National Democratic Party (NDP) was formed by Jaramogi Oginga Odinga. It was formed even before a ruling on the constitutionality of Section 2A could be made. The Registrar of Societies refused to register the party after it had submitted its list of office bearers and a copy of its constitution. In Sweden, a Kenyan exile Mukaru Ng'ang'a formed the Kenya National Democratic Alliance (KENDA). Obviously Ng'ang'a did not need to register his party in Sweden or in Kenya at that time. Upon the rejection of the application to register NDP and after the ruling on Section 2A which affirmed its constitutionality, a group of Kenyans including Odinga came together to form the Forum for the Restoration of Democracy (FORD). It was not, as it's name suggested, supposed to be a political party so the argument went and therefore did not need registration.

The Socio-economic crisis

As proponents and opponents of the multi-party politics fought it out it was becoming increasingly difficult for non-Kenyans to turn a blind eye and not be involved. The economic situation was also rapidly deteriorating and the Moi regime was finding it increasingly difficult to meet its financial obligations both locally and with the aid donors. Words of censure against Moi at the heightening repression and violation of human rights came from Canada, the USA, Scandinavia, Germany and then Britain.

Some countries cut off aid and others promised to do so unless and until the Kenya government stopped its violation of the human rights of its citizens. Receipts from primary products like coffee and tea plummeted.
The Kenyan peasant farmers who produce the bulk of the exported coffee and the like were disillusioned by a government which had become increasingly corrupt and was failing to advance credit and overtaxing farm inputs. Marketing cooperatives were increasingly mismanaged and in some areas the coffee tree and the tea bush had been uprooted and burnt. Subsistence crops had been planted instead such that even if better management returned, it would take years to put the land under cash crop and earn foreign exchange again.

The earnings from tourism which in the 80s had become the main foreign exchange earner also fell because of the uncertain political situation, insecurity in the national parks and again corruption.

In the last two years, the Kenya shilling has lost up to 60% of its value. In January 1990 the exchange rate was 36 Kenya shillings to one pound sterling; today it is 57 shillings to the pound. This decline necessarily means that Kenya's import bill has escalated proportionately. When the Moi regime started to default on its debt repayments, then it was easy for those who had supported Moi all along to come round and demand changes.

It is one of the hard facts of today's world that until people or nations are hit in the pocket by the taxman or the creditor they are oblivious to all else. When Moi defaulted in the great transfer of Kenyan resources through interest payments, he lost his protection. Kenyans had for nearly a generation been cursing and condemning the one party KANU dictatorship to no avail. As we have seen scores had been murdered in cold blood and yet Moi was not ruffled. A meeting of Kenya's creditors was held in Paris on 24 November 1991. It suspended all further aid to Kenya until the Moi
government introduced 'social and political reforms'. They spoke the language of money which Moi can understand. Hardly one week later on December 2, Moi reluctantly announced that Kenya would go multi-party.

Moi's Assault on Popular Democracy

Moi appears determined to prove that multi-party politics can only tribalise Kenya and cannot work. He has hired gangs of desperados and killers who operate under his protection. The gangs reportedly received military training in the Transmara, Timbороa, Turkwell and other out of the way places in the Rift Valley Province which he has declared exclusively KANU and multi-party free. Some of these murderers, wielding bows, arrows and AK47s when cornered by sheer numbers of the hunted have turned out to be members of Moi's Tugen ethnic group who are on leave from the army and other paramilitary groupings. People fleeing the areas of the clashes have claimed that their attackers are dropped and assisted by government helicopters.

In an orgy of arson, loot and violence hundreds of Kenyans have been killed mainly from the Luo, Kikuyu, Luhya and Kisii communities. Prophet Daniel of Kenya is fulfilling his own prophesies in his own lifetime. Most of the tribally motivated violence has occurred in the Rift Valley Province in areas settled by non-Tugen Kenyan communities. The civil society in Kenya is rapidly being brought to its knees by the Moi regime especially through its sponsorship of violence against the mass of the Kenyan people. Kenyans who have lived in the Rift Valley Province for generations have been raided and massacred by President Moi's secret army. Moi's violent propensities have produced internal refugees who are crossing provincial boundaries on
"What brings us here is nothing less than the life or death of Kenya, the question of the lives and future of hundreds of families who have been treated inhumanly, butchered, slaughtered. The scenes are truly heartbreaking. No human being can be left unmoved. Anyone who carries responsibility before the nation, even more before our God and Father, must be forced to stop this bloodshed and human misery at once.

As religious leaders who have walked among the hungry and crying women and children who have seen corpses, wounds, blood, homes burnt to the ground, empty food stores, thousands of people trekking for safety in our church compounds. We have buried hundreds... We have to tell you plainly that you are wrong in your assessment of the situation. Unless you change the present policies, Kenya will not be KANU but a cemetery for thousands of its sons and daughters. We have seen with our own eyes warriors, in their hundreds well organised and trained....

We believe God wants you to forget yourself, your party, your personal interest, you have to think of Kenya and its people. We believe there is still time to save the situation if you take the appropriate steps NOW WITHOUT DELAY.

The Weekly Review, May 8, 1992

Despite this strong statement, the violence continues and Moi has no intention of stopping it. Moi sees the Rift Valley Province as key to his election strategy. That if all the other anti-KANU communities are driven away from the province, then he would have a solid province with up to 25% of Kenya's constituencies for his party's taking. In this process of obtaining this objective it does not appear to matter how many are killed, maimed or become refugees.

One cannot help but condemn Moi's tribal approach to multi-party politics. I find myself constrained to observe here that Moi comes from one of the smallest tribes in Kenya, the Tugen. This ethnic group together with its other associated peoples like the Kipsigis and Nandi comprise 10% of Kenya's population and are the fifth largest grouping. Let me also observe
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The Weekly Review, May 8, 1992

Despite this strong statement, the violence continues and Moi has no intention of stopping it. Moi sees the Rift Valley Province as key to his election strategy. That if all the other anti-KANU communities are driven away from the province, then he would have a solid province with up to 25% of Kenya's constituencies for his party's taking. In this process of obtaining this objective it does not appear to matter how many are killed, maimed or become refugees.

One cannot help but condemn Moi's tribal approach to multi-party politics. I find myself constrained to observe here that Moi comes from one of the smallest tribes in Kenya, the Tugen. This ethnic group together with its other associated peoples like the Kipsigis and Nandi comprise 10% of Kenya's population and are the fifth largest grouping. Let me also observe
that Moi did not become President of Kenya in 1978 because his Tugen ethnic group conquered Kenya for him or intimidated other Kenyans into submitting to his presidency. The people and constitution of Kenya which Kenyans had learnt to respect and which Moi has over his 12 years’ rule mutilated beyond all recognition made him president in 1978. Now he appears to be serving notice to all of us that unless we submit to his misrule for ever there will be no people and country to succeed him.

It is not that I care for Moi’s rigged parliament which he has continued to manipulate in Kenya. But here is another example of his illegitimacy. When Kenya at least on paper reverted to multiparty politics on December 2, 1991, twelve parliamentarians resigned from KANU within the week and hence lost their parliamentary seats according to Kenyan law. The MPs joined the newly formed opposition parties FORD and the Democratic Party (DP). Up to this day the constituencies are unrepresented in Kenya’s parliament. Moi has refused to organise by-elections in these constituencies aware that he is bound to lose them to the opposition. This is a violation of the Kenya constitution which requires by-elections to be held within 90 days of a vacancy arising. Widely reported in recent months is also the refusal of the Speaker of the National Assembly to permit debate of the ethnic violence despite the push by some MPs to have the matter debated quickly as a matter of national importance. The speaker, Mr. Jonathan arap Ng’eno, who is Kalenjin, has been riding roughshod over the MPs wishes with the support of the Presidency.

What I am saying is that if for nothing else the Kenyan nation has gone through a most painful gestation and birth of a multi-party system. Kenya was once counted among the leading countries of Africa with thriving
chaired by Mr. Justice Z Chesoni and the appointment of a new independent body agreed on by all opposition parties...

...a stop to all preparations for the General Elections including the recently announced voters registration and the creation of new electoral boundaries.

The Daily Nation, May 2, 1992

CONCLUSION

As to what the country should do with itself to ensure rapid reconstruction after years of KANU misrule, my view is that a national convention of all parties which are represented in parliament should be held at the earliest. When we have a majority or a coalition government in Nairobi, the new government should move with all reasonable dispatch to build durable institutions which will be fair to all parties. The Kenya Chapter of the International Commission of Jurists (ICJ) during the 1990 KANU Review Committee Hearings recommended a liberal democracy with separation of powers among the various arms of government to ensure open participation by all:

That section 2A of the Constitution of Kenya which makes KANU the sole legal political party be replaced to provide for political pluralism and to cater for the diversity of political opinions in the country.

That the political neutrality of the Civil Service be restored and enhanced... That the president be elected directly by popular vote. The presidential term of office be restricted to two five-year terms and provision be made for the impeachment of the president for misconduct while in office.

That the size and organisation of government be prescribed by an act of parliament...

That the supremacy and sovereignty of parliament be re-established...

That the security of tenure of judges and other constitutional officers like the Attorney General, the Controller and Auditor General
chaired by Mr. Justice Z Chesoni and the appointment of a new independent body agreed on by all opposition parties...

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That the size and organisation of government be prescribed by an act of parliament... . . .

That the supremacy and sovereignty of parliament be re-established... .

That the security of tenure of judges and other constitutional officers like the Attorney General, the Controller and Auditor General
be restored forthwith and the appointments of the said officers be subject to approval by parliament.


Without a balanced participatory government in Kenya all aspects of national life will continue to suffer and corruption will undermine efforts in my country. Agricultural production and especially of coffee, tea and other primary products will decline and foreign aid will be futile and useless. Kenya will submerge deeper in debt beyond the 5 billion it already owes. Without a responsible, accountable and transparent government in Nairobi, the West will be cooperating in this corruption if it remits aid to the irresponsible and corrupt Moi regime in Nairobi.