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# Political Parties after Political Parties

The changing nature and reality of  
political power in Kenya.

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*Tony.A. Mochama*





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1<sup>st</sup> Thigiri Hilltop, off Thigiri Ridge Road,  
New Muthaiga.  
P.O. Box 66471 - 00800, Westlands,  
Nairobi, Kenya.  
Email: info.nairobi@kas.de

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## Dedication

This book is dedicated to my mentor Professor Mikhail Lossel, who introduced us to the professional world of literature; and in a burst of spontaneous 'high spirited' goodwill, bought Raila Odinga a 50,000 Kenya shillings bottle of champagne at Safari Club, in the December of 2001.

Tony A. Mochama

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## ACRONYMS

<b>KANU</b>	Kenya African National Union
<b>KASA</b>	Kenya African Socialists Alliance
<b>PR</b>	People's Revolutionary Council
<b>KPU</b>	Kenya People's Union
<b>VOK</b>	Voice of Kenya
<b>LegCo</b>	Legislative Council of Kenya
<b>KADU</b>	Kenya African Democratic Union
<b>APP</b>	African People's Party
<b>UN</b>	United Nations
<b>GEMA</b>	Gikuyu, Embu, Meru and Association
<b>NCKK</b>	National Council of Churches of Kenya
<b>PCEA</b>	Presbyterian Church of East Africa
<b>FORD</b>	Forum for the Restoration of Democracy
<b>NDP</b>	National Democratic Party
<b>NEC</b>	National Executive Council (NEC).
<b>KTN</b>	Kenya Television Network (KTN),
<b>DP</b>	Democratic party of Kenya (DP).
<b>ECK</b>	Electoral Commission of Kenya (ECK)
<b>LDP</b>	Liberal Democratic Party
<b>CKRC</b>	Constitution of Kenya Review Commission
<b>NARC</b>	National Rainbow Coalition
<b>NAK</b>	National Alliance of Kenya
<b>JKIA</b>	Jomo Kenyatta International Airport
<b>NARC</b>	National Rainbow Coalition
<b>SDP</b>	Social Democratic Party
<b>KENDA</b>	Kenya National Democratic Alliance
<b>IRI</b>	International Republican Institute
<b>AFL-CIO</b>	American Federation of Labor and Congress of Industrial Organizations
<b>NCWK</b>	National Council of Women in Kenya
<b>URP</b>	United Republican Party
<b>ICC</b>	International Criminal Court
<b>TNA</b>	The National Alliance party
<b>CORD</b>	Coalition for Reform and Democracy
<b>ANC</b>	Amani National Congress
<b>LLB</b>	Bachelor of Law Degree
<b>UoN</b>	University of Nairobi



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## CHAPTER ONE

### INTRODUCTION

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#### **PARTY POLITICS & DEMOCRACY IN KENYA.**

The nature and the number of parties in any nation determines the entire operations of parliament and the Government. How parties regulate themselves internally and conduct themselves vis - a - vis other parties, is infact at the very heart of what we call "Democracy". Democracy as per its definition, is a system of government by the whole population, usually through elected representatives, or as the American President Abraham Lincoln so elegantly put it, eight score or so years ago, "*It is the Government of the People, by the People, for the People*".

These elected representatives sometimes, but seldom, ascend to sit on the Table of Democracy, or sit in the House of Representatives / National Assembly, *on their own steam*. For just as it is arduous to arrive at a faraway destination on foot, using one's own pedestrian power, so it is with Power. It is far easier to get there by hitching a ride on a Political Vehicle – which is what we call a 'Political Party'.



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The example of 'hitching' is deliberate, but not all encompassing. Very few politicians, once they have 'hiked' that ride to Parliament / Senate / County Government, then dump the party; for they often / almost always will need the same political vehicle to take them to their next destination, whether it will be another term or even higher political seat. So, they hang onto their political vehicle, like passengers (or touts if they are influential enough to convince others to join their political party) during their tenure in office, which is often for five years. Occasionally, one or two passengers may 'advise' the Driver – *the Owner of the political party* – which direction to take, although Drivers have no obligation to obey suggestions from 'back benchers' riding in their political vehicles – though they themselves can order a front rider to the squeezed seat at the very back of their political *matatu* (or even get a tout to throw them out). Once in a rare while, a co-driver, or a passenger (riding gunshot) may attempt to seize the Steering wheel of the political party from the Driver, leading to a wild careening of the '*Motokaa*' (motor vehicle) all over the road, and once in a while, a car-wrecking accident.

For some people, their political party is a thing of Passion – the way a man who loves cars (motor head) may dedicate an inordinate amount of his weekend time to the washing, buffing and general pampering of a motor car precious to them, to the great chagrin of the missus. More often than that, for most politicians, a political party is a mere '*matatu*' to get them from one place to the other. And if one fails, and they want to go another way, then they simply alight and get another PSV to get them to Parliament, or to whichever place it is they feel they need to be as per their GPS. This then, is the cyclical nature and

temperament of the prevailing political morality, as well as also being the current amorality of our political party systems – hence the title of this work; 'Party after Party.'

The Party system in Kenya is thus far a more devastating feature of our Constitution than any number of Legislative levels or chambers, or even the nature of the Executive, or any number of 'Constitutional' provisions enshrined in the supposed subscript of what we call the 'KATIBA' or the constitution. The continuing channels that enables the actual realization of political power are what are commonly called the Political Parties. As to what the exact proportion of the political force within each channel should be in a perfect democracy, that is impossible to predetermine. But the existence of disproportion is sure to be decided on a democracy, sooner or later, by the events shortly or after some time following a General Election by the populace of the same.

Right from Kenya's first President, Jomo Kenyatta to the current President Uhuru Kenyatta, the Party Leader attitude echoes that of the British Premier, Lloyd George, when he was dissolving political parties in order to form a singular doctrine around the World War One and asked the Labour leaders, "*What is a government for except to dictate?*"

So strong the government may be, but like the unstable Isotopes (individuals) of some elements (political parties), the binding energy (interests) may not be strong enough to hold the nucleus (of the party) together, as in the case of Uranium. And just like Uranium, the internal party implosion may be particularly explosive and leave damaging debris lying all over the Landscape of Democracy. For a period



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of over two decades, which can roughly demarcate as at the end of 1969 and only ending at the dawn of 1990s, there was in Kenya virtually NO institutions able to say no or '*hapana*' to the Executive. This was why many dissenters later on opined to the slogan, Not Yet Uhuru. In a near Imperial presidency, other political parties were paralyzed after the collapse of the **Kenya People's Union (KPU)**. This is the hospital equivalence of party feuds followed by Brain Dead party politics. The opposition being in the life support machine for thirteen years, virtually unable to do much except vegetate (and uselessly regurgitate) its own fluids – before the plug was, as some may say 'mercifully' pulled, and then thrown far away from the system socket that connects to the mains' power. Parliament became a place where the sole political party rubber stamped whatever it was that the Executive wished and passed as law, with the other arms of the government, plus the Judiciary, generally subservient to the State (Executive).

The Church stayed aloof from the politics, with a few notable examples, because God is, apparently, above the banditries of the Government and the pageantry of party politics. And while free Print Press played a relatively independent voice on the streets, its shouts were muffled by monolithic metronome of the State TV (mercilessly, in an overlaying way) called **VOK** – *Voice of Kenya*, as if there were no other voices, or else drowned out in the thunder of patriotic radio from AM to PM o'clock! (FM radio stations would arrive later in the nineties, as the initially rather British in character, *Capital 98.4 FM*). As one strategic party advisor said, 'It is important to emphasise that the VoK wasn't the voice of an individual but that of the nation of Kenya. Whenever I declared "you are listening to the Voice

of Kenya," it was no longer my voice. It belonged not just to the station but to the country. Kenya was speaking, the world was listening.'

This explains why later in the 1980s, even government ministers would tune into radio VoK at lunch time, because if President Moi had gotten tired of their services/ decided to drop them, the VoK's 1 p.m. news is where they would first learn their fate. Party politics had become part of the parody of the prosody in that universe of 'national radio.' In other words, political parties in Kenya are paper tiger; to be muffled, saddled and rode on at will by politicians to whatever and wherever they may deem fit, then gotten rid of if necessary, by the riders.

Yet once a 'smaller' politician disembarks, as we shall see in the due course of this book, like Schrodinger's Cat, they may find the paper tiger is all of a sudden a very real and lively feline (like the one on *Boat of Pi*) with growls to match the claws that catch and teeth that bite and that may well destroy the unsaddled politician, and confine what remains of his ripped, torn and tattered political career to a dustbin in Siberia, as happened to king-maker A.G. Charles Njonjo, nicknamed the '*Duke of Kabeteshire*' for his overly Anglo-Saxon mannerisms, in 1984. '*A good nationalist puts his country before his party*', is one of those patriotic phrases that lends itself to being parroted by a certain type of naïve idealist, new to the Body of *Party Politik*. Indeed, it would seem, and it is a belief currently and commonly held by the Kenyans who care to know the History of Kenya's Independence, that two parties went to London for the second Lancaster House Conference, KANU and KADU. Arriving there on Saint Valentine's day in 1962, the two were



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like a couple on a (political) honeymoon, just there for the English spring air, and to 'iron out' a few minor differences in how to bring up the child called KENYA that they planned to have the following year. In reality, KANU and KADU were like a couple going to consult an In Vitro Fertilization expert in Lancaster on whether they ought to birth an Octopus (a Federal system of government) or a Rock (a Centralized form of government) with tribal positioning and individual self-interest inherent at the core of each respective argument, rather than having romantic national political honeymoon notions on their minds.

To paraphrase De Tocqueville, in a much-quoted apothegm (that alludes to the British Constitution, but aptly fits the Kenyan political party scenario) *since political parties may undergo perpetual changes, the political party system does not really exist*. Werner Heisenberg was a German physicist who in 1927, introduced the '*Uncertainty Principle*' to the world, which states that the more precisely the position of some particle is determined, the less precisely its momentum can be predicted from initial conditions and vice versa. This has been the case historically, with the politicians within Kenya's political parties. Our political parties also suffer from a related effect in physics called the '*Observer Effect*', which notes that measures of certain systems cannot be made without changing something in the system. The Aspect of the *Uncertainty Principle* is inherent in the properties of all wave-like systems, where a wave is a disturbance of one or more fields on (Physics, Mathematics and related fields) such that the field values oscillates repeatedly around a stable equilibrium/resting value. If the relative amplitude of oscillation at different points in the field remains constant, the wave is said to be

a standing wave. If the relative amplitude at different points in the field changes, the wave is said to be a travelling wave. Furthermore, waves can only exist in fields where there is a force that tends to resolve the field to equilibrium. When observers, or *voters*, take the measure of a certain political party in uncertainty, its is the only time the system can change in our democracy.

Our political parties are inherently *wave-like* systems where disturbances reign in the field (or '*kwa ground*' as Kenyans are meant to say of the grass-roots), and where individual party politicians' values oscillate repeatedly about and around the stable equilibrium of the party leader, and his 'values' (or rather his / her interests) whatever they may be at any given moment in political time/temperature. If the relative amplitude of political oscillation at different points '*kwa ground*' remains constant, then chances are that the ruling political party / coalition at the time is strong and stable. If the relative amplitude changes across several different regions, as happened in the 2002 General Elections (and arguably, the 2007 one as well), then a popular 'wave' may sweep away the Incumbent party in power.

Moreover, the waves can only exist in in the 'fields' where there is a force called democracy that tends to resolve the country to a state of a political equilibrium, in spite of the state of the different competing political parties on the ground. Otherwise, where these *wave-systems* are unstable and go out of equilibrium, the end result is civil unrest and in the very worst cases, civil war - which are of course breakdowns of systems of governance, as well as the channels of legal competitiveness which is what political parties really are. And since these questions are resolved by



the bullet, rather than the ballot, then the disruption of the above-mentioned dynamics can be said to be the end of Democracy in that state, for the time that things stay helter-skelter or out of sync. Political parties form only part of the government process.

That process also consists of a series of inter-locking relationships, a confusion of ideas that are either true, untrue or altogether obsolete (when a party becomes 'irrelevant' in a Democracy), a set of habits and traditions within the party / parties and an amalgamation of constitutional conventions, myths and even fictions. The process that a political party goes through when making its mission, vision (or even seemingly mundane day- to -day decisions), depends as much on the ideas and interests of the men and women taking part in the political process, as well as the political atmosphere at the time in which they are working. Like Ecclesiastes, for political parties, there is a season for planting, a season for planning, a season for campaigning, a season for harvest, and a season to build coalitions or to tear another political party down.

The political party as an institution, helps to shape the ideas and conduct of the members who govern, or seek to govern the country. Disciplined parties have internal democracy, while undisciplined parties often have 'democracy forced upon it' often by external third parties such as a devastating political loss (or after being 'swallowed' by another party, though that may also be after a merger that the smaller party later rues as being fostered through an act of political chicanery. In any political party, ideas, habits and traditions are more effective than legal enactments in maintaining the party line. In the same way that Benjamin Disraeli scoffed at France's

idolation of the phrase, '*The Sovereignty of the people*' jibbing that it allowed the 'French frogs' folks to be 'governed by a phrase', so must we be skeptical of the myth that '*my country before my party*' was the governing principle at the second Lancaster House Conference of 1962.

As we shall shortly see in the following chapters of this work, that Lancaster Conference actually turned out to be a marathon that was run from the 15<sup>th</sup> February to the 6<sup>th</sup> April 1962, with both runners (the competing political parties of KANU and KADU) not just starting on different lanes, but competing in completely different stadiums, with differently aligned tracks – on the question of '*Majimboism*' versus Central Government. In the phrase made famous on the Continent by the Chinua Achebe novel, '*Things Fall Apart*', as people like the Colonial Secretary Reginald Maulding attempted to hold both the centre, and its surrounding political circumference, together, against mighty opposing forces.

### **Of KADU versus KANU**

By the middle of that decade, as the ruling party KANU consolidated its stronghold on national power, President Jomo Kenyatta felt confident enough to warn that 'others' (opposing political parties) will be trampled on like mud, and their leaders 'crushed like 'maize flour'. *Nor was it an idle threat!* For several years of that first decade of the 1960's, after our Independence, harsh criticism of the government policy was allowed and even for a while, eloquently articulated by the old detention comrades of the president like Bildad Kaggia, and after his resignation, the baton was picked by the then immediate former Assistant Minister for Tourism & Wildlife, Josiah Mwangi 'JM' Kariuki. He later on coined



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the popular and prophetic phrase; *'In ten years, Kenya will be a country of Ten Millionaires and a Million Beggars'*. (Half a century down the line, Kenya is a country of ten multi - billionaires and ten million paupers, many of the very few formers being the men with access to party coffers in the country, and by extension, to the national coffers meant for the welfare of millions of wananchi, who constitute the latter lumpen). But these severe intrigues of State were only allowed from within the ranks of KANU. The system took it very seriously any attempt to do the same through the bullhorn of any other political party in the country. When Jaramogi Oginga Odinga was frothing at the injustice of the non- democracy of it all, tried to do so through the *Kenya People's Union*, the **KPU** party was slapped with a legal ban at the end of that world defining 1960's decade. For the following twenty to twenty-two years, Kenya became a single party state. The governing phrase at that time - from 1970 and right into the dawn of the 1990s - may as well have been said to be **'Perpetual Loyalty to the Ruling Party is the badge of a good party man!'** Indeed, loyalty pledges to 'party philosophy' (*Nyayoism*) was uttered even by children. The vicious struggle for the Kenyatta succession that was to play out for the better part of the 'seventies decade - beginning with the murder of Tom Mboya outside an Apothecary shop in broad daylight of 5<sup>th</sup> July, 1969 ( the day of the optimistic sixties really ended in Kenya that noon, in the same way that North American cultural enthusiasts say the Rock & Roll music event, *WOODSTOCK* , though held in August, was the last weekend of the 1960's ) and ending with the ascension of Moi to power - was all to play out within the arena of the **Kenya African National Union (KANU)**. Whereas in a balanced democracy the inter -

play between political parties is of a measurable nature, with the parties cutting deals as they bargain and horse-trade in the following two decades, it was more militaristic than mercantile with 'orders coming from above' and no power farmed out outside of the party committees. By the time Kenya became officially one-party state in 1982, after the old *'Thorn - in - the - flesh'* Jaramogi tried to register another party, **KASA (Kenya African Socialists Alliance)** which earned him a year under house arrest and before the attempted coup on 1<sup>st</sup> of August 1982 by disgruntled elements of the Kenya Air Force lead by Senor Private Hezekiah Ochuka of the unregistered *People's Revolutionary Council (PRC)*. For his efforts, Ochuka was rewarded with a date at the Kamiti Prison, and an engagement with the hangman on the 19<sup>th</sup> July 1987. The claw back constitutional victories of the ruling party had become a hindrance to Democracy.

All free governments depend upon public opinion and the constitutional and solitary supremacy of the ruling party by 'disappearing' intra-party conflict and facilitating the imposition of state secrecy, effectively self-blockaded itself from either influencing or receiving the wisdom of the public in effect driving that opinion either into silence, or underground to battle, *a la Mwakenya*. Only to explode in a majority vote against the party of the day ten years later, a scenario that would be repeated a decade down the line, the big difference being that by the time of the latter scenario, the major opposition parties were working in union and hand-in-hand in order to hand the ruling party a handsome hand's down defeat (in the General Election of 2002), with KANU having run out of hanky-panky tricks to stick in power. Again, going back to





the great American President Abraham Lincoln, he did say that: *'Public sentiment is everything. With public sentiment, nothing can fail, without it, nothing can succeed. He / she who moulds public sentiment goes deeper than he who erects statues or pronounces decisions!'*

This is why then opposition alliance leader, Raila Odinga, even with statutory law against him (and various ruling Jubilee party voices pronouncing him treasonous) could dare go to a huge public (Uhuru park) and get one of his (then) lieutenants, Mr. Miguna Miguna, to swear him in as *'The People's President'*. The legal 'legitimate' President Uhuru Kenyatta, would very few months later in what (then) seemed like a political master-stroke, weaken the political parties arrayed against him by getting into a gentleman's working arrangement with one of them – the *Orange Democratic Movement (ODM)*, while at the same instance beginning to cannibalise parts of his own political party.

As the Covid 19 Pandemic has raged through the world and Kenya in the year 2020, so has there been panic among Kenya's party parliamentarians and pandemonium in the ruling Jubilee Party, which for some time has been split between the *'Tanga Tanga'* faction and the majority *'Kileweke'* section of the party that stands firmly with the Party's President Uhuru Kenyatta. Sources close to the State House say that after the 'very successful purge in parliament to oust the Deputy President William Ruto's loyalists from parliamentary leaderships', the *'Kileweke wing'* of the Jubilee party, working alongside Uhuru's new Allies from different hitherto opposition parties – like the ODM, KANU and even *Chama cha Mashinani* ( the party of grassroots, CCM ) – now want

*'functions of Cabinet'* ( no doubt so that some of their party men and women can join the party at the centre of the political power ). The last part of *'Technical Value'* and *'not as a part of some inter-party political game'* may be diplomatic and the politically correct thing to say, but it is not clearly true. The question that must be asked at this juncture is, is the sense of entitlement by supposedly 'opposition' parties to be in government good for external democracy of the country? Moreover, weren't the people in this opposition elected by *wananchi* to keep a check on the government of the day – for if they don't and are all included in the government (except for the few *'Tanga Tanga'* who are deemed as political rebels left out of 'Power')– then does it defeat the very purpose of our *democracy* which is constitutionally assigned to have power check power via competing political parties? In reality, as we shall see in the course of our voyage through this book (to show how political parties have operated, changed, contributed to and also undermined democracy within themselves and also the democracy of our country), institutions remain as fallible as those who man them and whose hands steer them through a nation's turbulent political waters.

Political parties are created to act according to the interests of their dominant members and *usually serve some other quite opposite purpose than that intended by the statutory act*. An amusing aide to demonstrate this in part. In 1932, the Afghans who were not members of the League of Nations, attended the Disarmament Conference of 1932. Their aim was not to make speeches against war and in favor of Disarmament. *Nyet!* They were at the party because they were short of arms, and thought a global Disarmament



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Conference was the best place to pick weapons at basement bargain/ front yard sale cost, the way neighbours may attend a departing expatriate's furniture sale, to pick up quality pieces at prices friendly to the pocket.

While you and I may vote for a political party in what Kenyans call the *'Three Piece Suit'* system (President, Member of Parliament and Member of County Assembly, all coming from the same political party), with the intention that they mark their opposite number in the field during the five years before next election, our democracy isn't a game of football, like the Kenya Premier League or *Bundesliga!*

Wanjiku may wish political parties to act as though she can rely on them to restrain each other, in order to constrain power and to avoid excesses under a *de facto* one-party State – but as John Adams put it: "Passion, Interests and Power, can only be resisted by Passion, Interests and Power" (*and Wanjiku is powerless*).

Burke's famous definition that a political party is a 'body of men united by promoting their just endeavors the national interest upon some particular interests in which they are all agreed', is obviously not applicable to the political parties of multi-party Kenya of 2020 (although it may have briefly applied in a tiny window of our national life in the mid Sixties, just before the Kenya African Democratic Union {KADU} agreed to collapse itself like a block of cards, and enjoined itself to the KANU party).

The national interest is always the purpose of our political parties and their 'particular principle' in which all agreed - is the pursuit of power - even if they have to dine with the Devil himself while

carrying short spoons. Otherwise, if not invited to supper then we may amend, albeit a bit cynically, Burke's definition to read 'a political party (in Kenya) is a body of men / women, united in its *opposition* to other parties, yet the feeling of belonging to a particular (political) party is important in our day- to -day democracy.

If the voter's party wins the general elections, she believes that the government is, to a large extent, 'her government' (especially if the victorious party also so happens to be led by a member of her tribe). And if his party loses, he still has the comfortable feeling of being one of 5,000,000 or so unfortunates and hopes for better luck in the next five (5) years to come. But with a cluster of many political parties with shifting combinations as they make power plays, disengage from the super alliances that the voter voted for (and more bizarre engage in power - sharing formulae with the 'enemy' party), Wanjiku becomes numb! If she voted for the winning party, she surely cannot feel that the new 'enemy' elements being welcomed into it are 'her' government any more.

Meanwhile Otieno, who voted for the 'losing' political party, feels betrayed. The crucial party manoeuvres are being performed above their heads and once the party has lost the voter's mind, the heart soon follows, even as the leg no longer knows where to go resulting in voter apathy (which is dangerous to any democracy) as Wanjiku and Otieno become disengaged from the whole political process. It is for **them**, *wanachama not for us, the common mwananchi*, they mutter in their distress. 'The Constitution of this country', Lord Canning told his Liverpool Constituents in 1878, 'is manually controlled by two



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assemblies; and they are hereditary and independent of the crown and the people. The other elected by and for the people, but elected for the purpose of *controlling*, instead of administering the government'. If you fast forward this paragraph two centuries and two years in time, from the city of Liverpool to the city of Kenyan capital Nairobi, and look at it in our modern political context, one will arrive at a few inescapable conclusions.

First, our government is monarchical, and the executive operates in a monarchical manner. Political parties in our parliament do not govern and nowadays seldom even check the State on behalf of we, *the governed*, as should happen in a proper democracy. *The leader of the ruling party does the governing*. The government is formed from entrants/entrails of all political parties. Let us be bold on that particular statement now and the legislative formulae in play, starting with the BBI (*Building Bridges Initiative*) that avoids the plebiscite in exchange for parliamentary referenda, displays the

predilection and the appetite for power now at the very core of the self-purpose of political parties (in Kenya). This has led to initiatives like '*Free Kenya*'. The means which a '*Katiba*' provides or fails to provide, for the constitution of a government, pun intended, supplies more reliable guidance to the nature of a country's politics (and its political parties) than any legal classification of form of government. The electorate fixes the broad limits of our democracy through its odd vote, but governments are formed and changed by shifts, traits, tactics, political gambling (and sometimes outright sabotage) within and without the political parties, no longer by the votes of the electorate. Just like KANU and KADU cobbled together the system of democracy Kenya would get in 1962, by the time we go to the next elections in 2022, the 'Super Alliance' of the previous opposition and whichever splintered triumphant wing of the Jubilee ruling party, look set to be in an 'Unholy Alliance' of the System of Democracy that will govern the country beyond 2022 A.D.



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## CHAPTER TWO

### KANU Versus KADU

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On a cold Saturday on the 14<sup>th</sup> of May 1960, Kenyan African political leaders met in Kiambu and launched **KANU** – the political party that was to rule the country for 40 good years! They elected Mzee Jomo Kenyatta as President of the party in his absence (the Colonial government was still holding him in detention in Lodwar), Jaramogi Oginga Odinga as the Vice – President and James Gichuru as the acting President of KANU, awaiting the release of ‘Mzee’. The next day, a warm Sunday, the new party KANU moved the meeting to Nairobi, where the filling of its new offices took place in a ‘very noisy and audacious manner according to its earliest party minutes.

Tom Mboya won the post of the Secretary General by a mere vote (against a man called Arthur Ochwada, sponsored by his internal more party and less tribal rival, Jaramogi Oginga Odinga, now KANU Vice President (V.P.), and Kenyan political party history would have been all the poorer had Ochwada ‘taken out’ Mboya at the



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political party level, just as his ultimate being taken out just over nine years later has left all those *What Might Have Beens* lingering like gun-smoke over our political landscape – would Mboya have been the benevolent dictator of the ‘Asian Tiger’ types, diminishing the democratic space even as he inversely expanded the developmental one).

But these are all ‘Butterfly Effect’ speculations. ‘*You are no doubt aware of the campaigns that are being conducted against me from Nairobi, Cairo and Accra*’ Mboya had complained in a letter addressed to an International trade unionist. And it was true! Due to reasons that are not within the scope of this book / work, the president of Ghana (independent since 1957) and globally renowned Pan – Africanist Kwame Nkrumah was against Mboya becoming Secretary General of KANU, in the first case of a ‘foreign’ entity meddling in the internal affairs of a political party – having since fallen out since three years before when Young Tom had been chosen ahead of every other leader to go and be a VIP at Ghana’s Independence Day celebrations in Accra, that had attracted several world leaders.

Mboya’s most irreconcilable political foe, the Abaluhya leader Masinde Muliro, had boycotted the mid-May meetings that birthed the Kenyan African National Union (hereafter referred to as **KANU**).

Ronald Ngala and Daniel Toroitich Arap Moi, both members of the Legislative Council of Kenya (LegCo) return from London to discover that they had been elected the treasurer and asst. treasurer of the new party *in absentia*. But the new party, to Ronald Ngala’s coastal supporters, screeched of dictatorship by ‘*watu wa bara*’, a suspicion that remains to this day and that has led to latter day secessionist movements like the *Mombasa Republican Council* in more recent times.

Moi was initially okay with being the assistant treasurer of KANU but merely a week after the birth of KANU, on the 24<sup>th</sup> of May 1960, he attended a huge rally in Eldoret that had representatives (and elders) from all the Kalenjin tribes present and with the master politician’s unerring nasal sense, smelled the toxicity therein against the idea of the Kikuyu – Luo duopoly in the KANU ‘power’ party.

Three weeks later, he was in Chepkorio, Rift Valley, for a conference of the newly-minted *Kalenjin Political Alliance* (KPA) telling over six thousand people what they wanted to hear from him, ‘Political organizations that start at the top do not flourish in a democratic way’, he said. ‘The right way is to start at the level of the Location and District, so that dictatorship can be *stopped at source*’.

The core idea of democracy would later prove to be a lot ironic as Daniel Moi as President would ensure micro-management of the nation’s affairs through a powerful Provincial Administration, that ensured the Party (KANU’s) dominance over democracy, down to the Chief and to Sub Location level. All that was still water over a bridge to come in 20 years’ time. In the ‘*Here – and – Now*’ of the 25<sup>th</sup> of June 1960, the KPA met with representatives of other six tribal organizations in Nakuru under the leadership of the Abaluhya leader, Masinde Muliro, to counter what they considered the Kikuyu – Luo ‘dictatorship’ in KANU (under James Gichuru, Odinga, Mboya and the absent Jomo K.) The Seven tribes came together under a national party **KADU (Kenya African Democratic Union)** and after free and fair national elections by their ‘delegates’, their leader Mr. Masinde Muliro was relegated to the post of deputy leader, with the Coastal leader Ronald Ngala emerging as the overall



winner as its new President and with the cleverly opportunistic Mr. Moi 'hiked upstairs' as the Chairman.

The pastoral tribes in KADU were especially *alert*, now that the first Africans were being allowed to farm on the 'White Highlands' land which they believed should revert to them and which they were (correctly) suspicious may be secured/seized by the Agikuyu. The Kalenjin laid reversionary claim to large areas of the Rift Valley. The Maasai had their special treaties that their *Oloibon* had made with the British, including land that now included the Capital and Administrative city of the country, Nairobi. Whereas the latter's claim would become a dormant volcano over time, the former's claim would explode in land expulsions during the political parties' fall out 48 years later, in the episode now known simply in a three letter acronym **PEV** (*Post Election Violence*, 2008) by Kenyans, in the way protective gear against *Covid19* is popularly referred to as PPE in the era of the Corona Pandemic, so that by the Sixth of July 1960, politics in the Colony had crystallized into two distinct political parties, as different in their rationale for *being* as day is from night.

The first one (**KANU**) seeking Independence so as to take Office, the latter (**KADU**) as a tribal network against domination by the Big Two and also to protect their land rights in a period of political tribulations. Between the 18<sup>th</sup> and 23<sup>rd</sup> of January 1961, after six months of campaigning, the two new parties faced off in an election for Legislative Council of Kenya (LegCo). In the Colonial Protectorate of Kenya, the sum total voters of the eligible electorate were a stunning 84% for the party as per contested seats (a number that has never been exceeded in Independent Kenya) showing the African hunger to

be participants and not mere on lookers in the budding democratic process of a Colony/country yet to gain its own *uhuru*. KANU won two thirds of the votes and ran away with 19 seats. KADU got 17% of the votes and was given eleven LegCo seats outside of the capital Nairobi. Tribal loyalties ruled supreme in these elections, a precursor to the 'tribal democracy' still to truly settle.

In many cases, internal party indiscipline reigned supreme, resulting sometimes in one party candidate running antagonistically against a person within his own party and in odd cases, like in Kisii, actually winning (to the bemusement of the opposite party's candidate). In Nakuru Town and North Nyanza, KADU actually won seats because KANU votes were split between the two competing individuals and neither would concede space to the other or accept guidance from KANU HQ in Nairobi. Three of the LegCo seats went to Independent African members, always a good thing to say in democracy as it shows individuals can triumph over the machinery and occasional chicanery of a political party's power moves. KADU had also worked with the **NKP** (*New Kenya Party*), the Legal receptacle for the Europeans / British / Settlers ride into the LegCo, and by superior discipline and careful maneuvering, three whites actually went to the LegCo on KADU tickets ( thanks to this Inter - Political Party secrets alliance ), whilst KANU only managed to get the very pro-African ex-Calvary officer Derrick Erskine in a *mzungu* who had done much to ensure the welfare of the Kenyatta family during Jomo's lengthy detention in Lodwar, then Maralal.

Kenyatta himself, now in detention in Maralal, a cake-walk after Lodwar, had been allowed radio and newspapers (since the start of '61) and so was aware





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of the unfolding events regarding KANU and KADU. He showed impatience over the divisions and insisted that representatives of both parties be allowed to visit him in detention. On 23<sup>rd</sup> March 1961, he was visited by Gichuru, Odinga, Mboya and two others from 'his' own party, **KANU**.

From KADU came Mr. Moi and Khaniri, as well as four other **KADU** men, whose names are now long lost in the dry and dusty plains of Maralal. Amidst the dust and the heat, after a three-hour meeting, (Mboya's minutes) chaired by Jomo Kenyatta – bearded, wearing a leather jacket and corduroy pants, red tie-on multi-colored shirt, with an ornamental fly whisk to frisk away the numerous flies droning in the sun of Maralal - it came out clear that the robust old detainee blamed *all* the political party leaders for contributing to his continued imprisonment because of 'your disunity and quarrels. I need you to pass a resolution,' Mzee continued in his commanding voice: 'From today on, KANU and KADU to work as one body on all national issues.' This was clearly Jomo's big toe trying to put together waters that 'Moses' had parted in his absence, but the representative of Pharaoh Ronald wasn't ready to have his party sub/merged. Chairman Moi of KADU opposed him, saying straight to his bearded face – (in a way he never would as his VP by the middle of that decade) - that there was no way KADU would ever consider a merger with KANU.

*'Shida zote ziko ndani ya KANU'*, Daniel Moi said. 'Bad personalities (ego wars), lack of discipline *yote iko ndani ya KANU'*. Bildad Kaggia, Jomo's fellow detainee, resolved the impasse. Instead of getting stuck in the political parties' issues, he said, why not focus on the individual issue of

getting Jomo released (immediately and unconditionally) – and on the national issue of Full Independence of Kenya, within the next nine months? Mboya, the quick bright fox of Kenyan National Politics, swiftly agreed and produced wording that committed both KANU and KADU to work towards these twinned objectives, with Moi formally expressing his reservations. The dueling parties' question, for the time being, had been put on the back-bench in the interests of first gaining an Independent Democracy from the Colony & Brit Protectorate. *But not for long!*

In early April, the new secretary of the colonies, Ian Macleod, met separate delegations (from KANU, KADU and the new NKP) at the *Royal Airforce's* base at Eastleigh, Kenya and rejected Masinde Muliro's proposal that Kenyatta be released by June / July, 1961. MacLeod's advice was that they ought to try and entice KANU leaders into office and so if successful, break the KANU – KADU front as presented against Britain's Divide – and – Rule. That advice was strongly supported by the Earl of Perth, back in the UK. On 13<sup>th</sup> April 1961, he wrote to his boss Ian Macleod in Nairobi, 'The more I think of Kenyatta, the more I'm convinced that we're right to bend all our efforts to get KADU and others to form a government'. What you would in effort be doing is backing the rest, who are in fact the majority in Kenya, versus the Kikuyu and Luo (Two-thirds vs One-third). Knowing the fears of the rest, such a government might, if launched and strongly backed, last a long time. It is certainly what would best represent our European interests (in Kenya).'

This was an uneasy echo of the 41 versus one (Kikuyu) *othered* narratives that would define the General Elections of Kenya 46 years later – never mind





that the one may eventually have stolen the election (thus fatally wounding the **'One man, one vote'** principle that is fundamental to any democracy, in favor of the system, as in the Stalinist anti - democracy idea of *'it is not votes that count, but he that counts the votes, that matters'*).

That mid-April, Iain Macleod, former bridge player extraordinaire, dangled the carrot of Leader of Government Business in front of the KANU leader, Ronald Ngala, which he chomped up like a hungry bunny. His deputy, Masinde Muliro, accepted the Cabinet post of Commerce, Chairman Daniel Arap Moi of KANU the Ministry of Education, and the 'Amerucan' Bernard Mate actually defected from his elected KANU to join KADU, just to take up the portfolio of Minister of Health and Social Affairs. A 'minority party government', the bridge - player Iain Macleod reckoned; 'would after a while prove to be no longer so, as it is like a *magnet for other elements'*. The European dream prize was to have the KANU-besieged Tom Mboya cross the floor and join **KANU**, as the last nail in the coffin. They were encouraged by sly hints from Tom Mboya, still just 31, in writings like this one (extract) from the East African Standard; 'It would be in Kenya's government interests that those are in power just before Independence, should be those who have a measurable chance of going into Independence (in power), otherwise the period of tutelage is but a waste of time' - (13<sup>th</sup> July 1961). Yet it appears that Mboya was quite accurately, pointing out that democracy can only be legitimate if the majority party (KANU here) is the one in government before *uhuru*.

Barely three months later, though Iain Macleod was promoted away from the colonial sphere to the chairmanship

of the Conservative Party, the Colonial Secretary was now Reginald Maulding, a large and shabbily shambling figure with an easy-going casual manner that was in exact contrast to the sharp, taut and more combative style of his office predecessor. On the rather warm morning of 8<sup>th</sup> October 1961, the first caller at the Colonial office in London was a Kenyan called Peter Habenga Okondo, P. S. in the Ministry of Finance (and one of KADU's rare intellectuals), and he came bearing rather chilly news. In his hands was an innocent looking brown envelope, inside were heaps of papers that contained the endorsed future Constitution of the Independent Kenya - a Federalist / creature of *Majimbo* - that represented a radical departure from the style of government that the colony had known for a year and as well as the Westminster model towards which was headed by KANU (and with the support of Jomo Kenyatta) it had been headed.

Infact it can be said that the Father of our current system of Devolved Democracy (itself born on 10<sup>th</sup> August, 2010), was born on that day in the Colonial Office in London and was a late-in - life father, at 48 years of age itself, nor was *that* the birth well received at the (Colonial) office floor. 'The Idea of American - type Constitution Kenya is ridiculous', raged the Assistant Under- Secretary of the Colonies, Leslie Moore. 'The US Constitution, of the most cumbrous forms ever thrust upon human beings by their own hands, has only survived because the Colonial Government asserted itself in history's bloodiest civil war,' for was KADU confining itself to producing federalist 'unity' *makaratasi*.

At the end of that October, in yet another rally for KANU leaders in a remote village in the Rift Valley called Iten (that



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would eventually become world famous as a training centre for race athletes), another Permanent Secretary called William Murgor (Defense and Internal Security) was telling spear brandishing warriors of KADU youth wing that 'Kenyatta (of KANU) had said that the Kikuyus are spread all over Kenya, but we can't allow them to come here!' Then in his high squealed voice, added ominously, 'If the government will not move the Kikuyu Squatters from the Kapsabet Forest, *we shall take steps to remove them.*'

Again, forty-six years down the line, during the PEV breakdown in democracy, the threats by a leading political figure of one party would actualize this threat against members of the tribe of a rival political party leader, in an election whose climax would play out at the KICC and lead political party leaders directly to the ICC after a dark failure of the democracy process in Kenya.

### **LANCASTER HOUSE - The Sequel and 'Party Against Party.'**

The Second Lancaster House Conference that ran from 15<sup>th</sup> Feb to the 6<sup>th</sup> of April 1962, began with a brutally honest assessment of the situation by the new CS of the Colonies to the Colonial Party Committee. *'It isn't possible, even if we wished, to secure the continuance of European Political Power in Kenya.'* The stage towards Independence was set, even if the British weren't exactly rolling out of the red carpet for 'uhuru'. Now it only remained for the two Kenyan African Parties at the Lancaster Conference II to square it out on which of their structures of governments – the 'Democratic *Majimboist*' one, or the 'Natural Central' System of State – would prevail and set out the type of democracy to guide Independent Kenya into the 21<sup>st</sup> century. Under the KADU

version, Kenya would be a federal state that consisted of six regions and the federal territory of Nairobi.

At the Federal level, there would be a bilateral legislature, with the Upper House representing the regions and seven members elected from each region by the Regional Assembly. The Lower House would be elected by universal adult suffrage in seventy-one member constituencies and the two houses would have equal powers in Legislation, something that Peter Okondo harped on. This KADU plan was viciously assaulted, both in principle and in detail, by the KANU hawks at the conference. The Brit, Derek Erskine for instance, pointed out that the supposed 'Upper House' would just be a Convention of Regions such that Actual Government would only exist at the regional level, much as with our Senate vis – a – vis County Assembly Governments today. The Prime Minister of Kenya, presumably Mzee Jomo Kenyatta, would be merely a mayor on a one –year term, leading to a weak Central Government and a mostly devolved but not evolved tribal-based democracy in the new 'nation.'

Fitz De Souza, the KANU Asian lawyer, wanted to know: *'since the Civil Service is to be organized at the regional level, what personnel will the Federal Commissioners have to impose Federal Law on a rebellious region?'* His concerns were sparked with terrible scenes being played out in the former Belgian, Congo at the moment, with political parties / regional fallouts in Kinshasa and between Katanga ending eventually in a premier, Patrice Lumumba, being murdered by the secessionists in the South. *The Congo had gained its Independence on the 30<sup>th</sup> June 1960.*



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Told that there would be no immediate moves to 'Africanize' an army exclusively commanded by the Belgian officers, Congolese troops mutinied and went on the rampage in the capital – and the Belgian Administrators who ran the new nation's machinery fled *en masse* for the Airport – and Brussels yonder over the continental horizon and the Mediterranean Sea. With two breakaway regions in Kasai and Katanga and the United Nations inept (for the first time, but not the last on the continent, as would be witnessed in Rwanda 44 years down the road), P.M. Patrice Lumumba turned to the Soviets for help and Moscow promptly flew in over a thousand '*conscillers techniques*' (technical counsellors). With the Cold War on, Washington / the CIA became concerned about a giant RED country in the middle of Africa, like a domino over what they considered a pro-Western dominion, even after 'Independences'.

The arrival of the Russians catalyzed the mostly lethargic president J. Kasavumbu into sacking his charismatic Premier, Patrice Lumumba, who in turn promptly dismissed him from his job, in what the writer Michela Wrong has said resembled one of those hysterical farces in which "policemen with floppy trousers and red roses bounce from one outraged prima donna to another. 'I'm the Head of State, Arrest that man!' 'No, I AM the Head of STATE, that fellow is an imposter. Arrest him!' On 19<sup>th</sup> September 1960, barely 30 years of age, Army Commander Joseph Desiree Mobutu, neutralized both the President and the Prime Minister: 'This is a powerful revolution aimed at giving the civilian politicians a chance to calm down and settle their differences', he declared on radio before temporarily seizing power. (He would do it two years later on a 'permanent basis' become a kleptomaniac autocrat in a huge country

he renamed 'Zaire' with zero democracy, mismanage the transition in the nineties to a faux multi-party era after massive Western pressure, and flee and eventually die, in disgrace, in Morocco before he was seventy.) Meanwhile, in 1960, the Soviets were given 48 hours to leave Congo.

P.M. Lumumba, like Jesus with the Jews, was handed over for 'crucifixion' by his enemies in Katanga (with his body eventually ending up in some kind of acid bath, like a victim of *La Cosa Nostra*.) At the very core of the Democratic gap (that he – who – would – become Mobutu Sese- Seko had exploited the way one Kalonzo Musyoka would *pita kati kati yao* to become Kenyan V.P.) had been Lumumba's desire for a strong central government, while Kasavumbu preferred a more decentralized form of government, that gave autonomous powers to provinces under a Federal system. The British in Kenya were determined NOT to repeat the same mistakes of their European Brethren in Brussels, in as regarded the transition of power in their colony. Colonial secretary Reginald Maulding was content to sit back for weeks and let the two parties – *KADU and KANU*- bicker themselves into an exhausted stalemate, before stepping in with a timely solution for the two sides that involved inter-party compromise between KANU and KADU.

'Subject to there being a strong and effective Central Government', he suggested, 'and responsible for a wide range of activities (KANU wishes), we also have the maximum possible decentralization (KADU ideas) to effective authorities drawing their existence and power from the Constitution and not from the Central Government.' It was a Solomonic stroke of wisdom. With both parties now ready to return home to



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Kenya and Kenyatta finally showing his leadership mettle by asking *'how can we return empty-handed to our people in Kenya?'* even the hot heads on both sides of the fence, like Odinga and Okondo, reluctantly agreed to sign on the dotted line of the maulding midway muddle of Kenya's future way/style of democracy.

At the end of that conference, both party leaders were made Ministers of State in a Coalition Government (headed by the British Governor, Renison and his Deputy, Sir Eric Griffith - Jones) with their Black and White underlings sharing the rest of the spoils. If only weekends could be abolished in Kenya, for the rest of the year", said a despairing London weekly about this new National Government, "There might be a sense of the country getting a new Constitution." It went on about how ministers from both the political parties would meet politely enough under the canopy of the Chairman, Sir Eric Griffith - Jones on Monday mornings and would work well enough together during the week. Come weekends (when political rallies are held) and all hell would break loose! Labor minister Tom Mboya would call for a vote of "No - Confidence" in Minister Masinde Muliro of Commerce' as one-party leader, Jomo Kenyatta vowed to 'whitewash' another party leader, Ronald Ngala, at the upcoming polls! *Then they are back to square zero!*

It got so bad that KANU at one point threatened to quit the government *en masse*, with the Colonial Office thinking that tactic a wrong one. "If KADU broke off from the government," reckoned one poetically named Peter Kitcatt in the Colonial Office, as he thoughtfully chewed on a Kit Kat bar (whose slogan since 1958 had been *'have a break, have a Kit Kat'*) "Why do they imagine we will dismiss KANU Ministers in response?"

In mid 1962, Reginald Maulding was summoned to Number 10 Downing Street, where Prime Minister (and prime publisher) Harold MacMillan promptly promoted him to the Chancellor of the Exchequer and replaced him with the deliberate, slow-moving and micro-managing Duncan Sandys as the Colonial Office Secretary, to handle the delicate matter of a colony's transition to black democracy.

"I have never known a man such as this, who can cram a four-hour work load into twenty-four!" the Duke of Berkshire once bitched about Duncan Sandys who, during a crisis, could be relied on to call conferences at 10pm, work till 4am (or even dawn) whilst saying 'Sleep is for the weak', and then after a three-hour nap, snap and summon his staff to continue the marathon. By the February of 1963 however, Duncan Sandys was ready to visit Kenya and hear the report of the **RBC** (Regional Boundaries Commission) chaired by Sir Stafford Forster Salton (whose members had carefully toured the country and listened to 210 deputations, before drafting their recommendations on how Kenya was to be curved up into six region). "*It is clearly established that there is a compelling and sincere desire on the part of many of the people of Kenya to be associated with some and not with others* (within the provinces)," they found. The Kamba, for example, were dead set against being paired up with the Maasai.

No one wanted to be left with either the Kikuyu or the Luo in one 'region', with the Ameru absolutely against the former and the Luhya the latter. (Eventually, both the Embu and the Abagusii bent on the Kikuyu / Luo issue and lived happily ever after, cheek-by-jowl, with none crying foul). Masinde Muliro's maniac 'separation' efforts



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also guaranteed an Abaluhya Western province. On their part, some Somalis wanted to secede (from Kenya) to be a part of Somalia, leading to 'Shifta Wars' that would last the seventies, end with the 'Wagalla massacre' in '84, leaving Kenyan Somalis with a suspicion that still lasts to this day (complete with when Eastleigh was locked down for Covid19 purposes recently) and the Senate splits over the revenue sharing, as not being fairly allocated to the North Eastern section of our democracy. With the last general election before Independence taking place in mid 1963, a third political party, the *African People's Party APP*), but in reality, the Akamba People's Party led by Paul Ngei, broke away from KANU. Still, KANU convinced that winning the elections would establish its exclusive democratic credentials, wasn't so certain that KADU (or even APP) would respect their post-election democratic credentials.

'Our Opponents' KANU whispered, 'eager to exploit regionalism and their (tribally) disproportionate strength in the Security Services (*Kamba soldiers and Kalenjin policemen*) may not respect democracy,' thus a campaign war chest, and a precautionary 'Chest of War', was laid by KANU. The former consisting of young Kikuyus (like aforementioned J. M. Kariuki) going for 'Intelligence' training in Tel Aviv, as well as Jaramogi Odinga organizing for military training of 362 'Students' in Bulgaria and Russia. Moscow also gave him £ 75,000 as a donation.

For the political party campaigns of KANU, largely thanks to the new 'connected and disciplined' treasurer, half- Maa half -Goan Joseph Murumbi, Kenyatta now had access to £ 160,000 for the party (while Tom Mboya chipped in £ 35,000 war chest from his international

*rafikis*). It is telling that the man with the 'Communist Cash', Jaramogi, would later be deposed by Jomo for the ultimate Political Party fundraiser (Murumbi), who first caught his eyes by greasing his palms (and oiling KANU party coffers). It is also tragically telling that the young man, Tom Mboya, with money from 'mysterious' friends from all over the world, would eventually perish because Power Cartels within the party feared his politics, his party machinery *and* his foreign donors.

KADU's total fighting funds in contrast £ 35,000, was what Mboya *alone* had raised, thus was the *siasa za pesa* (politics of money) first introduced into Kenya's party democracy. The end results of this elections were a decisive victory for KANU. KANU won 72 seats, KADU just 32, the APP 8 and 2 independents. It is telling that in Kamba county, the APP took all the 8 seats. Let nobody tell you that the tribe as a basis of political party in Kenya started yesterday! The surprise was in the Senate, though, where the proponents of the Federal Constitution were supposed to shackle KANU. Here, KANU strongly took 20 seats to KADU's 16 and APP's two. On June 1<sup>st</sup> 1963, KANU formed its first solitary Government that was to stay on the saddle for 40 years, including 1963. The 'Intra-party', the 'Democratic Cabinet' split along tribal lines and necessary balance. Jomo Kenyatta as the Prime Minister, alongside four other Kikuyu ministers and four Luos, with one White (Bruce McKenzie for Agriculture, to also look out for Big White Farmers' Investments).

But each region found itself represented in that 15, then 16-member Government, with Bildad Kaggia whom Kenyatta had tried to rig out in Kandara (Jomo rightly foresaw Kaggia as a future 'Insider Thorn' within the Party) getting a nod for





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a Junior Ministerial position, alongside his former fellow detainees Kubai and Oneko, with whom they had withered in the Lodwar sun for the Biblical seven scorching year! Yet here they all were, at the helm of almost now / soon, soon, its not before the next moon but surely before the new monsoon, absolute power in the Colony that had just been granted self-autonomy this June 1<sup>st</sup> (Madaraka Day, 1963).

As President Kenyatta finished giving his victory speech in an open field, the heavens opened up and they all raced to the nearby Muthaiga Club (led by young 'Junior Minister' Mwai Kibaki). *Muthaiga Club* was at that time still the privileged sanctuary of the White European Settlers. There, the new 'almost master' of Kenya, Jomo, found Colonial Ewart Grogan, soon to turn 89, in an inner reading room – studying the election results in the *East African Standard* – oblivious of the storm raging on outside or of the drip of drops falling onto his hoary head, a man already a living relic of the Colony's past these last seventy years, when he himself had left England as a teenager to venture into a then powerful empire now almost completely vanished, *even on paper!*

Shortly after his Installation as the Kenya's first Prime Minister, Jomo Kenyatta sent his dominant triad, Minister for Constitutional Affairs, the articulate Tom Mboya, accompanied by the eloquent Joseph Murumbi and loquacious Mbiyu Koinange to London, to try and get 20<sup>th</sup> October 1963, as the day for Uhuru being given to Kenya. Kenyatta clearly, wasn't a man immune to the political symbolisms of poetic justice. The Colonial Secretary Duncan Sandys declined that date, declaring that June 1<sup>st</sup> 1964, was the earliest he could justify Independence to his Westminster

colleagues in the British Parliament.

'If that is the case', Mboya reiterated, 'I cannot guarantee that we'll give the British a year for their military to wind down their Base in Eastleigh'. He'd rather return to Nairobi, he added, and represent their talks as failed.

Sandys adjourned the meeting. Mboya immediately raised Jomo Kenyatta on phone, who after their conversation, got into his chauffeured car and went round to Government House in Nairobi, where he persuaded Governor Mac Donald to cable Sandys in London to 'talk sense into him.' The Governor suggested December 30<sup>th</sup>, but Tom Mboya in London pointed out that if any East African Federation (Kenya, Uganda, Tanzania) was to apply for the United Nations (UN) Membership during the current session of the General Assembly, it would have to be done before the UN adjournment for the Christmas and New Year holiday session on the 20<sup>th</sup> Dec 1963. Colonial Secretary Sandys saw sense in this, and after one of his long nocturnal sessions with the Kenyan Trio, he signed off a 'Communique' – *Kenya will get her Independence on the Thursday of 12<sup>th</sup> December 1963.*

### END - OF - COLONY CONFERENCE.

At the last London Conference on Kenya in October 1963, which was supposed to tie up loose ends and only make modifications in the *Majimbo* constitution where its implementation had been shown to be impractical, Duncan Sandys was confronted with a KANU government backed by an impressive mandate asking for major changes. KADU, controlling three of the six regions, still supported by most of the Europeans, was calling for the confirmation of the regional safeguards that were still in the process of being created. Ronald Ngala, as President



of the Coastal region, straight away said he would proclaim the Coast an 'autonomous region' if he did not get what had been promised in their Lancaster House horse-trading. Sandys told the Cabinet Committee beforehand that it would be impossible to get the parliamentary approval for an Independence Bill which took away safeguards from the regions. Control of the police, control of the Public Service and provision for constitutional amendment were the key points of contention.

Although KANU's demands were excessive, experience had shown that in respect of the first two points, it was fair to say that safeguards for the regional interests had unduly complicated efficient and economic administration. The third point was the one where there was least hope of agreement. KANU demanded that Britain change the requirements for amending the Constitution, which currently stood at exceptionally high, a 75% vote of the House of Representatives and a 90% vote of the Senate, where KANU only commanded a bare majority. There was a grave danger that KANU would withdraw from the conference before a settlement was arrived at. Then KADU would go for partition, the Somalis would probably secede and tribal war would break out, and instead of transition into a democracy, it would be civil war and the British left fleeing the new unstable 'Belgian Congo' in the East of Africa.

When the conference began, Sandys started out, in that manner likened by the Duke of Devonshire to 'the mills of God', to grind his way through the material. At one point, he summoned the Inspector - General of the Kenyan Police Force from Nairobi and in the presence of the delegations asked him in excruciatingly slow and minute detail

about his establishment. Jaramogi's impatience with this tortoise method of Sandys' running-of-things finally ran out. 'You are the Secretary of the State for God's sake', he yelled. 'You are expected to know these things. Sandys said calmly, 'You must be patient, it is the way I work'. Odinga screamed, 'I'm sick of the way you work. Your officials are sick of the way you work. They will not tell you, but I will tell you,' leaving Sandys, still symbolically a state superior, in a stunned state.

On 13<sup>th</sup> October, a KADU delegation waited on Sandys and Mac Donald. Bearing news from Martin Shikuku, the excitable Secretary General of KADU, who had just got back to London from a trip home to Kenya. Ngala told them that tension was high and rising in the KADU regions because of the fears that Sandys was going to re-arbitrate issues that were regarded as already settled. The regions saw themselves being left with no power of their own. Their worst fears about a KANU Government were already being realized. Kenyatta, as Prime Minister, had signed the order for the arrest of KADU leaders, which was only countermanded by the Acting Governor. The paramilitary General Service Unit had been sent into KADU regions to intimidate the people. They therefore, had no alternative but to request Sandys to arrange for the partition of Kenya (a scenario that would be played out on Kenya's social media scene at the end of 2017/ start of 2018, as mass disillusion about 'democracy' in the era of counting algorithms turned large sections of the 'losing' population against the idea of Kenya as one unitary State).

Intelligence reports were coming in, telling of instructions sent by the KADU delegation in London to all the KADU members of the House and Senate



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to gather together in Nakuru. Party members in the Coast, Western and Rift Valley regional assemblies were said to have been supplied with copies of a draft resolution, which would declare to the world that as from 1<sup>st</sup> November, *this region shall be part of the Sovereign Federal Republic of Kenya, consisting of those regions which desire independence from the tyrannical face of Nairobi Government*. Action would be triggered when Muliro would fly back to Nairobi and go straight to Nakuru and the waiting politicians there to make the declaration of the break from the Republic of Kenya. It was obvious that the conference would not achieve consensus. Sandys told the meeting of Sir Alec Douglas Home's new Cabinet that there was a real danger that the KANU Government, if frustrated, would make a unilateral declaration of Independence on 20<sup>th</sup> October 1963.

*'In that event it would not have been realistic to seek to hold the country by force'.*

At this point, the decisive judgement that saved Kenyan Democracy was made by Malcom Mc Donald. To be sure, he had himself expressed anxiety ahead of the conference about the danger of the Kalenjin and the Maasai, with their warrior traditions, reacting violently against decisions that they rejected. But when push came to *shove*, he advocated siding with KANU on the grounds that the chances of civil war would be greater should it be that party that was turned down. Sandys, now on one of his nocturnal crisis mode moods, sent for a chap called Nigel Fisher. After they had both listened to MacDonald solemnly presenting his case (for KANU) and after Sandys had asked 'his usual terrible questions', he turned to Fisher and asked him: 'If I did what Malcolm wants, could we get away with it in the

House of Commons?' Fisher said that Sandys could and he *should*, provided he first explained his reasoning 'upstairs to the Party committee. Duncan sat for a long time in total silence and said, "It's very difficult for me, I don't often call-in aid as an excuse for indecision for my own conscience but ...I do feel ...feel we are letting badly letting down KADU". MacDonald responded rather formally, "Secretary of State, I do well understand the difficulties for you. This is one of the most difficult decisions that in my experience I have seen a Secretary of State have to take since I sat in your chair thirty years ago when I was the Secretary of State and had to deal with the Palestine problem". Duncan Sandys again sat silently for a long time and then shuffled off to bed. *The next morning, he woke up on the wrong side of the bed for KADU, and on the side of KANU.*

MacDonald thereupon cabled his deputy in Nairobi, stating bluntly that KADU would be very bitter about the new amendments, which most importantly would permit changes to be made in the constitution, except over questions on land and human rights, by a two-thirds majority in a national referendum. They would provide for a single Public Service Commission and a single Police Service for the various regional ones (while permitting recruitment to the junior ranks within the regions). He admitted that 'some of the changes are contrary, not only to previous agreements reached by the Secretary of State in various Nairobi talks, but also to the Lancaster House framework itself'. After acknowledging in unvarnished language that they might have violent trouble, particularly from the Kalenjin, he concluded this way: 'In our judgement prospective damage to British and Kenyan interests is far less dangerous than the damage which would result from the alternative'.





*Malcolm MacDonald's gamble of the odds was soon proven correct.* Masinde Muliro stayed put in London – and did not go half-arsed to Nakuru in a move that may well have set Kenya off in a warlike direction and perhaps resulted in two split nations – as had happened with that other British colony, India, that then got a 'violent' twin (Pakistan) at the stroke of the midnight that ushered in 1947. There was no rebellion by KADU tribes. On the contrary, three of the most verbally pugnacious Kalenjin figures in KADU, one of them being William Murgor of the Iten rally infamy, crossed the floor and joined KANU, complaining to his colleagues that *'Frederick Bennett has been giving KADU poor advice about the decisive effects that tribal threats such as the blowing of whistles, the sharpening of spears and talks of secession will have on the British Parliament and Government.'* Paul Ngei now also wound up the African People's Party and tail between legs, returned to the 'nationalistic' fold of KANU.

MacDonald later said that he had pleaded with Jomo Kenyatta and Daniel Arap Moi, the Kalenjin leader whom he shrewdly picked as 'easily the most important KADU figure after Ngala, and including Ngala' to break bread together. 'As a result, Moi now goes direct to Kenyatta with most of his regional or tribal troubles, instead of coming to me, and my then having to talk with Kenyatta. Kenyatta has responded in his usual friendly way, with the result that the two of them are now on pretty good terms'. MacDonald went on that the two-party system was unlikely to last long 'because *it is not an African concept* except in so far as it might be based on tribal rivalries which is [sic] the very relic

of *Africanism* which we most wish to destroy'.

Moi, he foresaw, 'was not averse to joining any Government on reasonably easy terms.' As we shall see in the next chapter, Governor Malcolm MacDonald, who had by this time won the thorough trust of Jomo Kenyatta, was spot on in his assessment of the character of Mr. D. T. Arap Moi. Like the rodeo bull-rider turned the picador arena bull fighter, Moi may have started the decade riding on the tribal bull of KADU, but by the end of that decade, he was fighting 'tribalism' (especially that of 'purely tribal' political parties like the **Kenya People's Union**, which had in all fairness to Jaramogi and its otherwise nationally inclined and even internationally aligned ideologue ideas, had been both ethnically balkanized and tribally marginalized ), and there's no one more zealous than a recently converted proselyte, whether in the realm of religion or the bull pit of politics.

As for the **KADU Majimbo** vision, as we shall see in Chapter Eleven, this wasn't a bankrupt dream but rather a debenture who's due would come through in our democracy, but not until almost half a century had passed and different political parties been through many a roller-coaster adventure. In the meantime, **KANU**, which had served Jomo Kenyatta as an informal catch-all loose-reined net, (and anyway, he preferred to govern through the Civil Service and rule with a Kitchen Cabinet close at hand) would eventually become the single most important ruling instrument of the next regime, especially in the 1980's. But first, **KPU**.



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## CHAPTER THREE

### The KENYA PEOPLE'S UNION (KPU)

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#### **The Canon of Fanon.**

Fanon often spoke/wrote about the educated/elite strata who were brought into being under colonialism and who inherited state power at Independence from the White Man. The essence of this '*bourgeoisie of the civil service*', according to Fanon, is that it is weak financially and therefore politically. It so sets about using the state machinery to make itself rich by inserting itself as a sort of commission agent into the foreign-dominated commercial system. There are never quite enough spoils to go round, and the weakness of the new would-be bourgeoisie reveals itself in all sorts of conflicts, which constantly threaten to engulf the rest of society as individuals seek to enlist ethnic and regional support on behalf of their interests.

To avoid this the national bourgeoisie (political party leadership) discovers the need for 'a popular leader to whom will fall the dual role of stabilizing the regime and of perpetuating the domination of the bourgeoisie'. This leader must be, of



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necessity, *One of Their Own*, but who can be sold to the rest of the (poor) population as being a champion of their welfare/interests. His strength in this role is necessarily in inverse proportion to that of representative or popular government. The institutions of the state are progressively reduced to those of the President and his circle. The party becomes a mere shell and actually 'an instrument of coercion'. The leading posts in the bureaucracy are entrusted to men from the leader's tribe, 'sometimes directly from his own family'. Parliament becomes little more than an adjunct of the Presidency where a legislative veneer is fitted over the wishes of the autocracy in return for high salaries and some license to ventilate popular sentiments (though not, of course, sentiments critical of the president). Parliamentary elections are reduced merely to a choice between individuals, all of whom are pledged to support the President and his Government. Elections 'circulate the elite', contribute to the mystification of the voters and thus help to preserve the elite's freedom to go on enriching itself without interference from below.

*Is this what happened to Kenya from 1963?* Is our so called 'democracy' merely an exercise in which our elections circulate the elite? We'll see as we progress further in this study of the history, and current reality, of our political parties.

### **PARTY CONFLICT.**

After Independence, the way the opposition between KANU and KADU was suddenly and painlessly dissolved and replaced by a much more fractious and lasting opposition between the 'moderate' leaders of both KANU and KADU on the one hand, and a group of 'radicals' within KANU on the other, demonstrates one clear thing about our

democracy. As chapter two has already suggested, the basic political cleavage in Kenyan politics at Independence, which corresponded to the basic contradiction of colonialism, was between the groups and social strata which bore the brunt of exploitation- *the mass of unskilled workers and peasant farmers* – and those which in one way or another acquired a materials interest in the continuation of the colonial economy, whom we can call the 'Lancaster London' group, ready to grab and eat the now low-hanging *matunda ya Uhuru* (fruits of impending Independence).

A year after Independence in December 1964, regionalism was abolished. The KADU leaders not only did not resist this, but also agreed to disband their party in return for seats in Jomo Kenyatta's cabinet, as then Governor General Malcolm MacDonald, now 63 and serving his last political post as the first British High Commissioner to Kenya, had foreseen. It soon became clear that the KADU politicians were divided from most of the KANU politicians by very little, indeed, compared with what divided them both from the 'radicals' within KANU, who were out for a more 'socialistic' democracy as opposed to the capitalism and 'development' that the so-called moderates, including Jomo Kenyatta, sought in Kenya. Within a short space of time the ex-KADU leaders were playing a leading part in a struggle within KANU, on behalf of the President, as a result of which the 'radicals' were removed from positions of authority within the KANU party and ultimately from parliament in totality.

The tribes from which the KADU leaders came were those least involved in either wage-labour or cash-crop production and the KADU leaders had been attractive to the European politicians



precisely because of their strong commitment to private property, above all because of the relative abundance of land in their areas and their fears that KANU might try to take it away, under the pretext of 'Nationalization' and distribute it to landless people from other tribes.

Ex-KADU leaders reacted swiftly that, in fact, this was *not* the intention of most KANU politicians.

On the contrary, most of these were interested in becoming large landowners themselves and were as eager as the next-door settler to ensure that landed property and in fact private property, would not be threatened. There was a problem about the future of European-held land in the Rift Valley, which the 'KADU tribes' looked on as traditionally theirs. Even when it was agreed that it would be for sale and not for distribution by the government, the fact remained that many more Kikuyu individuals and groups than Kalenjin could afford to buy it, thanks to the machinations of Mzee Jomo that made sure monies given for purposes of buying land off the settlers were first accessed within Central Province, in a throwback to the Kikuyu Central Association days. But although this was to cause some embarrassment to the Ex-KADU leaders, the convergence of enrichment interests between themselves and their Kikuyu and other colleagues in the cabinet was not threatened, except by the 'radicals' like Jaramogi Odinga with his 'Communist' ideas.

This bargain and collaboration with foreign private capital had its rewards, at least in the eyes of the moderates within KANU. A year after Independence, Sir Colin Campbell stated that 'the Government's hope of getting the economy moving forward again has

been realized', and went on to say: 'Every day that passes in Kenya gives evidence of the extension of its property-owning democracy and the increased participation by local people in positions of responsibility. We welcome this and seek to encourage the acceleration of this trend... Imported capital is essential if Kenya's great manpower potential is to be fully exploited and I believe it is in the interests of all Kenyans that *a tolerant and welcoming attitude continues to be adopted towards those non-nationals who are ready to devote all or part of their working lives to this country...* We greatly appreciate the accessibility of the Minister and his officers when matters of urgency arise...' (the italics are mine).

It has been said that Man is a selfish animal. This is as true of the peasant in his farm, the worker in the factory, the middle manager in a white-collar firm as it is of the mogul sitting on top of a mountain made of money. The alternative to this individualism + Capitalism, Sir Campbell argued, 'is the sterile leveling of the Communist world, which so far as I can judge means only an equality for misery and stagnation for the (vast) majority...' As Professor Gertzel has pointed out in his writings, it was just at this time that allegations by the conservatives in KANU that the radicals were 'communists' began to reach their peak of hysteria.

### 'COMRADES' versus 'COMPRADORES'.

**Compradoes -1.** *An agent of a foreign power; 2. Chinese business agent of foreign company.*

By the end of 1965, when Kenyatta finally agreed to have his former political party and struggle comrades removed from power, mostly for portraying him as the Chief *compradore* in the country,



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the conflict between his side and the minority of the KANU leadership had found a fairly clear ideological expression. Kenyatta's side represented themselves as 'African socialists' but also as nationalists and pragmatists who put national interests first, while the radicals pictured themselves as the defenders of the nationalist movement's original socialist ideals and their opponents as the tools of foreign capital, or KANU *compradores*. Kenyatta and Mboya were not tools of foreign capital, but they were collaborating closely with it and their 'African socialism' was a formulation of 'comprador' ideology. Odinga and Kaggia were not communist stooges. Their socialism was of the petty-bourgeois variety and even if they had not been so completely out-flanked, it is hard to believe that their thinking would have evolved far beyond a redistributive populist position. But they were aligned towards the socialist countries and stood outside the increasingly intimate relationship between the rest of the KANU leadership and Western firms, Western experts and Western embassies.

As the poet Kipling once put it, *'East is East and West is West, and never shall the two twains.'* This was especially true in the ideologically hardened Cold War mentality of the 1950s and '60s. The regime's ideology was embodied in the remarkable policy statement *'African Socialism and its Application to Planning in Kenya'* which was introduced by Mboya and passed unanimously by the National Assembly in May 1965. Kenyatta called it Kenya's 'Economic Bible'. It was a pure statement of 'bourgeois socialism' (i.e., focused on *'redressing social grievances in order to ensure the continued existence of bourgeois society'*) expertly adapted to the interests of the *compradore* elements in our neocolonial situation.

The grapevine said that Tom Mboya, close to Robert Kennedy and a great friend of the USA, had outsourced its drafting to an American economist commissioned by his Ministry. Karl Marx once spoke on the relation between ideologists and the classes they represent: *'According to their education and their individual position, they may be as far apart as heaven from earth. What makes them representatives is the fact that in their minds they do not get beyond these limits while those they represent do not get ahead in life ...'*

### ***The essence of sessional Paper No. 10 of 1965 was as follows:***

1. Tradition African Society did not exclude the private ownership of capital but only required that capital be used in ways 'consistent with general welfare'.
2. The prime need of Kenya was for rapid economic growth which could only be secured through a large inflow of private foreign investment.
3. Given that private property must never be expropriated without full compensation, nationalization was undesirable except in certain special circumstances.
4. There never had been, nor were there now, any class divisions between Africans.
5. The emergence of an 'inequitable' distribution of wealth and of future class divisions as a result of growth based on private property would be prevented by (a) the 'vigorous implementation of traditional political democracy', and (b) 'a range of sensitive controls' over the use of privately owned resources, which would rule out 'the use of privately owned resources, which would rule



out 'the use of economic power as a political base'. 'Equitably distributed' incomes did not, however, mean equal incomes; there was an opportunity for Kenya to 'recognize the need for differential incentives'.

6. Foreign firms would be controlled so as to make them Africanize their management and make their shares to Africans who wish to buy them.
7. Africans would be established in private enterprise by all possible means such as loans and extension services.

Some of the 'sensitive controls' which would secure social justice without interfering with the hidden hand of free enterprise were specified in the document. They included:

- a) Limitations on the size of individual landholdings.
- b) Marketing Boards to be controlled in the interests of the consumer.
- c) Highly progressive taxation, including a progressive capital gains tax and inheritance tax.

These were the 'Ten Commandments' that were to guide as from this 'Bible,' as per Mboya's *Sessional Paper Number Ten* – and any ideologues who chose to worship at alternate altars were to be treated like the Baal priests of the Old Testament – to be banned and politically burned up, after being driven out with whips from the Temple of KANU.

It took a year for them (KANU radicals) to articulate a full reply to this new economic Bible. Before this could happen, they had been manoeuvred out of KANU and into opposition by a series of deft political maneuvers planned and executed largely by Tom Mboya, a personal rival of Odinga's who

now emerged as the *compradores'* main tactician and ideologist.

Odinga, Kaggia and their supporters were progressively removed from positions of influence within parliament and the government and finally Odinga was publicly humiliated by the abolition of his post of party Vice-President at a highly manipulated KANU party conference at Limuru in March 1966, symbolically too because this was the birth site of KANU, just 6 years before and if *a week in politics is a lifetime*, as someone once said, then it can be added that going by how far KANU had come in those years and from the Vice Caesar Ides' scene now being played out on Jaramogi, then *six years in Kenyan politics is an eternity*.

Looking back from the time of writing (2020) to current President Uhuru and his Deputy Ruto, six years ago (when they were 'bros' who, like fraternity high school girls matched the colour scheme of their suits and ties and shoes), we see/hear an eerie echo from 54 years ago. By the time of the 1966 Limuru conference, it was obvious that Kenyatta was behind the exclusion of the 'radicals' from political power and a group of them anticipated the outcome by forming another political party, the **KPU (Kenya People's Union)**. After the conference, Odinga resigned from the Country's Vice – Presidency and accepted the KPU leadership. His place as Vice-President was taken by the Rift Valley leader Daniel Arap Moi, whose Kalenjin supporters had also been instrumental in carrying through Mboya's tactics at the Limuru Conference.

Retrospective legislation was now quickly passed which obliged the twenty-nine MPs who had switched to the KPU to fight by-election which became known





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as the 'Little General Election' of May 1966. It was for this election that the 'radicals' prepared their first manifesto as a political party. KANU's African socialism, they argued, had become a 'meaningless phrase', a mere 'cloak for the practice of total capitalism'. Small-scale settlement had been saddled with impossible debts and then brought to a halt, while large scale individual African farmers had replaced *mzungu* ones, like the pigs in Orwell's *Animal Farm* who had substituted the humans in the name of equality but then decreed that '*we are all equal, but some animals are more equal than others.*'

The idea that large-farm co-operatives should replace the former European farms had all been but forgotten, and credit for land purchase had been withheld from co-operatives in favor of individuals who were in with the ruling party's elite, when not top KANU men themselves. In general, KPU people lashed out. The government was promoting vigorously the development of a small privileged class of Africans, the timeless cry of many a democracy that '*the rich are getting richer and the poor poorer.*' Not a single act of nationalization with the exception of V.O.K. (The Voice of Kenya) broadcasting organization has been carried out since Independence. 'On the contrary,' KPU accused, '*KANU's development plan will make capitalism in the country even stronger even as control of the economy by foreigners grows every day.*'

*What was the KPU party proposing as an alternative?* Hoping for popular support, they had to reckon with the intense commitment of the majority of the landowning peasantry to their land, a commitment made more sensitive by growing land-hunger and insecurity during the years of colonial

administrations. Consequently, they proposed that land should only be taken from the '*remaining non-Kenyan white settlers and given free to the landless*', and that no African -owned land should be expropriated in future.

Hesitantly, the manifesto said that on land taken from Europeans co-operative farming would be 'preferred'. '*Big landholdings will be reduced in size; we do not want a new class of big black landlords in Independent Kenya, as a political party.*' What the peasants wanted was private property *with* social justice. If the KPU Leaders grasped that this was impossible, perhaps under *any* conditions, but certainly in conditions of capitalist underdevelopment, they did not dare say it. Even what they did promise –*free land for the landless and free primary education for all* – could easily be turned against them, as Kenyatta well understood: "Who can truly believe," he challenged in speech after speech "that the KPU will give anyone 'free things' without first taking them away from someone else? The KPU's promises mean that private land, buildings and livestock will be confiscated." His (in) famous statement that '*all things belong to someone*' correctly summed up the Capitalist and individualistic system which the British had created, and his government inherited & propagated which this new political party KPU marginally threatened. Therefore, the incumbent need for first propaganda against its populist agenda, then the crushing of the rival party in its entirety.

The KPU were not ready for an all-out war against KANU for that would look like out and out treason against the government of the day, as opposed to a mere ideological conflict between two legal local political parties. *President Kenyatta had no such qualms.* In his





contemptuous *'but what have you done for yourself?'* attack on Kaggia at a mass meeting in Kaggia's constituency, where he mocked his former fellow detainee for 'being broke' years after Independence (unlike his other Lodwar mates, who had eaten the *matunda ya uhuru* and had businesses and ranches), Jomo reinforced the line taken earlier by other KANU leaders.

Bildad Kaggia was a treacherous (to his tribe) rebel who had sided with the Luo renegades to challenge him (Jomo) and his ruling party of **KANU**, thus dealing both the ethnic and 'nationalistic' card with one hand. The tactics worked! Kaggia sank from seventy percent popularity to ten percent support in the region as his votes evaporated like Limuru mist.

Only nine KPU MPs survived the purge at the polls, seven from Luo and two from Luhya constituencies, so that the KPU's parliamentary representation became both an all Western (and mainly Luo) affair. From this time forwards, the government used the State machinery to harass the **KPU**, which was tarred as unpatriotic, divisive, foreign-financed and guided and finally as *tribalistic* and subversive. Some of its activists were detained without trial under the Colonial *Preservation of Public Security Act*, also passed under the *Societies' Act* to enable them to operate legally and that would be used against multi-party activists Matiba and Rubia about quarter a century down the road. KPU was denied licenses to hold meetings in order to choke the oxygen out of its message. In 1968, the first nationwide local-government elections to be held in Kenya were 'won' by the simple expediency of finding 'technical' faults in all but six of the **KPU** candidates' nomination papers, so that the KANU

candidates everywhere were returned, unopposed.

The realignment of the alliances within **KANU** at the 1966 Limuru Conference (which led to Odinga's breakaway) now became apparent. Moi was the main leader of the Kalenjin peoples of the Rift Valley, where most of the mixed farms were in European hands still. The substitution of Moi and Kalenjin leaders for Odinga and the Luo Leaders as the chief allies of the Kikuyu leaders came with a Faustian bargain. *The Kalenjin leaders would not resist Kikuyu movement into the Rift Valley*, while the regime would provide the Kalenjin, who lacked capital and organizational experience, with state assistance for their own efforts to compete in the land-purchase market. Moi was given the purse-strings for the Rift, thus incurring the somewhat misguided reproach of being the owner of sixteen farms, since he often lent his name to the companies concerned; he did own one large farm (known as *'Kampi ya Moi'* -Moi's camp) north of Nakuru, that a part of is now a small township on the road to Bogoria. Jomo Kenyatta on his part, also acquired a HUGE farm near Nakuru and took increasingly to spending a number of weeks each year there, normally accompanied by Moi whom he liked. From time to time, Daniel Moi, in face of Kalenjin resentment of the Kikuyu influx, was obliged to make speeches such as this one (in early 1972).

The Vice-president warned against undue competition in buying farms in Rift Valley between Kalenjin and Kikuyu tribes *'who negotiate prices at night. This type of activity is the cause of soaring land prices... It is because of lack of unity and cooperation that this trend persists'*, he said. 'For a long time, I have urged Rift Valley to unite and work together as one



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family! *Apparently, my appeal has fallen on deaf ears...*' It was this kind of 'uniting' speeches that Moi would eventually master, until finally crystallising them in the '*peace, love & unity*' philosophy. In reality, he was still a master politician, blaming 'utterly irresponsible and petty politics acts' of certain actors who spread rumors that he was against a particular section of the community 'buying land in the Rift Valley province,' his vagueness in not being specific part of his own act. 'As a matter of fact,' Moi said, 'I have worked *mbega kwa mbega* (sic) na Mzee Kenyatta to provide land to the landless *wananchi* (people) in this Province.'

Down to this time, the bargain had worked to maintain the peace. Earlier on, the Nandi (in the south-west corner of the province and after the Kipsigis the second largest Kalenjin tribe) had shown how it might break down. In July 1969, with the general election impending, the leading Nandi MP, John Seroney, published the '*Nandi Hills Declaration*' which claimed all settler held land in the area for the Nandi alone. Seroney was prosecuted for sedition and convicted. On the other hand, he was fined and not jailed; the Kikuyu-Kalenjin alliance could not be strained too far. It was an interesting illustration of the way the ideology of 'tribalism' worked in Kenya. **KANU** quickly reasserted the 'democratic' availability of all European-owned land for purchase by Africans with capital, a large proportion of whom would be likely to be Kikuyu, while attacking Seroney's tribalism. Moreover, not just any peasant Kikuyu, but leading KANU men!

A number of KANU backbenchers, including some Kikuyu MPs who had avoided switching to the KPU in 1966 but had been reflecting popular discontent by making populist speeches (for

instance by calling for the long-promised ceiling to be imposed on the size of landholdings), now began to fear that they might be deprived of re-nomination by the KANU party leadership at the forthcoming general elections if they continued in the 'populistic socialism' that so threatened the land eclairs and capitalistic *eclat* of their Party leadership, or '*What They Did for Themselves*.' Others, contrariwise, may also have felt that unless they could dissociate themselves from the top leadership, they might suffer the same fate as the party's candidate at Gem. They began to demand primary elections for the KANU party nominations! This was publicized in the '*Oi Kalou Declaration*', signed in April 1969 by twelve Kikuyu and seven MPs from disparate ethnic groups and it was soon clear that it had widespread support among KANU backbenchers. Confronted by this demand for internal democracy within KANU, Jomo Kenyatta caved in.

This created a new problem. There was no register of **KANU** membership; primary elections would have to be open to all voters, including *KPU* sympathizers. If the primaries were fair, the outcome of both the primaries and the general election would be murky and KANU needed victory at all costs, in its campaign against this breakaway party called Kenya People's Union.

Within the same epoch, President Jomo Kenyatta visited Kisumu to open the Soviet-sponsored 'Russia' hospital that was a pet project of Jaramogi Oginga Odinga. Most of all, he wanted to stamp his power on the region where his rule was most unpopular. He was received by a hostile crowd that waved placards written '*Where is Tom* (Mboya)?' This implied that Kenyatta knew and/or had a hand in the death of Tom Mboya.



The crowd also began to chant '*Dume! Dume!*' which was the bull-symbol of the Jaramogi-led opposition, **KPU**. This angered Jomo who told *Ker* Jaramogi that had they not been friends he would have crushed him like 'maize flour'. Jaramogi said that the Luo were unhappy with Kenyatta's leadership. As they exchanged harsh words, the crowd got hostile.

At the time, the political temperature in Nyanza was high after Jaramogi Odinga had resigned as vice president due to conflicting policies with the president three years before. This made the Luo feel that there were plans to lock them out of government by the Kikuyu, Kenyatta's tribe. The situation became worse when two prominent Nyanza politicians, Tom Mboya and Argwings Kodhek, were assassinated/accidentated. This was seen as an attempt to get rid of any Luo who might have ascended to the presidency. Indeed, Mboya's body was only 110 days cold on Rusinga Island. As Kenyatta's *Mercedes* limousine left, the crowd pressed menacingly towards it, some folks throwing stones at the departing motorcade; his bodyguard fired into the crowd, killing eleven and wounding seventy, some teachers and children who minutes earlier, had been performing poetry and choral songs, some in praise of KANU (having been carefully vetted and selected). Five days later, at the end of October, the KPU was banned and all its major leaders were detained. The era of multi-party democracy in Kenya had effectively come to an end.

With the KPU out of the way, the KANU primaries could be held without fear. There was no other legal party, independents were not allowed to stand, and so whoever won a KANU nomination would automatically be declared elected

member of Parliament. These elections were fought almost wholly on the basis of clan and (in the towns) tribal support. The electorate merely 'circulated the elite' (the *Fanon Canon* fodder of yore) – and about 60 per cent of the sitting MPs were replaced –in the hope of finding individuals who would be more energetic and successful in providing jobs and services for the people. The Kikuyu ministers and their main cabinet allies were all returned. In other words, it was an election which 'reinforced tribal forms of consciousness, and which disturbed nothing and changed nothing.'

Twelve months later, the new MPs made their 'national interests' clear by voting themselves a 25 per cent increase in parliamentary incomes in the middle of the national wage-freeze imposed under the Tripartite Agreement. The trend has continued half a century on, where parliamentarians recently voted themselves, once out of office, Shs 100, 000 a month until they go to *RIP* (as opposed to merely reaping what they did not sow). That is not to say that the National Assembly wasn't engaged in issues of 'national importance.' Its debates were, as Gertzel observes, 'often lively and even 'critical', but it was a strictly licensed criticism.' Individual backbenchers and even some assistant ministers, regularly criticized unpopular government policies, for instance the local obligations of settlement-scheme farmers, the purchase of large-farms by ministers and other Big Men, nepotism in the labour market, and so on; occasionally they even spoke of the dangers of class war and revolution.

As future American president LBJ once said in 1960, 'the masses may like talk of agitation, but the classes want to be comfortable. Have a 'revolution' if you



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want, but for God's sakes, say nothing about it until you are safely entrenched in office!' (And, *once in, who 'overthrows' themselves?*) So long as MPs drew their hefty parliamentary salaries and voted for the government's bills and did not organize any Opposition or criticize Kenyatta, they were tolerated as a useful democratic safety valve by the political party of the day. Parliament's real function was to serve as a town club for the politically active members of the petty-bourgeoisie (even the 1971 coup plotters discussed their plans there at one point), providing income and status (and hence *credit*), access to the bureaucracy (and hence *patronage*), and-for the skillful political party internal politics' players – the possibility of real advancement. Once in a rare while, a majority of MPs resisted government policy, but on nearly every occasion, this was because it threatened them at a personal level, either politically/financially.

*KANU's* decline was painfully obvious! Unlike parliament it was not provided for out of public funds, and so it was not even worth maintaining as a façade. From 1969 onwards, its main organs ceased to function and its paid staff gradually dropped out as their salaries fell into arrears. Fanon wrote: '*nothing is left but the shell of a party, the name, the emblem and the motto*'. There was also a song, '*KANU Yajenga Nchi* (KANU builds the nation),' but how, when the party itself had become like an abandoned house, barely able to stand on its own, let alone play either 'house' (to individuals) or be the cornerstone of any meaningful nation building?

A mass political party implies mass participation and mass participation implies a programme for the masses.

The *compradores* wanted neither and so the party was discarded like a house of cards. From time to time the leadership undertook to 'revitalize' the party, these efforts were at best naïve, or symbolic, and didn't amount to anything beyond tokenism. Other components of the *imitation bourgeois party*, as 'original' as a fake *Gucci* handbag in Gusii land, fared no better. '*Constitutionalism*' was a significant part of neocolonial ideology and the Kenya Constitution was elaborately amended in 1966 to make it embrace the sweeping powers which the regime wanted in order to deal with the *KPU*. But the myth of constitutionalism wore thin; even the Government seemed to lose interest in refurbishing it, for instance when the president was said to have 'ruled' (he had no decree power) that local-government elections due in 1972 were to be postponed to 1974.

In the democratic, then autocratic struggle within KANU in the middle of the 1960s, Tom Mboya had exploited the ambiguity in Kenyatta's triple position as Head of State, head of the government *but mostly Head of Party (KANU)*, so as to represent all opposition to the party (on internal party ideology) leader as defiance of the sitting government *and* disloyalty to the State. After this, few people in Kenya had any illusions on the subject. The matter was succinctly expressed by a District officer at Maseno near Kisumu, in 1972. 'Freedom of worship is guaranteed within the constitution, but this could be curtailed at any time when the Government deemed it necessary.'

*Democracy had now become subtly subservient to the Party of the Day. As for elected local government, quite apart from the farce of the 1968 local-*



government 'election' it was *emasculated* by transferring its only important functions (responsibilities for primary schools, roads, and health services) to the central ministries in January 1971. The Cabinet too, had little significance in the neo-colonial state and it met infrequently. Executive power lay elsewhere! The real institutions of the State were Jomo Kenyatta and his court, the Civil Service and the Armed Forces, as well as the machinery of 'technical assistance' and 'aid' from foreign donors/governments.

Jomo's court was based primarily at his country home in Gatundu, about forty kilometers from Nairobi in Kiambu district; but like the Courts of Old it moved with him, to State House in Nairobi, to his coastal lounge near Mombasa, and his lodge at Nakuru in the Rift Valley. This corresponded to his dual roles of Kikuyu paramount chief and national leader of the *compradore* alliance. The inner court consisted of a core group of Kikuyu politicians from his home district of Kiambu: Mbiyu Koinange, his brother in-law & Minister of State in the President's Office Njoroge Mungai, his cousin & Minister of Foreign Affairs and Charles Njonjo the Attorney-General. It was rare for Kenyatta to travel or appear without one or other of these three men. The outer court, those with good access, though in much less constant attendance, consisted of two elements. First, the other Kikuyu -Embu-Meru leaders, who between them, controlled the bulk of the remaining important ministries. Gichuru, also from Kiambu (Minister for Defence), Kibaki from Nyeri (Minister for Finance and Planning), Kiano from Murang'a (Minister for Local Government), Nyagah from Embu (Minister for Agriculture) and Angaine from Meru (Minister for Lands and Settlement).

Secondly, the leaders of three main tribes allied with the Kikuyu: Moi, the Kalenjin leader, Vice President and Minister for Home Affairs; Ngei, the main Kamba leader, Minister for Housing and Ngala, the main coast province leader, Minister for Power and Communications. To the court came delegations of all kinds; district, regional, tribal, and also functional. Most of them came from particular districts, often in huge numbers, accompanied by team of traditional dancers and choirs of schoolchildren, organized and led by the MPs and local councilors and provincial and districts officers from the area. They gave displays of dancing and singing; the leaders presented cheques for various causes sponsored by the president and expressed their sentiments of loyalty and respect; and would finally outline various needs and grievances. In return the president would thank them, commend the dances and songs, exhort them to unity and hard work and discuss their requests, explaining why some could not be met and undertaking to attend to others.

An example of one of these meetings chosen at random, will do for all. It is only necessary to realize that similar sessions occupied a significant of Kenyatta's typical working week, especially between 1969 to 1974.

**VOK:** 'President Kenyatta said at the weekend that it is a declared policy of the Government to have electricity and water supply everywhere in the country, but this cannot be achieved over-night'. 'President Kenyatta was addressing a large delegation at his Gatundu home which had come from Western province branches of the Kenya National Chamber of Commerce, headed by the Kakamega Branch Chairman Mr. Elijah A. Anane. With the delegation were the Western



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Provincial Commissioner, Mr. P.K. Boit, the Assistant Minister for Home Affairs, Mr. M. Shikuku, traders, elders' teams of traditional dancers and choirs. In a brief reply to their memorandum, Kenyatta said the Government was involved in many development projects, including road construction and water supply. On building of industries in their area, Mzee

(the Old Man) said that "I depend mostly on investors, but the Government will continue to encourage them to spread industries in areas such as Western province." *The President promised the delegation that he would thoroughly study their memorandum ...'*

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## CHAPTER FOUR

### **The Epoch of KANU, and what it meant for both state and democracy in Kenya**

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Shortly before 2 am on the Saturday of August 1st 1982, one Sergeant Martin Barasa, an employee of the Motor Transport Section at the Embakasi Air Base, was awakened by the sound of gunfire. Going outside his room to find out what was going on, he was confronted by a Serviceman called Robert Odhiambo who commandeered him at gunpoint (an SMG weapon) to get the keys to a Landrover and drive him to the Broadcasting House in Downtown Nairobi (where the Voice of Kenya was based). Once at the VOK, half an hour later, Odhiambo and several other Kenya Air force men led by one Senior Sergeant Pancreas Akumu, stormed the newsroom of the station, where they forced the national newsreader Leonard Mambo Mbotela, to broadcast a prepared statement to the nation to the effect that 'The Government of President Moi had been 'Overthrown' and that Power had been passed on to 'The People's Revolution Union (PRU).





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Then as if to underline the new pantomime nature of these post-midnight proceedings, Mbotela remembers the drunken men of PRU request that 'military music' ( martial tunes ) be played, but with none understandingly loaded in the system, quite happily settled for TPOK Jazz's *Liyanzu Ekuta Ngai na Motema* ( a tick from my coat entered my heart ), *Bina na Ngai na Respect*, *Tangawuzi* ( a tune about a woman who seduces men by making the come home for spicy home brewed 'tea' ) and even ironically, they sang 'Co - operation' ( by Franco Luambo Makiadi and Odange Odongo ), but especially Tabu Ley's *'Mazee'* ( that made 'manzi' the first ever slang term to describe a young woman ) that was played and repeated till morning . ' *I love you, baby touch me / I love you, manzi, baby tachu meee,*' providing a grotesquely comical radio vocal background to the sounds of gunfire across the CBD, as the attempted putschists reaped, raped and rampaged their way through the city center and to its peripheries like the Parklands area.

As the first light of that Sunday dawn approached the horizon, the coup attempt was already beginning to furiously unspool. By 9.00am, angry that VOK was still playing the music (instead of the hourly announcements of the coup that they had ordered Mbotela to do), Pancreas Akumu commandeered an army Land Rover and headed down Harry Thuku road towards BC House. As soon as he was within the vicinity of the gates, the Land Rover was met with a murderous gunfire and Akumu fled for the KAF Esatleigh Air Base where he believed he'd be safe at the HQ of the coup by the so-called 'People's Revolutionary Council' (PRC), the junta-led 'party' that would rule Kenya according to the young coup plotters' fantasies - as they

played card games, got drunk on AFKO whiskey and conspired for weeks, in a house in Umoja estate (Intelligence that Intelligence chiefs like Kibati had in their files, but had proceeded on with caution, till D-Day).

Joined there shortly by Senior Private Hezekiah Rabala Ochuka, leader of the (attempted) coup and 'Chairman' of the unregistered *People's Revolutionary Council* (PRC) that was meant to rule the country, post-Moi and KANU, the two men got on the radio. 'Let the Army out of the Barracks to take over Nakuru,' they barked at the junior officers they had recently brought beer in Lanet. 'Bomb the State House, Parliament buildings and the (Army) barracks in Langáta (where the Seventh Battalion was situated)' they snarled at their colleagues. By mid-day, when it became clear that no 'Supportive' Army colleagues were swarming Nakuru, or bombing raids taking place to support the coup and the 'famous' lunchtime radio broadcast coming in from VOK to say that 'the attempted coup had been put down', the two would be putschists decided it was time to take off, literally!

Commandeering Army Pilot Nick Ole Leshan, a future Commander of the Air force, they flew across to Tanzania - which was not seeing eye to eye with Kenya at the time - and sought general asylum (that was duly granted by a Tanzanian court). It turned out to be, literally, a mere 'stay of execution' for the two men (and three others in Nairobi). In early November, the two men were hauled out of Tanzania and driven to the border, where they were handed over to Kenyan Special Police Forces who brought them to Nairobi. After a court martial, Hezekiah Rabala Ochuka, Pancreas Oteyo Okumu and three





others were given the sentence that, in 1987, would lead them 'to the black-gloved hands of the Kamiti hangman, Wachira Kinyatti wa Warungu.

In those five years, from the August of 1982 to their final dawn in the July of 1987, if the condemned men had been out and about as 'free' citizens, they would have been shocked at the changes their attempted power grab had catalyzed in the country's political system – not least of which was the total consolidation of power by KANU – now the only legally permitted political party in the Republic of Kenya! Nairobi, the capital city that had been the epicenter of putsch (attempted) changed its character, literally overnight. Following the crazy looting and widespread destruction that had taken place by both the drunken Air force personnel and civilians (especially University students) alike, once bitten and twice bedazzled traders and shop owners resolved never again to risk their properties and goods.

In a brilliant article by Poet – Architect Alfred Omenya, quoted here with his permission and titled, '*City of Gates*', Alfred Omenya laments these changes of city – identity. "During long and safe hours at night, people, lovers especially, would walk the city streets staring in at the delights displayed behind glass windows. Until then (1982), Nairobi had been a window shoppers' paradise. These open displays were now replaced by gray (and) ugly metallic shutters". Professor Omenya bemoans these 'afterthoughts' as he recalls them as 'denying the eyes the opportunity to enjoy their virtual pleasure of 'The Unreachables' contained inside the shops!' The citizen is thus denied what architects like to call 'The Capacity to Aspire'.

'Security begins with you', Kenyan *Nyumba Kumis* (estate security apparatus) like to say and it is '1982' that turned security into an obsession, including at State and political party levels. *Achtung!* Danger is not just at hand, but everywhere! In the City of Gates, Prof. Omenya describes Nairobi as 'An unplanned city, in the need to exclude and protect, to smother our neuroses – realistic to some extent that the barbarians will get us.' It is the Insecure Classes, feeling for themselves to be unsecure, whose fears shape the city!

This paragraph could be transplanted directly and applied wholesale to KANU, and its leaders, in the aftermath of that attempted coup in the August of '82. KANU was an unplanned party, at the time, built in the feverish desire for Independence, but soon to become reactionary, needing to exclude and protect, to smother our democracy – realistic in a practical sense – that the barbarians were now, if not quite yet at the gates, definitely out of the barracks and out to give their security a shellacking! It was the Insecure political leadership, feeling for themselves to be unsecure, whose fears shaped the Party!

### **REWIND 1969-75.**

After three years of confrontation (between KANU and the KPU), Kenya's brief experience of multi-party politics had ended and the country once again became a single Party state. This time, KANU was to remain the sole political party for over 20 years. Theoretically, dissident politicians could form parties to challenge KANU's monopoly of power but the Register of Societies, who had the right to deny a legal existence to any society or organization, blocked all and any attempts to register another political party in the country.



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### **KANU as a weak fish party.**

Although Kenyatta's Kenya was undoubtedly an authoritarian single-party state, political life remained remarkably open and its press comparatively free by African standards. In many respects, the years 1969 to 1975 marked the apogee of the Kenyatta state, when the ageing president was still sufficiently active to retain control of his subordinates and ruled with legitimacy because of his nearly four decades as leader of the nationalist movement.

The single-party state under Kenyatta remained relatively willing to incorporate dissent, responsive to criticism and capable of dealing with local discontent and the rise of new leaders. Although challenges to Kenyatta personally, such as that of the KPU were crushed, other folks like the academicians at the University of Nairobi enjoyed a false freedom to criticize the regime in lectures and in the national press, so long, not so strangely as you shall see, as they expressed their doubts in English rather than in one of Kenya's vernacular languages – in a bid to maintain an Ivory Tower echo chamber of these criticisms, so relatively harmless in itself – like the manic Christian street preacher in Jeevanjee Gardens who shouts himself hoarse, as opposed to the radical imam at some mosque who can create fanatics to his course.

General elections provided a mechanism by which the Party could incorporate new blood, remain informed of local grievances and legitimize its power within the Kenyan democracy. This was demonstrated by the defeat of several senior Cabinet Ministers in 1969 and 1974. Only Kenyatta, whose position as president could not be questioned and his closest ally, Minister of State in the Office of the President, Mbiyu Koinange, were above opposition.

The 1969 general election, which took place only weeks after the banning of the opposition, demonstrated the vitality of the electoral process. Although multi-party politics had been abandoned, critics of the Kenyatta regime and of Kikuyu hegemony, such as Martin Shikuku and Nandi leader J.M Seroney, were re-elected. Josiah Mwangi Kariuki and former Nairobi Mayor Charles Rubia also criticized the regime from within, while the majority of Luo Members of parliament elected in 1969, such as COTU Chairman Denis Akumu - who would be returned to parliament on FORD -Kenya's ticket in 1992 - owed greater loyalty to Odinga than to Kenyatta. Turn-out was predictably low: only 1.7 Million of the nearly 3.7 million registered voters (46.7 per cent) bothered to vote in 1969, compared with 83.6 per cent in 1961, and 71.6 per cent at the 1963 uhuru elections.

Despite the low level of participation and the ban on the KPU opposition, the 1969 elections administered a severe shock to the government, and produced dramatic changes in the National Assembly. Five Cabinet Ministers and 14 out of 29 Assistant Ministers were rejected by the electorate. The change-over in the back benches was more extreme. Only 27 of the 101 backbenchers in the 1963-9 parliament were returned. Many had disappointed their constituents, spending little time in the rural areas, and had failed to secure funding for development projects.

1969 had transformed the political scene, undermining the position of ineffective backbenchers, or even Ministers, who had devoted too little time to their previously safe constituencies. Many MPs, who had been confident that they could control sub-branch selection committees, were repudiated by the



electors. *Wazee* politicians of limited education, who had been selected to stand as KANU candidates in 1961 and 1963 because of their prominence in the nationalist movement, proved particularly vulnerable to the wave. The 1969 results were not an aberration! Five years later, in 1974, in the last election of the Kenyatta era, the turnover was almost as severe: 4 out of 20 cabinet Ministers were defeated, while 18 out of 35 Assistant Ministers, and 61 out of 102 backbenchers lost their seats. Under the 1969 regulations, all Kenyans were permitted to participate in the ruling party's primary, now that KANU was the country's only registered political organization.

In theory, formal parliamentary elections took place two weeks after the KANU primary, but since victors of the primary were virtually returned unopposed, this was a pure formality. Although modelled on the competitive single-party elections in Tanzania which restricted the number of candidates to two per constituency, in Kenya any number of candidates could contest the primary, provided they were cleared by KANU headquarters, which almost all were. In 1969, a rule requiring six months' membership of KANU was placed upon potential candidates to avoid the remaining KPU leadership taking over KANU in Nyanza. Prominent members of the KPU found it impossible to secure approval to stand in this or the next two elections. Oginga Odinga (and former Cabinet Minister Achieng' Oneko) were refused clearance in 1974 and again in 1979 after Kenyatta's death, despite the fact that both had been permitted to rejoin the ruling party upon their release from detention.

Although all candidates in the Kenyatta era polls ostensibly endorsed KANU's official manifesto, rival candidates

drew support from different class or sub-clans, from different religious denominations and – in ethnically mixed urban constituencies in Nairobi, Mombasa and Nakuru, and in the former white Highlands settlement areas – from particular ethnic groups. In the more ethnically homogeneous Central, Nyanza and Western provinces, candidates appealed to rival sub-clan or clan interests. Most candidates campaigned on the outlining future schemes they would promote when elected. Local factors predominated and class consciousness and ideology played little part in determining voters' preferences. *This was democracy in Kenya!*

The freedom Party backbench MPs was at its peak between 1969 and 1975. Josiah Mwangi Kariuki, Kenyatta's former private secretary and an ex-*Mau Mau* detainee, now an Assistant Minister, became the leader of a sizeable group of radicals in the National Assembly. His critique of the government's development policies and over-reliance on Western aid appealed to radical intellectuals and to landless Kikuyus. The 1969 and 1974 elections brought into the National Assembly a number of outspoken young radicals, several of whom sympathized with the ideological message of the banned KPU. In fact, the KANU front bench after 1969 encountered more focused criticism from its new backbench 'informal opposition' than it had ever endured from the few KPU MPs.

Numbering more than 40 MPs, the backbenchers regularly condemned government policy throughout the 1969-74 parliament, forcing the government to withdraw a number of proposed Bills. Although they operated within well-defined limits, Kenya's parliamentarians



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were never more outspoken, nor more effective as a legislative check upon the executive, than during the middle years of Kenyatta's presidency, which can be divided into three Eras of Mzee Jomo Kenyatta (**1964 – 1968; 1969 -1973; 1974 – 1978**). Immediately after the 1974 general election, in fact, KANU backbenchers almost captured control of the day-to-day working of the National Assembly. One of their leaders, Nandi MP Joseph Seroney, was even elected Deputy speaker - enabling the radicals to control debates and to manipulate the parliamentary timetable whenever he was in charge of the House. Kenyatta's irritation with the internal opposition was also shown by the fact that all four Assistant Ministers in the radical faction- J.M Kariuki, Charles Rubia, Burudi Nabwera and another not as (in) famous - were dropped in the new 1974 government. The early 1970s were not, however, a period of complete calm. The regime had been shaken in 1971 by the discovery of a coup plot, largely among Kamba politicians and military officers, to 'kill' Kenyatta and Vice President Moi, thereby clearing the way to State House for recently appointed Kamba Chief Justice Kitili Mwendwa. Two MPs were detained and Kitili, and the Chief of the General Staff, although they could not be tied directly to the plotters, were forced to resign. Nonetheless, several of the alleged participants in the foiled coup subsequently prospered, a characteristic of the Kenyan democratic system at the time, where the 'plot' had served KANU. And shown any disgruntled elements in the Armed Forces that, in our democracy, the Chief Civilians in charge of the Party Machinery were the real Bosses of the State.

### **KENYATTA AND KANU.**

*But what was KANU at this point anyway?* President Kenyatta determined the

framework within which rival factions contended for power and within which different ethnic groups and districts fought for state patronage, especially new development schemes. This arrangement reduced the risk of ethnic rivalries endangering the state's stability. KANU throughout the Kenyatta years, remained a weak organization at the local level and lacked ideological coherence. Kenyatta operated a complex neo-patrimonial system rather than a Party State and did not attempt to mobilize or control the masses through the local party apparatus. Cabinet Ministers, of course, were better placed than Assistant Ministers or ordinary Members of Parliament to direct development schemes and government projects to their constituencies, to secure loans and contracts, or to gain positions on the boards of parastatals such as the Industrial and Commercial Development Corporation for their prominent supporters.

Kenyans continued to judge the performance of their parliamentarian by their capacity to bring '*nyama choma*' back to their constituencies. General elections every five years provided the population with a sense of participation and endowed the regime with a considerable degree of political legitimacy and popular support. Civil society, especially organizations such as the Law Society of Kenya, the Kenya Framers' Association, the Kenya Coffee Planters Cooperative Union and the *National Christian Council of Kenya*, remained outspoken, continuing to criticize the government, while the August House remained the focal point of Kenyan political life. Even the press survived relatively free. The main newspapers, moreover, were identified with specific national political factions. *The Standard* was the mouthpiece of the Gikuyu, Embu and Meru Association



(GEMA) and was identified with the anti-Moi 'Change the Constitution' Movement in 1976, 1977.

As we have noted, after uhuru, considerable power remained with the Provincial Administration. At Independence the government had decided to retain the colonial legal framework which allowed the Administration to control political activity in the countryside through such legislation as the *Public Order Act* and the *Chiefs' Act*. Provincial and Districts Commissioners were directly responsible to the Office of the President, rather than to the new political class and local authorities or **KANU** headquarters. Indeed, as Seroney and Shikuku pointed out in debate immediately before they were arrested in 1975, *KANU had become a moribund organization*. Although the ruling party existed in name, in practice it did not meet, had no powers and was subordinated entirely to the power of the executive branch of government. In June 1965 for example, Kenyatta had disbanded the vocal **KANU** backbenchers group and as early as 1966 KANU Organizing Secretary John Keen - in 1991 to become Secretary General of the Democratic Party - described the organizational state of the ruling party as 'appalling' in an open letter to Kenyatta. He complained that a delegates' conference had not been held since 1962, the Secretariat had not met since February 1964, the party was £20,000 in debt, telephones had been cut off at party HQ and KANU staff had not been paid for seven months. After the March 1966 Limuru Conference, there were no formal party sub-branch, branch or national elections for more than a decade. When Secretary-General Tom Mboya was assassinated in 1969, his assistant Robert Matano took over, serving as **acting** Secretary-General for the next nine years.

Kenyatta and his senior advisers had concluded that the party could not afford open elections in every sub-branch, splitting the party and escalating tensions between the pro-and anti-Moi coalitions, thus highlighting opposition to Kikuyu Hegemony. As a result, KANU president Kenyatta avoided calling nation-wide party elections for more than a decade. When finally, elections were called in December 1976, they threatened to be even more divisive than feared, as the 'Change the Constitution' camp gathered to challenge vice-president Moi and his allies. The fate of **FORD** in 1992, and the disputes which developed over the *Democratic Party's* elections in 1993, confirm the cleverness of Jomo's decision to dodge divisive party elections for as long as he humanly possibly could, and it is not clear if his hand was really behind that belated process that saw 1976 turn into 1977, shortly after independent Kenya had become a politically troubled teenager.

### **KANU A, KANU B.**

The first KANU sub-branch, branch and national elections in over a decade, kicked off in December 1976 and January 1977. After a decade of inactivity, local party members were asked to select new constituency (sub-branch) and District level (branch) officers as a prelude to the first National Delegates' conference in twelve years. The elections groups - 'KANU A' and 'KANU B' - fought to control the selection of delegates to the National conference. As in 1964-1966, both factions sought to establish nation-wide following. Taita Towett, a prominent Kipsigis Minister from Kericho District, was persuaded to challenge Tugen Kalenjin Vice-President Moi for KANU's National Vice-Presidency, while the leader of the 'Change the Constitution' Movement,





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Dr. Njoroge Mungai, stood for the position of KANU National Chairman, rather than directly challenging Moi. Although ethnicity remained the most important factor in Kenyan politics, 'KANU A' and 'KANU B' both managed to construct national coalitions, incorporating political leaders from far beyond their ethnic strongholds. With the last-minute cancellation of the Delegates' Conference because of the sudden deterioration in President Kenyatta's health, however, the two factions never openly contended for control of the ruling party or the Succession. The constitution and party leadership remained unchanged. Vice-President Moi had survived to succeed as President without open opposition within the ruling party on Kenyatta's death in August 1978. Kenyatta's poor health was his luck.

### **THE CONSOLIDATION OF MOI as PARTY LEADER: 1978-80.**

Moi came to power as the leader of a coalition which was openly opposed to the continuing dominance of the Kenyatta family and a coterie of Kikuyu business leaders, recruited mainly from Kiambu District. After his accession to the Presidency, Moi set about consolidating his position in alliance with Minister of Finance. Mwai Kibaki, and Attorney -General Charles Njonjo, creating a 'rainbow coalition of ethnic interests' which later would enable him to seriously undermine Kikuyu Hegemony, using KANU as his excavator and bulldozer machine.

During his first twelve months in office, the new president made few mistakes, drawing universal praise for the smoothness of the transfer of power. Political prisoners, including politicians Martin Shikuku and Jean Seroney, as well as novelist Ngugi wa Thiong'o, were released from detention in December

1978. The political restraints of the Kenyatta era seemed to have been lifted. The tension which had pervaded the country during Kenyatta's last years vanished as the new president asserted his authority. Kenyans praised themselves as the first black African sate peacefully to transfer power under the constitution from one president to another. This political honeymoon only ended when KANU headquarters refused to clear former KPU leaders Oginga Odinga and Achieng' Oneko to contest the 1979 general election on the KANU ticket.

Nonetheless, the 1979 elections were probably the most competitive and open of all those in the non-party state. Kenyatta's former associates found that they had to face their constituents without the backing of the District Administration, while their challengers were eager to identify themselves with Moi's new regime. Ex-Minister of State, Mbiyu Koinange for example, was easily defeated by GEMA head Njenga Karume in Kiambaa and the new broom also swept out many Kenyatta era figures in Western and Nyanza provinces.

Most of the Kikuyu elite survived, however, and adapted to the new country & party order. On the other hand, the elections also revealed authoritarian tendencies which the new president had successfully concealed during his many years as Kenyatta's Vice -President. Unlike Kenyatta, who had always remained above the fray, Moi actively campaigned for a slate of candidates around the country, who appeared to offer a 'new deal,' a populist alternative to the old 'elites of the Kenyatta era. Most of those who received his approval were victorious. The reality in Moi's Kalenjin heartland, however, was very different from the myth which the president's advisers



were skillfully constructing in the media around the Nyayo ideology of 'peace, love and unity.' Moi had never been particularly popular or highly regarded by other Kalenjin politicians, and a widely held view was that he had sold out Kalenjins land interests in return for personal promotion during the 1960s and 1970s. As Treasurer of KADU in the first year of independence, Moi had compromised with Kenyatta over conflicting Kalenjin-Kikuyu interests in the Essageri salient and in the Lembus forest, the borderland between the Kalenjin Reserves and the former white highlands, which had been the scene of extensive Kikuyu land purchases. The open hostility of some Kipsigis and Nandi leaders to his decisions favouring Agikuyu buyers showed the instability of the new president's ethnic base.

Once he was president, however, Moi moved swiftly to secure the enduring support of his home community. The 1979 general election in the central Rift Valley provided the worst example of electoral rigging since the 1968 local government elections. The District commissioner in Nandi, acting on instructions from the Office of the President, ensured that Seroney, Moi's main political rival among the Kalenjin, was defeated in Tinderet. Taita Towett was also 'defeated' in Kericho and in Kitale, Ex-Minister Masinde Muliro was removed by the simple expedient of switching the results announced for himself and his opponent, an action which contributed to the resignation of the then supervisor of Election, Norman Montgomery. Throughout the Kalenjin heartlands of Baringo, Elgeyo-Marakwet, Nandi and Kericho, long-serving MPs were replaced by Moi's henchmen; in some areas troops from the dreaded GSU were deployed to dragoon voters to the polls and to ensure that they voted the right way.

Among the beneficiaries of the new era was Moi's personal secretary, Nicholas Kiprono arap Biwott, who was unopposed in his seat in Elgeyo Marakwet (which bordered Moi's own). His opponent, who had defeated Biwott in 1974, was persuaded that to continue 'fighting' the president's choice was not in his best interest and after withdrawing he was appointed chairman of the *Horticultural Crops Development Authority*, Director of the Cooperative Bank and finally Chairman of the *Kenya Tourist Development Authority* as compensation.

President Moi had refrained from undertaking a major Cabinet reshuffle in 1978, although Koinange had been sidelined immediately. After the election, however, Moi brought his supporters into key positions. Nicholas Biwott and G.G Kariuki, a former Kikuyu Assistant Minister from Laikipia who had strongly backed Moi for the succession, became the key Minister in the Office of the President, while Henry Kosgey, who had replaced Seroney in Tinderet, and Jonathan Arap Ng'eno who 'beat' Taita Towett, entered the Cabinet as Minister of Transport and Water Development. Their appointments carried the message that cooperation with the new regime would be rewarded. The President's freedom of action, however, was still hedged in by Kibaki and Njonjo, who were respectively Vice-president and Minister of Finance, and Attorney-General. He was not yet master in his own house of KANU.

### **1980-1982.**

**1980** probably gave mankind the most unforgettable songs of the past four decades – starting with KC & the Sunshine Band's '*Please Don't Go*,' MJ's '*Rock with You*,' his mentor Diana Ross's '*Upside Down*,' Blondie's '*Call Me*' and '*Another One Bites the Dust*' by Queen.



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Moi's presidency entered its troublesome twos and threes at about the same time. 1980-1982 was dominated by increasingly open factional conflict amongst the new ruling team, as Charles Njonjo quietly challenged Mwai Kibaki for the Vice-Presidency. Conflict had broken out almost as soon as Moi took office, and tensions between the Kibaki technocrats and the Moi/Njonjo team had even been evident in central province in the 1979 elections. Njonjo's supporters warned that Kibaki had too much power, combining the positions of Vice-president and Minister of Finance, and they blamed him for the deteriorating economic situation in the country. Kibaki, whose interest lay more in economics than in the cloak and daggers of KANU politics, looked increasingly endangered in his position/s. In 1980, Njonjo, having reached the retirement age of 60 for civil servants, took the plunge into electoral politics, after serving for 17 years as Attorney-General of Kenya. Having secured the resignation of the incumbent MP for his Kikuyu constituency, in return for a substantial financial donation, he took up his parliamentary seat unopposed soon after. His campaign was orchestrated by a young Kiambu lawyer from the area, Paul Muite. Following his election, Njonjo re-entered the Cabinet as Minister for Constitutional Affairs, a post which reflected his continuing control of all aspects of the legal judicial process.

The growing tensions between the two Kikuyu rival factions, with the third group, the Kenyatta-era leaders, on the sidelines, enabled President Moi to make effective use of soon to be well polished 'divide-and-rule' tactics to enhance his own authority. As the two senior Kikuyu politicians clashed, Moi began cautiously to reduce the power of his erstwhile 'controllers' and to recruit

new allies, such as Abaluhya leaders Elijah Mwangale from Bungoma and Moses Mudavadi from Vihiga, who was also his brother-in-law. The President also promoted non-Kikuyu technocrats in the civil service and solidified his base in the Rift Valley. Moi also demonstrated considerable political finesse in 1980, when he banned 'tribal associations' for disrupting national unity, forcing the Kikuyu elite identified with GEMA to get out of politics altogether and adopt a less conspicuous business role, striking at the heart of their commercial empires built up during the Kenyatta era.

Gradually, Kikuyus were retired from the civil service, and were also replaced as government appointees to parastatal boards, in an Orwellian drip-drip-drip-drip-drip manner, that displaced them, cautiously, with members of other communities.

In February 1982, Moi felt powerful enough to finally move against his former Kikuyu patrons. In a key reshuffle, Kibaki was demoted from the powerful Ministry of Finance to the Ministry of Home Affairs. At the same time, Moi also demoted Njonjo's close ally, G.G Kariuki, removing his as Minister of State in the office of the President with responsibility for national security, where he had frequently clashed with Nicholas Biwott. Biwott was also transferred to the Ministry of Energy, where he was to stay for nearly a decade. The post provided a lucrative source of income, both from bids for government contracts and through Biwott's partnership with president Moi in Kobil, which was granted a monopoly in the importation of refined petroleum products. Although Kibaki continued to serve as Vice-President, he did little to protect himself against increasingly strident criticism from the growing chorus of the Njonjo team.





The President, however, realized that he needed to maintain Kikuyu confidence and sought to consolidate his relations with Njonjo by appointing Arthur Magugu, the son and grandson of prominent colonial chiefs from Kiambu and a close personal friend of Njonjo's, to the Ministry of Finance.

1982 was also the year in which the constitution was changed to confirm that KANU was the only legal political party, following the failed attempt of Oginga Odinga to register yet another alternate political party with the Registry, that would be a legal alternative to KANU.

Kenya, since the banning of the KPU in 1969 had been simply a *de facto* rather than *de jure* single-party state. In theory, other political parties were allowed to challenge KANU's monopoly of power, but all such attempts had been rejected by the Registrar of Societies. Confronted by permanent exclusion from political activity, following their failure to secure approval as KANU candidates, Odinga and the Kisii firebrand George Anyona had decided that they had nothing to lose by directly challenging the ruling party by seeking to register a new radical party. Needless to say, the Registrar of Societies refused registration and shortly afterwards legislation (drafted by Njonjo's legal adviser Paul Muite) was rushed through the National Assembly by Vice-president Mwai Kibaki to make Kenya a *de jure* single-party state. The party of the Cockerel was now not only the solo ruler of the roost, but the only one allowed to crow in the compound.

### **Consequences of the Attempted Coup.**

Rumors abounded in Nairobi before the Air Force attempted coup of a plot by Kikuyu officers to overthrow the president when he was attending

the *Organization of African Unity (OAU)* conference in Tripoli over the second weekend in August. When Luo junior officers and other rank and file Air Force members struck first, all was thrown into confusion. Although the army put down the coup, the delayed response of the army and police revealed the High Command's lack of loyalty to the President. Major General Kariuki of the Air Force and Police Commissioner Ben Gethi - two Kikuyus - were discovered to be disloyal and for the first time Moi became seriously concerned about Charles Njonjo's continued loyalty to him as president.

The coup attempt transformed Kenya's political scene. Severely shaken, President Moi relied increasingly upon Army Chief of Staff Major General Jackson Mulinge, who had remained effective during the confused events of first and second August. For nearly a year, he and other senior army officers exerted almost as much influence over government decisions as members of the Cabinet.

### **1983 Party Time.**

The 1983 election was intended to purge the system of Njonjo supporters and to provide a new breed of political leaders who would own their loyalty more directly to President Moi, rather than through intermediaries whose ambitions could not be trusted. It did not however, achieve all that Moi wanted. With the lowest turnover of any general election, the 1983 contest shattered Njonjo's power base, excluding the former Attorney-General from parliament and eliminating other key allies such as G.G. Kariuki and Joseph Kamotho. Not all Njonjo's closest allies however, were defeated. Charles Rubia survived in Nairobi, Stanley ole Oloitipitip won in Maasai Kajiado and



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Finance Minister Arthur Magugu was victorious in Kiambu District's Githunguri constituency. Moi's confidence in his ability to dominate electoral politics without rigging was damaged.

The president's practical if ruthless purge of the Kalenjin political establishment continued in these polls: six of the seventeen landslide victories occurred in the president's Kalenjin heartland and two seats in Baringo, the president's home district, were unopposed. Once again, the number of 'dissident' MPs returned to parliament declined, although a few managed to survive by jumping on the Anti-Njonjo bandwagon. Kikuyu resentment at the changing face of politics surfaced clearly, however, in the home areas. More importantly, the Kikuyu leaders who won victories in 1983 were far from the malleable figures for whom Moi had hoped. The Kikuyu electorate returned an educated and outspoken cohort of MPs, who were more willing than their predecessors to defend Kikuyu interests. A number of second-level politicians, who had served without distinction for a number of years, were defeated by educated, wealthy, better-connected technocrats, who had risen to the forefront of the civil service and the business world during the Kenyatta years. Many had been closely connected to the Kenyatta 'family' and the disbanded GEMA in the 1970s.

Chairman of *Kenya Breweries* chair Kenneth Matiba's 1979 victory in Murang'a District, when he had defeated senior Cabinet Minister Julius Kiano and Njenga Karume's victory in Kiambaa, had pointed the way. Four years later, they were joined by several other experienced Kikuyu business leaders, who had entered politics in order to defend the economic position

of the Kikuyu community. In Murang'a, John Michuki, formerly the Executive Chairman of ***Kenya Commercial Bank*** and close ally of Kenneth Matiba, defeated Joseph Kamotho in the Kangema constituency. John Mateere Keriri, the former managing director of the *Developing Finance Company* of Kenya, won Kirinyaga West. George Muhoho, an ex-priest and brother-in-law of President Kenyatta, carried Juja in Kiambu District like juju and Francis Thuo, the ex-chairman of the Nairobi Stock Exchange, saw his stock rise in Kigumo. These new Kikuyu MPs were effective debaters, especially on economic issues, and after 1983 they actively attempted to stem the flow of funds from Central Province. In the new government formed after the 1983 election, apart from parting with several Assistant Ministerial posts, the president was forced to appoint one of their leaders, Kenneth Stanley Njindo Matiba, future 'other' party leader and great threat to KANU's rule in a mere decade's time.

### **The Construction of a KENYAN Party State, 1985-1990. 'KANU ni mama na baba.'**

The president's dominance was reflected in the revived importance of the ruling party - possibly ***the most significant political development of the 1980s***-which now provided the main means by which the government controlled political debate. According to the 1982 constitutional amendment establishing a *de jure* single-party state, only members of KANU could serve in parliament. Unlike Kenyatta, who had relied upon the Provincial Administration directly controlled from the Office of the President, to maintain control in the localities, Moi used the *ruling party* to monitor public sentiment and to suppress opposition. Local



activists, as well as prominent political leaders, used it to silence their rivals and to secure their expulsion from KANU. The potential cost of political activity became much higher as ex-Ministers were disgraced and financially squeezed, while less powerful critics were jailed or detained.

Members of Parliament, in their desperation to survive, traded allegations and counter-charges with little regard for the frailty of freedom of discourse in Kenya, thus undermining democracy. Political strife in the districts became focused on control of the local party branch, which provided rivals with an institutional base from which to challenge sitting MPs. Since the 1960s, Kenyatta's reliance on the provincial Administration to control grassroots political activity had so lowered the temperature of local politics that by the mid 1970s the party had become almost completely moribund. Early in 1977, national party elections had been cancelled when Kenyatta fell ill. Sixteen months later, Moi assumed the Presidency. The new president had immediately called the **KANU** Delegates' Conference into session in order to consolidate his position. Njonjo and G.G. Kariuki had constructed a regional slate, uniting powerful interests from all eight provinces behind the President and Vice-president Kibaki. The 1978 **KANU** elections had provided the first hint that the ruling party would play a more important political role under Moi.

With Njonjo now disgraced after the 1984 'Traitor Affair' and out on his permanent political exile, and Kibaki almost powerless, President Moi began in earnest to reconstruct the party and State in his own image, promoting Kalenjin and Abaluhya interests at the expense of Central province.

KANU headquarters purged Njonjo's supporters from local branches and established a national disciplinary committee to facilitate strict control of local activities and MPs. The 1985 **KANU** elections marked the beginning of the total party phase of the Moi Presidency! Even more than the 1983 and 1988 general elections for the National Assembly, the 1985 and 1988 KANU elections enabled president Moi to remove the last remaining independent district bosses from the Kenyatta era. Henceforth, power *in* the party became the main focus of authority, relegating MPs to a sub-ordinate position. Only the President's close associates were elected to key positions within **KANU's** National Executive. Although Kibaki narrowly held on to the party Vice-Presidency, many other survivors from the Kenyatta era were swept away, including Robert Matano who was ousted as Secretary General after 16 years in office, and Isaac Omolo Okero, the Luo leader and National Chairman. The selection of figures such as David Okiki Amayo and Burudi Nabwera - both clients of Moi's who had lost elections - for the two leading positions within the KANU apparatus marked the final consolidation of the Moi State.

The 1985 KANU elections revitalized branches which had long been inactive. Party membership rocketed as, throughout the country, a KANU membership card became almost essential for advancement in the civil service or access to loans and other state services. These elections also presaged the destruction of parliament as an institution with a role in the political system, as legitimacy was deliberately and consciously shifted elsewhere. The Party now became the focus of political conflict. This new stress on the party had little ideological content, however,



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apart from obedience to the wishes of the president, a fact encapsulated in the *Nyayo* (footsteps) philosophy, which gradually altered from its original meaning of Moi's following in the footsteps of Kenyatta to that of everyone else following in Moi's footsteps. Ideology is important, however, in building a self-sustaining, cohesive political party, and one of the key weaknesses of this new search for authority and legitimacy was that had no particular commitment to what is represented. When the time for change came, they were equally happy to abandon the bogus ideology of *Nyayoism*. KANU's resurgence even briefly reduced the prestige and District Commissioners struggle for primary power, down on the ground.

### **Paranoid Party style of Kenyan Politics.**

After the fall of Njonjo, no politician could follow an independent line or build national level coalitions which were not entirely subordinated to the Office of the President. After only five years in office, Moi had become all powerful. Kibaki clung to the Vice Presidency, but was treated with suspicion and played a subservient silent role in the political party. The president was 'elevated' above the political battles which went on around him as rival factions competed to proclaim their loyalty to KANU and to *Nyayoism*, *in toto*. Opposition to the will of the government was denounced as subversion, and independently minded MPs found it increasingly difficult to secure a hearing. Fighting between the different factions continued as the president emerged as the final Court of Appeal from the rulings of KANU's Disciplinary committee. The language of political debate became debased as rival groups denounced one another. Policy differences largely ceased to matter. Even the most established district bosses or 'big men' became less

secure, while the cost of political failure became more draconian and the sole test of survival became absolute loyalty to the president.

This increasingly repressive atmosphere became evident in September 1986, when delegates attending the ruling party's annual conference clashed with clergymen from the National Church of the Province of Kenya such as Henry Okullu of Maseno South and Alexander Muge of Eldoret. The Bishops opposed the party's recent decision to introduce 'queuing' to elect KANU MPs to the National Assembly. The new regulations required voters to queue publicly behind the candidate of their choice or his nominee at a series of gathering points, clearly revealing their political preferences to their neighbours and local officials. The new electoral process ensured that those who controlled the count, the provincial Administration, could be directed to return the government's choice with much greater ease.

The *Law Society of Kenya (LSK)*, led by its chairman, also defended Kenya's secret ballot against this new pressure for 'African democracy,' claiming that the decision infringed voters' constitutional rights. Although Vice-president Kibaki was lukewarm about the new proposals, only Masinde Muliro (the ageing Abaluhya politician who had been elected to the colonial Legislative Council in 1958 and had served as Treasurer of KADU from 1960 to 1964), Charles Rubia (the first African Mayor of Nairobi and a Cabinet Minister from 1979 to 1983) and Assistant Minister of Labour Kimani wa Nyoike (a former leader of the Kenya Teachers' Union) dared to defend publicly the secret ballot and the Kenya Teachers Union) and the regime's clerical critics.



**KANU**, however, had already employed 'queuing' in its 1985 KANU elections and asserted that the system's critics had been given ample opportunity to express their doubts. Refusing to back down or to introduce exemptions for civil servants and clergymen, KANU stalwarts condemned defenders of the secret ballot as subversives in the pay of foreign governments who were unwilling to accept the primacy of the ruling party. Prominent members of the Presbyterian church and the Chairman of the LSK were also denounced. The new policy was symptomatic of the growing authoritarianism of the Kenyan government, which can be characterized as a new 'Paranoid style' of Kenyan politics. KANU leaders asserted the political primacy of the party over all other institutions in Kenya, including parliament and the judiciary. As Jennifer Widner has pointed out, Kenya was becoming –in so far as its resources permitted- a *Party State*. In the same period, parliament revised the constitution, abandoned the secret ballot, and curtailed the autonomy of the Judiciary and of the Auditor-General. The freedom of the press was reduced and intellectuals harassed and hounded for sub-version, including the late legend Wahome 'Whispers' Mutahi, then with *The Nation*.

Whether cause or effect, the 1986-7 period was also one in which a subversive organization, known as *Mwakenya* surfaced for the first time, as the state engaged in a wave of detentions, arrests and imprisonment of alleged subversives involved in this movement. Whether this organization ever had any real importance is questionable, since it did little to harass the state; but it provided a convenient excuse to crack down on independent political activity. The mid 1980s was also a period in

which two new figures emerged as key players in the political game: Minister for Energy Nicholas Biwott, and Simeon Nyachae, Chief Secretary and Head of the Civil Service. Biwott, from Elgeyo-Marakwet, a quiet backroom assistant to the president for many years and MP for a constituency next to his own, emerged by the mid 1980s as probably the second most powerful man in the country. His political acumen was widely respected and at the height of his power in this period, could treat Cabinet Ministers with scarcely veiled contempt if he felt what they were telling him was of little merit.

### **Impact of Election 'Rigging' on the political process.**

For 15 years, General Elections during the Kenyatta era had provided a real means by which ordinary voters could express their judgement on local MPs. In all the country's post-independence elections, many Cabinet Ministers and Assistant Ministers had lost their seats, as well as large numbers of backbenchers. Incumbents tended to do better than challengers because sitting members could campaign on their development records, played an important role in local life (mostly revolving around weddings, school fees, hospitalization *harambees* but most of all, *funerals*) and could secure support from their party to assist them gain re-election.

Despite these advantages, the proportion of votes received by incumbents fell after they were first elected, as their support eroded. Voters demonstrated considerable dissatisfaction with MPs who rarely visited their constituencies. Ministers and Assistant Ministers, with greater access to state patronage, were far more successful at securing re-election than ordinary backbenchers.



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Three quarters of Cabinet Ministers were re-elected in 1969, and in 1983 the proportion rose to more than four fifths. On average, however, Kenyan members of Parliament remained in office for only seven years.

This volatility highlights two characteristic features of Kenyan politics in the Kenyatta and early Moi years. The first is the lack of stable political factions. Far more important, is the substantial effect that ordinary voters had on the political process through their ability to judge harshly the performance of all but the president. Whether individual victories or defeats had much effect on policy issues is unclear (individual Ministers had particular views on particular issues facing the government, but they did not tend to campaign on these openly). The electoral process, however, tied the decision-making elite tightly to peasant expectations and to winning and rewarding their loyalty by their ability to develop their constituencies.

This process helped maintain the existing pattern of regional and therefore ethnic, competition for resources. It favored those who were already wealthy and powerful, since their greater financial strength, organizational acumen and personal authority were key in persuading voters that they would be more effective local patrons. It also placed a check upon the excesses of the elite, forcing them to conceal more extreme corrupt practices for risk of being seen to be feathering their own nests and required them to share their wealth with their constituents in numerous different ways. Neo-patrimonialism after independence represented in many ways a reconstruction of the principles of 'moral ethnicity'

One of the most obvious results of the new authority of Moi and of the Office of the President over all aspects of political life, was the destruction of the National Assembly as an independent institution and therefore as a legitimizing tool for the state. Elections throughout the 1960s and 1970s had helped to legitimize the regime, symbolizing participation in a modern 'democratic' state. Kenyans believed that they could change their leaders through the political process, whilst elections sublimated hostility to the regime by enabling electors to remove the incumbent if dissatisfied. However, election now became increasingly expensive and subject to rigging.

Before Kenyatta's death, local administrators had sometimes intervened to prevent the election of a government critic, but systematic rigging of the result in a sizeable number of constituencies was unknown. The provincial Administration, which oversaw elections and acted as Returning Officers at the count, had never been neutral, but it became more and more overtly partisan during the 1980s. KANU headquarters denied candidates unpopular with the regime clearance, as had happened on a small scale under Kenyatta, and declared others bankrupt by calling in government guaranteed loans.

'Anti-establishment' candidates who did manage to secure clearance and to present their nomination papers to the Returning Officer found it difficult to secure permission to hold political meetings or found that the population had been called to compulsory local *barazas* (assemblies) at exactly the time their meetings had been licensed, or that their meetings were cancelled at the last moment or broken up by





Administration *askaris*. Government critics rarely enjoyed the financial resources of regime supporters or influential Ministers, who liberally handed out large sums of money and could transport voters wholesale from their home areas to register and vote. Local chiefs, the lowest rung of the Administrative hierarchy, frequently campaigned for their favored candidate as in the Kakamega constituency of influential Abaluhya Cabinet Minister Moses Mudavadi, President Moi's brother-in-law, in 1983 and 1988.

Moi's Intervention in the politics of Nandi and Keicho Districts, the most developed Kalenjin areas, aroused considerable resentment. Politicians of long standing. Seroney and Taita Towett, were forced out as early as 1979 because they had failed to support Moi in the mid 1970. Moi's victory was incomplete, however, as the new MPs retained some independence. Baton-wielding GSU troops had to be deployed once more in 1983 in Nandi District to ensure the victory of Moi's chosen candidates, including his old school friend Stanley Arap Metto, in Mosop. This shocked Alexander Muge, the newly elected Bishop of Eldoret, whose condemnation of the malpractice incurred Arap Metto's enmity, a feud which was to be of some importance in the events of 1990-91. Election rigging increased considerably as the Office of the President and members of the President's inner circle, most notably the then Energy Minister Nicholas Biwott and Chief Secretary Simeon Nyachae, targeted their rivals in the ruling party and opponents within the Cabinet. Throughout Moi's first decade in power, however, the use of force remained rare. The President preferred to use cash, rather than coercion, to cement his alliances.

### 1988.

The 1988 election introduced a new level of electoral malpractice into Kenyan politics, one which was to presage the demise of the ruling party. Key figures in the government were determined that they would control the new Assembly and silence their critics for good. The elections were fought under the new 1986 queue voting system, in which KANU party members voted in public for their candidate by lining up behind his or her representative. This 'primary' was to be followed by a run-off under the secret ballot system between the top two or three candidates only if no candidate won over 70 per cent of the vote. This system greatly facilitated voter intimidation and election malpractices. Queuing ensured that there were no embarrassing ballot papers left over after the poll and Returning Officers—the local District Commissioners could merely declare a result, however fraudulent, while candidates who secured more than 70 per cent of the primary vote did not have to submit to the ignominy of a secret ballot.

Moi himself acknowledged later, 'the implementation of the queuing system of voting, *mlolongo*, left a lot to be desired'. The result in 1988 was a rigged and shambolic contest in which at least one third of the electoral contests (over 60 seats) were rigged and manipulated blatantly to ensure that the 'right' candidate won. Once more much of the malpractice was concentrated in the Kalenjin areas. In Nandi Henry Kosgey, who had been rigged in against Seroney in 1979, was rigged out nine years later. The Returning Officers (the District Commissioner) announced that the Minister's opponent, Kimutai Arap Sego, had secured 70.1 per cent of the queue vote. Although Nandi voters had resented Seroney's removal in 1979,



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Kosgey had proved himself an effective member of parliament and by the mid-1980s had become quite popular, and correspondingly more independent. Now the president's henchmen determined to replace him with a more pliable representative. Several other first round results in the Kalenjin areas and in the constituencies of known dissidents were equally dubious. In Mosop, Robert Tanui got 73.8 per cent against another Nandi problem politician, Stanley arap Metto, who although close to the president, had now fallen out of favour with the new Kalenjin elites.

In Kikuyu, Kimani wa Nyoike and Charles Rubia—two of the two most independent-minded Members of parliament—were 'defeated,' despite the fact that both were extremely popular with their constituents. Rubia was rigged out at the primary stage in his CBD Nairobi constituency of Starehe, whereas Kiruhi Kimondo was announced to have secured 70.5 per cent on the first ballot. According to reports, the Returning Officer announced two different sets of results until Rubia intervened to point out that the officials had miscalculated and Kimondo's vote was still less than 70 per cent. Rubia then suggested that they change the result yet again in ballot. The Returning Officer Obligated. In Kinangop constituency, Kimani wa Nyoike lost the queuing primary, when his opponent was announced as the winner with 72.9 per cent of the vote. Shortly afterwards the former Assistant Minister was arrested, charged with being 'in contact' with the subversive *National Liberation Movement* and imprisoned.

Joshua Angatia, from Elijah Mwangole's dominion of Kakamega, another backbench maverick, soon followed them out of the National Assembly when he was unseated in an election petition,

having survived the election with a majority of seven. He lost the ensuing by-election, which was rigged. Kenneth Matiba, big businessman, rabble rousing Minister and the most outspoken defender of Kikuyu interests within the Cabinet, even went so far as to employ a helicopter and video camera to take photographs of the queues of voters in his Kiharu constituency: the video was to be released to the international press if the District Commissioner declared his opponent the winner! The Rt Rev. David Gitari, the Anglican Bishop of Mount Kenya East, whose diocese covers Kirinyaga District, also took video photographs of the lines of queuing voters.

Subsequent by-elections in Butere in 1988 and Kiharu in 1989 were no better. In the former, the approved candidate's vote was multiplied by ten, giving a near 100 per cent turn-out, in order to remove the enormously popular maverick politician Martin Shikuku, the 'People's Watchman', whose independent political line had proved a constant irritation to the president's team. The latter poll was of even more importance. It was occasioned by the September 1988 **KANU** elections, which followed soon after successes and organized equally extensive abuses, which struck new blows at the heart of the Kikuyu business establishment. Amongst other abuses, Kenneth Matiba was openly cheated out of his local party position.

He protested and re-runs were held in December. When he was defeated again, in an unprecedented move, he resigned from the government and was immediately drummed out of the party and parliament. The resulting by-election saw a contest between the man Matiba had defeated in 1979,





the well-respected ex-Minister Dr. Julius Kiano, and a political neophyte. Unsurprisingly, the queue voting saw a massive victory for Kiano, the results of which were photographed by a local reporter before they were reversed by the Returning Officer (Kiano was seen as too experienced and independent a figure) Converting a victory for Kiano of 9,566 to 780 into a defeat by 2,000 to 11,000.

Although the 1988 polls were a triumph for the State over its imagined and real opponents, they also laid the groundwork for its downfall. The adoption of *mlolongo* system symbolized the end of the of the National Assembly as any form of watchdog on the executive. The abuses were so extensive that the legitimacy of the Assembly was almost destroyed in the minds of Kenyans, and the State was seen even more clearly as concerned only with its own interests, at the expense of those of the ordinary people. Henceforth, the Assembly served as little more than an impotent talking shop. MPs were seen as tools of the center, not local representatives, because their success was due to state rigging, not popular support. As tools of the State, their commitment to the patron-client-community system was severely weakened.

Queuing destroyed the confidence of ordinary people in the political process, and popular participation in politics plummeted. Many people refused to register in 1988 elections. Many educated Kenyans referred to them as a 'sham' and a 'farce'. The number of registered voters fell by nearly 1.2 million compared with the 1983 general election. This anger at the destruction of their neo-democratic heritage, their right to choose their leaders, if not change what they did once in office

was an important inspiration behind the popular protests of 1990-1. Of what use is Democracy, and that question is once more uppermost in the mind of the Kenyan Voter, if *mlolongo* (and the Party Machinery of 1988), or *vifaranga vya komputa/* chickens of the Computer (the Party Machine and Algorithms of 2017) will erect leaders instead of you to elect *them*? The 1988 elections also unseated many senior politicians with considerable popular support, persuading them that single-party electoral politics in the new era was a dangerous profession. Many of the leaders of the opposition in the 1990s were **KANU** leaders who had been defeated in these 1988 polls.

### The Breakdown of Neo-Patrimonialism Systems

The result of Moi's accession, the increasing centralization of political activity and the economic and demographic problems the country experienced was the destruction of the patronage networks and stable clientage structures which the Kenyatta era had built. Kenyatta had worked with and helped develop a bottom-up style of political activity, in which leaders had to secure local political legitimacy in order to win a place at the national table. He worked with, respected and thereby coopted the leaders of the country's ethnic sub-nationalist movement, bringing powerful individuals such as *African People's* party leader Paul Ngei, Ronald Ngala and Masinde Muliro of KADU, and district bosses such as Jackson Angaine of Meru into the government.

Kenyatta had only questioned his Ministers' local authority in exceptional circumstances. Factional strife throughout the Kenyatta era, consequently, had been focused largely



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upon parliament. Most prominent politicians had controlled their constituencies and local party branches, and local factional rivalries had been fought out on County Councils and in agricultural cooperatives rather than within **KANU**. Thus, the patronage system remained exceptionally stable throughout the Kenyatta era. Ministers appointed to the Cabinet remained in office for long periods, some for 15 years or more. Few resigned or were dropped. From 1966-9 and again after the first post-independence stable. Masinde Muliro was the only Minister to be sacked in the entire 15 years, and only four resigned.

In contrast, Moi tended to favour the reverse approach, in which politicians and Ministers particularly, were centrally appointed representatives of the State, a transmission belt to ensure that the will of central government was enacted in the regions. Provincial 'big men' were no longer respected as powerful political bosses in their own right, whose support had to be maintained and rewarded by a flow of patronage to their clients. As a result, under Moi, Ministers had been promoted, demoted and disgraced with increasing frequency. Fourteen Ministers were sacked between 1982 and 1990 and more 'not reappointed' after the ruling party elections.

The much more rapid turnover of Ministers drastically reduced the office's prestige and power in relation

to the Provincial Administration, and particularly in comparison with the rising prestige and power of **KANU** headquarters. Real power no longer necessarily corresponded with Ministerial position, as the continued prominence of Sharif Nassir, Assistant Minister and Mombasa **KANU** Chairman, had long indicated. In the three years between the formation of the 'New look' 34-member Cabinet in 1988 and December 1991, nine Ministers were sacked or resigned. Four of these were expelled from KANU and therefore the Assembly, and one of the four, Matiba, was detained. Two more, including murdered Foreign Minister Robert Ouko, died, and one-long-time political survivor Paul Ngei lost his Ministerial position and seat in the National Assembly because of bankruptcy. He'd die later as a regular drinker at Nairobi West's notorious *Jeans Bar*, an alcoholic with underlying issues like diabetes, begging the Party he had once opposed prior to Independence not to let creditors auction his wheelchair. The governing structure was clearly in crisis, as the traditional role of the Minister as a long-term boss, who secured rewards for his ethnic group in return for their support for the regime, collapsed and bosses within the political party KANU became the Great Chieftains across the length and breadth of the land by the end of that landmark year, 1989, that was also the watershed of a strange and troubled decade across the world.

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## CHAPTER FIVE

### **FORD and MULTI-PARTY POLITICS comes to our DEMOCRACY**

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Kenya is/was a deeply religious society and many people, by the end of the 1980s, saw the Church Leadership as a bastion of moral propriety and principle, willing to criticize the State and the corrupt Ministers while the press and the political process had become tarnished.

The National Council of Churches of Kenya (NCCCK) held a National Pastors' Conference in August 1986. The conference had marked a turning point, when churches had finally responded to attacks by KANU and spoken out in defense of the secret ballot system of voting called mlolongo. Until then, only a few individuals had dared to criticize KANU, henceforth, the liberation theology began to play a larger role, as the CPK's Rt. Rev. David Gitari, Bishop of Mount Kenya East, and the Rt. Rev Dr. Alexander Muge, the Bishop of Eldoret, the Rev. Timothy Njoya of the Presbyterian Church of East Africa (PCEA), and the Rt. Rev. Mgr Ndingi Mwana a'Nzeki, the Roman Catholic Bishop of Nakuru, took on the non-religious 'liberation' roles, donning their clerical robes, with relish.



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Following Kenneth Matiba's resignation from the Cabinet and his expulsion from the ruling KANU party in January 1989, the ex - minister had developed a strategy to challenge KANU's monopoly on political power. Despite his expulsion, Matiba and his allies continued to control the Murangá KANU branch, harassing the Secretary-General Joseph Kamotho, his long-time rival. Matiba then began to prepare a broader assault on the regime, supported by Charles Rubia and advised by two lawyers who had been radicalized by KANU's authoritarian behavior, Paul Muite and Kamau Kuria. Matiba began to hold secret meetings with a number of prominent Kenyans who had become disillusioned with the regime, including aforementioned Bishop Okullu.

Bishop Henry Okullu had long been politically active, and had spent several years in the 1970's as editor and then columnist of the CPK's newsletters, *Target* and *Lengo*, before becoming the Bishop of Maseno in 1974. Despite Okullu's regular clashes with the then powerful AG Charles Njonjo, Church - State affairs had remained reasonably amicable throughout the Kenyatta era. President Moi by contrast, had failed to appreciate the influence of the major churches and did not recognize the strength of their Opposition to his regime. By attempting to suppress criticism by the church leaders, Moi had encouraged churches to organize, starting a process of political self-education for the younger generation of clergymen, who increasingly saw themselves as preaching the Gospel against State Oppression. During the 16 months from January 1989 to June 1990, Okullu met Matiba and Muite five times, usually at secret evening meetings at various people's homes. Muite's defeat in the elections of the Law Society's elections, when aged just 39 in 1983, the

growing alienation of the Kikuyu elites from the Moi regime, and finally Njonjo's downfall and the Commission of Enquiry into his affairs, had transformed Muite from an established lawyer into a radical dissident. In 1986, he was one of the radical lawyers along with Gibson Kamau Kuria, Kiraitu Murungi and Japheth Shamalla -who encouraged the Law Society's Chairman, G.B.M. Kariuki to denounce the introduction of the mlolongo system of Voting. Supported by Gitobu Imanyara's recently established *Nairobi Law Monthly*, this small group of lawyers became increasingly outspoken in their denunciations of the Moi regime's Human Rights record. By 1989, impressed by the dramatic changes taking place in Eastern Europe and the fall of the Berlin Wall, many began to call for the restoration of Multi - Party politics in the country.

The first challenge to the KANU's Authority began right at the start of the 1990. On 1st January, 1990, the Rev Timothy Njoya, the outspoken Presbyterian clergy who had emerged in the 1980's as one of the Kenyan government's most outspoken critics, delivered a Sermon at the St. Andrew's Church, Nairobi. Reflecting upon the amazing changes which had occurred in Eastern Europe during the previous year, culminating in the violent overthrow of the Ceausescu regime in Romania just a week before over the last Xmas of the 1980s, Njoya speculated upon how long it would be before similar pressures erupted in Kenya. Njoya's sermon demonstrated the comparative freedom still enjoyed by Senior Church seniors. Journalists, Academics, Trade Unionists, and even MPs would have been detained for making similar comparisons. Njoya was soon joined by Bishop Okullu and by veteran dissident Oginga Odinga, Kenya's first Vice - President and founder of the twenty-



year banned KPU, who supported the call for the legalization of opposition parties.

They claimed that KANU was isolated from popular opinion which could only be freely expressed with the registration of new political parties and the establishment of a free political environment in which democracy could prosper. Bishop Okullu decided to send a clear message to KANU and in late April 1990, emboldened by the recent release of Nelson Mandela and the Legalization of the ANC (**African National Congress**) party in South Africa, he stated that only Multi – Party politics would guarantee full Freedom, Accountability and Transparency. The dramatic events in South Africa, following those in Eastern Europe the previous year, appeared to confirm the worldwide crisis of authoritarianism and single party rule in States, a crisis that sliced across the hemispheres.

### **The Fray.**

On 3 May 1990, three months after Robert Ouko's grisly death, suspected to have been orchestrated by high ups in the KANU inner circle, the long –awaited 'second front' emerged. Addressing a stunned press conference, Kenneth Matiba and Charles Rubia openly denounced corruption within the ruling circle and blamed KANU for the declining economy and the climate of oppression which had developed in recent years. At a second press conference, the following week, the former Ministers were even more outspoken as they launched a campaign for the restoration of Multi-Party democracy. Matiba and Rubia pointed out that the immediate spate of attacks on them had *'proved our point that a one-party system stifles criticism ruthlessly and hence eliminates the fundamental human freedom'*.

Only the introduction of multi-party democracy, they argued, would ensure greater openness and accountability in the political system. Many of their specific complaints were familiar. Single-party rule, they asserted, had resulted in 'tribalism' and mediocre appointment to public office; growing interference in the affairs of organizations outside the political arena, such as the disbanded Kenya Farmers' Association, mismanagement of other bodies such as the *Kenya Planters' Cooperative Union*, the *Coffee Board of Kenya* and the *Kenya Tea Development Authority*, as well as widespread embezzlement, shady deals and the sidelining of experienced personnel in government agencies and parastatals.

Future policies, they contended, needed to be considered carefully in open debate rather than being motivated by the vested financial interests of powerful politicians and civil servants. Both former Ministers came from Murang'a District. They had prospered during the Kenyatta years, although neither had been particularly close to the *'Family Circle'* and had widespread business interest, ranging from manufacturing to agriculture and tourism. Murang'a, one of the poorest, least fertile parts of Central Province, like other Kikuyu areas, had been 'squeezed' economically as President Moi diverted resources elsewhere. They had been driven from the Cabinet and Parliament, and disciplined by KANU; their businesses had lost government and parastatal contracts, loans had been foreclosed and foreign exchange denied. Neither man, however, had been willing to back down in order to reach an accommodation with the regime. Rubia enjoyed the reputation of being a truculent, none- too- scrupulous street fighter, while Matiba was known



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to be determined, arrogant and one to bear grudges. Motivated partly by self-interest, under attack they chose to fight back. For the first time in a decade, the Moi regime was faced by a serious challenge from the two distinguished former Ministers, who as wealthy businessmen, reflected the grievances of the influential Kikuyu business and professional communities.

Over a few weeks, Matiba and Rubia effectively transformed the long repressed underground movement for Multi-party democracy into a mass movement which for the first time threatened the government's control. Their wealth, importance and ability to articulate the grievances of both the urban poor and the Kikuyu business elite—indeed, of all who had lost out under the Moi Government—made them a far greater risk than so called 'radicals' such as Koigi wa Wamwere, George Anyona and even Oginga Odinga who, harassed and expelled from KANU, were excluded from the political process, and whose attempts to form opposition parties had been routinely rejected. Matiba and Rubia, by contrast, spoke for a large group of businessmen, bankers and other professionals, who were exasperated by the KANU's continuing hostility to Kikuyu interests. Former vice-President Mwai Kibaki, Kiambu KANU Chairman George Muhoho, KANU Secretary-General Kamotho and the other remaining Kikuyu members of the government had been cautions for too long or were clients of Moi.

Matiba, the senior partner in the alliance, had prepared his challenge to the government with great care. Ever since his expulsion from **KANU**, he had met regularly with a small circle of advisers to plan his campaign. Among those present on a regular basis were lawyers Paul Muite and Gibson Kamau Kuria,

Rubia, and Philip Gachoka (his business partner). Matiba and his colleagues also met secretly with a number of outspoken clergymen, including Bishop Okullu. Minister of Health Mwai Kibaki, was secretly invited to attend the secret gathering but always failed to turn up, fearing that he might be found out.

Matiba's and Rubia's replies to the press at these May meetings were carefully rehearsed so as not to provide the government with a pretext to arrest them. The former Ministers were advised to focus the debate on the issue of *freedom of assembly*, on the basis that it was impossible to tell 'if Kenyans supported multi-party democracy or **KANU's** single-party state, so long as they did not have the freedom to meet to discuss the question'.

The Matiba-Rubia campaign for political reform in 1990 and the Oginga Odinga **Forum for the Restoration of Democracy (FORD)** campaign, the following year, were both part of a carefully considered strategy and followed a similar course. Both developed from a campaign directed by a small group of civil rights lawyers, dissident clergymen and ex-politicians, who were willing to challenge the government's legitimacy, enlisted more and more popular enthusiasm and support and then successfully orchestrated a direct confrontation with the regime by attempting to organize *mass meetings*, which they knew the authorities would refuse to license. By focusing popular attention on the meeting on both occasions in July 1990 and again in November 1991, the opposition was able to mobilize the Nairobi masses against KANU and President Moi, successfully puncturing the ruling party's claim to have mass support.





KANU's response to the new campaign for pluralism exemplified the low level to which political debate had sunk in Kenya. Besides denouncing the ex-Ministers for destabilizing the country, the President informed a rally in Kirinyanga that Matiba and Rubia were plotting his assassination and the death of other senior government officials. Such claims were a traditional smear tactic in Kenyan politics. As KANU leaders rushed to denounce their former colleagues, Matiba's home was ransacked and his wife, Edith, seriously injured by a 15-man armed gang, believed to be members of the **GSU** ('General Service Unit,' whose goons were now titled *Guza Serikali Uone* – Touch the Government and you'll see) in search of the ex-Minister. KANU leaders suggested that the campaign for multi-party politics was an attempt to destabilize the regime in order to re-establish Kikuyu hegemony, and claimed, not incorrectly, that most Kenyans had benefited from the Moi government's more equitable distributions of development funds and his broad coalition of diverse groups. There was enough truth in this to create concern about the impact of the restoration of Kikuyu leadership, a concern that was to be reinforced during the years to come until it culminated in a '41 versus One' narrative in the 2007 Election.

### **The Detention of Matiba and Rubia.**

On 4 July 1990, both Matiba and Rubia were arrested and then detained, under the *Preservation of Public Security Legislation*, the colonial regulation frequently used to remove opponents of the state who had not committed a crime. Charles Rubia had just left the Fourth of July celebrations at the American Ambassador's residence and made his way to the *Muthaiga Country Club* in north Nairobi, when he was arrested and 'unceremoniously dragged

out of a club meeting' by ten policemen. Raila Odinga, the son of former **KPU** Leader Oginga Odinga, was also detained.

As former Cabinet Ministers with extensive business interests and contacts in all parts of Kenya's ruling elite, Matiba and Rubia had assumed that they were immune from detention. Neither former Attorney –general Charles Njonjo nor ex-Vice President Joseph Karanja had been detained when they had fallen from power. Both men knew that their carefully devised confrontation with the government was reaching a crisis. If the planned meeting at Kamukunji Stadium took place on 7 July 1990 and attracted a vast crowd- as seemed almost certain - KANU would lose face and the opposition's claim that most Kenyans wanted to end KANU's autocracy and corruption, would be strengthened. The government, however, had not reacted after their two press conferences. Although KANU and the Nairobi Provincial Administration were seriously embarrassed about the prospect of an opposition rally attracting vast crowds, going ahead with the Kamukunji meeting alone would probably not have merited detention.

President Moi and his inner circle of advisers were, in fact, much more alarmed by Matiba's and Rubia's private conversations with Oginga Odinga and his son, Raila Odinga. The government panicked when special branch officers, who had tailed Matiba and Rubia, reported that the two Kikuyu Ex-Ministers had spent a considerable time at a meeting in **Agip House**, Oginga Odinga's Nairobi business headquarters.

Matiba and Rubia, advised by Muite and Kamua Kuria, had begun to recruit a team of prominent politicians who had fallen from grace under the Moi regime,



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to demonstrate the national appeal of their campaign. Among the seven individuals on their list were Abaluhya leaders Masinde Muliro from Rift Valley province and Martin Shikuku from Western province, and Oginga Odinga from the Luo Community of Nyanza province. Jaramongi Oginga Odinga, however, was reluctant to re-enter the political fray because his propane gas company had recently secured a sizeable loan from the *Industrial Development Bank*, a government-controlled parastatal and Odinga wished to secure the loan before risking antagonizing the regime with new political ventures. The Luo leader promised, however, that he would join the campaign in the not-too-distant future. In order to gain Odinga's support, Matiba and Rubia even proposed that the veteran Luo Politician should be the Opposition's leader, in order to rebuild the Kikuyu-Luo alliance of the early 1960s. When Odinga complained that 'the first marriage' had brought few rewards for the Luo and wondered what he would get for 'a second marriage', Matiba and Rubia had agreed that he should be the opposition's future presidential candidate, a key concession which was to have enormous repercussions two years later. The Kikuyu Ex-Ministers also explained that they were considering the establishment of the post of Prime Minister, who would control the ordinary business of the government, leaving the position of president as a symbol of national unity above the political battle, a proposal that is still doing the rounds three decades down the line, as a way to make our democracy a less adversarial one.

Moi and his KANU advisers had long feared that the ageing Luo leader might form a coalition with Kikuyu radicals and dissident intellectuals from the

University of Nairobi. The danger of an alliance between Matiba and Odinga posed an even greater threat, frightening KANU into taking precipitate action. The President correctly feared that they were plotting to revive the old Kikuyu-Luo alliance which had brought Kenya to independence. Such a coalition would have posed a serious challenge to KANU, uniting two of the country's three largest, most educated and economically developed ethnic groups against the ruling party. In an attempt to head off this coalition, the government detained Matiba and Rubia, to keep them physically out of circulation so that they couldn't glue terrifying coalitions together and arrested Raila Odinga, a courageous activist who had been detained twice before, as a warning to his father not to become involved.

Despite the State's ban, the detentions and threats, three days' later supporters of the multi-party movement attempted to gather on Saturday 7 July 1990 - *Saba Saba* day - at the Kamukunji grounds where the illegal rally was to have taken place. Riot police dispersed the crowd with batons and tear gas, igniting three days of continuous rioting in the poorer quarters of Nairobi, especially around the wider Kamukunji area (political meeting would thereafter be referred to as '*Kamukunjis*'). The trouble quickly extended to smaller towns throughout Kikuyu land, leaving more than 20 dead and over 1,000 arrested before the police could restore order. Most of the violence occurred in areas that were to become FORD-Asili or DP strongholds such as Kiambu, Nakuru and Nyeri town. Opposition leaders fled into hiding or like George Anyona, were arrested as the State's authority was quickly reasserted.





Gibson Kamu Kuria, the civil rights lawyer, sought refuge in the American Embassy and Paul Muite also vanished from sight. Eventually Kuria was permitted to leave Kenya for the United States of America, while friends of Muite, with access to the president, negotiated the Nairobi lawyer's return from hiding. By compromising and releasing the dissident lawyers, the Kenya government averted an immediate showdown with the United States, permitting its domestic critics to continue functioning under close supervision. Opposition had not been crushed and internal and external supporters of Multi-Party democracy now had two powerful new symbols of the state's intolerance around which to mobilize further protests.

### **The Reform Process Begins, June - December 1990.**

#### ***The Saitoti Commission.***

The detention of Matiba, Rubia and Raila Odinga had demonstrated that the government would not tolerate the possible emergence of a Kikuyu-Luo Coalition and initially demoralized the human rights activists. From the perspective of President Moi and his Kalenjin advisers, however, the first signs were emerging of an alliance which had the potential to break their stranglehold on politics in the country. The Ouko murder remained a thorn in their side, as did the death of Bishop Alexander Muge; the professionals and the Churches remained hostile, growing questions were being asked in the West, and the *Saba Saba* riots had revealed the government's vulnerability to mass protest. For President Moi, a master politician with both consummate timing and the devil's luck on his side, it was time to compromise.

On 21 June 1990, even before the *Saba Saba* riots, President Moi announced that a commission would be appointed under the chairmanship of Vice - President Saitoti to investigate (and by implication *reform*) the party's electoral and disciplinary procedures, and thereby improve its image.

From July until October 1990, to the surprise of many, the commission provided an open forum for indictment of the regime and a source of demands for reform. As it travelled around the country, speakers even questioned the continuation of the single-party state, while others proposed a two-term limit for the Presidency. Witnesses throughout the country complained about corruption, government inefficiency and the autocratic behavior of KANU branches.

However, the reform proposals that the committee finally formulated met stiff resistance from **KANU** hardliners, when the special KANU Delegates' conference assembled in Nairobi in December 1990. Speaker after speaker denounced the Report's recommendations, as Moi sat impassively, until at the minute he rose and, to the shock of many of his Cabinet colleagues, declared that the Report be accepted by KANU'S National Executive. *Mlolongo* and the 70 per cent primary rule in parliamentary elections were to be discarded with immediately. The establishment of a new national disciplinary committee was approved, expulsion from the party *abolished* and the post of KANU National Vice-Chairman created.

President Moi also instructed that the security of tenure of High Court judges, the Attorney -General, the Comptroller and Auditor-General and members of the *Public Service Commission* be restored, only three



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years after it had been removed. Moi and Secretary -General Kamotho assured delegates and the press that **KANU** would introduce further reforms in the near future in order to fulfil the recommendations of the KANU Review Committee, under the ruling party's new commitment to 'manage change'.

Less than a month after KANU's conference, however, it became apparent that the ruling party had not really changed its ways. Although queue voting had been abolished, **KANU** headquarters was still insisting on vetting and approving candidates. The members who had already been expelled were to have their sentences commuted to one-year suspensions but if their local branch did not recommend their readmission, the suspension could be extended. The same meeting of the National Executive, in fact, announced the suspension for two years of Ex-Minister Maina Wanjigi, Belgut MP Ayub Chepkwony and two local politicians in Trans-Nzoia and Kericho. The two MPs had been dismissed from the government shortly before the suspensions and Chepkwony had been ousted from his position as Kericho District KANU Chairman for 'causing disunity'. Although suspension enabled them to retain their seats in parliament (unlike those Members who had been expelled earlier), they would not be able to contest the next general election if it occurred before they were fully rehabilitated. As the press pointed out, 'the new measures achieve all that the past expulsions managed, namely locking certain people out of active politics. Unsurprisingly, the measures failed to satisfy the government's critics. Ker Odinga insisted that the introduction of multi-party politics provided the only way to open up the political system.

### **The Attempt to Register the National Democratic Party.**

Although his son Raila had been detained by the State, Jaramogi Odinga refused to be silenced.

In November 1990, he announced that he intended to form a new political party and in his New Year's message to the people of Kenya, he declared that '*1991 must be the year for the repeal of section 2(A) of the Kenyan constitution so as to establish multi-party democracy in our Republic*'. **KANU** leaders treated the announcements with contempt, encouraging the view that Odinga's political influence was declining and few MPs bothered to comment on his opinion. Three Trans-Nzoia Members of Parliament even suggested that Odinga 'should stop day-dreaming and enjoy his political pension in peace.'

But a groundswell of voices in support of multi-party politics was growing and swelling. Early in January 1991, Masinde Muliro also called on President Moi to repeal section 2(A) of the Constitution, observing that this would 'restore freedom of association and bring about political stability'. He urged the president to release Matiba, Rubia and Raila Odinga from detention, warning that Kenyans should look for 'unity in diversity'. Gitobu Imanyara, the editor of the *Nairobi Law Monthly*, even filled an application in the High Court to have the 1982 legislation making Kenya a de jure Single-Party state declared invalid. More and more lawyers, clergymen and 'excommunicated' politicians seemed willingly open to challenge KANU's monopoly on political power.

On 13 February 1991 - the first anniversary of the murder of Dr. Robert Ouko - Jaramogi Odinga declared that he was forming an opposition political party, the *National Democratic Party*



(NPD). Odinga stressed that the **NDP** sought to secure the 'restoration of democracy and justice'. Odinga was undaunted by the insurmountable obstacle to the NDP' registration presented by the *de jure* single-party state, relying instead on the guarantees of political freedom in Chapter V of the constitution and of Freedom of Association enshrined in section 80 of the same *Katiba*.

*If Zambia, Cape Verde and Senegal could operate a multi-party system, why couldn't Kenya? The government, Odinga warned, was undermining Kenya's harmonious ethnic relations. The radio, for example, was being 'used to send messages of war and fear mongering'. As a result: 'A master-servant relationship has emerged between the government as the master and the people as the supplicant servants. As the master harasses its servant, even courts of justice have been unable to come to the defense of the humble and meek.'*

The government was paralysed and had no moral courage, seeking merely 'to protect the narrow interests of the ruling class'. Only with the restoration of multi-party democracy would people be free to speak out against corruption and tyranny, and to repudiate KANU. But these aims, Odinga cautioned, could only be secured by 'an organized political force'. The **NDP**, therefore, sought to 'provide an opportunity for Kenyans to establish system of conflict resolution which is open, non-violent, democratic and just'. The Luo leader invited '*all Kenyans, wherever they are, to join our party and to join in the campaign for establishing democracy and social justice in Kenya... The people must have a voice against such bad government and a right to change such government. This is our stand. This is our challenge.*'

The government attempted to suppress all news of the party. The Kenyan press carried no accounts of Odinga's press conference for three days until on Friday 15 February, when the *Weekly Review* reported the meeting. When the first extensive commentaries on the new party finally appeared in the *Nairobi Law Monthly* and *Society* two weeks later, issues of the two magazines were confiscated immediately and the former's editor, Gitobu Imanyara was arrested early in March, ostensibly for publishing a 'seditious attack' on the government.

Odinga's efforts to register the NDP failed, of course. In mid-March 1991, the Register of Societies Joseph King'aru refused to accept the Party's draft constitution. Discontented politicians, including Masinde Muliro and Martin Shikuku, refused to participate, suggesting that Odinga was out of touch with political realities and had few allies outside the Luo community. In fact, the ex-KPU leader had been unable to attract a strong team of supporters across Kenya. The *Kenya Times*, under veteran journalist Philip Ochieng, denounced the NDP officials as 'Odinga's team of nonentities. Only Ougo Ochieng', a former MP for Bondo, had even served in parliament. The emerging coterie of younger dissident professionals, such as Paul Muite and Gitobu Imanyara, still remained outside the explicitly political arena. Following his watershed election as Chairman of the **Law Society Kenya** on 9 March 1991, however, Paul Muite, taking up an open opposition stance, urged the government to register the new party, NDP, forthwith.

Ker Jaramogi Odinga continued to harass the government with statements in favour of multi-party politics. He was an old man in a hurry. Nearly 80 years



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old, he still desperately wanted to serve as President and considered that with his son in detention and himself too old to be harassed (given Kenyan respect for old age) he had little to lose from a full-scale assault KANU. He also kept the NDP in the news by appealing the registrar's decision. Both the *Nairobi Law Monthly* and *Finance* carried detailed interviews with him in March, outlining the NDP's program. By manipulating the appeal's process, waiting for four weeks to register the party and then delaying lodging his appeal against the Registrar's decision for another three weeks, Odinga managed to secure considerable publicity for his unregistered political party. Even KANU spokesmen implicitly acknowledged the **NDP's** existence while castigating Odinga's attempt to establish an opposition party.

Meanwhile, Odinga employed Muite's argument, first expounded in his inaugural address as Chairman of the Law Society of Kenya in February 1991, that Section 80 of the constitution, by guaranteeing freedom of association and debate, authorized the registration of a second political party, provided it merely concentrated on promoting public debate and did not attempt to put forward candidates for election to the National Assembly or local government bodies. Even if the High Court rejected the NDP's appeal, the debate could be continued before the Court of Appeal, enabling Odinga to maintain his campaign against KANU's monopoly of power well into July 1991.

As the new party attracted more attention, it became clear that **KANU** had underestimated the popular appeal of the octogenarian Luo leader. KANU leaders therefore began to denounce Odinga more aggressively. Politicians throughout Nyanza province, led by the party's National Chairman Peter

Oloo-Aringo, were compelled to join this Choir of Condemnation, as their loyalty was being questioned as long as they remained silent. Until this time, because of Odinga's age and the wide spread impression that his authority had waned, the government had adopted a '*softly softly*' approach towards his campaign. Now, however, politicians dismissed Odinga as a has-been from an earlier generation, out of touch with contemporary opinion, and they started to rake up incredible charges from his past. Vice-President Saitoti and Assistant Minister of State in the Office of the President John Keen (who had assisted Saitoti's election in 1988) claimed, for example, that Jaramogi had imported weapons from the Soviet Union in the mid-1960s to overthrow the Kenyatta Government, once he had been pushed out of KANU.

Finally, the government arrested the Luo leader in Kisumu while on his way to Nairobi early in May 1991, for concealing illegal weapons in the compound of his Bondo home. Odinga protested that the night before he had set out for Nairobi, his night-watchman had disturbed some 'thugs' who had broken into his compound in order to plant weapons and thereby implicate him in subversive activities. The police dismissed Odinga's allegation of course, but the suspicion remained that the regime was up to 'dirty tricks'. Odinga, moreover, refused to be silenced and maintained the pressure on the Moi regime, by announcing in mid-May that he intended to sue Saitoti and Keen for injuring his character, by alleging that he had committed treasonable acts.

### **The Formation of FORD, May-November 1991.**

In May 1991, James Oregu, a 40-year-old lawyer and former dissident MP and Gitobu Imanyara, the editor of the



*Nairobi Law Monthly*, had dinner with British Politician Sir David Steel. The former leader of the Liberal party, Steel had been Moderator of the Church of Scotland Mission during the last decade of colonial rule and had maintained a close interest in Kenyan Politics. During dinner, the British politician suggested that as KANU was blocking attempts to register an opposition party, critics of the ruling party should emulate the Civil Forum movements in Czechoslovakia and East Germany. In 1989, these had brought down the Communist dictatorships by uniting civic associations, local activists, the churches, intellectuals and other opponents of the regimes in a broad coalition. Since technically a similar coalition in Kenya would not be classified as a political party, it would not have to be registered under the societies Ordinance. James Orengo invented the name **FORD** - the **Forum for the Restoration of Democracy** - with echoes of both the Civic Forum and American Liberalism.

Encouraged by Steel's suggestion and in close consultation with Paul Muite and Bishop Henry Okullu, the opposition leaders persuaded Oginga Odinga to abandon his futile attempts to register the NDP and to announce that he was launching FORD as an umbrella organization for all interests and individuals committed to the repeal of Section 2(A) of the constitution and to the establishment of multi-party politics. Muite, Orengo, Peter Anyang-Nyong'o and the recently released Raila Odinga then met for dinner with former Cabinet Minister Dr. Muniyua Waiyaki in an attempt to persuade him to join the campaign, to serve as its most senior Kikuyu representative while Matiba and Rubia were still recuperating in London. Waiyaki was reluctant to become involved, however, and shied away, fearing detention.

The strategy behind FORD was the same as in the 1990 campaign for Multi-party democracy. The Civil rights lawyers and radical clergy, soon to become known as the 'Young Turks', realized that to bring down a dictator, his prestige must be punctured and the power of the regime demystified. The opposition leaders, thus, sought to provoke another crisis. To do this, they organized a major public rally under the guise of a prayer meeting for the new peace and Justice Commission to be held at the CPK's All Saints' Cathedral in Nairobi in June 1991. Rubia was to be the keynote speaker. Meeting secretly at night with Bishop Okullu, the Chairman of the Commission, and the Rev. Bernard Njoroge, its organizing secretary, the Young Turks prepared their plan. Muite and his colleagues considered that the government would not be able to intervene to prevent the rally, since it was being presented as a Church gathering. The authorities threatened Archbishop Kuria, however, and he backed out at the last moment, cabling from Canada that the meeting must be cancelled until he could discuss the matter further with them on his return.

At this stage Oginga Odinga and Rubia were the only politicians involved, although Ambassador Smith Hempstone had also agreed to attend. Bishop Okullu, who was from Odinga's Siaya district, had kept the Luo leader fully informed of his secret meetings with Matiba and Muite. Odinga had encouraged Okullu to continue the discussions and the two were agreed about the need to devise a strategy to undermine KANU and the single-party system. Now they and the Young Turks decided that the time had come to enlist the support of other prominent Kenyans. Thus, on his return from Canada, the Archbishop's resolve was bolstered and the prayer





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meeting rearranged for July, while other prominent figures were persuaded to participate.

In the event, however, the prayer meeting was never held. Without consulting his colleagues, the Rev. Benard Njoroge informed the press that the 'convention' would be preceded by a huge procession from the railway station to the Cathedral in an attempt to publicize the meeting and to encourage people to participate. The Nairobi Provincial Commissioner warned that no license to process had been granted and implied that the March would not be permitted, and both Bishop Okullu and Archbishop Kuria became alarmed. Okullu even telephoned the primate to say that he would not participate. Then, the Friday before the prayers were scheduled, KANU top brass dispatched Special Branch officers to warn the three main organizers- Muite, Imanyara and Japheth Shamalla -that there would be serious consequences if they went ahead. When they arrived at Muite's office at six o'clock on Friday evening, the Special Branch informed him in Gikuyu that they were instructed by 'the highest authority in the land' to kill him if he went ahead with the meeting. Muite was not convinced and was determined to call their bluff. The Special Branch also threatened Archbishop Kuria, however, and fearful of the consequences he called off the meeting without consulting Muite or the other organizers.

This climb-down marked a turning point in the opposition's strategy. The decision antagonized the Young Turks, who considered that the primate should have displayed greater courage. They calculated that the government would not be able to carry out its threats. As a result, the lawyers and politicians

decided to press ahead with their 'Civil Forum' plan without active Church support, weakening the alliance that had developed since January 1989. Instead, Muite and his colleagues decided to recruit eight prominent political elders. One from each province, to serve as front-men for the opposition. Oginga Odinga from Nyanza was already committed. Dr. Waiyaki from Nairobi had refused while Rubia was also reluctant to antagonize the government again. His son was soon to be married and the wedding had already been delayed once while Rubia was in detention. The Young Turks, however, were confident that Kenneth Matiba would participate, once he had recovered from his stroke. In the interim, Muite persuaded Matiba's friend and business partner Philip Gachoka to come in as the ex-Minister's representative from Central Province. Gachoka displayed considerable courage as he was already on bail pending trial for sedition. Then Muite persuaded the respected elder statesman of Abaluhya politics, Masinde Muliro, to join the group.

Muite and Muliro had decided not to invite Martin Shikuku, the former MP for Butere, who was widely regarded as a political maverick, because he and Muliro did not get on. But while Muite and Muliro were agreeing to exclude Shikuku from the list of FORD elders, Raila Odinga, acting on his own, telephoned Shikuku and asked him to join. Initially reluctant, Ahmed Salim Bamahriz, a counselor from Mombasa who had clashed with Mombasa KANU chairman Sharrif Nassir, and former Machakos MP George Nthenge, also brought his dhow to the Opposition dock. The organizers also sought to recruit Ahmed Khalif Mohammed as the representative from North-Eastern province, but he finally refused to join the list of elders because



it might embarrass his colleagues on the Supreme Council of Kenya Moslems (SUPKEM). Nonetheless, with Shikuku's assistance, Odinga and his advisers had almost managed to recruit one representative for each province: Odinga represented Nyanza; Shikuku, Western; Muliro the Rift Valley; Gachoka, Central; Nthenge, Eastern; and Bamahriz, the Coast. Only Nairobi and North-Eastern Province were unrepresented. But although Odinga and the Young Turks accepted Nthenge and Bamahriz as the representatives for Eastern and Coast Province, from the first they owed their loyalty more to Martin Shikuku than to FORD's collective leadership.

On 4 July 1991, the anniversary of the Matiba and Rubia detentions, Oginga Odinga publicly announced the formation of FORD. Once again, the government pressured the press not to report the story so that only the **Standard** newspaper had a small announcement of its formation. The new unofficial pressure group of six was small enough to avoid indictment under the restrictive laws banning unlicensed meetings of more than six persons (a useful coincidence). Soon, however, the announcement produced a government response. In August 1991, **FORD** was declared an illegal organization; in September, President Moi said that its supporters would be 'crushed like *panya*.' Emboldened by the Government's paralysis, created by the damaging allegations about the Ouko murder, and the involvement of Biwott and other Ministers in various corruption scandals, and with the tacit support of the United States of America, FORD continued to harass KANU and demand for a multi-party democracy in Kenya.

The first public declaration of the new movement's aims in August 1991 produced an entirely unanticipated popular response, convincing both the Young Turks and the old-guard politicians that they had mass support and might even be able to topple the KANU regime. As a result, Muite and his colleagues decided to press ahead, demanding a license to hold a mass meeting at Nairobi's Kamukunji stadium in early November. This direct challenge to the regime, an obvious replay of the attempt by Matiba and Rubia to call a meeting in July 1990, aroused tremendous enthusiasm in the capital and nearby areas. FORD's figurehead leaders were transformed overnight into political heroes, although the strategy had actually been devised by the Young Turks, who remained behind the scenes.

Even at this early stage, divisions were beginning to appear between the old guard and the Young Turks, particularly between Martin Shikuku and Paul Muite. The old politicians considered that once Muite and the other lawyers had set up the movement and brought the elder statesmen together, they should back out and leave politics to the professionals. Thus, although Muite, Orengo, Imanyara, Anyang-Nyong'o, Raila Odinga and Shamalla were the brains behind the new movement and wanted to be recognized publicly, the politicians were determining to keep them in the background. These arguments became ever more intense as support for FORD continued to grow. While relations between the Young Turks and Shikuku rapidly deteriorated, however, Muite and his colleagues maintained an effective working relationship with Jaramogi Oginga Odinga.





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The Kamkunji II rally, planned for 16 November 1991, posed a direct challenge to the government's authority. Many Kenyans, *unaware of the two ex-Ministers' negotiations with Odinga*, believed that Matiba and Rubia had been detained for summoning the first rally. FORD, consequently, seem to be challenging the regime to detain its leaders, provoking a second round of rioting. On the day of the proposed rally, the police attempted to prevent people making their way to Kamukunji stadium and to arrest FORD's leaders. Muita spent the night before in hiding the house of a foreign diplomat but he, Odinga and others were arrested before they could reach the rally. Muliro, Shikuku, Orengo and Gachoka however, managed to lead a procession.

Though the rally did not go ahead, FORD had won another propaganda victory and had demonstrated publicly (and to the secret West) that it had popular support for its challenge to the regime. In protest at the arrests, for example, the Germans recalled their Ambassador, Berndt Mutzelberg, from Nairobi.

The government attempted to defuse trouble in Nairobi by dispatching the FORD leaders to be arraigned individually in their home districts rather than prosecuting them in the city, where the political atmosphere remained volatile. To their surprise, however, they found popular dissent to be as wide and as vocal for mass opposition demonstrations down to county level, and the government abandoned the prosecutions soon after.

### **SIGN O' THE TIMES.**

The politics of survival say that we may dance in the face of a coming apocalypse. We may, in the face of a

coming apocalypse, go to bed with someone we love or someone we didn't know before the night started. We may play in the streets, or fantasize about a new world to run into. On *Sign 'O' The Times*, after laying out the terrifying landscape, Prince pushes the landscape aside, lays out all of our options for survival on a table, and tells us to take our pick."

For KANU, and for President Moi, as 1991 drew to a close, it was all about the Politics of Survival. The multi-party landscape before KANU, after its stable terra firma on top of the highest peaks, looked terrifying to Moi and his party lieutenants, like KANU was about to be brushed aside by the wave of change sweeping across the world. It was time for KANU to lay all of its options for survival on the table, then pick what cards to play! The Times of London, in an editorial of 27 November 1991, spelled out starkly the choice before the regime. *'Good government,'* the editorial observed, *'is now recognized as vital if aid is to be effective. President Moi continues to provide very poor government. Until he reforms, there should be no question of resuming foreign aid.'*

President Moi and his inner circle had to assess political as well as economic pressure, of course. With the Ouko crisis now striking at the heart of the government, it was becoming evident that they could not withstand the continuing domestic and external pressure for political liberalization. But could KANU withstand a competitive election? How irreparably had the regime's support base been damaged? Above all, could it withstand, or perhaps prevent, a Kikuyu-Luo alliance? Following Ouko's death, and with Odinga in the forefront of opposition leadership, KANU ran the risk of a mass



defection in the Luo Districts of Nyanza province. The Kikuyu of Central province and Nairobi, remained bitterly hostile, while Gusii, Luo, Abaluhya and Kikuyu 'settlers' in the Rift Valley were also now alarmed by the demand for *Majimbosim* by local Kalenjin leaders and by threats of 'ethnic cleansing' unless non-Kalenjin in the province declared their loyalty to president Moi and KANU. The ruling party's committed supporters in Rift Valley province-The Kalenjin, Maasai, Samburu and Turkana-comprised only 15 per cent of Kenya's population and controlled only 34 or 35 seats in the National Assembly, a third of the number required for an overall majority.

The party's moderates knew that KANU could not survive without the support of such 'swing' ethnic groups as the Gusii and Abaluhya, who between them returned another 30 MPs. Several prominent KANU leaders appeared to understand these problems, although most of them had fallen out of favor with the president's inner coterie and subsequently would defect to opposition parties. Even Hillary Ngweni's *Weekly Review*, which by the late 1980s was much less critical of the ruling party than it had been during the last Kenyatta years, observed that:

*'KANU cannot afford to be complacent. The ruling party should have realized by now that its ham-fisted politics have to a large extent been responsible for driving figures who would otherwise have been valuable assets into the hands of the opposition, the most obvious examples being Shikuku, Muliro, Matiba and Rubia. FORD has since thrived by attracting the support, if not the membership, of a large number of disaffected politicians across the country. The recent flood of support for FORD in the period leading up to and following the aborted Kamukunji rally*

*could be taken as an indication that it has the capacity to recruit on a large-scale to its ranks, which should be seen soon enough, as the psychological barriers against participating in opposition politics are shattered. For one thing, KANU will have to realize that it will no longer be able to use an iron fist against its own members. It now has to cope with the task of wooing members, well aware that its strength in numbers came about at a time when there was no alternative and membership of the party was virtually mandatory for some people.'* Many KANU leaders did not appear to understand this basic fact, however.

### **The Legalisation of the Opposition, December 1991.**

Under intense domestic and foreign pressure, President Moi reluctantly decided that he had no option but to make a dramatic gesture. He therefore summoned a special KANU National Delegates' Conference at the Kasarani Sports Stadium in Nairobi to be held in December.

Many of the 3,600 delegates who arrived for the hastily summoned conference expected to the president announce that Kenya would not be prepared to tolerate foreign intervention in its sovereign affairs. It was only two hours into the meeting that National Organizing Secretary Kalonzo Musyoka announced that the delegates had been summoned to decide whether KANU **'should remain the only legal party or if opposition parties should be permitted to register.'**

The majority of speakers opposed the move to political pluralism. Samburu KANU chairman Job Lalampaa, for example, declare, 'We in Samburu, say Kenya can only have KANU'. Similar sentiments were expressed by delegates from Mombasa, North-



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Eastern province and Nairobi. Even the KANU National Organizing Secretary opposed the change, arguing that Kenya would be torn apart by ethnic rivalries if opposition parties were legalized. "The choice", he observed, "is between KANU and violence!" The debate revealed a clear generational division in KANU Ranks. Older officials and self-proclaimed former 'freedom fighters' almost universally opposed any change in the ruling party's political monopoly. A few younger delegates, such as Assistant Minister for Planning Noor Abdi Ogle, a hardliner from North-Eastern province, concurred, even suggesting that Kenya should remain a single-party state 'forever'.

Finally, after several hours of debate, President Moi stood up and announced that he intended to repeal section 2(A) of the constitution, which nine years earlier had made Kenya a *de jure* single-party state, and legalize political opposition to KANU. Despite their public opposition, a stunned conference unanimously concurred with the KANU#1 As well as adopting the recommendation to repeal section 2 of the Constitution, the seventh resolution of the Delegates Conference reflected the bitter internal struggles going on in the Party. It asserted that 'discipline be emphasized through all levels of the KANU leadership, and that any leader who does not toe the party line of support for the government should resign his or her party and /or government post'. The final resolution to be approved also reflected the exasperation of President Moi and his close colleagues with foreign intervention in Kenya's domestic affairs, which they felt had forced them, against their will, into this ill-advised experiment.

The resolution condemned '*All foreign countries which are giving money to a few individuals and groups in Kenya in order to cause chaos by telling and encouraging some people not to obey the laws of the country and the constitution. Foreign countries should respect our sovereignty and take us as we are... (while) any person or party that receives money from foreign countries should be dealt with severely according to the laws of the land.*' Two days later, a bill was introduced in the National Assembly, formalizing this seismic change in political life. The proposal was rushed through parliament in six days (rather than the usual 14), coming into effect as **Constitutional Amendment No. 2 (1991) on 10 December**, so that Moi could discuss the decision in his Uhuru Day speech on 12 December.

Whether President Moi's decision was an inspired tactic or an ill-considered response to pressure remains unclear. Also unclear is the exact reason why he made the decision that it was time to change. Certainly, he had been pressured heavily by Western leaders in the previous three months that some form of change was required and diplomatic sources suggest that he had made his decision in principle some time before but concerned about the strength of hardline opposition to reform, had waited until the moment was ripe. Specifically, it appears that KANU moderates including Saitoti, persuaded the President that resumption for Western aid was conditional on political reform and that KANU could legalize opposition parties, WIN a snap election and keep the money rolling in. It is clear that Moi was under intense pressure in the period 25 November-2 December and found Western governments arrayed against him.



If the month-long 'Nyayo Era' celebrations of October 1988 were the happiest period, celebrating his then decade-long rule and absolute power over the KANU political machine, it can be said that this was the longest, hardest week of his now 13-year-old rule, with both his presidency and his Party under mortal political threat from the founders and followers of FORD. But by deciding to accede to international pressure for greater political pluralism before it was inevitable, President Moi had seized the initiative back from FORD, enabling KANU to control the legislative process which would legalise Opposition parties and to prepare the multi-party electoral process to KANU's advantage. Although FORD had won the legal right to compete, the government remained hostile to open debate, a free press, and the norms of Western-style pluralist democracy. Moi and KANU would fight tooth-and-nail to win the forthcoming election and their methods would be rather different from any ever seen by the West, where multi-party democracy was deeply rooted and a political culture and way of life among these 'white' political spaces, where a young governor from Arkansas called Clinton could take on an incumbent President (G.H.W Bush) and a billionaire (Ross Perot) on equal footing, as the G.O.P. (Grand Old Party), Democrats and an Independent tussled for ultimate global power.

### **The Emergence of FORD as Political Party.**

When President Moi bowed to international pressure to repeal section 2(A) of the Constitution and permit the registration of opposition political parties, FORD was transformed swiftly into a government in waiting, seemingly certain of victory at the next general election, due within a year. Yet the new

party faced major problems. Although committed on paper to pluralism, Kenya remained a centralized, authoritarian state in which the civil service acted as the direct organ of the ruling party, and traditions of peaceful legitimate dissent were weak. The transition to multi-party politics also brought to the surface divisions between different ethnic groups and generational conflicts between old-guard politicians and the Young Turks (as they became universally known) the young professionals who had spearheaded change.

*Soon the rival groups were locked in a battle to control the new party.* With the restoration of multi-party politics after 22 years, in December 1991 and January 1992, new recruits flocked into FORD as disgruntled politicians abandoned KANU and Kenya's professionals considered that it was now safe to identify with the Opposition. From 2 December onwards, Central province and to a lesser extent Nyanza were swept by waves of resignation from KANU, as political leaders and tens of thousands of voters defected *en masse* to the new movement. They included many well-respected politicians outside the current leadership and some senior figures within the existing government. Two of Moi's Ministers –the embattled Minister for Employment and Manpower Development Peter Oloo Aringo from Nyanza and Njoroge Mungai from Nairobi immediately defected to FORD. Other Kikuyu defectors included former Vice-President Josephat Karanja and former chief secretary and Head of the Civil Service Geoffrey Kariithi, who resigned as an Assistant Minister on 27 December, 1991.

This influx of new recruits challenged the authority of FORD's six political founders. Martin Shikuku felt



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particularly threatened since his relations with the Young Turks were poor, and he resented the recruitment of former KANU politicians. Supported by Bamahriz and Nthenge, whose base in the party was even more insecure, in the days before FORD's registration in December 1991, Shikuku threatened to walk out and to launch a rival party. He was particularly alarmed by the growth of Kikuyu influence within FORD, identifying Paul Muite as a key opponent. Muite symbolized to his critics all that was wrong in FORD: the over-prominent role of politically inexperienced young professionals in the party's inner councils and the infiltration of members of the Kikuyu establishment who wished to restore the privileged position that the community had enjoyed under Kenyatta. Shikuku and his allies sought in these early days to prevent Muite, Gitobu Manyara and Luo Political scientist and current Governor for Kisumu County, Professor Peter Anyang-Nyong'o being co-opted into FORD's leadership. He argued that FORD's interim steering committee should only include the movement's six formal founders. Only when the party had been registered, new members recruited and local branches organized, should a duly constituted party convention select a new team of leaders. In response, Muite and his associates argued that former members of the government-like Shikuku should themselves be excluded from FORD. Several were close friends of Rail Odinga and consequently had access to party Chairman Oginga Odinga.

Even when a compromise was reached, Shikuku, advised by Abaluhya lawyers Japheth Shamalla (a former Permanent Secretary for Foreign Affairs) and Benna Lutta (a retired Judge) secretly rewrote FORD's constitution over the weekend

of 21 and 22 December 1991. A few days later, the other five members of FORD's interim council gathered at Agip House, Oginga Odinga's business headquarters, surrounded by reporters to submit their registration papers for the new political party. Shikuku, however, had already presented revised registration papers, strengthening his own position in FORD's inner circle. These changes reduced the size of the party's National Executive (NEC) from 32 to 25, cutting down the proposed number of national officers from 16 to 8, to be elected by FORD's Annual Delegates' Conference which would convene after grass-root elections. Power should continue to lie with FORD's six founding fathers. To preserve FORD unity, Odinga and Masinde Muliro backed by Philip Gachoka, accepted Shikuku's demands. Odinga became FORD interim Chairman with Muliro as his Vice-Chairman, while Shikuku served as the Party's Secretary-General. Presented with Shikuku's *fait accompli*, the Young Turks who dominated the interim NEC had no alternative but to acquiesce in order not to delay FORD's registration, which took place on 31 December 1991, formally ushering in the new era of multi-party democracy as excited Kenyans ushered in the year 1992, a year in which it seemed almost inevitable that, by the time it ended, the sun would also have set on the rule of the KANU party.

The new party faced great problems, however, in converting a successful protest movement into a political party with a coherent ideology and clear line of command. FORD leaders now modelled their new organization on the only other political movement they had known-KANU-and reproduced the ruling party's structure of constituency level sub-branches, District-wide branches, an annual National Delegates Conference





and an all-powerful National Executive Council (NEC). FORD leaders also had to decide whether the new party should admit anyone who wanted to join, regardless of their past statements, or should restrict membership to critics of KANU's authoritarian behavior. Almost from its registration, FORD suffered from an endemic factionalism. Its leaders were divided not only by their different views of party policy but by ethnicity and generation. These divisions quickly developed into a network of rival alliances, which soon became bickering factions, jostling for the party's presidential nomination.

### **Democratic Party of Kenya.**

Following President Moi's announcement, moderates within the ruling party began to push for thoroughgoing reforms and fresh sub-branch elections. Senior Kikuyu politicians, such as former Vice-president Mwai Kibaki, seemed to have no intention of deserting KANU. Infact Mwai Kibaki famously stated that 'trying to bring down KANU is like cutting a *mugumo* tree with a razor blade.' They hoped that the President's announcement would usher in a new age of party reform, ending the authoritarianism of the late 1980s and ensuring that the party and government would be more responsive to the views of ordinary Kenyans.

Kibaki and the other KANU reformers, however, met stiff resistance from the Kalenjin inner circle around the President and from party Secretary-General Joseph Kamotho, who resented Kibaki's prestige among Kikuyu MPs. For the last two years, Kamontho has sided with the KANU hardliners to block reforms. Instead of seizing the opportunity to reform, the members of Moi's inner circle were determined to entrench their position, driving their critics into the

arms of the opposition. They distrusted Kibaki and his associates, drawn from the old elite of the Kenyatta era and were more intent upon defending their positions in KANU's hierarchy than undermining FORD. Most had not yet realized that they would have to fight a real election against a real opposition under the supervision of Western observers, and would be forced to discard the authoritarian methods of single-party rule.

As Christmas approached, Kibaki seized every opportunity to emphasize that KANU was about to launch a though going clean-up with party elections form the grassroots to a new National Executive, urging Kenyans to continue supporting the ruling party which had presided over the nation's social and economic development since Independence. As Kibaki's reform campaign gathered momentum, however, the Minister of Health became increasingly isolated from President Moi. Then on Christmas Day, informed that the president was about to dismiss him, Kibaki contacted friends at the **Kenya Television Network** (KTN), persuading them to interrupt their scheduled programs to announce that he had resigned from the government. Kibaki attempted to justify his actions by explaining that he had resigned to protest the rigging of the 1988 KANU elections and the dissolution of the Commission of Enquiry into Ouko's death. Two days later, he announced that he intended to launch a new political party, the **Democratic party of Kenya (DP)**.

Kibaki's resignation created a new crisis, effectively destroying KANU's position in Kikuyu land, including Nairobi. The onslaught against Kikuyu interests for the past 14 years meant that even long-



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serving cabinet Ministers realized that with the legalization of FORD, they had little chance if they did not abandon KANU and distance themselves as far as possible from the Independence Party. In the first two weeks after Christmas and into 1992, many prominent figures in Nyeri and Kiambu followed Mwai Kibaki into opposition, including the Kiambu KANU Chairman and Minister George Muhoho, Assistant Minister for Agriculture John Gachui and Assistant Minister for Cooperative Development Mr. Njenga Karume. Apart from KANU's Secretary –General Mr. Kamotho, few senior Kikuyu politicians remained loyal to President Moi.

The party organization in Kiambu, Nyeri, Nyandarua and Kirinyaga was thrown into chaos by widespread resignation and throughout January 1992 there was a continuous flow of present and former MPs, local KANU officials and other VIP Kenyans into the opposition parties. Kibaki was joined by old-time allies and colleagues from the past, including ex-ministers Eliud Mwamunga, MP for Voi in Taita-Taveta and Kyalo Mwendwa, MP for Kitui West/Matinyani in Kitui District, who had served briefly in the Cabinet before the 1988 general election; whilst FORD also benefited from a series of defections as numerous MPs and senior politicians, especially from Murang'a and Nairobi (the home areas of Matiba and Rubia) abandoned the ruling party.

By 1 January 1992, KANU had virtually no prospect of winning seats in either Central province or Nairobi, where the elites had defected *en masse*. In the Luo Districts of Nyanza Province, although the existing KANU leadership had remained in office, almost the entire population led by Odinga's old political allies such as James Orengo, Phoebe Asiyo, Acheing' Onekos and

Denis Akumu defected to follow their old messiah. Despite Secretary –General Kamotho's protestations on behalf of the ruling party, the only question that now remained was between Kibaki or Matiba, would be able to attract the most support.

The Daily Nation and the **Standard**, the country's two main newspapers, were also swept away by the euphoria which surrounded the return of political plurality in the country. Njenga Karume, the former Chairman of GEMA, which had exercised considerable political and business influence before President Moi had forced all 'tribal associations' to disband in 1980, also joined and became a financier of the new **Democratic Party**. Another prominent figure to cast his lot with the DP was former Kajiado North MP John Keen, whom Moi had appointed a nominated MP. A former member of KADU, Keen in the early 1960s, had keenly heeded the call for *Majimbo*, but as the voice of Kalenjin politicians became increasingly strident, he became concerned that self-government for the Rift Valley province would entrench Kalenjin hegemony at the expense of his fellow Maasai and the large numbers of Kikuyu who had settled in Kajiado North during the previous two decades. Shortly after criticizing Kalenjin demands for *Majimbo* in September and October 1991, he was dismissed from his post as Assistant Minister in the Office of the president.

Having resigned from the Government, Democratic party Chairman Mwai Kibaki also raised the *Majimbo issue*, warning that the president's inner circle seemed to be inciting violence in order to fulfil Moi's claims that political pluralism would exacerbate ethnic animosities. Several church leaders in the troubled areas also criticized the behavior of the





police and Provincial Administration as Bands of so-called 'warriors' attacked the homes and smallholdings of Kikuyu, Kisii, Luhya and Luo settlers in the former white highlands.

FORD leaders castigated Kibaki and his allies for having remained so long in the government. Why had they taken three years to condemn the rigging of the 1988 election? Why had they not spoken out against corruption or in favour of multi-party politics like Matiba and Rubia in 1990? Why had they not protested when the government had detained the two Kikuyu Leaders and dispersed those who had attempted to gather on 7 July 1990? *Where was Kibaki when Ouko was being murdered? Does it take Mr. Kibaki three years to know that elections were rigged? Where has he been all these years? Why had he surfaced? Why did not Kibaki resign at the time Ouko was murdered?*

It is an open case that Mr. Kibaki, some openly whispered, has been bought by KANU to fight FORD under the disguise of a KANU-sponsored 'opposition' party called the Democratic Party. In other words, the implication was that Mwai was, in reality, the 'Opposition' Manchurian candidate for the 68 yearold KANU chairman Daniel Moi. Kibaki's restraint had long since been identified by many ordinary Kikuyu as the cowardice of a fence-sitter, losing him credibility with the masses in Nairobi and Kiambu and now earning the latest Opposition leader the disparaging moniker 'General Kigoya' (Marshal Coward) from Matiba and Rubia supporters, who saw the FORD men as the epitome of great courage at painful personal and profit penalty.

### **FORD's early Meetings.**

In January 1992, 20 months after Kenneth Matiba and Charles Rubia had held their first press conference, FORD finally was authorized by the state to hold a series of major meetings throughout Kenya. Its first authorized rally was at Kamukunji in Nairobi, the party's symbolic home, on 18 January 1992. Estimates of the number attending the rally varied from a caution 100,000 by the BBC to 500,000 by the *Daily Nation*, to more than one million by party organisers. In any case, hundreds of thousands of ordinary Kenyans attended the rally and chanted FORD's slogan, 'FORD, *haki na ukweli* ('FORD, justice and truth'), as Ker Jaramogi Oginga Odinga outlined the party's programme and denounced KANU for an hour.

Odinga introduced the major themes that were to become the cornerstones of the opposition's political assault on KANU: *repression, corruption, violence, unaccountability and incompetence*. He emphasized that when in power FORD would protect freedom of assembly, property, the freedom to settle in any part of the country and Kenyans' right to speak openly and to criticize the government. Condemning KANU for the fact that Kenyans did not enjoy these basic rights after three decades of independence, Odinga denounced the regime for detaining or driving into exile its many critics. He called for further enquiries into the murders of Robert Ouko and Bishop Muge, suggesting that they had been killed because of their attempts to uncover corruption at the highest levels of the government. He castigated the Moi government and condemned its failure to stop the recent outbreaks of ethnic violence in the Rift Valley.



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Stressing FORD's commitment to 'accountability and transparency', the FORD chairman demanded that the government should be more open and responsive to the people's wishes. Only with the removal of the KANU regime, he declared, could freedom be restored and a system of constitutional checks and balances introduced to prevent the accumulation of power by the executive. It was essential, he argued, that free discourse be permitted in the National Assembly, that the Judiciary should be independent and the Civil service professional and free from political control. Reflecting the recent political changes in Eastern Europe and in various Afro-Marxist states, Odinga, who as recently as 1982 had attempted to establish a Kenyan socialist party, assured his audience and the international community that FORD supported a competitive market economy and economic liberalization, and would dismantle parastatals and reduce government intervention in economic affairs.

Warning that the government might call early elections in April 1992, before FORD's organization was prepared, the opposition leader urged that intra-party talks should be held to sort out election rules. The Provincial Administration, he insisted, should play no part in the process, which should be organized by an independent electoral commission under the scrutiny of foreign observers. In fact, President Moi and KANU's leadership were in no hurry in January 1992 to call an election. Morale had been badly hit by the decision to legalize the opposition and by the subsequent defection of so many members of the ruling party. KANU had little to gain by an imminent election and much to gain by waiting for FORD to implode.

FORD has secured the support of most of the organizations and individuals that had campaigned against KANU's monopoly of political power in recent years. Its position, however, was far from secure. It was less well established than KANU in most parts of the country, was actively opposed by the provincial Administration and the police, and had yet to select a presidential candidate, whereas KANU was united behind President Moi and was fully backed by the whole government machine. As events were to prove the selection of a presidential candidate was potentially a hazardous process.

Odinga's speech did not go into details about FORD's policies, but nonetheless it revealed looming problems for the opposition. The Luo veteran's lackluster delivery highlighted his age and frailty. Other FORD leaders were equally unimpressive. Martin Shikuku's and Ahmed Bamahriz's remarks, for example, revived concern that they were anti-Asian. Shikuku had returned to his favorite theme, that after 29 years of independence, Africans had not progressed far in the world of commerce, he said, because the economy was 'dominated by Indians.' Such sentiments aroused fears that FORD might adopt radical measures to reduce Asian and European business influence. A tension also existed within the party between liberals and advocates of greater State intervention, which cross cut ethnic and generational loyalties. In general, FORD's Kikuyu members and those from neighboring Eastern province tended to place greater emphasis upon the protection of individual rights, including those of personal freedom of expression and of property, while its Luo and Abaluhya members tended either to hark back to the statist ideology of the KPU or had belonged to neo-Marxist intellectual circles at the University of Nairobi.



Many ordinary *wananchi* in the crowd at FORD's first meeting came away discouraged. FORD leaders had devoted too much time to attacking president Moi and KANU, rather than outlining the party's policies or explaining what people could do to help the party. Many were disappointed that FORD seemed to be simply a different clique of old-style political leaders, castigating their opponents, with apparently little vision of the future or understanding of people's frustration and eagerness to become involved in the political process. The first FORD rally, nevertheless, was judged a tremendous success by party officials and mainstream media.

The Nairobi rally was the first of a hectic series of FORD meetings over the next week, in Machakos, and in Mombasa and Voi on the Coast. All the rallies attracted vast crowds. KANU's regime of intimidation disintegrated as, for the first time in more than a decade, Kenyans felt free to denounce The Regime. In Mombasa, Odinga sought to downplay fears in the business community that FORD would follow an interventionist economic programme and attempted to reassure Asians and Europeans about their future. The FORD Chairman denounced corruption and mismanagement in major Coast industries, including the *Kenya Ports Authority*, the nearby Ramisi sugar refinery, and the Kilifi cashew nut processing plant, and announced that a FORD government would restore democratically elected local government in Mombasa and Nairobi, after more than a decade of administration by government-appointed city commissions. Martin Shikuku and Kamba leader George Nthenge, by contrast, used the Mombasa gathering to denounce their critics in the party. Shikuku, for example, claimed that he

was the only major leader who cared about the interests of 'the small man' and attacked recent recruits who had occupied prominent positions in KANU, now moving to take shade in the umbrella of FORD.

Several Young Turks complained to journalists that Martin Shikuku at Mombasa had launched into 'lengthy ego trips of self-glorification at the expense of the party' and by his anti-Kikuyu stance was risking their ability to form an effective national organization. They claimed that Shikuku did not understand that FORD was no longer a small pressure group but had become a major national political party which needed to appeal to all sectors of the population. FORD could not afford to alienate Kikuyu voters or former KANU supporters, including the wealthy Asian Community, for who Shikuku was something of an 'Idi Amin' figure. Muite, indeed, had denounced Shikuku in an interview to *The Independent* of London on the eve of the first rally, warning even then that FORD might split after the general election.

### **The Democratic Party's First Rally.**

The DP was much slower than FORD in organizing rallies. Its first meeting at *Uhuru* park in Nairobi took place on Saturday 15 February, before a crowd of between 50-200,000 people, but it was much better organized than FORD's Kamukunji meeting three weeks earlier. Members of the youth wing, dressed in white and orange T-shirts emblazoned with the party's symbol in the national colours- blacks, green and red- were organized into task group responsible for seating distinguished guests and the media, providing security, selling party badges, booklets, flags and T-shirts and cheerleading. By the early afternoon, virtually every space in *Uhuru* park



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had been filled as the crowd were entertained by the popular Kikuyu musician, Wa Tailor and a troupe of acrobatic dancers dressed in the party's colours. The crowd cheered the arrival of every prominent figure, shouting, 'DP, *Umoja na Haki*' (DP, unity and justice).

DP leaders were anxious to downplay the party's image as an elitist, Kikuyu-dominated organization. The rally organizers took great care to ensure that the speakers reflected a party with a nation-wide appeal. Several Kikuyu leaders were kept in the background, or were interspersed with party representatives from all over the country. Kibaki, the Democratic party's unchallenged leader, was the main speaker. Other major speeches were made by Secretary –General John Keen; former cabinet Minister Eliud Mwamunga, the ex-MP for Voi in Coast Province, who was the party's interim treasurer; Mohamed Jahazi, ex-MP for Mvita in Mombasa, Sharrif Nassir's old rival and the party's Assistant Organising Secretary Ahmed Ogle, the former MP for Wajir South in North-Eastern province. By Contrast, former Cabinet Minister George Muhoho, the MP for Juja in Kiambu and Assistant Ministers Njenga Karume, John Gachui and Ngengi Muigai remained in the background. The absolute absence of representatives from Nyanza and Western province, the homes of the country's second and third-largest ethnic groups, was most striking though.

Indeed, the party's provisional list of meetings did not include any rallies in the two provinces. Kibaki gave a very effective speech at the Uhuru park meeting. In contrast to FORD's leadership, the DP leader never once sank to attacking individuals. Indeed, Kibaki did not even mention FORD, but

concentrated upon denouncing the government and the rampant corruption and 'tribalism' in KANU. The bulk of the speech was devoted to a careful analysis of Kenyan's economic problem: an issue on which Kibaki was universally acknowledged to be the country's most experienced and informed politician. The former Finance Minister noted the difficulties faced by the country's farmers, especially the low prices they received from government marketing boards, the drain on resources from inefficient parastatals, such as the *Kenya Posts and Telecommunications Corporation, Kenya Power and Lighting, the Kenya Ports Authority and the Kenya Railways corporation* and the pervasive problem of corruption. Kibaki claimed that the Treasury had been required to provide the poorly managed state corporations with 28 billion shillings in the previous year. Funds, he alleged, were being withdrawn from the National Social Security Fund to finance the private businesses ventures of important people, leaving state pensions and social security unsecured for pensioners and *wananchi*.

The DP leader demanded that farmers' associations should be allowed to operate without government interference and urged that local and foreign investors should be encouraged to invest in order to create more jobs. The operation of the 8-4-4 education system also needed to be examined carefully. With regard to the coming election, Kibaki endorsed many of the demands made earlier of FORD rallies and by DP Secretary- General John Keen. Identity cards would have to be updated, an independent electoral commission appointed, and foreign observers invited to oversee the election. Little in Kibaki's speech differed from FORD's demands. The two parties



were divided more by personality and ethnicity than by ideology. The DP rally, however, produced a much more united image than FORD's tumultuous affair, where personal, ethnic and ideological differences were already reflected in the main speeches. If FORD was to fragment along ethnic lines, as already seemed possible, then the DP's image of competence and unity would appear increasingly attractive, especially to voters from Kikuyu land, Embu, Meru and Ukambani.

One Journalist, for example, observed: *The DP's carefully crafted message seems to be getting across and given time and the opportunity to exploit the in-built weakness in FORD, it is likely to grow. The DP's strength lies in the party's projecting itself as a responsible, well-organized group with a keen sense of the challenges of the future and its performance so far has been up to par. Unlike FORD, whose image has been badly dented in the past two months by intermittent leadership wrangles and jostling for position, which presents the picture of an unwieldy convergence of contending factions united only by the common desire to capture power at the polls-if it does not destroy itself before then, the smaller and more manageable DP has succeeded in packaging itself as the 'party of issues'.*

Many Kenyans nostalgically remembered the 1970s, when Kibaki had been Minister of Finance, as a time of comparative prosperity, when the international commodity prices for Kenya's main export crops had reached new heights. The DP's elite image might be dismissed by the media as an electoral liability but conversely it conveyed a message of technocratic competence and prosperity to many voters.

### **KANU Raises the Stakes.**

December 1991-February 1992 was probably KANU's darkest hour. No one knew who was loyal or who was about to defect to the opposition and the government was still reeling from the Western Freeze on aid. But even then, it retained control over the Provincial Administration and the security forces and could rely upon the support of the political establishment in most of the country. The mass defections of these early months never threatened KANU's control over the Rift Valley (outside Nakuru and Laikipia Districts), the coast or the North-East, whilst its opponent's penetration of Western, Eastern and Kisii in Nyanza was patchy.

President Moi still possessed the resources for a formidable counter-attack. The first major FORD rallies in the urban areas had passed without serious incident, but, as KANU's campaign to hold on to power gathered momentum, disruption of FORD meetings became increasingly common. The first signs of a KANU fight-back emerged when Ford's attempt to open a branch at Ngong in vice-president Saitoti's Kajiado North seat encountered determined opposition. Raila Odinga and local activist Mrs. Wambui Otieno were injured by pro-KANU Maasai Moran or 'Warriors': Otieno was admitted to Nairobi Hospital with head and rib injuries. FORD protested at the failure of police to intervene, contrasting the affray at Ngong with the resolute police response in Bungoma town when FORD supporters threatened to disrupt a KANU rally. Efforts by FORD activists to organize in Gusii and Nandi in Nyanza province also provoked violence.

As KANU leaders sought to reassert control over the political scene, the Provincial Administration and the





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police disrupted opposition meetings, prevented FORD establishing local offices and simply refused to license opposition meetings. The authorities also ignored attacks on opposition activists by KANU supporters. In early March, baton-wielding riot police broke up a FORD demonstration in Nairobi in support of hunger stickers at 'Freedom Corner'. FORD's first main rally at Garissa in North –Eastern province in early March was typical of the problems faced by the opposition in these early days. Trouble started when a large crowd of KANU supporters began to throw stones as Oginga Odinga's aeroplane tried to land at the town's airstrip. Chanting pro-KANU slogans and waving large portraits of President Moi, youth-wingers sat on the runway to try to prevent the aircraft from landing. When finally, it managed to land, the crowd besieged it and had to be held back by the police, who were forced to fire teargas. Later a vehicle carrying FORD leaders to the rally was pelted with stones and its windscreen shattered. When Odinga and his colleagues reached the meeting site, more stones were thrown and FORD officials had to protect the aged party chairman from the barrage with cushions.

The MP for Lagdera constituency, Hussein Maalim Mohammed, a Minister of state in the office of the President and brother of Chief of Staff General Mahmoud Mohammed, claimed that FORD members had staged the incidents in order to discredit the government. FORD members, he alleged, had also acquired arms from Somalis fleeing Kenya's war-stricken neighbor and were planning a campaign of violence to disrupt the district. Joseph Kamotho, KANU's hardline Secretary –General, concurred, alleging that terrorists and 'subversive elements' had joined

the opposition. Odinga responded by denouncing KANU for 'political thuggery'. He urged foreign diplomats to intervene in order to 'prevent this great country from declining into a state of civil war'.

The day after Odinga visited Garissa, FORD supporters clashed with police at several places in Kiambu District as they waited for local party branches to be officially opened. Police had warned the crowds of FORD supporters to disperse, contending that the gatherings had not been licensed and fights had broken out when they moved in. Later they had followed FORD leaders from Branch opening to branch opening, provoking further confrontations. Clashes continued in Nairobi a few days later.

### **Odinga and Matiba Enter the Race, February 1992.**

For the first two months of its life, despite its internal wrangling, FORD had presented the image of a generally united group. Its first rally in Nairobi had brought together most of the government's main critics including politicians, the legal profession, the media, the university and the Kikuyu business establishment. In those heady days, a FORD victory at the forthcoming general election seemed assured. Odinga's declaration for the Presidency threw the main opposition organization into turmoil, confirmation that his ambition to become president of Kenya, the goal that Fate (and the Kenyatta-Mboya axis) had sealed in 1966, remained undimmed.

He was, however, 80 years old and in poor health. His stringent regimen of meetings in early 1992 severely taxed his strength, and there came a day that the FORD chairman was forced to leave for his hotel before the rally ended. The next day, Jaramogi Odinga had been



too weary to attend their rally at Voi. Along with US Embassy officials, many party leaders, especially the lawyers and intellectuals in Nairobi- and many Kikuyu – had hoped that the Luo veteran would forego the contest and leave the post to Matiba, who had launched the campaign for multi-party democracy and then spent nearly a year in detention. Jaramogi, however, remained adamant that he was capable of serving as the head of the executive, rather than merely as a figurehead president.

Matiba, although still recovering in London, was equally determined that the Presidency should be his. Odinga, after all, was old, in frail health, and had played little part in mainstream politics for more than two decades. His record as an advocate of socialism, moreover, made him unattractive to the business community. Neither leader would give way to the other and the young Turks lacked the authority and popular prestige to repudiate their patrons. On Tuesday 4 February 1992, Matiba announced from London that he would challenge Odinga for the Presidency. Although at the same time Matiba declared the 'tribalism is no longer a factor in Kenya's politics', his decision immediately revived FORD's appeal among Kikuyu voters, some of whom had shown signs of shifting to the Democratic party.

FORD soon began to fragment into rival ethnic factions, as political differences, personal self-interest and the tradition of ethnically and locally based political action converted technical arguments over procedure into fundamental cleavages between communities. The party's Luo leaders rallied behind Odinga, while apart from Waruru Kanja, the former MP for Nyeri Town, the Kikuyu began to coalesce behind Matiba. The long time Abaluhya leaders Masinde Muliro and Martin Shikuku had

not yet entered the contest, but both were biding their time in the hope that circumstances would require a more neutral candidate. In the meantime, both were more likely to support Odinga than the hard-nosed Matiba.

The divisions at the top of FORD were mirrored by similar struggles at virtually every level of the party. Various groups had rushed to join the opposition when multi-party democracy had been restored. Frequently they had little in common. Some recruits had been harassed by local KANU officials for years, others had been part of the local KANU power structure and had castigated the civil rights defenders until they or their patrons had fallen from grace. Now both sets of recruits formed rival local FORD organizations. In the rush to establish FORD's presence, the party's national leaders simply recognized most of the various self-appointed local organization in the expectation that anomalies could be rectified at a later date. In the meantime, however, the rival groups were struggling to consolidate their local positions and to secure financial support and equipment for party headquarters. By early February 1992, FORD constituencies and Districts branches throughout the country were riven by infighting. The struggles were most intense in western province, South Nyanza, Kiambu, Meru and Mombasa areas where FORD was likely to do well in the election but where it lacked a dominant party leader. Rival groups nominated delegates to the interim steering committee, alleging that their opponents were impostors who had played little part in the struggle against KANU. Every District was supposed to send only two representatives to the committee but some faction-ridden areas sent as many as six members from different groups, who refused to





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accept their opponents' legitimacy or to be merged into a single District branch.

Relations between Martin Shikuku and Paul Muite remained particularly poor. Shikuku considered that Muite was no more than a stalking horse for Kenneth Matiba. Another of Muite's most outspoken opponents was another Nairobi lawyer, Japheth Shamalla, a Luhya, who had helped Shikuku secretly revise FORD's constitution and who had been a rival of Muite's in the LSK. Shamalla had taken umbrage at Muite's remarks that sections of FORD's constitution dealing with the key issue of the method of nomination of local government, parliamentary and Presidential candidates- Shamalla's handwork -had been drawn up badly; and that the opposition party would have to review these clauses. They stipulated that the party's presidential candidate would be chosen by a secret ballot of rank-and-file members.

Beginning a battle that would continue until FORD fell apart late in February 1992, Shamalla protested in an open letter to chairman Odinga that section 13 of the party's Constitution could not be amended by the present interim committee but only by the Annual Delegates' Congress. The provision would have to remain unchanged until the congress was called. They rejected the suggestion of Muite and other leaders that FORD might have to follow KANU's example and leave the nomination of its presidential candidates to mandated delegates, because direct party elections would be too costly and difficult to organize. This issue was more than personal and procedural, however, Shamalla and Shikuku - ironically, given later developments -saw Muite's proposal as an attempt to promote Matiba's presidential candidacy and to increase his own and Kikuyu influence.

In a bitter letter to the Kikuyu Lawyer, Shamalla observed.

*'If your conscience no longer conforms to the aspirations that helped us bring the current FORD leaders together last August, it will be in the interest of the party and the country for those you represent to leave FORD altogether rather than continue manipulating the party in pursuit of your personal ambitions.'* Muite, of course, dismissed such claims. He reiterated that FORD's constitution had been drafted hastily in order to apply for registration and that it was becoming increasingly apparent that certain changes needed to be made. A new document was being devised for consideration by the party's first Annual Delegates' Congress. Shamalla dismissed Muite's response, insisting that no one was drafting a new constitution, although he acknowledged that certain provisions were being reconsidered. Oginga Odinga attempted to downplay the dispute, but Shamalla was supported by Martin Shikuku and George Nthenya, who informed the press in two press conferences at the end of February that FORD's constitution should not be tampered with.

In an attempt to reduce the momentum of Matiba's bid for the nomination, they insisted that FORD's constitution was not a temporary set of the rules governing the party but a finished document. FORD's presidential candidate would be selected by all party members, not by a small clique behind closed doors. These divisions deepened during March and April 1992, as Muite won the support of other Young Turks for his proposed changes, although most were associated with Odinga, rather than with Matiba's camp. Attention focused on the repeal of section 13, which governed the nomination of the party's presidential candidate. Muite and his supporters



contended that the new party could not afford to organize a poll of all party members which they estimated, would cost at least Sh 300 million.

Such a large sum could be better spent organizing FORD's campaign against KANU. They proposed that constituency sub-branches elect delegates to District level meetings to select Parliamentary candidates and delegates to FORD's Annual Congress, who would then choose the party's Presidential candidate.

Martin Shikuku and other founders, however, continued to argue that the changes would reduce popular participation in the selection process, and thus not be as 'democratic' as they ought to be.

### **FORD's Manifesto.**

Meanwhile, FORD's campaign to remove KANU continued. Never knowing when a snap election might be called. In mid-April FORD published its election manifesto. The 64- page document, subtitled '*Charter for the Second Liberation*', provided an impressive analysis of Kenya's problem, a reflection of the policy orientation of FORD-Kenya's intellectual young leaders. It failed, however, to excite the public. The three major parties had few policy differences. All agreed in principle that corruption was bad, that state intervention in the economy had gone too far and that the parastatal sector needed to be privatized, that cash crop producers needed greater incentives, that education and health care needed improving, economic output should increase and that political stability was needed to attract more international investment and to encourage tourism, a major foreign exchange earner. KANU, the DP and the rival FORD factions were also agreed upon the

solutions to these problems. All the parties were committed to promoting the development of a mixed economy with greater economic liberation than had characterized Kenya's statist development strategy in the 1970s and 1980s. The differences arose over the operation of the neo-patrimonial system and over the various parties' willingness to curtail corruption and to actually implement radical and socially divisive reforms.

Odinga's opening message in the Charter summarized the opposition's case against the KANU regime. The country was in decline, he contended, not simply because of the world-wide recession or the failure of Kenya's exports to compete on the international market, but because of widespread corruption among the ruling elite, who were robbing the country's assets to build up foreign bank accounts. There was nothing wrong with ordinary Kenyans, merely with the ruling elite and KANU. '*All the money that should have been spent on making the lives of our people better*', he argued, '*has gone into the pockets of a few people close to the top leadership of our nation.*' As we 'approach the general election, we have seen the KANU government suddenly swear all sorts about the good things it is going to do. It is also trying to tempt Kenyans by giving out some of the wealth stolen from our public coffers.

*Why did it wait 14 years to show this concern for those who are suffering poverty?*

The answer is obvious: the KANU government will do anything it can to keep itself in power, so that the same people can go on eating away at the riches of our nation and so that those who have committed crimes against our people can be protected from exposure.'



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By contrast, FORD's team consisted of professional people of great skills and talent, who would work for the nation's development. They had refused to be bribed by KANU and had supported the opposition in difficult times, proving their courage and commitment. 'Do not think only of what you are being offered today,' Odinga advised. 'Think how you have suffered for the past 14 years. And remember that you have no reason whatsoever to believe that, under a KANU government, anything will be any different in future.'

The FORD manifesto provided a careful assessment of the tasks ahead.

FORD government would also build on the Moi government's attempt to rationalize the import licensing system and would support a careful removal of all foreign exchange controls 'as the economy permits' and a policy of trade liberalization. To support such a programme, the Central Bank of Kenya would be made a more independent and professional organization, governed by economic not political priorities. Above all, the party intended to promote agricultural sector in the economy 'Kenya's agro-economic sectors [should be] given a stable and conducive environment with a set of market-oriented policies and signals.' The opposition also promised to encourage more participation in development decisions in an 'open and democratic manner.'

Critics of the opposition, such as the *Weekly Review*, suggested that FORD's manifesto contained little that was different from established government policy. Another major target for attack by FORD was the Provincial Administration, which was a relic from colonial days when the British had required such an administrative corps to govern

'the natives', from its beginnings as an agency of pacification and control, of taxation and labour recruitment. 'The offices have remained rural extensions of KANU branches. While emphasizing law and order, these officers do not represent local interests in any way. Indeed, they stand in the way of local participation in many cases.'

The party therefore, proposed to abolish the whole system. Its powers would be transferred to democratically elected District Councils with enhanced functions. *People should control their own affairs and select their own officials, rather than being monitored by agents of the central government.* The party intended to maximize participation in public affairs. 'A government for the people must be a government by the people.' The identification of development schemes and the deployment of resources, FORD contended, needed to be returned to the people. Those in control of managing development should be responsive to local demands and ought to be liable to electoral defeat if they failed to deliver.

FORD identified three other areas where the government's performance was lamentable: education, health care and the provision of social services. The 8-4-4 education system, introduced in the mid-1980s, was said by all the opposition parties to be a disaster. The emphasis in primary schools had shifted from skill-based to content-based education, which teachers found hard to test and children frustrating. Secondary schools lacked vital facilities and teachers were over-stretched, while the university system had expanded five-fold in the last five years without any increase provision of lecture rooms or academic staff. Morale had collapsed



in the university system. FORD, perhaps paradoxically, advocated the concentration of resources on a few elite institutions – at both the secondary and university levels- which could produce enough high-quality graduates to satisfy Kenya's immediate needs. Higher education policy, FORD declared, needed to take into account Kenya's sobering economic reality. Policy would have to be rationalized, re-emphasizing the importance of non-university technical education and accepting that it was unrealistic to promise university education to everyone who aspired to it. Industry and business needed workers with appropriate skills rather than large numbers of unemployable graduates. Even the rabid *Harambee* system needed to be brought under control and 'very carefully re-evaluated and a dispassionate balance sheet established to determine to what extent Kenyans can continue with the *Harambee* initiative without over-taxing the contributors.

This was a dramatic departure from popular thinking on education for the last 60 years, which ever since the development of the independent school system in the 1930s, had accepted local education initiatives and attempted to underwrite them with limited state financial support. FORD's manifesto was equally critical of the provision of health services. The whole medical infrastructure, it claimed, had been neglected by the KANU government. Morale among hospital medical and nursing staff was poor, corruption was widespread, the system was inefficient and decaying, weighed down by excessive bureaucracy and red tape. Once again, FORD advocated a more thorough-going version of the government's policies, accepting the principle of cost-sharing promises and Opposition also favored more emphasis

on preventive medicine and like KANU, FORD gave a high priority to family planning and containing the spread of HIV/ AIDS.

The manifesto suggested that, in most areas, FORD would merely do what KANU was already committed to doing but, as the *Weekly Review* observed, 'in a better, more accountable and transparent manner.' The key differences were: Was the government going to go through with its promises? Which areas were to receive the investment and new development schemes? How far could the government go in reducing the central economic role of the State without undermining its neo-patrimonial foundations and the post-independence system of patron-client ties that held the state together politically? The opposition parties could advocate radical measures limited only by the social problems and unemployment that wholesale economic liberalization would engender.

KANU, the beneficiary of the present patronage system by contrast, was more constrained. By 1992, it was becoming evident, as Kenya's economic situation deteriorated, that more fundamental 'economic reforms' were required. But drastic action, such as the wholesale dismantling of the parastatals sector, especially the influential State marketing boards, would disrupt the KANU internal coalition. Kenya's economic development depended on increased production and, therefore, upon incentives for the main export survival depended upon diverting resources away from Central province to the coalition of interests which had prospered during the 1980s, most notably the Kalenjii, the Abaluhya and the Asian business community.



## Political Parties after Political Parties

FORD and the DP, by contrast, had little to lose and their Kikuyu and Luo voters much to gain from dismantling the statist KANU regime of the past decade that didn't much favour them.

### George Anyona Spurns FORD.

FORD suffered another setback during April when George Anyona, who had been released on bail in February pending an appeal against his seven-year conviction for sedition, refused to endorse the opposition party. In the past, Anyona George had been a close ally of Oginga Odinga in the formation of the *Kenya Socialist Alliance*. In June 1990, as the campaign for multi-party democracy led by Matiba and Rubia gathered momentum, Anyona had prepared a draft constitution for a new opposition party- the **Kenya National Congress**- and contributed articles to Imanyara's *Nairobi Law Monthly*. In the aftermath of the *Saba Saba* riots of 1990, Anyona and two associates had been arrested and after a year's delay, prosecuted for sedition.

During his two years in confinement, the Kisii radical had attempted to establish contact, through his lawyer Paul Muite, with Jaramogi, Matiba and Rubia among others, encouraging them to establish a movement, multi-party democracy and political reform. When FORD became a registered political party, local activists in his native Nyamira District had required little prompting to select Anyona *in absentia* as branch chairman, expecting that on his release he would join other radicals in the new party.

Following his emancipation however, Anyona renounced his nomination. Interviewed by the *Weekly Review* in April 1992, Anyona complained that 'FORD was in too much of a hurry to form a party and take power. The original basic

concepts were sidelined and betrayed and the FORD took on board people who were not democratic and who were known to have been responsible for the oppression and dictatorship suffered by Kenyans.' The new Opposition, Anyona said, had been compromised by admitting careerists who had little commitment to free debate and Kenyans' civil rights. He disagreed with Jaramogi's 'broad church' strategy, arguing instead that 'the priority now should be to raise consciousness among Kenyans that the same old oppressive system is intact...' "That structure must first be changed before Kenyans can claim to enjoy genuine and true freedom with which to form political parties. That is what the struggle has been all about and I don't see why people are in such a hurry to be in government." Civil Society, he argued, needed to be rebuilt and a pluralist political culture created in Kenya, whereas FORD seemed willing to play the old political game in a futile bid to capture state power on KANU's terms. Events were to prove that Anyona's analysis was spot on. Instead, Anyona attempted to establish a local chapter of *Amnesty International* to campaign for the release of political prisoners. He also launched *Alternative View*, an organization which sought to educate Kenyans about the conditions required to sustain multi-party democracy.

The Kisii politician had been skeptical about the course of political developments even before he was detained after the *Saba Saba* riots in July 1990. Anyona, like Muite and Bishop Okullu, believed that it was pointless to try to register an opposition political party, which would be blocked by the government. Instead, he urged Odinga to take the lead with Masinde Muliro, another political veteran whom Anyona respected, in launching a



campaign for political pluralism. Only by strengthening the foundations of civil society could political freedom be secured, he believed.

In detention, Anyona continued to propagate his message, secretly drafting the constitution for such a movement in letters to Jaramogi, which his lawyers smuggled out of Naivasha remand prison. Transferred to Kamiti Maximum security prison, Anyona again warned Odinga in December 1991 not to transform FORD into a political party but to campaign for fundamental changes in the political system. Elections were futile unless the political system was reformed fundamentally. Even before he was released in March 1992, Anyona believed that his worst fears had been confirmed. Already FORD's leaders were squabbling over the anticipated perks of power rather than working to enhance debate and acceptance of democratic norms in Kenya. The new parties, he feared, would prove little different from KANU, having been created by unreconstructed members of the old political elite rather than being based on the wishes of the people. Riven by ethnic rivalries and the personal ambitious of Matiba and Jaramogi, Anyona judged that FORD was heading for disaster. In these circumstances, he reluctantly decided to have nothing to do with the new party. Democracy, he believed, could only be sustained by empowering the masses and encouraging the development of a democratic consciousness from the grassroots. While others squabbled for position in FORD, George Anyona decided to launch a long-term campaign to democratize Kenya's political life.

Anyona's decision was a serious blow to FORD's aspiration in Kisii and Nyamira, especially as his ally at the 1988-elections, ex-Chief secretary

Simeon Nyachae, despite being courted by the DP, decided to support KANU. The two Gusii Districts –along with Embu, Meru and Ukambani in Eastern Province and Kakamega and Bungoma in Western province - were marginal areas where the general election would be closely fought between KANU and the opposition. Anyona's leadership would have strengthened FORD greatly, enabling it to capitalize on Kisii despair at the recent outbreak of ethnic violence along the border with Kericho, a KANU district.

### **Matiba Comes Home.**

Kenyan media had carried numerous reports of visits by prominent opposition figures to London and had speculated for months about the former Minister's influence. Would the main opposition party split into rival Luo and Kikuyu factions if Kenneth Matiba tried to secure its Presidential nomination? Would Kikuyu supporters desert the party in favor of Kibaki's DP if Odinga was selected, or would Luo members become alienated and turn back to KANU if they had to vote for a Kikuyu?

Hilary Ng'weno in an editorial in the *Weekly Review* considered that:

*'It is the ethnic factor that will determine the outcome of this contest and indeed the main contest of the general election. Typically, of politicians in the country, everyone tried to play down the issue of ethnicity in politics. Now the reality is staring everyone in the face. To get anywhere in Kenya politics one has to garner the support of one's ethnic group. In the process, one tends to alienate members of other ethnic groups. The successful politician is the one who can build on the foundations of his or her ethnic affiliations, whilst managing to build viable bridges across ethnic lines. The battle between Mr. Matiba and Mr. Odinga for the leadership of FORD is going to be*





## Political Parties after Political Parties

*an early test of whether or not ethnicity still matters in Kenya politics.'*

The above paragraph should be framed and then grafted onto a marble block: for it is the key that opens the lock to anyone, local or foreigner, as to how tribal identity in Kenya is the building block of political parties; and explains the arithmetic of any/every coalition sought for elections.

Matiba, the shrewd politician, kept himself in the public gaze even while recuperating in London. Encouraging speculation about his political ambitions, especially the likelihood that he would challenge the octogenarian Odinga for FORD's Presidential nomination, he also called for the publication of a General Election timetable, proposed several changes in FORD's constitution, issued a joint call with Raila Odinga and Charles Rubia for the suspension of Western donor aid and welcomed Attorney-General Amos Wako's proposal for the creation of the post of Premier in Kenya. Matiba however, held no formal position within FORD's hierarchy, but his image as the champion of Kikuyu interests, heralded in various Kikuyu popular songs, could be sustained only if he were to challenge Odinga Odinga for FORD's Presidential nomination.

*Any other course would quickly see Kikuyu voters turning towards the D.P.* Then on Saturday 2nd May 1992, Matiba returned after a ten-month absence. Odinga Odinga was in Western Province, addressing a rally in Busia town, during which he reaffirmed his intention to seek the party's Presidential nomination and questioned Matiba's Health. Matiba's return highlighted the extent to which FORD had become two rival Luo-versus Kikuyu-led factions, a calculus Jomo, had he been alive, would have been familiar with. The throng that received returning

political hero, Ken Matiba, was so great that a brief welcoming ceremony and prayers had to be cancelled and the returning hero was swiftly whisked away in a four km long motorcade to Nairobi's *All Saints' Cathedral*. Frenzied crowds lined the route into Nairobi from the airport, ensuring that the journey took two hours, blocking Uhuru and Kenyatta Avenues up to the Cathedral. At the cathedral, the crowd, festooned with FORD stickers, hats and T-shirts, had started to gather before daybreak. The throng was so great that Archbishop Kuria was delayed for 20 minutes as he attempted to push his way through the crowd. Matiba was clearly overwhelmed by the massive welcome. But when he was invited to speak briefly from the pulpit, the congregation tensed as he slowly made his way from the front pew with a stiff right leg and arm, the surviving signs of his stroke and delicate brain surgery. Then cheers erupted when he began his 12-minute address in English and Swahili in a clear, deep voice.

After the service, Matiba and his wife travelled to his Riara Ridge home in Limuru. Along the route, he stopped to greet excited crowds which had gathered at various small trading posts on the side of the road, and banana stems festooned the road for the last three and a half miles to his home. During the afternoon, limousines and overloaded lorries carried well-wishers to his house where a lunch had been arranged and three huge tents erected. Then, on Sunday, the Matibas held a more private luncheon for close friends and political allies, during which the former Cabinet Minister had a press conference.





Matiba's main asset was his popularity among the Kikuyu masses, who acknowledged his courage in launching the campaign for multi-Party democracy in May 1990. His great personal wealth, which far surpassed that which could be tapped by Odinga and his allies, and his ability to raise contributions from other prominent Kikuyu businessmen, were additional advantages; as were his proven organizational skills. Now absolutely convinced of his mass appeal, Matiba was ready to give KANU's campaign a run for their money.

Matiba's idea was to revive FORD's tsunami-like momentum, sweeping all before him in a barn-storming, populist campaign. His triumphant return surprised Jaramogi and his other critics in FORD and dumbfounded the DP leadership. The DP, however, had a strong presence in Kibaki's native Nyeri, where only Waruru Kanja and Matu Wamae had joined FORD, in Meru and Embu, and in Kitui where former Cabinet Minister Kyalo Mwendwa appeared set to fight it out with FORD's Titus Mbathi and his own sister-in-law, KANU's Nyiva Mwendwa. The three major parties also appeared evenly balanced in Machakos, where Joseph Munyao was the local DP leader, George Nthenya was identified with FORD and former Chief of Staff, Major -General Mulinge, with KANU. If Matiba could enlist the support of the majority of Kikuyu and attract backing from Eastern province, he might be able to equal Odinga's block vote among the Luos, who still formed the bulk of FORD support.

Ideologically, little distinguished the candidates within FORD or indeed any of the parties. Kenya is about personality and ethnic loyalties rather than ideology or class. The manifestos differed only slightly in their commitment to political

reform, improved human rights and economic liberalization. KANU and the DP possessed a more settled (and in certain respects narrower) political base, with the DP representing the former Kikuyu elite and Kikuyu Big Business. KANU was a coalition of the 1980 beneficiaries of state patronage.

Kibaki's leadership was unquestioned in the DP, just as President Moi's was in KANU, whereas strife-ridden FORD was divided into rival Odinga and Matiba Blocs. Matiba, as the *Saba Saba* riots had proved, could appeal to what the Weekly Review called the 'Kikuyu psyche,' but could he establish a national image, appealing to other ethnic groups? His close association with other powerful Kikuyu politicians such as Charles Rubia, former Vice President Josephat Karanja, and ex-Ministers Maina Wanjigi and Kimani wa Nyoike aroused suspicion and fear rather than confidence and trust among other ethnic groups. The ethnic polarization of FORD, in large part fostered by Matiba's acolytes, not only weakened the Party's challenge to KANU but also reduced Matiba's own prospects of ever securing the Presidency. Uncertain of his own health, he was in too much of a hurry to sweep Jaramogi Odinga aside.

By mid 1992, it should have been clear that FORD's only hope of victory was for Kenneth Matiba to lay aside his own ultimate ambition for a moment in time, support Jaramogi Odinga, accept the party's Vice-Presidential nomination and then energetically campaign for the octogenarian's triumph over KANU in the inevitable '*Coming Soon*' general election of 1992. Born on Madaraka Day in 1932, Kenneth Stanley Njindo Matiba was now just sixty years of age. The real political sage was Jaramogi Odinga Odinga, who was twenty years his senior, age wise. In



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an alternate universe, where Matiba is wiser, he plays second fiddle to the Old Man.

Odinga still dies in the January of 1994, just a year after being sworn in and power is transferred to Matiba, at least for 90 days and with KANU still in disarray after its recent devastating defeat at the end of December '92, and the Democratic Party (and Mwai Kibaki) diminished by their own poor election showing, Matiba easily wins the

re-election contest on a united FORD ticket and is sworn in as Kenya's fourth president, after Jomo Kenyatta, Daniel Arap Moi and Oginga Jaramogi Odinga. Instead, virtually all of FORD's leaders in April to October 1992, overestimated the Opposition party's prospects of defeating President Moi, underestimating the extent of popular support for KANU in the Rift Valley, Coast, North -Eastern and in parts of Western and Eastern provinces.

### **Agip House**

Oginga Odinga  
Masinde Muliro  
*Martin Shikuku*  
*George Nthenge*  
*Philip Gachoka*  
Ahmed S. Bamahriz  
Paul Muite  
Peter Anyang' Nyong'o  
Japheth Shamalla  
Joe Odinga  
Raila Odinga  
Mukhisa Kituyi  
James Orengo  
Gotibu Manyara

### **NAIROBI**

*Andrew Ngumba*  
*Kihara Waithaka*  
*Charles Rubia*  
*Wanguhu ng'ang'a*  
John Khaminwa  
Munyua Waiyaki  
Luke Obok  
Denis Akumu  
Apudo Zolo  
Obare Asiko

### **COAST PROVINCE**

*Emmanuel Maitha*  
Sheikh Hussein Namoya  
Mbwana Warrakah

### **Muthithi House**

*Martin Shikuku*  
*George Nthenge*  
*Philip Gachoka*  
*Ahmed S. Bamahriz*

### **NAIROBI**

*Andrew Ngumba*  
*Kihara Waithaka*  
*Charles Rubia*  
*Wangulu Ng'ang'a*  
Maina Wanjigi  
Kimani Rugendo  
Pius Njogu  
Alala Sande  
Maliyamungu Ambaisi  
Samule Ondalo

### **COAST PROVINCE**

*Emmanuel Maitha*  
Luyai Liyai  
Kassam Juma  
Kitauri Hassani

Mombasa  
Mombasa  
Kwale  
Kwale  
Kilifi  
Kilifi  
Tana  
Tana  
Lamu  
Lamu  
Taita Taveta  
Taita Taveta



## Political Parties after Political Parties

Garissa  
Garissa  
Wajir  
Wajir  
Mondera  
Mandera

Roger Chemera  
Morris Mboja  
Simeon Alfred Mole  
River Haji Omar  
River Sheikh Ulaya  
Mohammed Bunu  
Omar Mzamil  
Mashengu wa Mwachofi  
Alsayo Aroko

No representative  
No representative  
Maalim Haji  
  
Mohammed Musoma  
Kanja wa Muchiri  
No representative  
No Representative

Marsabit  
Marsabit  
Isiolo  
Isiolo  
Meru  
Meru  
Tharaka-Nithi  
Tharaka- Nithi  
Embu  
Embu  
Kitui  
Kitui  
Machakos  
Machakos  
Makueni  
Makueni  
  
Nyandarua  
Nyandarua  
Nyeri  
Nyeri  
Kirinyanga  
Kirinyanga  
Murang'a  
Murang'a  
Kiambu  
Kiambu

### **NORTH-EASTERN PROVINCE**

Abdi Hassan  
Morgan Abdi Noor  
*Ahmed Khalif*  
Abdulahi Adan  
*Mohammed Maalim*  
Isaac Haji

### **EASTERN PROVINCE**

*Ahmed Osman Bachu*  
*Abdi Kalam*  
Hassan Guyo  
Nassir Mohammed  
*Erastus Mbaabu*  
Victor Gituma  
Muriithi Muriithi  
Muthongo Muoo  
Godfrey Nguru  
Sammy Muriuki  
Julius Ngila  
Permenas Munyasia  
Aaron Mutunga  
Josua Kitonga  
Masoa Muindi  
Joseph Kimau

### **CENTRAL PROVINCE**

*Kimani wa Nyoike*  
*Lavan Mucemi*  
Waruru Kanja  
Makanga  
Matere Keriri  
Cyprus Mungai  
*Muturi Kigano*  
*Patrick Njuguna*  
*George Nyanja*  
Josephat Karanja

### **NORTH-EASTERN PROVINCE**

Kassaim Shurei  
Ahmed Abdi Daudi  
*Ahmed Khalif*  
Abdulahi Mohammed  
*Mohammed Maalim*  
Rashid Farra

### **EASTERN PROVINCE**

*Ahmed Osman Bachu*  
*Abdi Kalam*  
HASAN Guyo  
Ali Ndongu  
*Erastus Mbaabu*  
Henry Kinyua  
No representative  
No representative  
Elkana Muriuki  
Njeru Kathangu  
Julius Nguila  
Titus Mbathi  
No representative  
No representative  
Masoa Muindi  
Munyoki

### **CENTRAL PROVINCE**

*Kiamni wa Nyoike*  
*Lavan mucemi*  
Kabuya Muito  
John Mbau  
Matere Keriri  
Geoffrey Kariithi  
*Muturi Kigano*  
*Patrick Njuguna*  
*George Nyanja*  
Ngoima wa Mwaura



## Political Parties after Political Parties

Uasin	
Uasin	
Elgeyo-Marakwet	<b>RIFT VALLEY PROVINCE</b>
Elgeyo-Marakwet	No representative
Nandi	No Representative
Nandi	<i>James Korellach</i>
Baringo	<i>James Lukwo</i>
Baringo	No representative
Laikipia	No representative
Laikipi	Zachariah Shimechero
Nakuru	Ezekiel Okul
Nakuru	Gishu Kibor Talei
Narok	Gishu Edward Ojwnag
Narok	<i>John chebii</i>
	<i>Kiptanui cheptile</i>
	Simeon Chesiror
Kajiado	John Birgen
Kajiado	<i>Jeremiah Muchiri</i>
Kericho	Kupruto Kibor
Kericho	Dickson Manyara
Bomet	Patirck Macharia
Bomet	John Kamanagara
	Ben Odhako
Kakamenga	Harun Lempaka
Kakamenga	Joseph ole kilusu
Vihiga	<i>Oliver Seki</i>
Vihiga	
Bungoma	Gerald Mahinda
Bungoma	Joshua Shijenga
Busia	Daniel Kamau
Busia	No representative
	Ni representative
	<b>WESTERN PROVINCE</b>
Siaya	<i>Francis Obongita</i>
Siaya	Macanja Ligabo
Kisumu	
Kisumu	Arthur Ligabe
Homa Bay	Oyanji Mbaja
Homa Bay	Mohammed Noor
Migori	Saulo Busolo
Migori	Philip Wangalwa
Kisii	James Osogo, Fred Oduke
Kisii	
Nyamira	
Nyamira	<b>NYANZA PROVINCE</b>
	Jonah Ougo Ochieng
	Peter oloo Aringo
	Ogangoto Thim

## RIFT VALLEY PROVINCE

No representative  
No representative  
*James Korellach*  
*James Lukwo*  
No representative  
No representative  
Salim Ndamwe

Amos Mbugua  
Kimingi  
*John chebii*  
*Kiptanui Cheptile*  
Frederick Rono

*Jeremiah Muchiri*  
Joseph wakaba  
Stephen Njuguna  
Francis Wanyange  
Charles Liwali

Harun lempaka

*Oliver Seki*  
Gerald Mahinda, Philip  
Odupoy and J.K Ng'aNg'a  
M.N Kabugi  
No representative  
No representative

## WESTERN PROVINCE

*Francis Obongita*  
Jacob Mukaramoja, Abraham  
mulamba

Elijah Enane  
Herman Asava  
No representative  
No representative  
Ogola Auma Osolo  
John Omudanga

## NYANZA PROVINCE

No representative  
No representative  
No representative  
No representative



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Women	Peter Anyumba	No representative
Women	Joseph Ouma Muga	No representative
Youth	Otulla Fadhili	No representative
Youth	Charles Owino	No representative
	John Linus Aluoch	<i>Saul Nyareru Bosire</i>
	<i>Saul Nyareru Bosire</i>	
	Cosmas Obara	No representative
	Abuya Abuya	No representative
	Henry Obwocha	

### WOMEN'S AND YOUTH REPRESENTATIVES

Wambui Otieno  
Jael Mbogo  
Maina Wachira  
Joshua Rajuai

### SECRETARIAT REPRESENTATIVES

*Kenneth Matiba*  
Bernard Njeroge  
Bedan Mbugua  
Ngotho Kariuki  
Stephen Ndichu  
G.B. M Kariuki

As the DP became more active and a more serious force, KANU became increasingly concerned. At first, KANU chiefs had devoted little attention to the party, concentrating their attacks upon the more serious challenge from FORD. But as the threat from FORD receded and it became more and more preoccupied by its own internal power struggles, the DP solidified its base in Kikuyu land and in parts of Eastern province and began to establish a presence in the Gusii Districts and in some parts of KANU'S OWN Rift Valley stronghold. The government-controlled Kenya Broadcasting Corporation now began to present the DP in a hostile light. The KBC had hardly reported FORD's first rally at Kamukunji in January 1992, but had given extensive coverage to the launching of the DP as part of a campaign to build up the third party; now the corporation switched its attacks, portraying Kibaki's party as an elitist 'tribal movement' that wanted to turn the clock back to the Kenyatta era of Kikuyu control over the Kenyan nation.

KANU also feared that Kibaki, a product of the Catholic Mangu High school, might be supported by the country's Catholic hierarchy as the country's leading Roman Catholic politician. Since 1990, Kenya's Catholic Bishops' Conference had become increasingly critical of the government. Some KANU leaders feared that the Roman Catholic church, with its millions and millions of faithfuls in Kenya, might endorse the DP officially. Benjamin Kositany, the MP for Mosop in Nandi and a prominent member of the AIC, denounced the Bishops at a press conference on 1 June 1991, claiming that they were campaigning for the Democratic Party.

President Moi himself raised the issue during an address at Nakuru stadium on Sunday 21 June. The president complained that the churches were being partisan and threatened the **NCKK** (National Churches Council of Kenya) with deregistration. The Councils' chairman, Anglican Bishop Henry Okullu, who had played such a key role with Paul Muite in the launching of the Justice and Peace Convention in June 1991, warned KANU leaders that such a move would



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be counter-productive, alienating many church going Kenyans as well as the international Christian Community. The more pugnacious Rev. Dr. Timothy Njoya even urged the President to carry out his threat, warning of the civil resistance that would follow, while Martin Shikuku taunted the President, declaring at a rally in Kakamega on 22 June that 'President Moi should know that the NCCCK, the Roman Catholic Church, the Church of the Province of Kenya and the Opposition parties have now united to ensure that the ruling party (KANU) loses during the forthcoming multi-party elections.' The DP however, was a secular political party, its leaders were drawn from a number of denominations and the Party was never likely simply to articulate the views of the Catholic Church. Kibaki himself, as Minister of Health from 1988 to December 1991, for example, had fully endorsed Kenya active birth control policy, despite the hostility of the Catholic Church.

As Kibaki toured the country during August and September, visiting Kisii, Nyamira, Lamu, Nandi, Makueni, Kiambu, Nyeri, Uasin Gishu, Kisii again, then Tana River, he encountered constant hostility and harassment from KANU activists, the Provincial Administration and the Police. His officials also experienced problems. Kenneth Matiba, realizing that attack was the best way to confirm the loyalty of Kikuyu voters, continued to mock the DP, refusing to acknowledge that it was a serious challenger for power and dismissing rumors that the party might merge with FORD as 'a big joke'. An angry John Keen counter-attacked, observing that Matiba's presidential ambitions were 'the pipe dream and the Big Joke'.

Whenever the DP leader ventured into KANU's heartlands, he encountered carefully organized harassment. Kibaki

had been stopped from entering Moi's Bridge by 100 pro-KANU youths, armed with pangas and arrows. The most serious incident occurred on Sunday 13 September, when the DP Leader was ambushed at Sotik in Kericho District, where he had stopped to greet local residents. A crowd of youths attacked, overturning one car and smashing two windscreens, forcing DP security men to shield their leader as stones rained down on the vehicles. John Keen, speaking after Kibaki had opened the new DP office, condemned the attack as 'an attack of desperation' that will not stop the DP from launching the offensive in so-called KANU Zones.

A shaken DP leader arrived in Kisii town only to discover that the District Commissioner had cancelled the rally at the last moment in order to hold a Harambee fund-raising meeting for university students, conducted by local KANU LEADER Simeon Nyachae. Three of his convoy's Mercedes Benz cars were impounded for alleged unpaid hotel bills and there was a stand-off between armed police and DP security men. The invective flowed fast and furious when Kibaki encountered a mob in Limuru, where he had gone to welcome the recruitment of the immediate former Member of Parliament. Kibaki charged that the incident had been organized by Youth for KANU 92, which was 'instilling a culture of violence.' He asserted that the whole KANU leadership suffered from 'primitive paranoia... (and adopted) the tactics of Stone Age man.' They were 'psychopaths and sycophants', in his own alliteration.

Kibaki warned that 'Violence is part of KANU's stock in trade'. Secretary General Keen accused the government of using the provincial Administration and Youth for KANU 92 to intimidate the





opposition. DP and FORD leaders, whom the paper had alleged were training their own terrorist squad, dismissed the reports, with Kibaki leading the way by filing a Kenya record shs 200 Million suits for defamation against the KANU-controlled newspaper, run by excellent but now partisan journalist Philip Ochieng.

The DP seems to have attracted closer attention from KANU for two reasons. First, since the crisis in FORD, it had emerged as a much more serious political force and was attempting to undermine KANU's control of Kisii and Nyamira and to establish a presence in the Kalenjin heartland, establishing offices in Nandi and Uasin Gishu. Secondly, Kibaki had threatened in several speeches to arrest KANU leaders for corruption when the DP came to power, directly attacking the President and other members of the inner circle. Wherever he went, the DP leader denounced high-level corruption, government inefficiency, the deteriorating economy and raised contentious local issues. During his tour of Tana River, a backwater where KANU had expected little opposition, for example, Kibaki promised to revitalize the Bura irrigation scheme and to rescind the ban on using canoes, a cheap mode of transport. He also denounced Moi's use of state resources to finance KANU activities, such as the President's tour of North-Eastern province in late September.

KANU, Kenya's ruling party since independence, was in deep trouble. Throughout December 1991, it appeared incapable of adapting to the new world of multi-party politics. Some elements within the party wanted it to reform and to compete in fair elections. Led by then Minister of Health Kibaki, they were confident that KANU would

sweep the Rift Valley and the Coast, do well in many parts of Eastern Province, and remain highly competitive in Western Province, Nairobi and Central Province. Only the Luo parts of Nyanza Province were acknowledged to be lost. Hardliners in the party, however, did not want to adjust the political changes required by Multi-party democracy and were unwilling to hold new grassroots elections. Throughout January 1992 there was a continuous flow of present and former MPs, local KANU officials and other prominent Kenyans into the Opposition parties.

The Daily Nation and The Standard, the country's two main newspapers, were also swept away by the euphoria which surrounded the return of multi-party politics. Most journalists, apart from those on the *Kenya Times*, favored FORD. The ruling party experienced profound problems as it adjusted to multi-party politics. Not only did many old-guard leaders in Central and Nyanza province defect to the new opposition parties but also the ruling party's Head Quarters machine was also seriously disrupted by defections and continuing purges as Secretary General Kamotho sought to secure absolute control. Most KANU Hardliners adopted a low profile during the first weeks of multi-party politics. Only Kamotho remained highly visible. He seemed to have learnt little from the debacle in the party's fortunes.

Many held him responsible for driving Kibaki and other prominent Kikuyu out of the party, doing irreparable damage to KANU's prospects in Central Province and Nairobi. Rumour circulated that he was to be replaced as KANU's main spokesman by Minister for Planning and National Development Dr. Zachary Onyonka, the long-serving Kisii politician.



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### **KANU's Hidden Strength.**

Following FORD's successful rallies in Nairobi, Mombasa, Machakos and Murang'a, it seemed to many Kenyans that an opposition victory was inevitable. KANU appeared on the verge of collapse and President Moi's chances of holding on to power extremely slim. Under the joint leadership of Jaramogi Oginga Odinga and Kenneth Matiba, FORD seemed likely to sweep the country, apart from the Kalenjin heartlands and possibly Kibakis' home District of Nyeri. *This hubris was to prove fatal.*

Even at the peak of euphoria for FORD, KANU's prospects were nowhere near as bad as opposition leaders believed. In Central province, the party organization was severely disrupted, but in most other parts of Kenya, it was holding its own, even if by a mere handful of popular support. The new opposition parties had yet to form local branches in most parts of the country or, where they existed, were disorganized and divided between rival factions. The *Kenya Times* and the Kenya Broadcasting Corporation also remained loyal to the ruling party, presenting a one-sided view of the news.

KANU possessed a number of additional advantages. First, not all parliamentary constituencies are the same size: the largest constituency, Molo, had nearly twenty times many electors as the smallest. Urban areas, where FORD was strong-especially Nairobi- are under-represented. It is, in fact, possible to win more than half the seats in the National Assembly with only 39 per cent of the vote, provided the party's strength is concentrated in the sparsely populated, less developed parts of the country, such as the Rift Valley, Maralal, Isiolo and Moyale in Eastern Province, and

in North-Eastern province. It was not perhaps entirely coincidental that KANU was strongest in precisely these areas. The Rift Valley, for example, contained 44 constituencies, nearly half the number required to secure an overall majority in Parliament and KANU's hold on 35 of these was unshaken. Opposition leaders and commentators sympathetic to FORD and the DP underestimated the depth of popular support for the ruling party- and to a lesser extent for president Moi -in large parts of the country. They believed and many would continue to think right up to the election, that support for KANU had withered, reduced to the President's Kalenjin ethnic enclave, with the formation of registered opposition parties.

### **THE EMPIRE STRIKES BACK.**

As soon as the decision was taken to authorize the registration of opposition political parties, KANU headquarters launched a campaign to stress that only the ruling party was a national political force and represented all Kenyans rather than particular ethnic groups. On *Jamhuri Day*, less than a week after the Special Delegates' Conference, full-page advertisements ran in the national press and political weeklies, stressing that KANU has remained the vanguard and key party force for independence, freedom and progress. Through its unfaltering commitment to the Nyayo tenets of '*Peace, Love and Unity*', it has welded the people of Kenya into one harmonious whole, thus ensuring development and the attainment of happiness of every Kenyan citizen. This emphasis on KANU as the best guarantee of stability and development was to become a constant theme of party leaders throughout the yearlong campaign, reaching a crescendo in December 1992, in the final run-up to the General Election.



President Moi went on the offensive almost immediately, holding a major rally in Nakuru town on 14 December 1991. The site had been carefully selected, enabling the President to raise KANU morale in what would be a crucial 'swing' area. Nakuru is a primarily Kikuyu town and therefore, natural Opposition territory, but it is also home to many Kalenjin, including members of President Moi's own ethnic sub-group, the Tugen. Luhya and Luo settlers had also migrated to the town in sizeable numbers. The President was accompanied by 24 Cabinet Ministers and a host of other prominent politicians, sending the clear message that KANU was determined to fight to retain control. He made much of the fact that opposition leaders had been calling for multi-Party democracy for months, but now that it had been granted, they were urging the President not to call immediate elections, complaining that they were not ready to fight a national campaign. The President announced that the ruling party would begin an aggressive month-long recruitment campaign in January to demonstrate its popularity and that further rallies would be held in other towns, including Nairobi.

Other KANU leaders had a cruder approach. Davidson Kuguru, the octogenarian Minister for Homa Affairs and National Heritage, KANU's Assistant Treasurer and MP for Mathira in Nyeri District, declared at Karatina's *Jamhuri Day* celebrations that the Kikuyu would never agree to 'be governed by an uncircumcised Luo like Oginga Odinga. Njenga Mungai, still a KANU MP- later of **FORD-Asili** - remonstrated, declaring that such statements only contributed to KANU's 'unpopularity that will hurt other tribes.'

### Politics in Gusii.

At the beginning of the year, KANU's position in the two Gusii District –Kisii and Nyamira- had appeared to be strong, with the distinct possibility that the party would win all ten parliamentary seats. Only two figures appeared to threaten this unity: George Anyona, the former MP for Kitutu East, who had been imprisoned earlier for sedition and former Chief Secretary Nyachae. When local Leaders assembled at the **Gusii Institute of Technology** at the end of January, Nyachae's absence had appeared ominous. The retired civil service chief had a considerable following in Gusiiland. Nyachae had been blocked by his opponents in the Branch, led by Minister of Planning and National Development DR. Zachary Onyonka, from contesting the 1988 election in his home constituency of Nyaribari Chache.

Their rivalry went back a long way. Five years earlier in 1983, when Nyachae had been the all-powerful head of the Civil Service, controlling the provincial Administration from the Office of the President, Onyonka had endured a rough election and then been dropped from the Cabinet. Held in custody for six months for shooting one of his opponent's supporters, Onyonka's political career had been in serious trouble throughout Nyachae's period of power. He was reported to hold the former Chief Secretary responsible for his political and legal troubles, and complained that Nyachae had made no effort to secure his release or even get him better treatment when he was in prison.

When the Chief Secretary retired in December 1986, Onyonka had quickly re-emerged as the political boss of Gusii. In 1987, he had re-entered the



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cabinet as Minister for Foreign Affairs and had quickly secured the support of most Gusii MPs against Nyachae, who was rumoured to be recruiting a slate of candidates to challenge a number of incumbent MPs. By 1988, when Nyanche's bid for parliament was blocked, Onyonka had even established a good working relationship with Nyachae's former ally, branch chairman Lawrence Sagini, whom Onyonka had defeated in the 1969 general election in Kitutu West. After more than two decades at the top of the political ladder, Onyonka had become a shrewd political operator who was known to deliver rewards to his clients. Other Gusii leaders had been much less effective at bringing development projects to Kisii and Nyamira districts. As Onyonka's career revived, Nyachae fell from grace. His critics had been waiting for his retirement.

*Now they moved against him in a political swarm.* The son of Senior Chief Musa Nyandusi, a prominent figure in the colonial history of Kisii who had held office for 44 years, Simeon Nyachae had entered the colonial civil service on his return from a government scholarship at Torque College and Exeter University in 1958. The young Nyachae joined, then left *African Breweries*. After 30 months, he returned to the civil service, talking up appointment as a District Officer in Kangundo in Machakos District. With the Africanisation of the Field Administration as Independence approached, Nyachae rose rapidly and in December 1964 became District Commissioner in Rift Valley province. In 1971 he was transferred to Central Province where he remained for the next eight years. In 1979, President Moi promoted him to the position of permanent secretary in the Office of the President, with responsibility for

coordinating development projects and organizing information for the Cabinet. In July 1984, consequently, Nyachae had been the logical successor to Jeremiah Kiereini as Chief Secretary and Head of the Civil Service.

During his years as Chief Secretary, Nyache had been an influential figure in government and had frequently clashed with Biwott and Oyugi who resented his power. His position empowered him to 'exercise supervision (over) the office of the president and general supervision and co-ordination for all departments of government.' Some of Nyachae's critics alleged that the civil servant had become even more powerful than his political masters. When the post was abolished in 1986 Peter Oloo Aringo charged that Nyachae as Chief Secretary had attempted to 'usurp the powers of the Presidency by creating an alternative centre of power.'

Following the triumph of the campaign for multi-party politics, both Kibaki's DP and FORD had approached the former civil service chief. Both parties hoped that he might be recruited. Nyachae's son, Charles, was a prominent human rights activist, serving as the chairman of the Kenya Chapter of the **International Commission of Jurists (ICJ)**. Many of Charles Nyachae's legal associates were playing a prominent role in FORD and it was thought that his father might be tempted to join the Opposition. When the former Chief Secretary failed to appear at the meeting at the *Gusii Institute of Technology*, speculation mounted that he was about to defect. On 8 February 1992, Nyachae announced that despite his differences with the two Kisii Cabinet Ministers, Dr. Zachary Onyonka and Professor Sam Onger, he was going to remain loyal to KANU. Early the next week, he bought advertising space in



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the Standard, the *Daily Nation* and the *Weekly Review* to publicize his decision. The full-page advertisement, which appeared under the headline '**Multi-party Politics**', declared:

*'There have been numerous approaches from friends and members of the Gusii community regarding my stand in the current Multi-Party politics. I would like it to be known that I am still a life member of KANU, having been issued with two life membership certificates. One by the late president, H.E the Hon. Mzee. Jomo Kenyatta and another by our current President H.E. the Hon. D.T Moi. So far, I am not convinced in my own mind that there are any strong reasons for me to change this position...'*

Nyachae outlined five reasons why he had decided to remain in the ruling party. He explained that it would be naïve to abandon KANU, which had more than five million members, 'just because a few KANU officials, who obviously don't exceed twelve individuals, have not conducted the affairs of the party and the management of the nation in a credible manner'.

These people should be disciplined and voted out of office. Such 'arrogance and dictatorship' could be eliminated easily. KANU as a whole was not to blame for the excesses of a few individuals. He could not bring himself to leave an institution which 'played such a major role in securing our independence on the grounds that a few enemies and those who were in authority after my retirement misused their positions in harassing and humiliating me'. Political leaders should separate their personal problems from their political ones. Moreover, Nyachae observed:

*'I do not believe that the best way of dealing with our current political and economic - social problems is by running away from KANU and forming a contingent of a*

*'fighting' force from across another camp, instead of battling (from) within.'*

'I do not believe that joining any other party would automatically mean getting answers to the numerous problems facing us in the country. There is no party with immediate answers to these problems. In any case, I have all along been convinced that KANU and the Government have developed sound policies for our country, but we have often gone wrong at the stage of interpreting and implementing these policies.'

The former Chief Secretary nevertheless acknowledged that the repeal of section 2(A) of the Constitution, leading to the formation of other political parties, had been 'a mature way of managing our national affairs'. The Kenyan government, like other executives, required 'a very strong system of checks and balances.'

In deciding to remain in KANU, Nyachae claimed that he had considered carefully the 'well-being of the Abagusii' who were now living in many parts of Kenya. Not only was KANU the best means to ensure that the Gusii community did not antagonize other Kenyans, but it was also the best ability to serve the people. 'We need unity', Nyachae warned, 'because we must jointly tackle the nightmare of unemployment among the Kisii young people; we must jointly deal with (the) current weak economy in our two districts. In other words, it is absolutely necessary that we maintain unity.' Nyachae attempted to address the issue of the ethnic clashes head-on. 'Only through unity could the community assist Gusii University and school leavers to find jobs and school leavers to find jobs and help those members of the community who had



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been attacked recently in neighbouring Narokss, Kericho, Nandi and Kitale and needed helping (sic) in rebuilding their homes and businesses and lives.'

Finally, Nyachae noted, 'through political unity among the Abagusii, we should be able to deal 'with the problem connected with the imprisonment of Anyona, whose case is a definite political factor in the current Abagusii politics.'

As a result of these considerations, Nyachae concluded,

*'I wish, therefore, to repeat and emphasize that I have given these matters of multiparty politics serious consideration, and I have definitely not found a convincing reason as to why I should not remain in the same party where I have belonged since 1963.'*

Some journalists, nevertheless, suspected that Nyachae remained determined to purge officials of the Kisii KANU branch, including Cabinet Minister Onyonka, Ongeri and branch chairman Lawrence Sagini. The retired Chief Secretary had long believed that these Gusii leaders had sold out to Biwott and his other rivals. From his retirement in 1986 until Biwott and Oyugi had been forced out of the government in November 1991, Nyachae's **Sansora Company** had encountered a series of administrative and financial troubles.

His relations with KANU branch officers remained extremely strained and on many issues, such as Anyona's release, Nyachae clearly wished to disassociate himself from the Kisii **KANU** establishment.

While KANU headquarters expected Nyachae to play an active role in the campaign, many of his supporters expected him to end the ethnic violence and to bring development schemes and other rewards to the two Districts.

With ten seats at stake - seven in Kisii and three in Nyamira -KANU could not afford to neglect its ONLY stronghold in Nyanza province. Swing communities such as the Gusii, Abaluhya and Kamba became of prime importance.

If Nyachae and his former rival Dr. Onyonka could hold most of the Gusii seats for KANU, then the ruling party stood a chance; any other showing in the area and KANU was heading for defeat. The contest in Kisii and Nyamira would be one of the Key Battles of the 1992 campaign. Nyachae's decision to remain with KANU immeasurably strengthened the party's chances of victory at the National Level.

### WHO COUNTS THE VOTES?

Now preparations were made to ensure that staff sympathetic to KANU took up key positions in areas that the Government and Electoral Commission expected to be vital to KANU's victory. In the Rift valley, a large proportion of the constituencies, even in predominantly Kikuyu areas such as Nakuru and Laikipia, had Kalenjin Returning Officers. Here there seemed to be a policy of rotating officials so that the Returning Officers were civil servants not known in the area to which they were posted. In Turkana North, the Returning Officer was a livestock Production officer, his Deputy as Assistant Education Officer while the Deputy Returning Officer for another Turkana constituency was a forester. All three came from Samburu. In Baringo, President Moi's home District, where it was necessary to ensure that Moi's victory was over whelming, the officials were mainly Kipsigis. In Narok the officials were allegedly all from Baringo, selected on instructions from Nakuru list, almost all of whom had Kalenjin names.





District Coordinators had a key role, since they had no operational responsibility and therefore could not be monitored as easily as Returning officers. Some questionable appointments have also emerged here, including that of the Siaya District Coordinator Monye Ogol, who was the assistant secretary of KANU's Rarieda Sub-branch. Similar problems occurred at the Presiding Officer level. Generally, the commission selected officials with the help of local chiefs who were of course KANU appointees. In Msambweni Kwale District, a constituency later to prove contentious (as it would prove nationally critical in a by-election 28 years later), one Presiding Officer and a deputy campaigned for the KANU Candidates and were arrested on polling day when they were discovered to be altering presidential votes. In Vihiga District, presiding officers and deputies were sacked for supporting KANU's parliamentary candidate, Andrew Ligale. Problems also appeared at the level of the clerks who would mark the register and pass out ballot papers, or count votes. They tended to be teachers, students or clerical officers, but in targeted seats their preferences for KANU were widely known. In Samia, the clerks were selected on 7 December but local chiefs informed only known KANU supporters. During the selection, the chiefs and their assistants wore KANU Youth T-shirts. Indeed, the presiding Officers for eight polling stations were alleged to have been campaigners or agents of KANU candidate, Moody Awori in 1988. The clerks from Narok North were from known KANU families. In Nakuru East they were reportedly from local banks and favored KANU, in Embu they were mainly clerks from the District Commissioner's office and other ministries vulnerable to State pressure.

The opposition leaders publicized these problems on several occasions. The FORD-Asili candidates' seminar at the end of November, for example, protested at the 'ethnic bias in the selected of returning officers particularly in the Rift Valley and North -Eastern Kenya provinces,' while other opposition leaders including Shikuku and Anyona, protested at the widespread use of retired civil servants and military personnel. Local election monitors were aware of the danger and tried to obtain information about those involved but in no case when poll monitors complained to their respective Returning Officers was any action taken.

### **GO WEST.**

In the struggle to determine the electoral procedures and prepare for the campaign, there was a third player in the game: Western governments, embassies and Non-Governmental Organizations. Western governments had been key players in the introduction of multi-party politics in Kenya. They also acted as referees, who had the power to deny funds to the government if they did not play fairly in the forthcoming election. They influenced electoral procedures, provided equipment, monitored the result and even funded the internal monitors. The two governments with the greatest impact in Kenyan politics in 1992 were the United States and Great Britain. The role of the United States and its Ambassador Smith Hempstone in the democratization process was huge. Hempstone elicited strong reactions from all who knew him. A journalist and managing editor of the right-wing *Washington Times* before being appointed Ambassador to Kenya in 1989, his main qualifications for the post seemed to be that he had written a book on Katanga (earlier discussed in Chapter Two) thirty years before and that his wife



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was a BFF of Barbara Bush, First Lady of the USA. Nonetheless, he had played a pivotal role in the establishment of a democratic opposition. Despite his high public profile and active defense of the opposition, some Americans in Kenya were quite disparaging, describing him privately as a drunk who did virtually nothing. By December 1992 Hempstone's time in Kenya was limited, as he knew he would be replaced by the incoming Clinton Administration. Views have differed even in the British High Commission, over whether he was a 'loose cannon' or was following State Department policy. Retired High Commissioner Johnstone, took the view that Hempstone saw his appointment as a 'journalistic assignment' but his successor, Sir Roger Tomsky, by contrast, believed that Smith Hempstone's hardcore approach was fully in line with American policy at the time.

American policy was certainly schizophrenic. The Bush Administration was committed to reducing aid to countries which refused to reform politically and to accept multi-party democracy. US bilateral aid to Kenya had been reduced from US\$65 Million in 1988-89 to US\$60 million in 1990 and by 1992 was only US\$19 million. No new commitments were being made and Hempstone was active in supporting the rights of the Opposition. At the same time, the United States continued to maintain the Mombasa Base Agreement and to use Kenya as a supply center and base for its Somalia operations. The Mombasa Base agreement, signed in 1979, had given the United States access for its Rapid Deployment Force. The United States had lengthened the landing strip in Mombasa so that **C-5s** could land (also enabling commercial airline **747s** to use the airport) and dredged Mombasa harbor so that US

aircraft carriers could come into harbor. The US Navy also wished to maintain Mombasa as a 'rest and recreation' base for the Seventh Fleet, as the nearest alternative was Perth in Western Australia and the R&R had created the infamous 'Mombasa Raha' culture of 'Johnnies' (marines).

The geo-political and strategic changes brought by the end of the Cold War meant that America was less dependent on Kenya and that the Bush Administration was more willing to respond to congressmen who were castigating KANU's human rights record. The Kenya government failed to recognize that its strategic bargaining position had deteriorated drastically and was demanding almost half of America's total planned military budget for Africa in exchange for continued use of Mombasa and other facilities, a price which the United States was unwilling to meet; although American troop landings in Somalia, only two weeks before the Kenya election strengthened the Kenyan government's bargaining position, as the country briefly became an important US supply base.

### **The FORD-Kenya- DP Alliance.**

One possibility, mooted several times before and during the election, was some form of alliance between the DP and FORD – Kenya (with the minor parties as bridesmaids). *The Middle Ground* of Professor Wangari Maathai, which was influential with American and European donors, had continued to preach cooperation and coordination between opposition parties in order to beat KANU. Whilst a full united front was extremely unlikely, since Matiba wholly rejected any cooperation with other parties (convinced that he alone would form the next government), there was still hope that the DP and FORD-



Kenya (K) could come to an agreement. Both recognized that, divided, they had little chance of victory and both disliked *FORD-Asili* more than each other.

In August, Raila Odinga had reported that *FORD-K* was having talks with the DP to draw up an electoral pact whereby the parties would fight the election with agreed prime ministerial, Presidential and Vice-Presidential candidates and would not put-up parliamentary candidates against each other. Internal problems in *FORD-K*, however, put Kibaki off. Nonetheless, efforts to rebuild some form of unity continued. On 16 October, leaders of *FORD-Kenya* and the minor parties *KENDA*, the Labour Party Democracy (LPD) and the SDP met at *All Saints' Cathedral* in Nairobi and asked the *Middle Ground Group* to work for a single presidential candidate. The other parties did not turn up. On 21 October however, facing marginalization as the fifth party in the election and without a presidential candidate of their own, the KNC agreed to support Kibaki. On the same day, Ms. Maathai also declared that the Opposition had agreed to field one candidate, though she did not say who it was.

The next day however, *FORD-Kenya* responded negatively to the DP-KNC statement by suggesting that the two parties would first hold grassroots elections. *FORD-Kenya's* old guard remained reluctant to come to terms with the Kikuyu elites, as toxic memories of the 1960s remained too strong to be overcome by *wakina* Jaramogi Odinga. Nonetheless, secret meetings between DP and *FORD-Kenya* teams continued and apparently outlined an agreement whereby Odinga would be the joint presidential candidate. These were made public on November, when Denis Akumu of *FORD-Kenya* revealed

at a press conference that negotiations were well-advanced for a merger and that Odinga would be the candidate. Paul Muite confirmed that discussions were taking place but regretted their premature disclosure. Akumu, a member of the Luo old guard, was probably attempting to derail the talks. Backing away the next day, Kibaki announced that he was also working with the *Islamic Party of Kenya* and that the talks with *FORD-Kenya* were just casual *gumzo* 'over cups of chai.' For *FORD-Kenya*, this was like a fiancée telling her man that she's seeing other men, but just for the fun, so he shouldn't sweat the dates too much. Thus, was the Opposition's last chance to create some form of unity before the elections, lost.

### Interest Groups.

Unlike the United Kingdom, Kenya has never really had multiple Interest Groups, in spite of her colonial heritage. Britain had its cricket clubs and Sunday football pub leagues, women's guilds and pet welfare societies, book clubs and Bible Thumpers and door knockers, bird watchers and stamp lickers, swingers and People Against Other People's Pleasures, punks and basement bunkers, but the early 1990s of Kenya was a staid (if not safe) society, where KANU's iron rule and Leviticus moralism from the very top (not to mention the then ongoing AIDS pandemic) had stopped the 'Swinging Seventies,' dead in its tracks by 1979, never mind that the decade of decadence was at a dead end, before deadening the senses into a sort of Sunday School sensibility.

With a weak party structure, some such as GEMA in the 1970s and the churches in the 1980s, served as vehicles for mass mobilization when the KANU party could not. The business community, of course, was intimately embedded in the



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political sphere, as was the Civil Service and needed no explicit organization or pressure group to represent its interest. A particular problem the government faced in **1992**, was that the majority of the business community and significant parts of the Civil Service were sympathetic to the Opposition.

Consequently, KANU's opponents had access both to secret government papers and to substantial sources of income. The press, students and the professionals were also generally hostile to **KANU**. The trades union movements by contrast, played a limited role in 1992. **COTU** declared that it was neutral, but would sponsor labour leaders in any political party. Most major trades union officials sided with **KANU** although a few local-level organisers stood for the opposition parties.

### Conclusion.

In the end, did all the primaries, defections and re-runs make? The KANU re-runs made little difference to the results. Although the choice of candidate in 1992 influenced the distribution of votes between parties, it rarely changed the result. For the first time, party loyalty was the key factor in determining who won. KANU's appeals procedure was hugely wasteful, frustrating and contributed little in the end to its performance. There was no benefit in holding a new election under the same rigged conditions as the original. The spate of defections helped the presidential candidacies of Matiba and Odinga, creating the impression of nation-wide support. All three Opposition parties improved their national image and may therefore had won more votes, but no more than three seats changed party as a result of defections during the nominations.

The winning party's majorities were so large that although defectors took votes from their original choices, the latter remained clearly ahead. Moreover, because of the ticket voting seen on polling day, candidates found it difficult to bring their traditional supporters over to their new party. Ethnicity proved more powerful than personal allegiances. The sole exceptions were Bonchari in Kisii, where Dr. Protas Momanyi defected and as a result, gave the DP its only Kisii MP, drawing upon the support of his own dominant clan in the constituency; Mbooni, where the SDP leader changed sides at the last minute and Siakago, where the KNC won its sole seat after its candidate had lost the DP nomination. In addition, Abdi Ali Baricha in Mandera would probably have won (he polled 39 per cent of the vote) but for some KANU machinations.

*Kenya's legal and constitutional framework governing party primaries was far too weak.* Because of the interdependence of state and party, it was difficult to contest rigging in the courts. During November, at least a dozen KANU candidates, including those in Embakasi, Westlands, Yatta, Kajiado Central, Bomet, Hamisi and Lugari in Western and Kitutu Chache, Bobasi and South Mugirango in Kisii, used the courts to challenge the KANU nominations. This also occurred in the DP and FORD Asili. Losing candidates obtained injunctions demanding new elections whilst some winning candidates also obtained injunctions preventing new elections. As the Law governing party elections was weak and confused, Justice Akiwuni ruled at the end of November that the courts could only interfere in internal party matters where there had been a breach of natural justice or administrative or disciplinary powers had been exceeded.



Kamotho, at the same time, claimed the primaries were an internal matter and ordered KANU candidates to withdraw all such suits. Justice Zachary Chesoni then made it clear that Returning Officers should not accept the papers of candidates whose nominations were open to question. Concerned about KANU losing seats as a consequence, President Moi intervened at the last minute (with several suits still outstanding), demanding on 7 December 1992 that the courts should not rule on internal party matters. This led some to withdraw their suits. Nonetheless, some refused to be cowed and the courts were pressured to rule on these issues swiftly. In Yatta, the defeated KANU candidate in the primaries still trying to obtain an injunction was swiftly dismissed, to ensure that Mutiso could be nominated. In Westlands, Dr. Njoroge Mungai won a High Court injunction restraining KANU from putting forward Amin Walji's name until Mungai's suit had been heard. The case, however, was suddenly brought forward and Mungai lost the injunction on the nomination, the judge leaving the reasons to be explained later. It was those refusing to accept calls for second polls, such as the DP winner in Makuyu in Murang'a and KANU's David Mwenje in Embakasi, who did best. Some elections were re-held to meet legal challenges, but they were very few in number. Once more, the Interior Machinery of political parties was over-riding the inset gears of general law and so could be said to be riding roughshod on primary *democracy*.

The primaries confirmed the need for the nominations to be governed by law and for them to all take place on the same day, in order to minimize multiple voting and defections. There is no point in holding free elections if the primaries that select the candidates are rigged,

especially when many constituencies are dominated by one particular party. The abuse of the party primary process provided a warning sign for the final elections on 29 December.

### **KANU's Campaign Strategy.**

KANU's campaign slogan was that it was the party of 'Stability and progress'. The message was an effective tactic in a conservation society, highly respectful of authority. This claim to guarantee stability was stressed repeatedly in the party's press advertisements and on television. While KANU had governed the country since Independence, the Opposition parties were unknown quantities. KANU also claimed that multi-party politics had aroused ethnic rivalries and violence, carrying the implicit warning that Kenyans must be careful to ensure that the country did not become another Somalia. KANU's 64-page glossy manifesto, printed in English and Swahili, was released on 5 November 1992. It stressed the ruling party's economic achievements, nation-wide support and its ability to lead the country safely into the future. Responding to pressure from the opposition, KANU promised 'accountability and transparency in the management of public affairs. In line with IMF and World Bank requirements and with the programmes of the other parties, it supported the 'privatization of all non-strategic parastatals,' complete removal of foreign exchange control' and 'the elimination of all unnecessary controls, licenses and regulations. The party also promised to develop the *Jua Kali* (informal manufacturing) sector and emphasized its plans for increased employment and better services, stressing its development record since Independence. The manifesto made a number of commitments on human rights, but was far from specific on



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how KANU would alter its existing policies. The party also funded a series of briefing notes in the **Kenya Times** on economic developments since 1963, stressing the continuity with Kenyatta's government. Its publicity campaign was well-organized, extravagantly funded and directed by *Saatchi and Saatchi* staff from South Africa.

KANU's campaign in the field was based on rather different tactics, pithily and best described as 'Bribe and Tribe'. KANU had employed both the carrot and the stick very effectively against the opposition in the 1960s.

In 1992, this approach was to prove just as successful. In their Kalenjin homeland of Baringo, Elgeyo-Marakwet, Nandi, Bomet and Kericho which the Opposition had failed to penetrate, few voters understood 'multi-partyism'. There, KANU stressed that the Presidency would be taken away unless they voted for Moi. In the periphery of the Rift Valley, Turkana, Samburu, Pokot, Narok and Southern Kajiado and in North -Eastern province, Isiolo and Marsabit, KANU maintained a heavy administrative pressure to minimize any losses experienced during the primary elections and to ensure that the non-indigenous residents (Kikuyu, Luo, and Luhya settlers and traders) were sufficiently intimidated either to vote for KANU or not to vote at all. The ruling party abandoned Central province and Luo Nyanza to the Opposition, bar a few key Ministerial seats where they hoped to salvage some parliamentary victories. KANU identified Kisii and Eastern and Western provinces, which together returned over quarter of the Assembly, as crucial swing areas into which it poured money to improve its position. A similar situation existed on the Coast, although there the aim was to

ensure that KANU's lead was maintained against a growing Islamic Challenge.

### **Opposition Campaign Issues.**

The Opposition's campaign was fought on very different lines from KANU's but many of the issues they raised were similar. Like KANU, the opposition parties targeted specific regions of the country and mixed discussion of national issues with local promises and ethnic appeals. Despite their division, some unity of purpose remained amongst the non-FORD-Asili Opposition and the most complete manifesto produced was the post-Election Action Plan, which had been drafted jointly by FORD and the DP in May 1992 and was launched on 4 November 1992, the day before KANU's as a joint programme for FORD-Kenya, the DP KENDA and the SDP. Sponsored by the left-wing German **Friedrick Neumann Foundation**, the plan of action provided a detailed analysis of Kenya's economic and social problems and offered a strategy for common action. The document was too unfocused and not prioritized but was effectively the only full economic statement of objectives produced by any party. Kenya's political parties, however, were less divided over policy than by ethnicity and control of patronage. Even KANU ostensibly accepted many of the economic liberalization policies suggested in the action plan. The document, however worthy, was ignored throughout the campaign.

FORD, before its split, also produced a manifesto almost entirely written by the Young Turks. Led by Professor Peter Anyang-Nyong'o, Dr Mukhisa Kitui and Roberts Shaw., FORD-Kenya took this over with minor changes, releasing it as the 82-page FORD -*Kenya Manifesto-charter for the Second Liberation*, on 27 November 1992. This promised





the restoration of constitutionalism, a guarantee on human rights and more radically the abolition of the Provincial Administration, a massive scaling-down of the civil service, an ending to the 8-4-4 system of education, and the privatization of parastatals. The abolition of the Provincial Administration, almost unchanged in power and function since the colonial era was the most controversial proposal. FORD –Kenya proposed instead to transfer more limited powers to local government mayors and councilors. The party's proposed Civil Service cutbacks may have alienated some civil servants, who were under intense pressure to vote for KANU.

After the FORD split, with most of the intellectuals remaining with Odinga, **FORD-Asili** found itself with little time or talent to prepare manifestos and published none. The party did not even have printed copies of its constitution, although in August it financed the publication of a 28-page booklet. *Ken Matiba, Man of the People*, which outlined Matiba's distinguished career and stressed his commitment to greater accountability in public affairs and his determination to 'build Kenya, not tribes.' The DP published its own 51-page manifesto on 30 November, outlining liberal economic policies little different to those propounded by the other parties, but with slightly more emphasis on private enterprise, as befitted the party's Big Business roots. Nearly half the manifesto was taken up with economic matters. It also promised the end of corruption and detention, and reform of the 8-4-4 education system.

All the Opposition parties were committed to repealing the detention laws and to liberalizing the economy. In many respects, the manifestos were

targeted as much at Western donors as the Kenyan elite, in an attempt to show that their money and effort had not been wasted and that multi-party politics would produce reform. None of them really offered a plausible and coherent programme. In the words of renown lawyer Lee Muthoga, on election eve, '*No single party has set out what its policies are ..... what they (the Opposition parties) say is what their leaders think the people would like to hear.*' **FORD-Asili**, particularly, made no attempt to define a national programme of action or principles, relying entirely on praises and testimonials of Kenneth Matiba as a natural and charismatic leader as its pivotal agenda. In a strange way, the hangover of his triumphant 'Entry into Jerusalem' had kept the Man and his party intoxicated. The Opposition's national press and hustling campaign focused upon five issues; the economy, corruption, violence and the ethnic clashes, human rights and election rigging, and the leadership qualities of their leaders with a sixth, ethnic solidarity, always lurking in the background.

### **The Economy.**

KANU's major problem was the poor state of the economy. Since the early 1980s, Kenya had experienced serious structural problems which, combined with political repression, growing corruption and the State's refusal to liberalize, had led to the ending of Western quick-disbursement aid, on which the country had lazily grown dependent on. Throughout 1992, the government, led by V.P. Saitoti, attempted to persuade Western governments that Kenya had liberalized, and deserved to be rewarded. There was no response. Concerned by the risk of instability, many companies scaled down their investment plans as



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businessmen awaited the outcome of the elections. This uncertainty caused further economic instability, adding to the economic problems caused by the government's policies and the cuts in foreign aid. Tourism, Kenya's largest export earner, plummeted as talk of 'Tribal warfare', and election violence dramatically reduced holiday bookings and cut foreign exchange inflows.

### Party Advertising in the Media.

For the first time in Kenyan history, political parties advertised extensively in the press and on television in the run-up to the elections. Unlike many other countries, Kenya did not provide free airtime for political parties, nor, indeed, was there any form of State funding or limits on donations by individuals. Thus money played a key role. The cost of these advertisements was enormous. Full-page advertisements in the *Daily Nation* and **The Standard** (KANU and DP advertisements) sometimes ran to three pages—cost kshs.40, 000 (1992 money) on normal days and Kshs. 60,000 on Friday. Kwendo Oponga of the *Daily Nation* provided a summary of party expenditure on advertising during December in the *Daily/Sunday Nation* and its Swahili counterpart, *Taifa Leo*. KANU had roughly a 2.1 advantage over the DP, which itself had a similar advantage over FORD-Asili, whilst FORD-Kenya was the poorest party, with an advertising outlay only one tenth that of KANU's, the true figures were probably even more diverse, since the *Daily/Sunday Nation* was the Opposition's closest friend in the news media. KANU made full use of its financial advantage, festooning all three major papers, the radio and television with advertisements.

KANU's advertisements were extremely professional and reinforced their verbal campaign-warning of the risks of coups and instability, extolling the development in Kenya since Independence, and endorsing Moi the Leader. The ruling party's full-scale press campaign began on 8 December with the 'Stability' series. Each followed a standard layout, beginning with '**stability is Kenya's most precious possession**'. The second, beginning on 12 December, stated that '**stability means our mothers can provide good homes**'. The third emphasized President Moi's personal qualities, while the fourth gave various education statistics. KANU also ran a series of 'progress reports'. Advertisements containing economic statistics on development since Independence, covering industry, agriculture and living standards. These statistics made impressive reading, suggesting that as **KANU** had governed the country since Independence, it could take full credit for the country's development.

Coverage built up to a crescendo on 28 December, when nearly six pages of the **Kenya Times** were devoted to KANU advertising, including a two-page appeal that '*On December 29<sup>th</sup>..... you have only one choice*', a half page on '*Landslide victory predicted for KANU*' a full page on '*Why Kenyans should vote for KANU*' by 'parents'; a full page '*call to all religious communities to vote for Moi*, a small advertisement to '*Vote for Jogoo*', and a full-page '**Spot the Difference**'. This last advertisement, which began on 22 December 1992, was particularly interesting as it attempted to make a virtue out of KANU's rigging of the Parliamentary nominations, emphasizing that KANU was the only party with candidates in every constituency.



The Opposition's advertisements challenged KANU directly on both Economics and social stability. The DP used excerpts from its manifesto, flanked by full page photos of declining infrastructure and the dead bodies of people murdered during the ethnic clashes, to make its point that *"The country has been misgoverned and taken to the very edge of collapse."*

Its advertisements claimed that 'our economy is in ruins, our public service demoralized, our faith in Politicians largely destroyed, our institutions have been vandalized and our people divided'. The DP's slogan was *'kura kwa DP in kura kwa Kenya'* ('A vote for the DP is a vote for Kenya'). The party produced a number of high-quality television advertisements, the most memorable of which started in absolute darkness, gradually turned into a lamp -the DP's symbol- which illuminated the screen, and then changed into Mwai Kibaki's smiling face, while an authoritative voice outlined the reasons for supporting the DP, and the *'taa ya Kenya'* (Light of the Country), thus suggesting that Mwai Kibaki was the (money) Messiah that Kenya needed. FORD-Kenya's press, radio and television advertising was limited by its lack of funds. The DP as the party of Kikuyu big business and the old Kenyatta establishment, and FORD-Asili with access to Kenneth Matiba's personal fortune as well as to some funds from the Kikuyu business world, were both much better financed. As a result, FORD -Kenya was compelled to focus its expenditure on the immediate pre-election period, when KANU and the DP had already spent vast sums. In total, FORD-Kenya spent Shs 660,419 (US\$22,000) on the national media in the Christmas period. *(It is telling that the American dollar now gets 3.7 times the shillings it did just three decades ago).*

Roughly half of this was devoted to the press. Of the remainder more was spent on television than radio, a rather surprising allocation considering 1992 media statistics. FORD-Kenya funded 14 television advertising spots in the period 25-28 December, advertising twice a day on both KBG and KTN, culminating with four KBC advertisements on election eve. They began with a segment from Odinga's famous 1958 interview in which he praised Jomo Kenyatta as an 'honorable man' and acknowledged his leadership of the nationalist movement. Having thus courted the Kikuyu vote, the film then cut to the present, pointing out that Jaramogi had stood by his principles and defended the interests of the 'ordinary man for over thirty years'. The advertisement finished with close-ups of FORD-Kenya's younger leaders, emphasizing that they were a team of well-educated young professionals from many ethnic groups who would work with Odinga to help him lead the country. Concluding with Robert Shaw, the European Kenyan Businessman who played a prominent backroom role in FORD-Kenya's campaign, and a picture of a roaring lion, viewers were urged to **'vote FORD-Kenya, vote Simba'**.

Many commentators judged it the most effective television spot of the campaign, and that it worked well for FORD-Kenya in Nairobi. By contrast, Matiba ran no television advertisements for *FORD-Asili*, spending the money effectively with the KBC's National Service, sending out five spots per day on Swahili service, and three on the General Service station. These cost less, but reached a much wider audience in 1992. FORD-Kenya's press advertisements started on 19 December, twelve days after KANU and the DP. Most appeared in the two mainstream newspapers, *The Standard* and *The Nation*. Like the other parties,



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FORD-Kenya placed two or three advertisements a day, culminating with a full-page advertisement on election eve which alone cost Sh.82,000. It also funded an advert for the IPK, to bolster and holster support amongst Moslem voters at the Coast. In all, FORD-Kenya's spent over Sh. 300,000, half its advertising budget, on newspaper advertising that December.

Overall, the press, radio and television campaigns of the various parties were both expensive and professional. Television was of little significance, and radio strictly controlled, so much of the conflict was fought out in the print media, where KANU's financial advantage was still clear but the Opposition's far stronger.

### **Did KANU Finance Another Party to Divide the Opposition?**

Throughout 1992 it was believed that KANU was assisting and possibly even funding some opposition leaders in order to split the Opposition. No one suggested that FORD-Kenya were tools of the regime, but at different times, both the **DP** and FORD *Asili* fell under suspicion. In early 1992, the focus was on Kibaki and the DP, who were accused of being 'KANU B,' little more than a device to divide the Opposition and likely to rejoin KANU if they lost. By the end of the election period, however, the pressure was on Matiba and FORD-*Asili*. Many DP supporters believed that KANU was funding FORD-*Asili* in order to split both FORD and the Opposition vote in Kikuyu land, and that Moi and Matiba would form a coalition government if KANU failed to secure an overall majority. Indeed, it was believed by some that the Vice -Presidency was reserved for Matiba in this secret Faustian deal, brewed over ugali and *kuku* at midnight

in State House. Shikuku was particularly vilified for 'being used by KANU to destabilize the opposition.

The truth is difficult to ascertain. Evidence exists that FORD-*Asili* was compromised, but most is circumstantial. One concern was *Asili's* apparent wealth, which was able to match the DP's financial resources in the Kikuyu areas. Few DP supporters believed that Matiba had funded everything personally, although like Third Party candidate Ross Perot in the ongoing election campaigns of that year in America (where the youthful challenger Bill Clinton was to beat the experienced incumbent President George Herbert Walker Bush), Matiba was certainly willing to spend his own fortune lavishly to become president. Matiba was also harassed far less than the other Opposition leaders during the actual campaign. KANU tended to avoid criticism of him, concentrating its invective on the other leaders. Kamotho, for example, welcomed Matiba's declaration that he would vie for the FORD presidency, whilst KANU *briefs* described Matiba as a 'capable administrator' and 'successful and very wealthy businessman who was likely to fare better than Kibaki.' To KANU's benefit, Matiba's campaign tactics focused primarily on the DP, and he initiated the anti-Kibaki 'smear' campaign in the last days before the poll of 1992.

There were two more substantial issues. The first was the never explained visit of Shikuku and Japheth Shamalla to State House for 'midnight *ugali*' with President Moi in June 1992. It was alleged after Shikuku visit that he had received Sh 30 Million from KANU, and that his wife had admitted that 'we don't have to worry about money any more', although Shikuku had used the



money against KANU. The second was the strange case of the Moi cheque. In the last days of the campaign, the DP Xeroxed and distributed in Nairobi and Kiambu thousands of copies of a cheque purporting to be from President Moi to FORD -Asili. A **Kenya Commercial Bank** cheque for Sh. 65 million, apparently issued on 8 December 1992, it was reported by the bank to be a fake, a statement made to the author (back then) by the late Mrs. Salome Mocheche Okienya, a senior KCB manager. At least three errors were identified: *numbers were written outside the box, and the branch name and account number were missing*. Shikuku claimed that the Democratic Party (DP) was behind the forgery, as a last desperate attempt to discredit Matiba. The DP tried to conceal its origin by circulating stories that a number of people in the KCB's River Road branch had been sacked as a result.

The most likely explanation is that KANU did assist Matiba's ambitious covertly and may even have provided financial assistance to FORD-Asili, correctly calculating that Matiba could split both FORD and the Kikuyu vote, but with Matiba too silly with hubris to see this obvious fact. This would ensure that the Opposition was split three ways, guaranteeing that no single leader among them could gain 25 per cent in five provinces or an overall majority. In Central province, the collapse of either the DP or Matiba's FORD faction would have been a disaster for KANU, arithmetically speaking. They needed a Kikuyu Kingdom divided, so that KANU could conquer the political 'Empire' of Kenya; so they covertly supported the 'less scary' of the two parties.

### Conclusion.

The 1992 election campaign showed the fertile and dynamic nature of Kenyan politics. Despite widespread pressure, for the first-time entire communities declared 'autonomy' from the State-run political machine and for the first-time voters were faced with a real choice. Nonetheless, KANU's campaign, based on a clever combination of threats, bribery, state authority and popular deference was a triumphant success. Despite its primary losses, they had been able to secure a decisive advantage in the parliamentary election by polling day.

Kenyans were no more than other peoples able to resist intimidation and bribery and despite their professed commitment to democracy, many key players were motivated primarily by money and a determination to either hang on to power, or to have power handed to them, as the jockeys astride the Party Horses.

*The campaign also had serious negative consequences on Kenya's political and economic life.* It intensified ethnic divisions between communities; it almost bankrupted the economy; it created huge expectations of change which could not be fulfilled, whoever won; and it reinforced the view among the government leadership that the Kikuyu were its key opponents, who had to be driven out of politically marginal areas. The regional focus of opposition support was intensified by State repression, ensuring that political preferences were reinforced. As a result, ethnicity was to be the single most effective predictor of political preference over Party 'ideas.'





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The narrow base and limited abilities and authority of KANU's opponents had also emerged clearly by polling day. FORD-Kenya was clearly the most intellectual and national in orientation of the parties this disposed it to concentrate too much on national issues, fighting a Western-style campaign in an electoral situation where on the ground, organization and mobilization remained the most successful approach. The hardline populism and organizational and leadership skills of Matiba had undermined Kibaki's 'safe pair of hands' strategies without providing a plausible alternative national government, whilst the other smaller parties had been eclipsed entirely, and were rendered obscure and immaterial, a duck that is yet to be broken.

Electoral fairness is a complex and ill-defined phenomenon. No election is absolutely fair, but the differences of degree are enormous. In Kenya's case, much depended on whether outside observers judged the election to have been reasonably 'free and fair'. The issue has two basic components. First, all the parties must be free to campaign on 'a **Level Playing Field** without bribery or threats. If this fairness criterion is violated, then, whilst the election is unfair, as long as people are determined enough to actually vote the way they wish, their opinion can still triumph. The second component is '**what you vote is what you get**'-how people actually wish to vote much determined the result. If the votes reported are not those which were actually cast, or voters are forced at gunpoint to vote for a particular candidate, then the entire process is a charade. The same can be said if Algorithms are fed into the counting machine in current days. (The infamous '*Vifaranga vya Komputa!*' Chickens of the Computer' charge of 2017) Overall,

the bribes, threats, interceptions of candidates and other anomalies were probably sufficient to invalidate the election in roughly one third of the country.

### Foreign Observers.

The small foreign observer groups, the diplomats and the press concentrated their attention on the most convenient seats- Nairobi, Paul Muite's Kikuyu Constituency and Vice-President Saitoti's Kajiado North. The IRI and Commonwealth teams travelled further afield. Both split into small teams, generally of two or three observers, and attempted to cover as much of the country as possible. *In some cases, the observers only checked polling stations and passed on.* In more significant constituencies, they stayed for long periods, although few lasted the entire count. The commonwealth's 17 teams visited 283 polling stations and 35 counts, the International Republican Institute (IRI) visited 229 stations, covering 46 constituencies. Their 35 or so teams managed to cover the majority of the country, but inevitably could spend little time in most stations and could not reach many counties. Notably, the teams concentrated on the marginal rather than the KANU zones in the Rift Valley, and on Meru and Embu, not the Kamba Districts in Eastern province. Both the Commonwealth and the IRI had targeted specific constituencies, with the IRI's preparation probably better, since they had identified not only contemporary *hot-spots*, but also areas with registration anomalies, past rigging histories, current evidence of rigging, and those that were key areas for the 25 per cent rule. Both organizations also had checklists of likely problems: the IRI's including time of arrival of papers, serializing of boxes, times of opening and closing, placement of the





boxes, assistance to illiterates, use of the indelible ink, correct sealing and transportation, turning away of people, police activities and transporting of voters. It also emphasized some issues which were to become crucial in the counting process, including the disposal of unused boxes, maintaining an audit trail of which votes had come from what boxes, and watching out for the hiding of ballots for one candidate amid the piles of votes for another.

Unfortunately, many of the IRI observers were still jet-lagged and the commitment of some was in doubt. Most of them knew little about Kenyan politics or past rigging methods, having been briefed on election law by a telephone conference call by the **US Federal Election Commission's** Craig Engle while they were waiting for a connecting flight to Nairobi at London's Heathrow airport on Sunday, 27 December. Most had declined to leave their families over Christmas when the election timetable was changed and consequently, had only left the United States on Saturday 26 December, reaching Nairobi the day before the election. After less than 24 hours' rest, they had then been transported before daybreak on 29 December, or the evening before, to the areas where they were to monitor the election. After another 18 hours of intense activity, most were not prepared to spend a further 24-48 hours observing the end of the count.

The observation process was complicated by the numerous small delegations and Embassy groups, dispatched by the Swiss, the Japanese, the Dutch, the Swedes, the Canadians, the American AFL-CIO and the European Parliament. These semi-official minor groups covered some additional areas, but duplicated the major teams in others

such as Nairobi, Taita-Taveta and Trans-Nzoia, as they were loosely coordinated with, but not subject to any of the other bodies. Despite these efforts, there were no foreign observers in roughly half the counties. Too little attention was paid to the government areas, particularly the North-East, parts of Coast province, and the central Rift Valley, while some Kamba seats would also have benefited from visits. Almost no one risked visiting the KANU heartlands to check the box stuffing and open voting going on. The observers stayed away from Moi's heart district Baringo entirely, deterred by 'security concerns'; and although individual commonwealth dignitaries visited Nandi, Bomet and Eldoret South, it was not with the numbers or the expertise to detect political problems.

*In the presidency, it is quite clear that KANU won the election legitimately.* In comparison with each individual opposition candidate, President Moi genuinely had greater and more broadly based support, particularly in the political, less densely populated and government-controlled areas. Whether this would still have been the case had the competition for votes in the previous months been fairer is, of course, more questionable. On the other hand, it is equally clear that no other candidate would have won outright victory. Moi's total was inflated by double registration, importation of votes, and mass open voting in Nakuru, Narok, Uasin Gishu, Baringo, Elgeyo-Marakwet, Nandi, Kericho, Bomet, Pokot and Samburu. An educated estimate suggests that between 100,000 and 130,000 votes were manufactured in these Districts. Adding a number of other dubious results, perhaps 150,000-200,000 of Moi's eventual 1.9 Million votes were fabricated. Some Opposition votes probably were destroyed to ensure



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that no opponent active 25 per cent in the Rift Valley and in the North-Eastern Province. Matiba who came in second with 1.4 million votes, was the candidate with the greatest apparent chance of defeating Moi. This figure is probably a reasonably accurate estimate of his true votes, however, as FORD-Asili was the beneficiary of malpractices in Nakuru, Nairobi and possibly Murang'a FORD-Asili was likely to have experienced vote destruction in the North-East, Central Rift Valley or Coast Province, as Asili was not the main challenger here.

The vote for Odinga appears a slight under-count overall, influenced by events in Kisii, the Coast and the North-East. An estimate of misplaced ballots for Odinga would exceed 50,000. Kibaki's figure is also probably too low, by 50,000-100,000 votes, particularly in the central Rift, where the DP were the main opposition, Kisii, and Eastern Province. Nonetheless, given the huge size of Moi's victory, rigging at these levels could not alter the result. Moi still appears to be 300,000 votes clear of his nearest rival. Whether Moi received 25 per cent of the vote in five provinces is less clear, but the evidence suggests that he did. He certainly legitimately polled 25 per cent in the Rift Valley, North-East, Coast and Western provinces. The major question is whether KANU's Eastern Province result were inflated to bring the president over the 25 per cent hurdle. In any case, there were no plans at all for a presidential run-off between the two main candidates, no matter what the result had been. Despite the fact that a run-off Moi and second candidate was a likely scenario, the State had no intention of permitting the opposition to unite behind a single candidate and threaten Moi's survival: no funds were allocated

and no organization undertaken to prepare for such an eventuality, making it moot, *ab initio*.

In the parliamentary elections, however, KANU did not receive the largest number of votes cast in an overall majority of the parliamentary seats. Although it must remain circumstantial, the calculation is that KANU genuinely won only about 85 parliamentary seats to the Opposition's approximately 100, rather than the 100 seats KANU was declared to have won. Not only was there definite malpractice, but the outcome would have been different had the malpractice not taken place. Analysis suggests that KANU probably lost 15-20 of the 100 seats it was declared to have won. The Nairobi and Central Province result were unaffected by KANU rigging, though FORD-Asili may have gained two seats illegitimately from FORD-Kenya in Nairobi.

In Eastern Province, KANU should have lost Kitui West, Mutito and Mutomo, and possibly Tharaka Nithi, Machakos Town and Mwala. Nothing can be proved in the North-East. On the Coast KANU should have lost Garsen, Galole, Lamu West, Msambweni and probably Mvita; in the Rift Valley, Kajiado North and Rongai; in western province, Emuhaya (and possibly Vihiga and Mumias); and in Nyanza, Kitutu Chache, North Mugirango, Nyaribari Masaba and Bobasi. Substantial malpractice did not change the result in at least 20 other constituencies. Had all this not occurred, KANU would clearly have been the largest party with 85-90 seats, but the combined opposition would have won 100 constituencies to take with them into 1993-1997.

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## CHAPTER SIX

### The RISE of the 'TRIBAL PARTY' SYSTEM

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Early January 1993, Matiba, Kibaki and Odinga called a joint press conference to reject the results on the grounds that the election has been massively rigged. The response to their complaints from their supporters and the churches was critical, however, and their defeat was seen as just desserts for their failure to unite. Under pressure, both internally and from Western governments, the losers soon agreed to take up their seats in parliament. Matiba and his Kikuyu supporters, however, felt particularly bitter and refused from the beginning to accept the legitimacy of KANU's victory. In time, both the DP and FORD-Kenya came to 'accept' the outcome as a fitting punishment for their failure to agree.

They resolved to challenge the government through parliament, and the polls through the courts. The press was in open disagreement. Some took the view of Mwananchi that 'though riddled with uncountable irregularities, they were a crucial step down the road to multi-party democracy'. Among the dailies, the *Kenya*



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*Times* praised the result, as 'free and fair', calling the opposition leaders bad losers and Phillip Ochieng dismissing their complaints as 'schoolboy politics'. *The Standard*, now owned by the Moi family after the departure of Tiny Rowland, led with a banner headline that said '*Congratulations, Daniel arap Moi*', and joined 'the rest of Kenyans in congratulating him and his party KANU for the overwhelming victory in the elections'.

The Daily Nation was more reserved, claiming rigging was extensive and that although KANU had won, the majority of voters had rejected them. However, they were prepared to headline (5 January 1993): '*Moi's in the seat, Let's all back him*'. The hardline opposition magazines such as *Finance* and *Society* screamed foul, of course, with *Finance* calling the election 'shamelessly stolen.' When the result became clear, there was some anger against the Kamba amongst Kikuyu in Nairobi, and against the Luhya in some Luo-Luhya borderlands. There was also bitterness amongst many Luo that the Kikuyu had voted so overwhelmingly for one of their own, but in general the mood was quiet. Predictions of revolt by the Kikuyu in the event of defeat did not materialize, their spirits dampened by a combination of their total local victories, exhaustion and depression, and a simultaneous satisfaction that so many ministers and KANU stalwarts had been defeated. There was a belief that KANU would be unable to govern effectively or to create a viable Cabinet from the rump of politicians with which Moi had been left.

Some Opposition leaders were not unhappy with the result, having secretly feared the triumph of one of the other opposition leaders almost more than a weakened KANU Moi re-election.

The internal observer groups also took their time reporting, thereby assisting the government in consolidating its authority at a time of uncertainty. Overall, the verdict of the West was based on the logic that KANU was 'innocent until proven guilty,' that its guilt was 'not proven', so the government was 'innocent'. That of Kenyans was in the main 'guilty until proven innocent', reflecting a significant difference in underlying perspective between the internal and external groups.

The 1992 election was over. The greatest test of the Kenyan political PARTY system since 1969, it had dominated political events and both the economy and social affairs since late 1990. **KANU** had won a decisive victory, based on the vote of less than one third of the country, partly as a result of the incompetence of the opposition, partly because of their willingness to bribe, threaten and cheat their way to victory, and partly because the government continued to represent the interests of key less-developed communities in the country, whose loyalties they were able to retain. Now, the political elite faced new challenges – to build a stable, parliamentary democracy on the basis of a flawed election, an alienated and polarized population, and a government following a very different agenda.

Numerous technical recommendations on the electoral process can be made, many of which have already been described in the IRI report. Among the change's observers felt appropriate were, as expected, a multi-party Electoral Commission, more parliamentary oversight of the civil service, a substantially improved and on-going voter registration process, more campaign time, new counting procedures, new campaign finance



arrangements and better organization and preparation, and improved recruitment of polling clerks and officials. The IRI also called for further separation between KANU and the State, new rally procedures, open access to the media, and an end to civil service harassment. The problem is that either they cost money, or more importantly, they tend to weaken state control over the political process. As 1992 showed, administrative control of the political playing field was extremely important to a minority government's strategy. It is unlikely that many (if any) of the changes requested would be made before the next election (1997).

Voter education is another issue which requires addressing. The abuse of the illiteracy process is a peculiarly Kenyan phenomenon which must also be addressed in future if elections are to be fairer. The National Council of Women in Kenya (NCWK) therefore recommended that anyone able to sign their own identify card should be required to vote secretly. Although the election was held and did not result in bloodshed, it seems that the objectives of the monitoring groups were either unclear, unlikely to be followed up in practice, or confused by their own multiplicity. A previously published standard for electoral contests certainly would have clarified the numerous different interpretations of 'free and fair'. Beyond this, it was a waste of resources and a source of great confusion to have so many independent monitoring groups and bodies, producing at least eight reports on the basis of different experience.

*The West was determined that there be a multi-party election, and that was what it got. What they could not do was to enforce fairness in a situation where the government was determined to*

win. As Joel Barkan (a USAID official and key figure in the transmission of aid to the observer groups) also argued, 'the Kenyan elections exposed the limits of the donor community's ability to promote democratic reform.' He noted that election monitoring can only be meaningful if it covers basic administrative issues, such as constituency boundaries and electoral law. The Observer groups' expectations were simultaneously too high and too low. They were too high in that they had not properly prepared or been funded to monitor cleverly organized, focused electoral manipulation. They were too low in that they were willing to accept the appearance of fairness without inquiring too far into the reality.

While the majority of the observer groups, both internal and external, viewed the election as a first key step on the road to greater openness, the evidence suggests, rather, that it was the high-point: *1992 was a lost chance for the opposition to defeat KANU when, united, they'd have won.*

### **The Opposition.**

Shocked at their defeat, financially near ruin, and facing a new struggle to establish themselves in opposition, the aftermath of the election saw the Opposition parties exhausted and depressed. Their persistent failure to build unity, and their continued adherence to a set of leaders most of whom had failed to transcend their limitations or achieve their goals gave the initiative throughout 1993-4 to KANU. The opposition leaders proved unable to take a truly 'presidential' attitude in defeat, and each in turn revealed flaws which brought into question their suitability to lead the country. The pressure of defeat, personal self-interest, state harassment and the



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exposure of internal divisions on crucial matters of policy within the Opposition parties therefore began the almost inevitable process of reconstruction and fragmentation.

All over the country, but particularly in government-dominated and marginal areas, middle -ranking opposition leaders defected back to KANU. Amongst the Kalenjin, KANU managed to mop up almost all the stragglers to produce a near united front, including the long-suffering Baringo DP supporter Henry Cheboiwo who rejoined KANU in early March 1993. Among the Kamba, Paul Ngei, the eternal survivor, defected in June 1993, denying he had ever joined the Democratic Party - like a couch surfer who defacates on the carpet of his overnight Airbnb's host, flees at the crack of dawn - then denies ever even having been there. Amongst the Luhya, DP loser Alfred Sambu defected in May 1993. The first cracks came in Nyanza, with the defections of Charles Owino (FORD-Kenya, Migori) and Protas Momanyi Kebati (DP, Bonchari in Kisii) in early March 1993. In June 1993, FORD-Asili lost its Makuyu MP, Julius Njuguna Njoroge, who was nearly bankrupt. The Hamisi MP Khaneri defected in July, and in December 1993 he was followed by the Lugari MP from Kakamega. In May 1994, in a stunning blow, Matiba's FORD-Asili lost three of its remaining Luhya MPs (for Lurambi, Ikolomani and Shinyalu), leaving Shikuku as one of only two FORD Asili Western province MPs. The MPs automatically lost their seats and a by-election was held, under the constitutional provisions established in 1966, to control defections from KANU. FORD-Kenya also suffered, as at least three more of their South Nyanza MPs -Tom Obondo, Professor Ouma Muga and Ochola Ogur were 'closet KANU'.

They openly called on several occasions for reconciliation with KANU, and even held public meetings declaring these were alliances of convenience to obtain power, and had even less intellectual commonalty than western parties. These alliances were unstable, and riven by age, ethnic and other factions, which defeat exposed. Some opposition candidates had lost KANU nominations and defected at the last minute, and had no particular loyalty to their new parties. The large sums of money available to early defectors also provided an attractive incentive, re-enforcing the importance of an independent financial base from which to challenge the State. Unsuccessful politicians were the most vulnerable, as they had no jobs, no prestige and no posts to compensate them for the risks they had undertaken. These Opposition leaders also faced an example of the 'prisoners' dilemma,' whereby the best course for them individually was to 'escape' as soon as possible, even though they might have gained more if all held out *together*.

All three major opposition parties also experienced severe internal stresses, particularly tensions between the younger more radical elites and the old guards, stemming both from differences in strategy and a widespread perception amongst the disillusioned younger members that the older elites had thrown victory away by their failure to unite, and ought now to step aside for a new generation of leaders.

In the face of defeat, and given their past history of attempts at cooperation, the 'natural' alliance between the DP and FORD -Kenya gradually expanded (though it was still damaged by tactical infighting, leading to their both putting up candidates in certain by-elections). Matiba and Asili remained aloof,





however, and the conflict between the two wings of FORD, and the personal bitterness between Jaramogi Odinga and Kenneth Matiba continued to undermine all attempts at unity.

In the face of near-certain diminution and defeat, the Opposition leaders continued to expend more energy combating each other than KANU. Matiba was the main stumbling block, remaining convinced of his destiny to rule the country. A particular problem was the status of the Official leader of the Opposition. As an inheritance from the Westminster model, the Kenyan constitution provided for an official opposition, bestowing privileges upon the second-largest party in the House, if it held over 30 seats. Unfortunately, the 1992 election produced a tie in the number of seats between the joint-second largest parties.

Although FORD-Kenya and the DP entered an informal electoral pact, from the moment Parliament opened there were squabbles between the two FORDs for the OO Chair. FORD-Kenya's Migori MP defected back in April 1993, and gave the opposition leadership to the nationally weaker group Ford Asili. But after the defections of two Asili MPs, Matiba was replaced in July 1993 by Jaramogi Odinga, who named his own shadow Cabinet, with Paul Muite as Deputy Leader. Odinga had tried to form a unified shadow Cabinet with the Democratic Party, but the DP yet again pulled out at the last minute. *Society* reported that Kibaki's Kikuyu supporters had threatened to defect to Asili if he became too closely aligned with Odinga. FORD-Kenya held on to the official opposition role thereafter.

Despite its success in 1992, *FORD-Asili* collapsed completely, a consequence of its focus around Matiba's personal

fortune and charisma. Matiba became increasingly ill and unbalanced, and in late 1993 it was revealed that as well as being unable to read, he had granted his wife power of attorney to sign documents for him, as he was also unable to write. The result was a leadership vacuum which led a small but influential Asili group headed by Njenga Mungai to call openly for Matiba's retirement. *FORD-Asili* were unable to ditch their sponsor and founder in time to survive as a significant independent force. Asili's supporters outside central province and Nakuru melted away, mostly to the DP as we shall see, with their support decimated amongst the Luhya of Kakamega and Vihiga districts, Shikuku's home area, leaving them by late 1994 with only two of 11 MPs in the province (from an original total of seven).

The only positive development for *FORD-Asili* was their reacquisition of the rump of the KNC leadership in February 1994, including Rubia, Wa Nyoike, Mwicigi, Keriri and KNC chairman Mbathi, who had parted company with Matiba in 1992, just before FORD Asili was registered. With the fewest young Turks, the DP's main problem was lack of wider national spread, and the nature of its leadership. Although Kibaki endured, he remained passive, and failed to provide the inspirational leadership needed to mobilize the opposition. As a result, the DP gradually moved into the background, eclipsed by FORD-Kenya as the main opposition party. Younger DP members from Eastern province, such as Norman Nyagah and Richard Maore, increasingly made common cause with a cross-party 'ginger group' of opposition backbenchers, including Asili and many FORD-Kenya MPs, which during 1993 became the main opposition grouping within the house.



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### End of an Era.

An era ended in Kenya politics on 20 January 1994, when the 82-year-old Jaramogi Oginga Odinga died in Kisumu. The result was a national outpouring of grief on a scale not seen since the 1970s, particularly amongst the Luo, but more widely amongst the millions of Kenyans who appreciated Odinga's enormous lifetime struggle for Kenya's independence through a wide spectrum of parties and 'parties' - from Independence party KANU, the KPU, KASA, NDP and finally founding FORD (Kenya). In death, his cooperation with KANU was downplayed, and he became once more The Symbol of Opposition Resistance, a sore in the flesh of the ruling party for the grand last time. His funeral brought the DP and FORD-Kenya closer together than ever before, with Kibaki speaking emotionally and calling for unity. Moi's courageous decision to attend the funeral with his Ministers, on FORD-Kenya's home turf in Bondo, endangered him, in that the huge, simmering crowd of 300,000 mourners, completely out of control, would attempt to storm the presidential guard. In the event, Moi and his KANU Ministers escaped unscathed, but shaken; and stirred by the open personal attacks on him, particularly by James Orengo, who publicly called Moi a 'hypocrite, one of those who tortured and detained this great man, and now come here in false praise of his greatness.'

Jaramogi's death was the first break in the log-jam of opposition politics. His death was almost certain, in the end, to break FORD-Kenya's mesmeric hold on the Luo Community. In the meantime, however, it provided a heaven-sent opportunity. With the only man who could hold the party in alliance with KANU gone, Moi quickly recognized that there was little use continuing his 'Opposition accommodation', and ended the joint alliance '.

'I will not accept to be abused, and therefore, KANU will not cooperate with them', he declared. FORD-Kenya and KANU were again at war! Simultaneously, the sole surviving member of the triumvirate elected in September 1992, second Vice-Chairman Kijana Wamalwa, automatically became the first Luhya to head a major political party since 1964. Although Wamalwa remained an educated playboy figure, who had long lived in the shadow of the Others, he now had a brief opportunity in which to discomfit KANU seriously, by bringing a Luo-Luhya alliance into the field, alongside an emerging GEMA alliance (beneath the official opposition parties).

Despite widespread speculation that the Luo would never let the leadership move from their community, Wamalwa was elected unopposed as the new party chairman on 19 March 1994. His deputy, the First Vice-Chairman, (a Luo to placate the majority supporters of the party), was lawyer and Ugenya MP James Orengo. He won a narrow 62-59 vote against Raila Odinga, with the bulk of the Luo delegates in Orengo's favour. The Moslem representation in the party was also reinforced by the choice of Omar Mzee, FORD-Kenya/IPK MP for Kisauni in Mombasa, as second Vice-Chairman. Wamalwa and Orengo were articulate, clever and committed to the need for change; all three leaders, for the first time in a Kenyan political party, were *Young Turks*.

For the next few months, the new party leadership managed to keep hold of both the rebel South Nyanza MPs, determined to defect, and to make deep inroads into KANU'S and especially Ford-Asili's hold on Western province. Despite many fears of Luo splits, and even the planned entry of CPK Bishop of Maseno



South Henry Okullu into the political fray, the Luo community appeared to accept the justice of Wamalwa's inheritance. FORD-Asili showed even more obvious evidence of internal disintegration, with rumors abounding that Matiba would stand down and Shikuku's position as Luhya spokesman irretrievably weakened. Matiba remained the sole unifying factor amongst his client MPs in Central province, but elsewhere Asili supporters were up in arms and ready to quit. The death in February of Josephat Karanja, Asili's informal third in command, capped an appalling early 1994 for the party. The weakening of Asili could only be good news for the DP, and also for the Muite faction and the GEMA team. Thus, although KANU was itself in high spirits, with the improvements in the economy, the Opposition also appeared to be moving slowly towards safer harbours and a sustainable future, save for the imploding FORD Asili.

Increasingly, it appeared that Moi would face some form of two-pronged opposition if he waited until December 1997 for the next General election. FORD-Kenya, with a Luo- Luhya supporter base, in some form of alliance with a GEMA-Based party, would be lethal for KANU. The Key questions were whether a Wamalwa/Orengo, Luo/Luhya party could hold the Luo vote whilst uniting the anti-government Luhya, and whether the Kikuyu and their allies could finally remove their existing leadership in time to fight a General Election in some form of loose but united federation of parties, combining FORD- Asili, DP and Muite - faction FORD-Kenya politicians. Would the old guard go down lightly, or would they (in some fashion) bring down the temple?

Nonetheless, KANU remained the clear favourite to win in 1997. Its weaknesses at the periphery had been addressed one by one. Somehow, despite an inability to address many serious issues facing the country, a high level of incompetence in economic and social terms, and internal division, the KANU elites remained consummate political operators, though given a huge advantage by the system they controlled. The opposition, faced with the widespread popular disillusionment with its performance and the likelihood of victory for President Moi and KANU at the next election in 1997, has become even more divided. Personal animosities and factional rivalries over tactics further reduced its effectiveness. FORD-Kenya had been divided particularly sharply by such disputes, spawning two new political movements: Paul Muite's *Safina* -Swahili for 'The Ark'- and Raila Odinga's take-over of the moribund National Development party (the **NDP**) at the end of December 1996.

*Safina* was officially launched on 13 May 1995, and sought registration under the Societies Act on 20 June. It was backed by a small but influential group of MPs, including human rights lawyer Kiraitu Murungi, FORD-Kenya's sole victor in Eastern province, and former Director of the Kenya Wildlife Service (**KWS**), the famous paleontologist, Richard Leakey. Antagonized by Muite's confrontational style and alarmed by exaggerated reports of Leakey's ability to raise money in Britain and North America, the government blocked the new party's registration, preventing it from developing into a multi-ethnic coalition, appealing particularly to younger voters and the urban poor.



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Raila Odinga's revitalization of the **NDP** was the almost inevitable outcome of the tensions with Kijana Wamalwa since the Luhya leader had succeeded Oginga Odinga as the party leader in 1994. Dissatisfied with Wamalwa's lackluster performance as official leader of the opposition in the National Assembly since mid 1995, Raila Odinga has repeatedly challenged Wamalwa and James Orengo, mainly in Luo towns, to intimidate his opponents in FORD-Kenya as much as KANU. Unable to gain significant support in party branches beyond the Luo heartlands, Nairobi and Mombasa, Raila Odinga was unable to oust Wamalwa from the FORD-Kenya leadership. Even in Nyanza province, Odinga encountered strong opposition from many Luo MPs who resented his confrontational tactics and unpredictable behavior, while older people, business leaders and well-educated professional deplored his reliance on hired ruffians and intimidation to enforce his views. Many Luo leaders rejected the notion that Raila had inherited his Father's mantle. While the softly spoken Jaramogi Oginga Odinga had been widely revered, his son has become almost as widely feared. As a result, many Luo MPs remained loyal to Wamalwa despite the younger Raila Odinga's appeal to the rural masses. In time, Raila Odinga, through a masterful succession of political parties and manouvers, would not only come to have the fanatical following of his Dholuo tribe, but have a mesmeric hold on millions of other Kenyans in the decades to come.

As in the Churchillian description of Russia, Raila was the proverbial puzzle inside an enigma wrapped up in a political mystery: and from being viewed as Raila, the Rabble Rouser, he'd come to be first 'Jakuom,' master of Nyanza, then

'Tinga,' the Tractor that KANU swallowed before becoming 'Baba' of the Nation in a mere two decades.

The divisions within FORD-Asili back then were as intense and personalized. The marriage of convenience between Kenneth Matiba and Martin Shikuku fell apart soon after the December 1992 election. Asili leader Ken Matiba refused to participate in the work of the National Assembly or to collaborate on a regular basis with Wamalwa and DP Leader Mwai Kibaki, becoming even more dogmatic and erratic in his 'eccentric' ways. Shikuku attempted to cooperate with other opposition leaders, but was frustrated by Matiba's volcanic temper and open hostility to parliamentary work.

Many FORD-Asili MPs, however, had limited financial resources and as the 1997 elections drew nearer, they began to restore relationships with Matiba, who remained the party's paymaster. Without his financial backing and political endorsement, few sitting MPs were likely to defend their seats successfully, having ridden into office on the Party tails of Matiba's 'three-piece suit'. Matiba's popularity among poorer residents of southern Kikuyuland and Nairobi, although not as great as it was in December 1992, stayed strong.

Shikuku, however, doggedly insisted that he was the party's legally elected Secretary-General and that Matiba's attempts to replace FORD-Asili's National Executive Committee by holding new elections was unlawful and therefore, void, (as only Shikuku and his supporters, who controlled this key forum, could authorize new polls). Faced by the prospect of losing control of his own party in a protracted legal struggle, Matiba announced in late June 1997 that he had NOT registered to vote. Under



the law, consequently, he could neither defend his parliamentary constituency nor be a candidate for president. This decision indicated that Matiba himself -though this did not necessarily imply that all FORD Asili MPs had been consulted or would accept their leaders' decision - decided that the political 'playing field' was so tilted in KANU's favor that it was futile to participate in the elections. By boycotting (and possibly attempting to disrupt) the elections, Matiba hoped that so few voters would turn out to vote as to undermine the legitimacy of the KANU government with the international community, by demonstrating to the international media the brutality of a Minority State run by the Minotaur called Moi.

*Mwai Kibaki's position as leader of the Democratic Party has also been challenged.* Defeated DP candidate Ngengi Muigai, President Kenyatta's nephew and successor as MP for Gatundu, supported by a few Kamba MPs, including Kennedy Kiliku and Charity Ngilu, attempted during 1994, 1995 and 1996 to persuade the party to adopt a more confrontational strategy. But even with the support of his father-in-law Isaiah Mathenge, the MP for Nyeri Town, Muigai was unable to shake Kibaki's authority among the northern Kikuyu or to mount much of a challenge for the DP leadership. By June 1997, Charity Ngilu, the MP for

Kitui Central, who had emerged as an attractive new voice in national politics and a challenger to KANU's control of Ukambani, also concluded that she would be unable to defeat Kibaki if he decided to seek the party's presidential nomination once again, and like Ngengi Muigai, decided to seek an alternative banner, joining Prof. Peter Anyang'o in the **Social Democratic Party. (SDP).**

Charity Ngilu became Kenya's first female head of a political party, as well as first female presidential contender, in the Year of Our Lord, 1997. She tried to appeal to a wider constituency in her '*Masaa Ni Ya Ngilu*' (*It's Ngilu's Time*) campaigns, mobilizing women voters throughout central Kenya against the male domination of politics.

By contrast, after carefully considering the balance of political forces in Kiambu Districts, Muigai and his sister Beth (the DP's ex-candidate in Dagoretti) joined Matiba's FORD-Asili, the dominant political force in southern Kikuyu land and Nairobi. As candidate for the newly created Gatundu South constituency, Muigai would be locked in a battle royal with Uhuru Kenyatta, the late President's son, who would fight the seat on behalf of KANU, and the latter would go down in defeat in what was probably be the most expensive contest of the 1997 campaign.

### Results of the 1997 general election.

Candidate	Party	votes	%
Daniel arap Moi	Kenya African National Union	2,500,865	40.40
Mwai Kibaki	Democratic Party	1,911,742	30.89
Raila Odinga	National Development Party	667,886	10.79
Michael Kijana Wamalwa	FORD-Kenya	505,704	8.17
Charity Ngilu	Social Democratic Party	488,600	7.89
Martin Shikuku	FORD-Asili	36,512	0.59
Katama Mkangi	Kenya National Congress	23,554	0.38



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George Anyona	Kenya Social Congress	16,428	0.27
Kimani wa Nyoike	FORD-people	8,306	0.13
Koigi wa Wamwere	Kenya National Democratic Alliance	7,745	0.13
Munyua Waiyaki	United Patriotic Party	6,194	0.10
Godfrey M' Mwereria	Green African Party	4,627	0.07
Wangari Maathai	Labour Party	4,246	0.07
Stephen Oludhe	Independent Economic Party	3,691	0.06
David Waweru Ng'ethe	Umma Patriotic Party	3,584	0.06
Invalid /blank votes			
Total		6,189,684	100
Registered voters/ turnout		9,063,390	
Source: Nohlen et al.[2]			

Party	Votes	%	Seats	+/-	Appointees
Kenya African National Union			107	+7	6
Democratic Party			39	+16	2
National Development Party			21	New	1
FORD-Kenya			17	-14	1
Social Democratic Party			15	+15	1
Safina			5	New	1
FORD-People			3	New	0
FORD-Asili			1	-30	0
Kenya Social Congress			1	0	0
Shirikisho Party of Kenya			1	New	0
Invalid/blank votes	95,349	-	-	-	-
Total	5,908,948	100	210	+22	12
Registered Voters/Turnout	9,063,390	65.43	-	-	-
Source: IPU					

In 1998, Mwai Kibaki took a petition against Moi to court, having served Moi by publishing the notice of the petition in the Kenya Gazette. However, Judge Emmanuel O'Kubasu, Mbogholi Msagha and Moijo Ole Keiwua ruled that Kibaki should have served Moi with the petition personally. Their position was upheld at the then-highest court of Appeal by Judges Richard Omolo, Bernard Chunga (Chief Justice), A.B Shah, A.A Lakha and Owour, JJ.





**Elections in Kenya African Elections Database.**

Province	Moi		Kibaki		Odinga		Wamalwa		Ngilu	
	votes	%	Votes	%	votes	%	votes	%	votes	%
Central	56,367	5.6	891,484	89.4	6,869	0.7	3,058	0.3	30,535	3.1
Eastern	370,954	35.6	296,335	28.5	7,787	0.7	7,017	0.7	349,754	33.6
Coast	257,065	63.4	51,909	12.8	24,844	6.1	11,306	2.8	38,089	9.4
Nairobi	75,272	20.6	160,124	43.9	59,415	16.3	24,917	6.8	39,707	10.9
North Eastern	70,506	73.2	20,404	21.2	311	0.3	4,431	4.6	440	0.5
Nyanza	215,923	23.6	138,202	15.1	519,180	56.8	14,623	1.6	15,301	1.7
Rift Valley	1,140,109	69.5	343,529	21.0	36,022	2.2	102,178	6.2	11,345	0.7
Western	314,669	44.9	9,755	1.4	13,458	1.9	338,120	48.2	3,429	0.5
Total	2,500,865	40.4	1,911,742	30.9	667,886	10.8	505,704	8.2	488,600	7.9

Source: Nohlen et al.

**The electorate's electron election.**

KANU's President Moi, in 1997, won almost 70% of the vote in his Rift Valley stronghold, where his Kalenjin people mostly are. The first runner-up nationally, DP's Mwai Kibaki, won an astonishing near 90% of the Kikuyu vote in central province. These demographics only point in one direction - with the physical, mental and financial implosion of party leader Ken Matiba, unsuited for re-election as a person (contrary to his clamorous claims that he was 'as fit as a fiddle') and the explosion of his party as *Ford Asili* went nuclear (under Shikuku's leadership, Shikuku would gather a pathetic 0.59% of the vote), almost every political voting Kikuyu had run to the arms of the Democratic Party - and the electronic pull of tribe is the only logical explanation for this great party-to-party movement of defectors.

Raila Amolo Odinga came third with just 56.8% of the Nyanza vote- but that's because the province is shared between the *Abagere* (Luo) and the Abagusii. Down on the ground, the political scion of Ker Jaramogi had swept up 86.7% of the Luo votes, sealing the continuation of the great Odinga Dynasty in hard numbers, just a year or so after losing the contest for Ford Kenya. Kijana Wamalwa, who had defeated the new **NDP** (National Development Party) leader just the previous year (December for leadership of *Ford Kenya*) would come in fourth, with one of every two Luhyas supporting their 'native' son, but the Aba-luhya are well known for being the most politically fragmented or else 'liberal' tribe in the country of Kenya. Fifth in the race was the fresh-faced female leader of the **Social Democratic Party** (SDP) Charity Kaluki Ngilu with her lethally cool youthful slogan '*Masaa ni ya Ngilu*' (it's Ngilu's time) and who got a greatly commendable half million votes, with 349,754, or 70% of her total vote, being from Eastern Province, home of her native Akamba.

The electrons whizzing and zinging around the fundamental core of every political party in Kenya are the TRIBAL NUMBERS. The political leader who doesn't have most of his/her tribe behind them is 'kaput' Or as pundits say on the streets, *kwisha yeye!*



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### NAIROBI.

*What about the capital city of Nairobi?* What do the figures as appertain to the leaders of those parties tell us, especially about party and tribe, from the 1997 election? The Democratic Party's Mwai Kibaki got almost 44% of the Nairobi vote. Speaking not just to the fact that the capital's city is next to central province, but also that Nairobians, being the most urban of Kenyans, with most of the middle-class being denizens of the capital, found that the D.P.s urban talk of business, capital, economics and finance found fruitful ground in the capital.

And thus, rewarded the Democratic Party leader with 4 of every nine of the city votes. KANU came in first runners' up, with president D.T. Moi netting just over 20% of the city votes cast, proving that one of every five Nairobians were comfortable with KANU's continuity. 16.3%, or one of every six, voted for Raila Amolo Odinga (RAO), and his National Development Party, while returning the political heir of Ker Jaramogi to the Parliament as M.P. of Langata for the second time. The slum dwells of Kibera, many 'Aba-Luo', were with RAO. He was also beginning to develop a kinship spirit with Nairobi's urban poor, outside of the Agikuyu ones, and this pipeline would infuse every political party, and gathering, that the son of late Odinga attended - greatly adding to his appeal, and thereafter near impregnable powerbase, in decades to come, especially in heavily populated slums of Kibera area.

Charity Ngilu's commendable 10% showing in Nairobi can only be looked back at as the most civilized, pre-feminist, esthetically pleasing of city votes, ever till that time, in our nascent multi-party democracy in 1997. As

for Wamalwa Kijana, with 6.8% of the Nairobi vote, it was just a lackluster, if not outright *dismal* showing, for a man who'd inherited a mighty mantle like Ford Kenya. For a man who cut the image of a city slicker, Wamalwa's city vote was pathetic; also, ironic, because he was a most urbane man who had little urban support.

Nevertheless, in a mere five years, this national fourth place finisher, Kijana - far ahead of veteran seasoned politician Martin Shikuku, activist Katama Mkangi, the radical George Anyona, the ambitious Kimani wa Nyoike, dread-locked Koigi wa Wamwere, (fresh from exile in Norway), old Munyua Waiyaki, the greenhorn Godfrey M' Mwereria, the green-hand Wangari Maathai, (who would become world famous as an Nobel Laurence environmentalist in 7 years' time), the unknown Stephen Oludhe and political crank David Waweru Ng'ethe, all with less than half a percentage of the total vote - would through the alchemy of political parties briefly become the second most powerful person in the republic of Kenya, at least on paper.

But what of the slew of smaller parties? The *Kenya National Congress*, the *Kenya Social Congress*, *FORD People*, the *Kenya National Democratic Alliance (KENDA)*, the *United Patriotic Party*, the *Green African Party* (M' Mwereria's GAP) and Labour Party (Wangari Maathai), the *Independent Economic Party*, the *UMMA* patriotic party, but mostly *Ford-Asili* under Shikuku... *Where does one place parties such as these, in our democracy?*

### Smaller Parties.

Like in football, taking the premier league in Britain, teams like Arsenal or Chelsea or Liverpool, or either one of the Manchester clubs have been dominating the top table for a while.



Yet, year after year, hundreds of football clubs are able to enter the competition but yet unlikely to clinch the first top 4 positions that qualifies the team to the champions league and exposure to more finances and publicity. Nonetheless, the small teams entre the premier league not hoping to win but to play well and remain in the league. If a slot in the top four comes their way, its even highly appreciated. This concept seems to play out also for political parties, a majority of them. They are engaged in different political activity from the major TRIBAL-backed political parties; sometimes their party leader may actually win a parliamentary seat, especially if a popular figure who defected or got rigged out of a major ticket- but the hope of many members getting into the August House, let alone their leader becoming president and forming a government, remains a distant dream. Publicity and popularity, their leader and the tactics employed, experience in the field and finances as well as public support.

These are key factors. In 2020, that may be changing a little bit, with the likes of Machakos Governor Dr. Alfred Mutua running a campaign on the **Maendeleo Chap Chap** chapter, a political party that is positioning itself to bring a fresh face of leadership, that lies outside the political perimeter of TRIBE. In 1997, none of the minor political parties we have mentioned had any hope of gaining power of any kind, in the same way that an atom without an electron becomes a non-entity. None of the minor party leaders had the backing of a tribe, let alone regional support of any sort. Many of them were unknown elements, and even the known ones like Shikuku and Maathai, for all their parliamentary and activist credentials, none had any real community backing

on the ground. Infact both the veteran and luminary were seen as rebellions eccentrics, and no-hopers by most of the 1997 *mwananchi* electorate. Excluded from the Electron Tribal backing, the 'small party' in Kenya generally goes nowhere, except for brief fame.

These parties may produce ideas for the bigger tribal parties. They may stimulate, goad, move or even identify areas of Voter disaffection, but mostly they are merely a harbor for any number of political misfits and fame or fortune hunters. While tinkering, or pretending to throw grit at the highly 'Electronised' party, sometimes they merely serve or allow themselves to be (ab)used as lubricant, to bring up issues/ fling insults that the Neutron (political party leader) cannot do himself/herself. Nevertheless, small political party heads often heed the advice of the Annie Lennox lyrics in the refrain to '*hold your head up, keep movin' on,*' from election to election. Till they tire of the five-year rigmarole and disappear from the scene, until revived for a brief cameo by historians, political memoir writers and other folks like us. There's a story of how the Prince Consort once invited the leading members of Cambridge University to Buckingham Palace. Once they arrived, he offered them either claret or a sherry. The Master of Caius College stretched himself to full height, and looking down his nose, said in a snotty tone: '*Port if you please, o prince.*' When great political coalitions are formed in Kenyan politics, these smaller political parties, that nevertheless expand our democratic spaces, purport to offer a third choice. Voters can clearly see only vodka and wine on the political table, but They say: 'Forget those! We also happen to have champagne and *chang'aa kwa meza.*'



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## CHAPTER SEVEN

### THERE'S ALWAYS DEFIANCE WITH 'RAINBOW ALLIANCE'

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#### **The Rainbow Parties' Rebellion and its re-shaping of our Democracy.**

Forget what mundanities *The Bangles* once sang about 'Manic Monday'. There had never been a Monday as maniacal as the one that took place at the *Nyayo Stadium* on 18/11/2002. Two months on the 18<sup>th</sup> anniversary of the NARC rally that made it clear that KANU was about to lose its 40-year grip on power. I can still go back to that stadium in my mind. Just adjacent to Nairobi West estate - and be swallowed up whole again by the sixty thousand strong throng of Kenyans in a frenzy of riotous excitement and fever, as in that of your country in a World Cup football final against a loathed foe, but a match that you fully expect to win.

I still recall alighting from a *matatu* from Umoja on Tom Mboya Street to join a rowdy running gang of mostly Luo guys chanting slogans against the regime and *KANU*, rhythmically jogging along Haile Selassie Avenue to join other tributaries of **NARC** supporters, coming from all directions, rivers of Rainbow followers singing



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tributes to the National Alliance Rainbow Coalition, running up, then down the gradients of the undulating Uhuru Highway near the railway, sipping from sachets of fiery liquors like 'Sapphire' gin and 'Napoleon's Rum,' singing corrupted church songs like 'yote yawezekana bila KANU' and 'tingisa Project, bila condom' all the way into Nyayo stadium. I can still hear the roar of that Rainbow crowd, 'oyeeeeeee', a mighty beast with a belly that lay in the bowels of the earth, as a solitary helicopter festooned with Rainbow colours and a tail that read 'National Alliance Rainbow Coalition' (NARC) scythed its way across a lazy hazy blue November sky that was as calm as the crowd below its gaze was turbulent.

Then the rap-pop musical duo of the moment, indeed the entire continent, came on stage at the stadium and everything became pandemonium, as the crowd sang their song, *our song*, as if chanting incantations against some plague or endemic pandemic. 'What the hell is you lookin' for, can't a young Luo man made money anymore? Shake your feet baby gal, *en angoo?* *Majimaji nyakwar ondijo* I'm Luo, but who are you? What are you? Who the hell do you think you are? Get the hell out of my face because, hey, *Gidigidi* is my name I'm saleable /drama *pilipili* yes, I'm terrible! I'm unbeatable. I am un-suable. I am **UNBWOGABLE!**

Another verse then went on to praise Luo heroes, leaders, entertainments and even their football club Gor Mahia with the words '*dong aparo i.*' Oginga Odinga, Tom Mboya, Ouko Robert, Raila Amollo, Orenge Jimmy, *K'Ogalo* (Gor Mahia FC), Okatch Biggie and Julie 'Dunia Mbaya' (Jaluo Malo Malo Ute) all were ..... *Unbwogable*. In a way, 'Unbwogable' was a liberation song, not just for the Luo but for the country, but especially for the Luo people, so long

diligently marginalized by the state and party machinery, for reasons we have explained in our previous chapters. It was a Liberation song that starts off as *Lamentations*- 'can't a young Luo man make money anymore?' (*id est*, why does the Government not invest in Luo Nyanza?) before asking the (Luo) nation to awaken itself.

Shake your feet, baby gal, *en angoo!* - even as the persona defines themselves (I am Luo, but *who* are you?), then defies the State to identify itself (what the *hell* are you?) before becoming an outrightly defiant anthem, telling the regime (KANU) to get the hell out of its face /out of the way /out of power. And, indeed, NARC—or the 'Rainbow coalition of parties'—was at this point *pilipili* (*chilli pepper*) for the president, looking unbeatable at the polls, un-suable as in above the old 'electoral laws' (where the incumbent could rig the elections)-so that 'unbwogable' becomes something more than just an idea impossible to defeat. Unbwogable became the euphemism for *invincibility*. Was Moi going to retire? This had been the great question, fear even, that was the political undercurrent running through the wires of the main Opposition Party leaders in the country. If Mzee Moi decided to stay on as not just Chairman of KANU but also as the president of Kenya, then democratic space would be greatly diminished in the nation, and the Constitution, with its two-term limit to presidential tenure, suffer a blow from which it may have taken more time that we can imagine to recover.

One of the most intriguing things was that Moi did not name a Vice President (VP) after his re-election in 1997. Noah Katana Ngala, son of KADU founder Ronald Ngala, was named leader of Government Business in parliament.





After a while it became clear that Government Business in the House was not moving well at all. Meanwhile, pressure was mounting on the president to appoint a vice president.

President Moi eventually gave in to the pressure and reappointed Saitoti the Vice President, while he was on the road somewhere in Limuru, returning to Nairobi after a visit to Nakuru.

He reminded the nation that the appointment would not vary their lives in any meaningful way. "*Mnafikiri Saitoti ataongeza sufuria ngapi ya ugali kwa nyumba zenu?*" (Which was to say, "How many more *sufuria* of ugali do you imagine Saitoti is going to add to your table?") An American Vice President once said that, contrary to the notion that the VP is a 'heartbeat away from the presidency,' in his opinion, the post wasn't worth a 'good spit.' In re-appointing George Saitoti in such an offhand manner, President Moi was sending a twofold message to different constituencies. To the country, he was saying his VP, not worth a bolus of maize meal, wasn't necessarily his chosen successor but the most feasible compromise at that point in time. To his political party, he was saying he alone held sway, and the ultimate say, on matters to do with KANU – never mind who anyone else was, or what they thought. The legal environment at that time allowed for such decisions to be made, no matter the mannerism. Some of the people close to Moi were now gazing vacuously into the political abyss, which stared back emptily at their worried faces. What would happen to them and to their business interests, after Moi? They began digging in for a political fight. KANU's political gadflies, like Sharif Nassir and Ezekiel Barngetuny, begun talking openly about the need to change the Constitution to remove the term limit on the Presidential tenure.

### TALK OF MAJIMBO, NEW KANU AND THE DAWN OF 'PROJECT UHURU'.

The policies of the Moi Succession were in the air. People were posturing for visibility and prominence. Public funds' drives and sundry philanthropic ostentation and displays were in season. The presidential term limits debate came back. Sharif Nassir and Ezekiel Barngetuny went on the hustle. They moved from pillar to post and post to pillar, floating political balloons. Should Moi retire or not? This was the question. They told the country that if voters were still keen to give president Moi another term, why should they be restricted by the constitution? They thought that the country had made a mistake to limit the presidential tenure. The Opposition hit back with venom. *Why was KANU trying to drag the country back*, they asked?

They feared that someone might bamboozle parliament to amend the Constitution to allow Moi another term. The last thing they wanted to see was Moi's name on the presidential ballot paper again.

The President himself kept everybody in suspense. He seemed to like it that way whenever debate revolved around him. The conduct of politics in the country over nearly two and a half decades had made the presidency synonymous with Moi and Moi synonymous with the Presidency. How could the two be separated now? And so, President Moi's closes aides and confidants went to town with the debate about the need to amend the Constitution to remove term limits. The flipside of this debate by the same team was about the need for Majimbo.

If the Opposition did not want Moi to remain in power, then the country should embrace federalism. This was a



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veiled way for folks to be forced to retreat to geographical locations perceived to be their ancestral lands. This message seemed to be targeted more pointedly at the Kikuyu people, who had settled all over the country as an outcome of the land factor in the political economy of the colonial state and the Jomo Kenyatta state.

Sensitivity around this question often led to violent ethnic conflict in the settled areas. Other people were looking at the goings on in KANU and seeing opportunities. Before his passing on in February 1994, Jaramogi Oginga Odinga has floated the idea of the party, Ford Kenya, working closely with the Government. Now his son Raila Odinga, MP for Langa'ta and leader of the National Development Party (NDP), began speaking the same language. He ignored the consternation that his new agenda was generating. Kijana Wamalwa and Kivutha Kibwana wondered who would want to cooperate with a party that was deemed beyond redemption ... Negative vibes regarding the proposed cooperation came even from within NDP itself.

Some MPs from the National Democratic Party described this proposed cooperation in unprintable terms. But Raila Odinga, for the first but not the last time, had now learned how to make two seemingly unwieldy things – like a cockerel and a tractor – merge seamlessly into one political machine. At about this time, Mark Too resigned from his position as a nominated member of parliament. The resignation was announced on the evening Kenya Broadcasting Corporation (KBC) news bulletin at 7.00 pm. At the same time, the nomination of Uhuru Kenyatta to parliament was announced. The President then went a step further to

appoint Kenyatta Minister for Local Government. Also appointed to the Cabinet at the same time was Lugari Member of Parliament, Cyrus Jirongo, who became Minister for Regional Planning and Development. The MP for Eldoret North Constituency, William Ruto, was made Assistant Minister in the Office of the President. The appointment were curtain raisers to things to come. The first stroke would be the KANU and NDP merger in March 2002.

On 18 March 2002, the merger of the Kenya African National Union (KANU) led by President Daniel arap Moi and the National Development Party (NDP) led by Raila Odinga was approved by their delegates (IPS 18 Mar. 2002; *The Nation* 14 July 2002; *East African Standard* 2 Sept. 2002). According to one source, the two parties merged in an effort to increase their chances of winning the 2002 general elections since the “NDP was the second largest opposition party and commands massive support among Odinga's ethnic Luo voters from western Kenya” (IPS 18 Mar. 2002). This merger was to address the challenges that would be brought forth by the coalitions of political parties in the opposition.

President Moi had negotiated the KANU-NDP merger outside his usual political circles. This cooperation would certainly have its casualties. Kamotho and Saitoti looked likely targets. In the long run, Raila would become the Secretary General of KANU, while Moi retained his chairmanship and party leader positions. KANU leaders like Musalia Mudavadi were to negotiate with the NDP team an arrangement that could represent the face of Kenya. Although there would be elections, they were going to be negotiated elections with negotiated outcomes. President Moi



and others close to him were focused not just on the KANU hierarchy as such, but more significantly, on the imminent Moi Succession both in the party and as Head of State. Where one fitted in this arrangement now would likely influence the succession. Everything was well and excellently choreographed. Although it remains doubtful whether the outcome of the elections that saw KANU merge with NDP was ever filed with the Registrar of Societies, regardless, there was now a new KANU. Both the insiders and outsiders called it *New KANU*. The Raila Odinga star was on a steady rise. He had made the right call this time round and things were looking up for his camp. The emerging cooperation between his and President Moi saw him get appointed as Minister for Energy. Otieno Kajwang and Adhu Awiti, his trusted sidekicks, also became Ministers. Job Omino was made Assistant Minister.

Raila's meteoric rise was heralded by his role in the Constitution review process. Professor Charles Hornsby has said this of it:

*A key indicator of Raila's progress into the heart of KANU was his role in the constitutional review process, where he was now Moi's MOST LOYAL ALLY. In June 2001, Odinga finally received a reward for his cooperation, when Moi formed the first coalition government since 1963. He appointed Raila as Minister for Energy, his colleague Adhu Awiti became Minister for Planning ..... Raila looked to have made a deal that would leave him well placed to succeed Moi, and Nyanza celebrated in response.*

At this point, a merger between KANU and NDP looked most imminent. The political circuit began talking of a

possible "Western Alliance" between the Kalenjin and Luo tribes. The Luhya would also receive an occasional mention. But the emergence of Raila at the centre stage troubled many. What worried his adversaries even more was his possible ascent to State power. The Kamotho-Saitoti political axis was extremely ill at ease. Throughout 2001, they resisted efforts to merge the two parties, arguing that KANU's *katiba* did not have any provision of mergers with other political outfits. However, President Moi overrode them, leading all officials to the National Delegates Conference with NDP on 18 March 2002, at Kasarani. The die was cast. Saitoti and Kamotho were chased out of the centre of power in KANU, as the new political kids took the party block by storm.

Musalia Mudavadi explains the politics of Party merger thus: 'While my adversaries climbed on political rooftops with all manner of hostile invective against me, I engaged in quiet diplomacy with the 6,000 plus delegates. I strongly believed that I would stem the tide. It was the practice that candidates hid delegates in secret hotels in Nairobi and elsewhere in the environs of the city. You had to work exceptionally hard to discover the hideouts and harder still to win over the delegates, most of whom had already been bought. There were four national vice chair positions and I was competing to secure one of them. Under the arrangement reached, the four seats would go each to the Coast, Central Province, Eastern Province and Western province. My adversaries wanted to knock me out of the Moi succession race by ensuring that I lost the election. Katana Ngala, Kalonzo Musyoka and Uhuru Kenyatta each came in unopposed to represent Coast, Eastern and Central provinces each. Lugari MP Cyrus Jirongo and I



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competed for the position that had been set aside for Western province. In the end, my quiet diplomacy paid dividends. Elders and delegates from Western Province prevailed upon Cyrus Jirongo to withdraw his candidature, which he did at a press conference, shortly before the Kasarani meeting.'

Other notable outcomes were that Nicholas Biwott became the new Organizing Secretary. William Ruto, also from Rift Valley, became the Director for Elections, while Otieno Kajwang became Director for Legal Affairs. The new entrants in KANU were most exuberant. Perhaps driven by the need to prove some point, they could now be seen virtually everywhere, dancing in the old KANU leadership style they had vehemently opposed. They attempted to take control of KANU headquarters, but found that as President Moi had cautioned them earlier, KANU had her owners. The rest was now a focus on the Moi succession to State House. Side by side with Raila Odinga was the fate of Uhuru Kenyatta. While Uhuru had lost his election bid for the Gatundu South Constituency in 1997, it was instructive that people like Henry Kosgei and Joshua Kulei, President Moi's close associates, were as early as 1998 whispering of a possible Uhuru presidency. They seemed quite warm to the idea. Uhuru Kenyatta was however, to many people a political outsider and utter neophyte.

*He had never even shown any open interest in politics.* Indeed, in the run up to 1997 elections, the editors of *The Weekly Review* had carried a cover story on Uhuru titled "*The Reluctant Politician.*" Apparently, there were powerful interest groups that wanted Uhuru to take over from Moi. After Kasarani, however, it was thought that he was coming into the fray to strengthen an emerging team

of youthful KANU leaders, including Raila, Kalonzo Musyoka, William Ruto, Julius Sunkuli and Musalia Mudavadi. President Moi had also, by this time, put paid to any thoughts of a possible third term for himself, to his total credit.

He had publicly declared more than once that it was about time, he called it a day. He wanted to leave the country in the stable hands of a youthful leader, one who could be trusted to hold the various tribes together and steer the nation straight-forwardly into the future. Everybody wondered whether the president had a specific youthful leader in mind, or whether he was going to leave it to the fellows mentioned above to battle it out amongst themselves, and let the internal mechanisms of the KANU machine democratically square it all out – then step in, as KANU chair, to declare that winner his preferred successor (against the Opposition's candidate, that is). Speculation was rife, nonetheless, with newspaper pundits springing up all manner of hypotheses, starting Sunday and right through Saturday.

What was not being anticipated was that Moi had his own thoughts about who would succeed him. Raila clearly believed that he would be the third president of the Republic of Kenya. While there is no clear evidence to this effect, it is widely believed that Moi may have led him on about something fantastic to come. There was a lot of unease within KANU. People who had hitherto enjoyed certain seniority within the party ranks and Government were now facing fresh competition. The conclusion seemed to be in sight, and it was not always a very encouraging end times sign. It also coming to the realization of many, however, that President Moi's promissory note was just that, a promissory note. Whether you could



bank it was another question altogether. This became quite manifest when the president began sacking people while at the same time heightening his talk about the future in very straight terms. The only thing he kept emphasizing was the need for unity within the party. "If you do not unite, these people will finish you," he kept telling KANU folks at closed-door party meetings and even in Cabinet, even as he played his own cards tight to the chest of one of his London-style suit jackets.

Maybe only Uhuru, William Ruto and perhaps the president's favourite son, Gideon Moi, knew what was happening and the bombshell that was about to drop. Something had been brewing for a while and it did not take people by total surprise, although most were still shocked when Moi announced that he was proposing Uhuru Kenyatta to succeed him. You would hear that the Minister for Local Government had been at one gathering or the other and that he had been lent the facilities of the presidential press service. This was completely out of both protocol and character. Nobody walked outside Moi's shadow in such a manner. The KANU dogs of war would hound you out of town after the fashion in which Josephat Karanja had been hounded out of the office of Vice president to pave the way for Saitoti for acting in such a grand manner.

Meanwhile, the country clearly expected something different from who Moi seemed to be planning to succeed him as president. At the same time, the momentum around Mwai Kibaki, Wamalwa Kijana and Charity Ngilu was swelling. So far, few people in KANU had taken them seriously. Some people from KANU's side of the political divide habitually ridiculed them. Whenever

the trio/triumvirate met to strategize, someone would quip, "What are two men doing with one woman in a hotel?"

The three were plotting a coalition that would link up the DP, the SDP and Ford Kenya into the NAK (National Alliance of Kenya).

It was within this context that the president's announcement eventually came. Uhuru Kenyatta was the young man he had been talking about! The announcement was greeted with absolute consternation, disbelief and resentment. *What experience in State affairs did Uhuru have? Many asked. Was the president trying to succeed himself? Was he intent on throwing the country into a mess, now that it was imminent that he would go?* These questions informed public discourse. Other circles thought that Moi wanted to leave behind a united country. *Only a Kikuyu president within KANU could achieve this feat*, they said. Other speculations were that he had possibly struck a deal with the late president Kenyatta. Accordingly, Kenyatta would position him to become president after him. In return, Moi would pass power back to the Kenyatta family and possibly to Jomo's own then young son. The grapevine swelled with fruit.

After making his announcement in Mt. Elgon, the President visited Kakamega to a most rocky reception. Musalia Mudavadi had left Mt. Elgon for Eldoret in the same chopper with President Moi. The weather was very rough within the clouds. This would translate literally to the political weather on the ground. They spent the night in Eldoret and went to Kakamega the following day. They arrived in Kakamega after a few minutes to a reception of riots, protests, tire bonfires and stones in the streets. It was a truly rocky affair. Moi gave up on the possibility of public meetings or





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rallies and conducted businesses from the state lodge. The late prof. George Eshiwani, one of the President's closest confidants, went in to have a chat with the President. Moi wanted to figure out from Eshiwani why all this hostility. The president was stunned and dismayed by the protests.

Eshiwani indicated to him that the community felt deeply betrayed by his selection of Uhuru. It was going to be difficult for KANU to enjoy the kind of victory it had previously had in Western province. In fact, the good professor said with courage and candor, '*West(ern) looks lost to us.*'

### **THE KANU MUGUMO TREE COMES CRASHING DOWN.**

According to Musalia Mudavadi, The Luhya side in KANU was divided about the Uhuru project. People started talking about the Kenyatta regime, 1963-1978, and how it had short-changed the Luhya people. They feared that Uhuru would also short change them if he became the President. Others thought that he would come as a breath of fresh air and could therefore be relied upon to chart new and healthy inter-ethnic relations.

'He did not have any personal baggage from the past and it would therefore be unfair to judge him harshly on the basis of other people's history, even if one of those people had been his father.'

*The Opposition was meanwhile growing in strength and numbers.* For his part, Moi had grown very distant from almost everyone in KANU, with the exception of the support he was lending to his chosen successor. Conversely, he lost a lot of goodwill and support. Uhuru was now being disparagingly referred to in public discourse as 'Project Uhuru.' KANU insiders were rebelling against the project too.

Even Musalia, who had literally been gifted with political power when his father passed away in 1989, and made a Cabinet Minister before he was even thirty, began withdrawing his support for KANU. At this time, there was a lot of caucusing within the discontented portion of KANU. This really meant the whole country, with the exception of slews of Rift Valley and Kiambu.

'Project Uhuru' looked doomed, right from the start. But it was the KANU leader's pet project. President Moi underrated the backlash. He possibly imagined that there would be many Opposition presidential candidates, as in 1992 and 1997, that had helped KANU sneak back to power. If this had happened, then his Project may possibly have survived, with a divided Opposition. He little expected that almost all Opposition Party leaders would eventually rally behind Kibaki. That it would not be just, say, the Democratic Party that KANU would be taking on in the 2002 General Elections but a formidable coalition of Opposition Parties called NARC.

The National Alliance Rainbow Coalition would eventually be an alliance between the National Alliance Party of Kenya (NAPK) and the Liberal Democratic Party (LDP), never mind that the former were three regional unions of a trio of politicians (the Two Men and a Lady mentioned earlier), and the latter neither liberal or even internally democratic, as in understood in the West. At a secret meeting held at a Nairobi hotel, it was decided by a core group of KANU insiders to pull out of KANU and allow Moi to go on with Project Uhuru if he did not allow them to have a free and fair nomination of KANU's presidential flag bearer. Dissenting team members were Kamba leader Kalonzo Musyoka, Maasai





chieftain William ole Ntimama, Luo Kingpin Raila Oginga Odinga, Coastal point man Katana Ngala, respected Luhya political elder 'Uncle' Moody Awori, hapless VP George Saitoti and the de-fanged Joseph Kamotho-the latter two who saw it as payback time for Moi, who had openly humiliated them at the Kasarani meeting the previous year.

Mudavadi, Ngala, Kalonzo, Odinga and Saitoti all declared interest in the presidency. They continued to clamor for free and fair nominations, especially the energetic Raila Odinga. President Moi was unhappy and somewhat shocked at this open defiance of his KANU authority. Nothing like this had ever happened to him before. Realizing his strategic mistake somewhat too late, he told public rallies that those who wanted to compete against his candidate should face off with him at Kasarani, in what now assumed the tag of Kasarani II. But he planned to bulldoze his candidate through the planned delegates conference. He would impose his Project upon the party and use the sham nomination exercise to legitimize him. It was therefore unanimously decided that the rebels should look for an alternative vehicle and decamp from KANU altogether.

Former NDP tsar Raila Odinga famously termed Kasarani as '*Kichinjio*' (the Slaughter House/ abattoir), where their political bulls/ calves would be sacrificed on the altar of Uhuru by the Father Abraham of the KANU party (president Moi) and refused to go there. Instead, Raila constituted the rebelling ministers into what he called the Rainbow Alliance. They began touring the country to popularize their candidatures. At this time, they still pushed for an assurance of free and fair nominations. In response, they were now told to toe the line or

quit, contrary to earlier assurances of democratic party primaries. But, at the same time, there continued to be pockets of support for Project Uhuru, although his support base seemed to be significantly from Kiambu District and parts of Rift Valley.

President Moi now began sacking the rebels and close political associates from their posts and from KANU altogether. Fred Gumo and Joseph Kamotho were the first to face the guillotine. Others quit Government before they could be dismissed. Within days, Raila, Saitoti, Moody Awori, Joe Khaniri, Kalonzo Musyoka - among others were out of Government. Musalia Mudavadi decamped later. Under the Rainbow Coalition, they proclaimed that they would look to a political party or parties under which 'we would continue to pursue our interests.'

Noah Katana Ngala, though, on 7th August, 2002, dropped out of the rebellion squad to lend his lukewarm support to the Uhuru project. Perhaps he felt he owed a political debt to the man who, alongside his late father, had founded KADU to face up to the party he now led as *Numero Uno*. Then on 5<sup>th</sup> September, 2002, Musalia Mudavadi, for whom Moi wasn't just a father figure but also political godfather, also re-defected back to KANU, a big mistake for which his constituents would amply punish him by rejecting him at the subsequent election, by his own admission.

'A cocktail of factors led to this *faux pas* on my part; from historical ties to Mzee Moi, through family pressures and assorted threats, intimidation and even persuasion. But the ultimate driver for my retreat was the family ties and the traditional amity between my late father and president Moi. I must admit that



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Mzee Moi was very much like a father to me. I must also admit that he wronged the country and wronged me, too, by imposing upon us the Uhuru Project. In the same way, I admit to the political mistake of making the retreat that I did on that fateful day of September 5<sup>th</sup>, 2002.' (which must have seemed like a pleasant if belated birthday gift to the KANU leader, who had just turned 78 a few days earlier). Musalia Mudavadi continues thus:

'In mitigation however the finer side of me won, for there have been times when circumstances have led us to stand by parents, guardians and mentors, even when we knew they were wrong. I had no illusions whatsoever about the mistake and sacrifice that I was making by standing by Moi and Uhuru at this delicate item. I told myself, however, that I was still a young man. If Moi had made me a politician as he had indeed made many others, I would pay back my debt by standing with him and risk losing the election. I would come back someday, without the burden of the thought that someone had crafted my vessel and charted the path that it travelled. They had said in the Good Book that we should give to Caesar what belonged to him. And so, I was giving back to Caesar the Sabatia parliamentary seat and shelving my presidential ambition for the time being. My moment would be stolen, but not lost. I would come back someday...'

What Musalia does not mention is the juicy carrot that Moi dangled to him, that of Vice Presidency. For two months later, Mudavadi would be given the Vice Presidency. One that lasted exactly two months, and ended on the bleak (for KANU and him) morning of 3<sup>rd</sup> January, 2003, and that incredibly lasted half the length of Joseph Murumbi's 120-day

Vice Presidency that ended when he resigned, on principle, on the last day of August, 1966. The election looked lost from the very onset. Not surprisingly, even while The Party was visibly weak, backstabbing still went on within its ranks. Old habits in political parties do die hard. KANU went to the campaign trail against the tide of a rebellious country. They faced a euphoric untied Opposition.

Unlike in the past two multiparty elections, The Opposition had learned its decade long lessons the hard way, and put its act totally together. On October 18 at Uhuru Park, at a rally with hundreds of thousands of people, this writer a young face in the crowd, the constellation of NARC stars (complete with a resplendent Charity Kaluki Ngilu, now 'Mama Rainbow') had come from a morning long meeting at the Serena, where they'd negotiated their top candidate. LDP's leader, Raila Odinga, stood in front of the mammoth crowd that covered the grounds, and in an almighty roar, asked the adoring crowd: '*Si mzee Kibaki anatosha?*' (Isn't Kibaki enough)? 'NDIOOOO' (yes), we roared back as one big bull in full bellow. And that was it! *Kibaki tosha!!*

There was of course Simeon Nyachae with his Ford People outfit- and they would go on to win a few seats in Kisii - but the competition was clearly between KANU versus the united Opposition under the banner of the **National Rainbow Coalition (NARC)** with Mwai Kibaki as the party's presidential candidate. The choice of Kibaki as The Man was not without its own drama and the country would come to hear of betrayals of Memorandums of Understanding (MoUs) within the coalition, that would be the bad seed of their eventual split. Suffice it to say that



once the Rainbow spread across the country, it was Mission Impossible for KANU, the Independence Party, now in the twilight of its power after 40 years on the top perch.

On 03 December 2002, Mwai Kibaki was involved in a near-fatal car crash on his campaign trail, sending shivers across the nation. He was rushed to London for specialized attention. He returned to the country on 14 December to a rousing welcome that equaled that of Kenneth Matiba a decade before, ironically also the Opposition chief at the time, also flying into JKIA from Heathrow after a long stint of treatment in a London hospital. A week before Kibaki's return, President Moi on 07 December 2002 adumbrated his own surrender to the opposition by quietly paying a visit to his former VP at the London hospital, something he would never have countenanced doing a decade before with Mr. Ken Matiba. The grapevine through his close circles suggested that President Moi was not averse to the possibility of a Kibaki presidency. After all, the two men had known each other even before Independence. And the KANU chairman had let the Opposition Chief serve as his Vice President for almost a decade – from the 14<sup>th</sup> of October, 1978 to the 24<sup>th</sup> of March, 1988, when KANU was at its mightiest as a political party in Kenya.

Moi's primary concern, it seemed, was his security and that of his family, as well as securing of the family's business interests in the country and elsewhere. And after the visit, it seemed he got the reassurance he was seeking. That if KANU lost, there would be a peaceful transfer of power.

And no hounding of the KANU leader or undue disturbance of his economic and financial interests, never mind the 'yote ya wezekana bila Moi' chorus that

Raila Odinga, now the ex officio Chief Campaigner of NARC (in the absence of less colourful Kibaki) was loudly leading in Nairobi (and indeed throughout the country), seven thousand kilometers South-East of London. A fortnight after his return, NARC's Mwai Kibaki amassed 3.6 Million votes, against KANU Uhuru's 1.8 million in a landslide, although Kibaki had run far ahead of his party ticket.

He took Nairobi, Eastern, Central, Nyanza, Coast and Western provinces. Uhuru only got North-Eastern and Rift Valley province. Simeon Nyachae's Ford People got just 345 000 votes. Never mind that the former administrator turned presidential candidate kept saying '*gwatu gwengi!*' (*Ford People are many!*)! In-fact Nyachae got less votes nationally than 'Mama Rainbow' had managed to in Eastern Province just five years earlier. It was a watershed moment for political party strategy in the country. Going forward, General Elections would be fought by Party Leaders at the head of negotiated coalitions in the country, and lone rangers at the head of solo parties would be looked at as jokers (with the exception of one Kalonzo Musyoka and his parties, that would eventually stick him with the moniker 'Water Melon,' a nickname that only one Odinga could tar, throw and stick).

Uhuru of KANU would now be the Leader of the Official Opposition in parliament, in accord with the then Constitution of Kenya. The country was in a euphoric mood. In that brief literally rainbow period at the end of 2002, Kenyans were actually rated as the MOST OPTIMISTIC people on the planet, thanks primarily to the victory of NARC over KANU that had ruled Kenyans for so long someone born on Independence Day was 39 that December.



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Another political party, albeit an alliance of them, had actually brought down the Goliath of State that had been KANU. This was what multi-party democracy was meant to be like for *wananchi!* And, for a short while, we (Kenyans) felt we could do anything we wanted to in our country. *Yote yawezekana bila KANU!* For those on the losing side, like 'Gone in Sixty Days' Vice President Musalia Mudavadi, it was a bitter pill to swallow, considering he had lost the MP seat for Sabatia constituency. 'I was naturally in the rural area, my home constituency, when the election results came out. Uhuru called me to ask what next, now that the election was lost. I advised him that the best thing to do was to concede defeat. Unfortunately, I was upcountry and could not join them in the event that a formal press conference should be held. Uhuru quickly mounted a press conference at the Nairobi Serena hotel and conceded defeat.'

Serena Hotel, next to Uhuru Park, had been the site of Kibaki's coronation as Coalition leader (and the site where Nyachae Simeone simply walked out after not being selected as NARC torchbearer months earlier), and it would play a huge role as a venue six years down the line, when the political party plot unraveled, taking the country to the very precipice of disaster. Soon afterwards I got another message from Uhuru. KANU wanted to nominate me to parliament. At the same time, there were people from Western Province canvassing for nomination. Even before I could come to terms with this, the announcement was made that I had been nominated. I called the press and turned down the offer for nomination. I also called for the resignation of Mzee Moi from Party Leadership so that he could give the party a fresh chance to re-energize itself. This was a ruling party.

We had lost the election. The one thing was that someone else should have a go at the leadership. As for my personal case, the truth was that the voters in Sebastian had rejected me. It would be a mockery of the electorate to bring through the parliamentary back door a candidate whom they had rejected.

The best thing in the circumstances would be for such a candidate to take a political sabbatical leave and find time to hold a conversation with his soul. I thought that I should be on my own for a while and dialogue with myself. In the fullness of time, I should get to understand myself and my style of leadership better and may be have another go at it, a better informed and more focused individual. Part of our mistake as a nation has been our refusal to admit mistakes and to take time off to reflect about them and take new lessons. As I write this book on my Journey this far, I have taken a second sabbatical. I participated in the 2013 presidential elections and lost. I am holding yet another dialogue with my soul. May be something good could come out of this; something that could make me a better person and something that could be good for my country and fellow countrymen and women, too. It was I this spirit that I turned down KANU's offer for a back-door return to parliament. Faced with similar circumstances, I would do the same today.

I travelled to Nairobi shortly afterwards. I elected to come by road, to give myself ample time to reflect along the way. It was a long and slow trip. I reflected on the way ahead. What kind of Government was President Kibaki going to set up? There was a rich mix of people from the past and from the traditional Opposition around Kenya's Third



president. Would this new government make any difference from past regimes? There was always the danger of recycling the same people with the same habits, under fresh guisers. The lead up to the just ended election had seen many people decamp from KANU not so much because they sincerely believed the party was bad, much as it indeed had got many things wrong. Rather, the objectives for many seemed to have been to jump off a sinking ship. Would these people allow Kenya to have a breath of fresh air? I reflected over the reforms we had attempted to make while I served at the Treasury and the resistance that we had met. Now some of the same people who had fought those changes were in the new government, talking about 40 wasted years under KANU. I did not see the need to apologize for KANU. For, there could be no denying that the country had gone in the wrong direction and KANU had been in charge all this time. And so KANU may very well be guilty as charged. But who was KANU? Was it not some of these self-same people, some of whom were now disguised as reformists? *Would the country really move forward*, I wondered?

I visited State House, soon after my arrival, to bid farewell to President Moi. It was the same Morning Mwai Kibaki was going to be installed, at Uhuru Park. Moi was expected to hand over to him the instruments of State and power at the function. I found Moi packing his stuff and getting ready to vacate the place. Kibaki's people were also around. They exhibited a lot of impatience and an overwhelming sense of Importance and brusqueness. They wanted Moi out of State House without further delay. Everything was extremely rushed. There was even no time to consult on anything, no need. The tension in the place as

palpable. For some reason, some of them even thought that Moi would not vacate this seat of State power. A lot of this was clearly misplaced. Uhuru had already conceded defeat and Moi had not been on the ballot. I saw no basis for the suspicion. This, to me, was a baseless hate campaign based on an impossible occurrence. We had a brief chat with Moi, who told us that he wished to hand over as soon as possible. We deliberated a little on how this should be done. Everything looked very rudderless, largely due to the impatience and excitement in the Narc brigade.

However, they had won the election and if that is how they wanted things to be done, then let them have it their way. Were we bitter in defeat? It would be sheer hypocrisy to pretend that we did not smart from the loss. Election defeat indeed any defeat – is always painful. What with all the hours, energy, finances and other resources injected in the competition? Some amount of pain and sense of unhappiness should not, therefore, be begrudged those who lose, provided that they accept their loss with dignity and decorum, as I believed we did. Any yes, we felt the pain of loss and defeat. But we remained calm and dignified about it. It was agreed that in the face of the Narc euphoria, Moi should go alone to the handing over parade, accompanied only by his security detail. The critical thing was that Moi should make the exit and he should do so with dignity. After all he had not been a candidate in this election, even if his party and candidate had been routed.

Eventually, as had been decided, Moi went over to Uhuru park to hand over to Kibaki. We were not even sure there would be any seats reserved for the



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departing dignitaries of yesteryear. There would be no point milling about in the crowds, awkwardly looking for a place to sit. And indeed, the handing over turned out to be quite chaotic, as if confirming our fears. There was total collapse in protocol and security. I was part of a small group that watched the whole thing on TV at State House. It was unbelievable that security could collapse to this extent. But then the new kids on the block had arrived in power, kicking everyone out of the way as if you were some dirty criminal. They had bullied out of their way the civil servants who would usually plan and coordinate such functions. And so, the Kibaki inauguration was marked with chaos. Euphoric crowds pelted the retiring president's motorcade and flung mud at him. They sang and chanted discourteous messages. They said that all was possible, now that Moi was out of the way. "*Yote yawezekana bila Moi,*" they said.

President Moi made a brief valedictory communication. He asked anyone whom he had wronged during his political tour of duty to forgive him, while also saying he forgave all those who had wronged him. Uganda's president Yoweri Museveni upbraided the crowd for the manner in which it had handled the retiring president. "This is what makes African leaders reluctant to retire. You come to hand over power and the people throw mud

at you. Why can't you just let him go in a dignified manner?" Museveni quipped. Zambia's President Levi Mwanawasa was the only other foreign Head of State present. Clearly, the rush to inaugurate the new President did not allow for proper planning that would bring to the assembly a significant number of leaders from other countries. For a while, they seemed to have forgotten that Mwanawasa was around and even failed to acknowledge his presence. He looked lost amidst the drama that informed what should have been one of Kenya's most dignified moments. The new president read from a wheelchair, as he was still nursing his accident injuries. He lambasted those who had exercised State power before him. He declared that the age of corruption and sacred cows was gone for good. There would be no more roadside decrees. Kenya was a new national, he said.

Moi came back to State House after the handing over. We took tea together. Presently, two choppers were brought to fly him to his home in Kabarak. We lined up for him to bid us farewell. A number of people broke down. The Head of Public Service Sally Kosgei, wept. She was one of the few people to accompany him on one chopper. As she boarded, one of her shoes came off and was left at State House as the chopper's door was closed, ready for takeoff. It was the end of an era –the KANU era.



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## CHAPTER EIGHT

### CONSTITUTIONAL ORANGES as things go BANANAS

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#### **CRACKS IN NARC: REFERENDUM, ODM AND ODM-KENYA** **By Khainga O'Okwemba.**

President Mwai Kibaki was sworn into office in the presence of a mammoth crowd at Uhuru Park, Nairobi. He was helped on to the stage on a wheelchair. His right leg was in a white plaster. Although he was overwhelmed by the huge crowd that had turned up for the ceremony, the old politician from Othaya was in pain. Kibaki had not recovered fully from injuries sustained from the near-fatal road accident in Machakos County, during one of his campaign rallies in the region. Indeed, most of the campaign that delivered the presidency to Kibaki was done in his absence. The campaign was organised around political heavyweights in the newly formed NARC which brought together recently defected KANU stalwarts and dyed-in-the-wool opposition luminaries. Unbeknown to the men and women who had campaigned for Kibaki throughout the country, a scheme was put in place, as soon as he was



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declared the victor in the presidential race, to isolate them. After all, Mwai Kibaki was just First among Equals. Some of the politicians were kingpins in their regions and enjoyed national support and haboured presidential ambitions. They were a threat. He did not need them very close to the apex/decision making process of the multi-faceted political animal that was now NARC.

Just before the general elections on 21<sup>st</sup> October 2002, the two political wings of the NARC coalition (NAK and LDP) signed a pre-election **Memorandum of Understanding** (MoU) on power sharing in the event they formed government. The signatories to this MoU on the NAK side were Mwai Kibaki, Michael Kijana Wamalwa, Charity Kaluki Ngilu and Kipruto Arap Kirwa, while on the LDP side there was Stephen Kalonzo Musyoka, Raila Amolo Odinga, Prof George Saitoti and Moody Awori. Although NARC had united Kenyans against President Moi's 'Project Uhuru,' as Uhuru's first stab at the presidency was derogatively called, cracks began to emerge as soon as Kibaki was sworn in as the third president of the Jamhuri ya Kenya at the end of 2002 A.D.

*The MoU stated that NAK and LDP would form government as "equal partners."* Needless to say, these politicians committed to forming government on a 50/50 power sharing formula. The NAK wing was to have the President, one Vice President and Second and Third Deputy Prime Ministers. The LDP wing was to have one Vice President, the Prime Minister, the First Deputy Prime Minister and a Senior Coordinating Minister. This arrangement can be interpreted to mean that these positions would be filled by the eight politicians who were signatories to the Memorandum

of Understanding that was kept secret from Wanjiku/ public. When Kibaki was driven to State House soon after being sworn in, his first duty as President was to appoint his Cabinet which was expected to live to the spirit and letter of the MoU.

The man from Othaya, Nyeri County, trashed the MoU and threw it outside the window as he entered the gates of the house on the hill; after all, he had inherited all the powers of the president that Moi had left behind and he was not in a hurry to give them away. First, he appointed only one Vice President, Kijana Wamalwa, from NAK. The second Vice President, the Prime Minister, the three Deputy Prime Ministers and one Senior Coordinating Minister envisaged in the MoU were ignored all together; nor was the Constitutional structure that would have enabled this to happen been erected, nor a single foundation stone laid down. LDP was aggrieved that Raila had not been appointed Prime Minister. Kalonzo Musyoka also cried foul; he was expecting to be appointed the Second Vice President from the LDP faction. Raila Odinga writes in his memoir, *The Flame of Freedom*, that Koigi wa Wamwere, who had suffered detention just like himself for calling for democracy and had campaigned for the clipping of the powers of the president, dismissed the MoU as "an illegitimate weapon of blackmail" which could not be implemented. The Memorandum of Understanding was supposed to be the first step towards taming the powers of the president. But Kibaki would have none of that; he had strong backers from former champions of Constitutional reforms.

Kibaki was not through! In a short while, he indicated that he had no intention whatsoever to fulfill the promise of



delivering a new Constitution, one of the biggest campaign platforms for which many Kenyans had voted NARC. Kibaki's refusal to implement the clause of the MoU which stipulated that the NARC government would give Kenyans a new Constitution within the first 100 days in office was therefore not just seen as undermining the LDP faction, but a betrayal of Kenyans who had voted for him. This did not sit well with Raila Odinga who felt that, after all his terribly hard work of campaigning for the president (and being the de facto Kingpin of the man with his '*Kibaki Tasha*' declaration), he'd now been conned out of the premiership. The LDP faction, and in particular MPs allied to Raila, were very, very vocal about this. The newly installed President Kibaki had betrayed his colleagues who had traversed the country to get him to State House as the Third President of the Republic of Kenya, while he recovered from the road accident in a cushy hospital in London, spared from that last battlefield in the then Opposition's final assault against KANU, with its vast State Machinery trained on the Rainbow.

Kalonzo Musyoka, one of the KANU stalwarts who had defected from the old party alongside other luminaries, also felt betrayed by Kibaki. Kalonzo writes in his autobiography, *Against All Odds*, that the Vice President slot on the LDP side in the *Memorandum of Understanding* was his. After all, he was the first from the LDP wing to append his signature onto the MoU. Millions of Kenyans outside the Mount Kenya region, who had overwhelmingly voted for Kibaki in 2002, also felt betrayed. The GEMA elite had, once more they felt, shown itself to be not just selfish but possessed of a sense of Superiority, the way they had been in the KANU of Old Jomo. Kalonzo writes that, "The so-called

Mount Kenya Mafia tightened their grip on power," thus insulating Mwai Kibaki from other Kenyans. Kibaki's dithering on the Constitution provided LDP with a perfect platform to cast him as a non-reformist KANU old guard who wished to rule Kenya under the old Constitution. LDP pushed ahead with calls, indeed bayed long and loud, like bloodhounds under the moon, for a new Constitution.

The Constitutional question would turn out to be Kibaki's Waterloo; it exposed Kibaki as a man who had lost the goodwill of Kenyans and who had now surrounded himself by people, mostly from his tribe, to advise and to partake of State resources, as described by Michela Wrong in her most insightful book '*It's Our Turn to Eat.*' On the outside, it seemed as though those criticising Kibaki were power hungry politicians. Kibaki might as well rule by ignoring them. Inside, however, the government was dysfunctional. There was too much mistrust! The Summit, the highest political organ of NARC as a ruling coalition, had long been thrown out of the window. Kibaki continued to harden his stance against his former **NARC** allies. To try and cushion himself from the threat LDP posed to his administration, Kibaki appointed into Cabinet FORD People's Simeon Nyachae, who had earlier refused to support him in the election and his former DP ally Njenga Karuma, who had abandoned him and joined KANU in order to support Uhuru Kenyatta in the elections. After the 2002 elections, Uhuru Kenyatta, who should have been official Leader of Opposition, abdicated that function and joined Kibaki, thus ensuring the final humiliation of KANU as a hollow vessel, almost abandoned by its own young Captain. Uhuru was quickly appointed into the Cabinet! These actions by Kibaki widened the rift between him and LDP.



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The battle would be fought and won or lost on the coming referendum battle for the Constitution. The Constitution was a long-drawn-out process that formally began in the twilight days of President Daniel arap Moi's leadership, and would be continued under a reluctant President Mwai Kibaki, so encompassing a 2000 to 2010, with the midway 2005 Referendum Battle as the denudative moment that would lay bare the basic differences/demands within the NARC coalition – where President Kibaki had shut off the tap of internal democracy on the *Katiba*. Ordinary Kenyans, politicians, religious leaders, community leaders, civil society, lawyers and scholars had all been involved in the Constitution-making process over a long period of time. This process culminated in a historic meeting at *Bomas of Kenya*, Nairobi, under the stewardship of the *Constitution of Kenya Review Commission (CKRC)*.

At the end of these meetings, the delegates had come up with a Draft Constitution which came to be known as the *Bomas Draft*. The more radical advocates of the Constitution project wanted the *Bomas Draft* to be adopted in whole as Kenya's new Constitution. The moderates wanted the certain parts of *Bomas Draft* to either be reviewed or expunged all together. Herein lay the fault lines between Kibaki, and the Mount Kenya Mafia on one side and LDP and other reformists on the other side. This was the atmosphere in which Attorney General Amos Wako introduced a new Draft Constitution that came to be known as the Kilifi Draft or *Wako Draft*. The *Bomas Draft* proposed a less powerful president who would share power with a prime minister. The president would be the Head of State and the Commander in Chief of the Armed Forces. It proposed

a deputy president who would be the president's running mate. The *Bomas Draft* provided for impeachment of a sitting president. It established a prime minister with executive power; the prime minister would be the head of government; he would chair all Cabinet meetings; the president would appoint the prime minister from a majority party in parliament. It proposed four levels of devolved governments (national, provincial, district, local); it proposed two chambers (Senate and National Assembly). The sticking issue on the Judiciary was the Kadhis' courts whose inclusion in the *Bomas Draft* constitution favoured Muslims while it was vehemently opposed by Christians.

The *Wako Draft* on the other hand provided for the retention of a powerful president with authority similar to the old Constitution. However, the *Wako Draft* still retained a provision to impeach the president. For one to be elected president, he or she would be required to garner 50% of all the votes cast and 25% or more of votes in more than half the districts in the country. It proposed a non-executive prime minister appointed by the president, and whom he could fire. The Prime Minister's main function would be leader of government in parliament. The Prime Minister could be appointed by two deputies, also appointed by the president. The Prime Minister could be appointed from MPs on the government side. This was envisaged to safeguard the office of Official Opposition in parliament. The *Wako Draft* proposed two levels of devolved government (national and district or county). It proposed a bicameral parliament (Senate and National Assembly). The powers of prerogative parliament were taken away from the president; parliament would control its own calendar. The *Wako*



Draft proposed that women be granted a third of all elected seats in parliament. The women would be elected from the districts. This was the draft constitution that President Kibaki's NAK wing of NARC wished to present to Kenyans in a referendum, and which was opposed by the LDP wing.

**FORD People** supported the Wako Draft. Nobel Laureate Prof Wangari Maathai supported the draft. Kiraitu Murungi, ally of Kibaki, observed that the Wako Draft was an improvement on the *Bomas Draft*. Kalonzo writes in his autobiography that together with Raila Odinga, Uhuru Kenyatta, William Ruto and Bonaya Godana, they opposed the Wako Draft as "13 MPs allied to LDP and KANU said the proposed new constitution was worse than the old one." They argued that it gave the president "even more powers than he already had and weakened parliament." William Ruto was one of the few KANU MPs who opposed the Wako Draft. Vice President Moody Awori and Health Minister Charity Ngilu said they would mobilise support for the Wako Draft.

It was obvious from these public pronouncements that the Wako Draft had split Kibaki's Cabinet down the middle. A court case to stop the draft from going to the referendum was frustrated by the government. Until then, Kibaki backers believed they could run roughshod over Kenyans, using the state machinery they had inherited and win in the referendum. In early September 2005, the Electoral Commission of Kenya (ECK) announced that the constitutional referendum would be held on **21<sup>st</sup> November 2005**. ECK also announced the symbols to be used in the referendum. Those who supported the Wako Draft were to be the **YES** team with a *Banana* as

their symbol. Those who opposed the Wako Draft were to be the **NO** team with the *Orange* as their symbol. This was the genesis of the *Orange Movement* which was inspired by the Ukrainian Orange Revolution a year before. The Orange Movement would give birth to the *Orange Democratic Party*. But I am running ahead of myself.

The announcement to transform the Orange Movement into a political party was made at a political rally in Kisumu by Mvita Member of Parliament Najib Balala. Although there was some disquiet within the movement (with fingers pointed at Raila Odinga as its secret architect) that such a decision should have been made after broad consultations, the *Orange* brigade forged ahead. What was important now was to defeat Kibaki in the Referendum and, if not quite drive him bananas, then at least drive him out of Office in the next General Elections, now just two years away on the horizon. This referendum was the perfect poll test balloon for the scheme.

On the referendum day, Kenyans from all walks of life trooped to polling stations to cast their vote. History was in the making; a referendum was new thing. Again, there were many Cabinet Ministers who were openly challenging the President, who had the powers to hire and fire a minister. Kenya was living in changed times, of a much more expanded democratic space. One could be threatened with official consequences, but even the thought of detaining any member of the opposing political view seemed an anachronism – something that had happened when *Tyrannosaurus Rex* roamed the Earth and pterosaurs (winged reptiles) terrorized the skies – back in the Mesozoic Age of Moi! The NO camp carried the day with



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3, 548, 477 votes. This translated to 57% of the total votes cast. President Kibaki's YES camp lost with its distant 2, 532, 918 votes, which translated to 43% of the total vote. The President was wounded. He had been exposed. He no longer enjoyed support across the country. In fact, Kibaki's defeat was a vote of No Confidence in his government. He fired all the Cabinet Ministers who had campaigned against his proposed Constitution, thus throwing the country by the end of 2005 into vicious multi-party fight mode once more. Having slipped on his own banana skin, the 'new' Opposition felt there was certainly more juice to be squeezed out of the orange that was the *Katiba* issue.

The author interviewed **BOBBY MKANGI**, who was one of the most brilliant Commissioners on the **CoE** (*Committee of Experts*) that delivered the 2010 Constitution that was promulgated on the date of August 27, 2010 – and continues to be at the very centre of the debate between political parties, to date.

### **1. What role did the Yes/No *Katiba* Referendum play in the break-up of the NARC Coalition in 2005?**

It was the proverbial straw that broke the camel's back. The NARC Coalition, a quickly and loosely cobbled together (through an MOU) pre-election alliance of parties and politicians, united the 'opposition' around 2 main issues – to kick out Moi (by rejecting his preferred successor, Uhuru Kenyatta) and KANU which had been in power since 1963. Secondly, it aimed to complete the constitution making process (in 100 days). Soon after winning the elections, cracks emerged between Kibaki's and Odinga's respective flanks over the power sharing formula 'agreed' upon in the MOU. Raila's side accused Kibaki

of renegeing on the 50/50 formula allegedly agreed upon. It argued that Kibaki's cabinet was skewed and Raila was the appointed PM as earlier agreed. The NAK side of the Alliance (mainly Kibaki's DP, Kijana Wamalwa's FORD-Kenya and Ngilu's party), on the other hand argued that the MOU was but a 'gentlemen's agreement' that was frustrated by circumstances; the need to accommodate many from all flanks without bloating government and the Constitution.

They argued that no person could be appointed PM because the Constitution did not provide for that position. As time went by and the constitution in 100 days' question started playing out, it emerged that the NAK side's primary objective of joining the Alliance was not to usher in a new constitution *per se*, a priority for the Raila LDP flank, but to kick out Moi and KANU from power.

This was explicitly revealed by the late minister John Michuki, a Kibaki and DP aficionado, who one time announced that a new Constitution was not a priority for the new government because 'Moi and KANU were out of power!' and that was the intention behind their clamour for a new dispensation – to gain power! The battle lines were therefore drawn clearly right from git-get-go. They played out during the National Constitutional Conference (*Bomas*), where the 2 factions took different stances, eventually leading to the Kibaki side walking out of the Conference, which was concluded without its endorsement. The Kibaki side was irked by the radical positions that *Bomas* had taken particularly on Devolution and the governance structure – *Bomas* proposed a Parliamentary style, with strong devolved sub-national entities, which Raila's side was happy with; but was the





reverse for Kibaki's side which wanted a presidential system or the *status quo* – a strong leader heading a centrally run national government. Additionally, the likes of now retired clergyman Timothy Njoka went to court, primarily asking the courts to declare that the constitution could only be overhauled by the people through a referendum. The courts were receptive, hence the 2005 referendum, which placed on the altar, the Proposed *Constitution of Kenya, 2005* (Wako Draft) which to many, was a bastardised version of the *Bomas* Draft. LDP had to defend its *Bomas* Draft. Wako's (Kibaki's) Draft had to be defeated at referendum, and it was no longer a mystery, the schizophrenia and schism (the different and differing hues of the hitherto 'united' rainbow).

Finally, it was openly clear that NARC was bipolar all along. The 2005 referendum on the *Wako Draft* eventually exploded into an *al fresco* fistfight for the soul of **NARC** and for that matter, Kenya. Raila through a decisive victory, walked away with the soul, while Kibaki was left with the body. DP/banana wing had no option but to disentangle from LDP/ Orange, finally turning the existing decree *nisi* to absolute by sacking Raila and his supporters from his government. That marked the formal end of NARC as a coalition of political parties.

## 2. What Critical role did the process of coalition and final Constitution of 2010 play in the expansion of Democratic space in Kenya?

It is critical to recall that the 2008-2013 'coalition' was not 'voluntary' in the NARC or later TNA, CORD or NASA pre- or post-election formations. It was a negotiated (Koffi Annan presiding) *Government of National Unity* (GNU); a dispute resolution structure and mechanism – a "forced marriage" or

"*nusu mkate* government" as Raila variously termed it, with 'nusu mkeka' (half a red carpet) as his Orange party's share. It was anchored in the Constitution through the *National Accord and Reconciliation Act, 2008*. Through the *Agenda 4* discourse, it was tasked to finalise and deliver a new constitution. Failure to do this, and with the PEV still fresh in the minds of the interlocutors, including Kibaki and Raila, would have been a big missed opportunity, equally so for both because Kibaki was serving his legacy term and presiding over this historical moment.

Getting a new constitution in place was a valuable face saving (07 PEV) and herotage (hero+heritage) artefact, while Raila, who was hoping to succeed him, would have a mantle-piece item for his profile during his Party's campaigns. The coalition's desired outcome therefore converged their personal ambitions and kept its eyes on the prize, in spite of the incessant bickering and fights that characterised that administration. In hindsight, it can ostensibly be argued that the ostensible equality of power between Raila and Kibaki enhanced the democratic space. It balanced and checked power, thereby creating space for competing voices and interests.

The new Constitution of Kenya 2010 also did this. First by the people playing a central role in birthing the ideas (views presented to Prof. Ghai's CKRC between 2000-2002 and the CoE 09-10) and huge turn out and affirmative return for the Proposed Constitution. Secondly the content of the CoK - *Power belonged to the people, it provided for a multi-party democratic republic, separation of powers, devolved government, an expanded hence comprehensive bill of rights, an independent judiciary, independent commissions and offices*



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- all geared towards securing space for Wanjiku to have control of power. Whether this has been the case, is left for history to judge, considering the systemic and systematic harassment and emasculation of alternative voices within the scope of CSOs/NSAs, senior state officials including the president refusing to obey court orders (despite rule of law being a national value and principle of governance under Article 10), violent disruption by Police of peaceful demonstrations, a paradoxical spike in grand corruption cases, poor, illegal economic and financial decisions (Chinese commercial loans, as per the courts - unconstitutionally procured SGR, MES, etc).

Therefore 10 years down the line, implementation must be examined against *wananchi's* welfare.

### **3. Ten Years down the line, are there things in the current constitutional order that need to be changed to accommodate more unity in the governance structure/give more political parties access to power - in order to serve/power to more ethnic groups?**

Yes, we need to change the practices! We have what the late Prof. Okoth Ogendo termed as a 'constitution without constitutionalism'. Actors who do not follow the script of a play, yet purport to be enacting that very play! The CoK is monotonously incessant about unity - WE (as opposed to 'I') *the People...*, recognises and celebrates diversity (Preamble), power belonging to **ALL THE PEOPLE OF KENYA** (Article 1), multi-party democratic state (Article 4), cooperative devolution (Article 6), national unity, and inclusiveness (Article 10 - national values), multi-cultural nation (Article 11), etc. including protection from discrimination, political

rights (form and join a party), freedoms of association, movement and property, independent candidature, guidance to the president, public service and security organs to ensure the 'face of Kenya' is represented in appointments. Above all, national as against religious and ethnic parties. So all we have to change is ourselves and fashion of implementation - like *Nike*, we should *just do it!* Reports from the NCIC, PSC indicate favouritism, and ethnically skewed appointments, at both national and county governments. What in the current Constitution has stopped the leadership thereof from appointing equitably, from all ethnicities? What new words will make them change? What new words will make Kenyans stop following the 'party' of the *Bwana or Bi Mkubwa* from their village, if we have not exhaustively used the current ones? It is not presidential, parliamentary, hybrid or whatever mould of governance that brings unity. Even a parliamentary system can bear a *tyranny of numbers* - look at Modi and BJP in India. Inasmuch as a parliamentary system may trigger need for reaching out, this is not always the case.

It depends on contemporary political issues and how political parties sell their agenda. We have seen single party majority governments in the UK, so a party in Kenya can also opt to go it alone without coalescing with others pre- or post-elections. It is therefore not a truism that any system automatically triggers inter-party and/or interests, coalitions or not. It is the political culture and interests that do. Secondly, are we saying that as Kenyans, almost sixty years after uhuru, we are saying that we cannot create other platforms of political organisation and mobilisation beyond the *village and language* - post/plus-identity politics? In other words,



we cannot imagine beyond what the colonists imagined and formed for us – ethno-regional political organisation and mobilisation. Are we saying that we cannot forge imaginations, narratives and objectives, loosely put – ‘ideologies’ that make us climb out of and unite in addition to or beyond our sub-national identities? True, ethno-regional and even religious mobilisation occurs all over the world. My argument is that this for those others is *not* primarily the primary or only platform.

So, save for technical issues and ambiguities which the courts can ably expound on, like what a comma means or for instance the question whether the varied phraseology around general elections - what does every fifth year mean after 5 years? Look at political parties – why are they ‘owned’, why have we allowed a whimsical approach to their governance by not employing a substantive Registrar General for 10 years? Perhaps we should make the RG’s position a chapter 15 office, with attendant tenure and other protections, while party and campaign funding are better regulated. I think that through conduct, we have not convincingly, to use Karl Poppers term, ‘falsified’ the current dispensation in order to arrive at an objective deduction that it has reached ‘creative incompetence’ hence the need for new words and phraseology.

#### **4. What are the demerits of doing this via Parliament as opposed to another referendum?**

It all depends on what is proposed for change. There are 10 items listed in Article 255 – presidential term limit, sovereignty of the people, the Bill of Rights that must be determined through plebiscite regardless of initiative – popular or *parliamentary* (where political parties will then come in to play).

#### **5. What are your views on BBI in your professional eye as a Katiba Expert)?**

Like the old Kiswahili cartoon strip *Kazi Bure* (no good fellow) who once prided himself of being ‘*mshambulizi matata wa AFC Leopards lakini vile vile defender matata asiyepitika wa Gor Mahia*’, BBI has managed to build a bridge while burning another one at the same time – this has unfortunately convoluted its objectives – national unity, inclusion, equitability *inter alia*, achieved via dialogue. The same forces that went into building the bridge between Raila and Uhuru can be used to rebuild the one between Uhuru and Ruto; this to help forge objectivity (not consensus and agreement around positions necessarily, but if it happens, *why not?*) and strengthen legitimacy around the entire process, hence outcome. Otherwise, as it now stands, it seems to be a struggle between the Ruto-sponsored Jubilee faction of ‘*Tanga Tanga*’ (Jubilee Wanderers) versus his boss’s Jubilee *Kieleweke* (Let it be Understood), with the latter having in its corner mainly the **ODM** Party.

*The presidential campaign in the forthcoming general election of 2007 now began in deadly earnest.*

Buoyed by their defeat of Kibaki in the referendum, and having been kicked out of the Cabinet, the Orange Movement now officially transformed itself into a political party to be called **Orange Democratic Party of Kenya (ODM-Kenya)**. *Orange to cut!*

As the campaigns took center-stage, Raila Odinga and Kalonzo Musyoka started jostling for the leadership of the new party. Kalonzo writes in his book that in early 2007 opinion polls showed that he was the man to beat Kibaki. “I expected Raila to back me but this did not happen,” he whines. At a rally in Mombasa, Kalonzo was booed



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for challenging Raila in the party. It was obvious there was bad blood between Raila and Kalonzo. The two erstwhile rivals would part ways and break the party into two (**ODM** and *ODM-Kenya*) ahead of the 2007 general elections. Kalonzo went away with *ODM-Kenya* with its original registered officials (Dan

Maanzo, Lillian Aluga and Abraham Chepkonga) but without the Orange symbol. Raila had to acquire a splinter party called **ODM** registered by lawyer Mugambi Imanyara but retained the Orange symbol. Once again, the presidential campaigns would be waged amidst accusations of betrayal.

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## CHAPTER NINE

### **PNU, PEV, GNU – The Pentagon of Inter-Political Party Politics Gone Wrong.**

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*'When the madness of an entire nation disturbs a solitary mind, it is not enough to say "the man is mad."' Francis Imbuga, Betrayal in the City.*

Dear Santa:

*This December I am asking you to send Kenya a mirror. I am requesting a big, crystal-clear mirror that will enable the country to see its own reflection: to visualize who we really are in order that we may understand what we are about and where we want to go to. Let me be clear that I do not normally believe in childhood fantasy figures but there are scant avenues to turn to at the moment. On December 15, 2010, the prosecutor of the International Criminal Court, Louis Moreno Ocampo, named six individuals whom he considered to be the most responsible for the 2007 post-election violence that almost eviscerated Kenya. This announcement has shaken this nation to its very foundations: leading us to bare our nakedness and behave in a manner that one hopes the mirror you deliver will clearly and manifestly reflect. What one sees when Kenya is naked is alarming.*



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*For there is no Kenya except by name: there are just several tribes cobbled to live uncomfortably together without any feeling, empathy, respect or affection for each other. How else does one explain, for example, that to the Kikuyu elite only Deputy Prime Minister Uhuru Kenyatta is innocent and must at all costs be exonerated, and to the Kalenjin MPs only former minister for higher education William Ruto is similarly innocent? How else does one explain the Njuri Ncheke saying it will invoke a traditional ritual to protect Head of Civil Service and Secretary to the Cabinet Francis Muthaura? I know, Santa, that you are not Kenyan but what is being witnessed is a retreat to the one identity that "Kenyans" belong to: their tribes. And this is sad because barely 100 days ago, "Kenya" promulgated a new constitution.*

*If "Kenya" really functioned, one would have expected voices to be constantly raised instead for justice for those victims of the post-election violence who were shot, hacked or stoned to death; raped, brutalized, injured, maimed; or the hundreds of thousands who were displaced. If Kenya had a soul, these are the people Kenyan MPs should be fundraising for; did they not lose everything in that cataclysmic moment in the nation's history? What we hear instead is that the poor and destitute—including those who lost everything in the post-election violence—will be asked to contribute funds to pay legal representation for some of the most affluent citizens in Kenya. Do you, dear Santa, not see the cruel irony of the poor being asked to foot the bills of the fabulously rich?*

*The mirror you deliver will also expose the fact that in Kenya we do not have leaders but, rather, political entrepreneurs. A leader who understands the dire straits*

*in which this country was after the 2007 elections would not so much worry about the persons who will be on the presidential ticket in 2012. Rather they would ponder that the shenanigans of 2007 never recur. Yet, all political talk has centered on the political ambitions of certain individuals like these ambitions are bigger than Kenya. This is political entrepreneurship. It has gone so far that what is being sought now is an avenue to exit from the ambit of the International Criminal Court! When leadership failed in December 2007, it was the international community that bailed Kenya out. Now, with a little—and oft bumpy—stability we want to thumb our noses at the very same international community. Is it a wonder that U.S. Ambassador Michael Rannerberger informed his bosses at State Department that there is no reformist leadership in Kenya?*

*Your gift of a sparkling new mirror will also show that in Kenya it is credible institutions that are perennially under attack. If an institution does its work, it is immediately cut down or intimidated. The political class has issued the threat to disband the Kenya National Commission on Human Rights now that it is accused of having concocted evidence and bribed witnesses on the post-election violence. It is no matter that the people who have made these accusations have not been proved to be credible: in fact, quite the contrary. Now, if we were to talk about institutional failure—where would one place the police force and office of the Attorney General given the fact that Ocampo has, in the time he has been allowed to work on Kenya, established two cases against six prominent individuals? Who is more deserving of ire and censure, Ocampo or Kenya's Attorney General, Amos Shitswila Wako; the Kenya National Commission on Human Rights or the police?*





*What is more, the political class is now talking of creating a special tribunal to look into post-election violence. There is also the announcement that the reforms of the judiciary and police force are going to be speeded up. The timing of these announcements is what is telling: they are clearly meant to negate or defeat the indictments that Ocampo has applied for. There is no intention of seeking justice for the victims of the post-election violence; these institutions are not meant to investigate and prosecute those who were mid-to-low level perpetrators of the post-election violence. Rather, they are required to be in place as evidence that something is finally being done in Kenya to bring the messy house in order. All for showmanship, all for demonstration: in short, we are not only seeking to destroy the few institutions that can stand up for what is right but are also simultaneously attempting to create new institutions to solely defend and protect the prominent amongst us: so much for the rule of law. One thing is for certain: despite the new constitution, Kenya will neither achieve a new constitutional order nor [Vision 2030](#) in this manner.*

Mugambi Kai – **OPEN** Society Initiative and **AfriMAP** Programs' Officer. My friend Mugambi Kai wrote this Xmas wish-letter to 'Santa Claus' in the *Star* Newspaper, exactly three years after the 2007 Voting Day that had seen the country plunge into a national violence on a scale we'd never witnessed since our uhuru. I had met Mr. Mugambi during the actual violence at a city hotel, in the company of a mutual lawyer pal, Jack Muriuki, then with the International Commission of Jurists (ICJ). In the course of our discussion, I revealed to him that I was in the process of bearing 'real time' witness, both at a personal and national level, of what happens when political parties

disagree (mostly about the results of an election) to the extent of taking a nation to the very 'brink of the precipice' of democratic disintegration.

*That phrase must have stuck with him.*

For when the Kenya National Commission on Human Rights (KNHCR) – headed by his brother the renown Maina Kai – released its report on the PEV (Post Election Violence) that had rocked Kenya, it was titled '*The Brink of the Precipice.*'

In this chapter, we shall step out of character in two ways from our methodology.

- i. By looking at the build up to the PEV through the eyes of ONE voter.
- ii. By producing a national newspaper's hawk's eye view of that January 2020.

It is to be hoped that through this zoom in, then zoom out narrative binary, a unique individual and national POV of the PEV may be archived in this chapter of the text.

Not so much for posterity but to showcase, outside of mere theorizing, how political parties' fallout that leads to diminished democratic spaces often results in expanded 'places of polarization,' and more so the effects, first, on the individual psyche of the (passionate)Voter; and secondly to document the 'nuclear fallout' on the nation.

### **The BRINK of the PRECIPICE: the 2007 Parties' Election.**

#### ***DAY 1: Thursday 27<sup>th</sup> of December 2007. Voting Day.***

I wake up at five o'clock sharp. Not of my own volition but on condition of my Nokia cell-phone. There's a Norwegian lady in it who goes: "*Tut-Tut, it's time to wake up, tuk-tuk, it's time to wake up*" over and over



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again.... Until you throw the cell-phone against the wall (an expensive form of venting) or are driven up the wall... and *wake up*. I live on the first floor of a block of flats (apartments, in *American - Speak*) in an area of Nairobi- (a city of three point three million residents) - called Nairobi West. My bedroom faces the West, but my shower-room's glazed glass windows face East - which means as I shower in lukewarm water on this most important of days- the sun comes in through the translucent glass panes in fragments of red .... a crimson orb shattered into red rubies... like droplets of ...blood. Nairobi lies very close to the equator. We are literally in the middle of the world. Which means the sunrises and sunsets are not gradual as they are in other parts of the earth which have seasons. In St. Petersburg, Russia, for instance, which I have regularly visited as an SLS (*Summer Literary Seminars*) participant, the days seem to go on forever during St. Petersburg's brilliant white nights.

Here, in Nairobi, near the equator, days and nights fall like curtains. And our dramas, especially the political ones, are as ruthlessly sudden. At least on the surface. I dress optimistically on this day that me, and ten million other Kenyans, will choose to let President Mwai Kibaki run the country for another 5 years, or chose opposition enigma Raila Odinga as the fourth president of our Republic. I dress 'national' - a cap that says "proudly Kenyan," a T-shirt that is Maasai (*'Noble Savage'*) Swahili sandals and a flag arm bracelet. The problem is that President Kibaki is a Kikuyu, and Raila is a Luo - Kenyan's largest and third largest tribes respectively, at six and four million. The Kikuyus are agrarian Bantus, a Land-owning and farming tribe smack- bang in the middle of Kenya. Okay, that's Nairobi! But they are the rural area that

is right next to this cosmopolitan city of Nairobi. Far off to the north-west are the populous Luos, lakeside Nilotes who still rely largely on Lake Victoria (yes, it is still named after that British Queen, who has been 108 years dead, courtesy of our colonizers ... the lake's name, id est, not her demise. Queen Victoria died of natural causes. What could be more natural than "*being the Queen of the English will be the death of me?*").

Picture a primary school whose walls are white and blue and oblong. Picture a cold African morning with little birds chirping on trees, small fish gliding inside a nearby river, a muezzin chanting prayers in a mosque hidden behind trees in the distance and a large *mugumo* tree that is being eaten by a tribe of determined termites, that chew on it like creatures, demented... President Kibaki, when he was vice-president of the country in an authoritarian political party called KANU in 1990 once said removing KANU from power "*is like trying to cut down a mugumo tree with a razor blade.*"

Twelve years later, with his now chief rival for the presidency Raila Odinga campaigning for him (and whom one Concordia professor Mikhail Iossel coincidentally met in a Nairobi Hotel, and ordered a \$200 bottle of champagne for), President Kibaki through a political parties' coalition called NARC did indeed bring KANU down in a massive landslide victory in 2002.

The voting process itself is a relatively swift affair. Especially for me, who, with my press card, is allowed to jump the queue. I am both amused and bemused. What am I supposed to do? Report that while I voted to retain my M.P, Raila Odinga, as representative of Langata (the Nairobi West area falls in this constituency), I gave a thumbs up



to his presidential rival, Emilio Mwai Kibaki, because of his good economic record. Will my solitary choices make the mid-day news? How am I to know that, by this time next month, I'll have completely switched political allegiance to the ODM (Orange Democratic Party), due to not just perceived injustice, but to the disregarding of our 'opponents' votes – a fundamental repudiation of the very core of choice.

*One man, One Vote?! Benjamin Mauta, my younger brother, will NOT be voting. He is in hospital, following a traumatizing beating in a small-town North of Nairobi called Ngong, after he voiced his support for Kibaki in Kajiado county (the Kaleos, as we call them, are allies of the Luo, and there he was, drinking with some fringe lunatics in Maasai country). His antagonists, braced with knuckle-dusters (ok, dog chains used to leash canines) unleashed their fury, broke his jaws, smashed his chin to 'chintereens,' broke his nose and left him unconscious on a dark road accident! 'Drunk run Down in Ngong Town.'* Unluckily, or luckily, it is a motor-cyclist who runs into my kid-brother, Benjamin. The front-wheel of his bike side-sweeps Benjy's head, slightly fracturing his skull (a hair-line fracture, no pun intended).

It is the motorcyclist who alerts someone who eventually delivers Benjy to the KNH hospital.

The fact that Benjamin survived this incident that happened three weeks ago (see, political passions were already dangerously inflamed)- just goes to prove something I've always suspected.... Our family is extremely thick-skulled, if a little thin-skinned.

Benjy has some news to report. On Christmas Day, the President Kibaki and his wife Lucy-whom Kenyans call

'Ka-Roo-Say,' visited the maternity wing of the hospital (Benjy is in a private room, in the private wing of the Kenyatta National Hospital, with massive maxilla-facial injuries. The room, alone, costs Shs 50 000 a week. It is not going to be a merry Christmas for us, no sire.

But Benjy is merry with mirth. "All fifteen of the male children born on Christmas (at the KNH) were christened Elimilio Mwai Kibaki, after the President and the twelve girls born on the same day, Lucy, after his wife. Did you vote?"

"Yes" I tell my younger brother. "For Ka-Roo-Say. Did you? I hear the Electoral Commission of Kenya (ECK) were bringing ballot boxes to hospital so in-patients can vote."

Benjy looks both startled and hopeful.

"I'm pulling your leg, Kiddo," I say.

I stay the afternoon with him.

Later, at sunset, I return to my flat, a small bottle of brandy in my hand. I sit at my table and begin writing a short story on the "Interrogation and Death of Field Marshall Dedan Kimathi" for a little literary magazine in London called *Sable*. I hope they will like my historical fable.

6000 words. A short faction about Dedan Kimanathi, who died for nothing, for (t)his country.

*The usual Loser Hero Kenyan Narrative.*

**Day 2: Friday 29<sup>th</sup> December 2007.**

***The day after the election, the world is still going strong Dec. 28 News.***

I ignore all that is going on in the world and dive straight to page 5 of a pull-out magazine called *Pulse*, a celebrity gossip rag carried out in the Standard Newspaper every Friday, and plunge straight into a column called 'Scene At,' written by Kenya's most (in) famous and notorious journalist 'Smitta Smitten



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(the Nairobi show-biz kitten), who apparently drinks vodka as hard as the Russians, and whose lingua franca is a strange blend of English (English + Swahili), complete with Russo-suffixes in his sentences, 'ski' being as common as ice in ski-slopes in his strange, if never sloppy, stories about his various night escapades with all shady shades of our local celebrities.

Over the pre-X-mas weekend, the Smitta (as he is popularly called) had a date at Havana, in Westland's, with Nikki (real name is Sheila Mwanyiga). Havana: '1, Cuba's capital city, 2 a cigar, 3 an Irish style club in an elite part of Nairobi, which sells Guinness's bitter beers and no mojitos. It used to be a Cuban bar, but then an old and slightly-perverse Irish man bought it, renovated it in red brick Irish style, but absolutely forgot to change its name to *Dublin*.

Nikki, a local, award-winning songstress whose song '*Kipofu*' (The Blind One) was recently featured on MTV's *Making a Video*. Aman called Taj Mahal directed the video, starring Nikki, featuring U.S. has – been R & B crew 112, for approximately 11.2 seconds. The video was "well received," in the words of many Nairobi music video critics (who also double as theatre critics, triple as film reviewers and quadruple as book reviewers in the handful of city magazines). But Rihanna has worked with Taj, and Taj worked with Nikki, which gives Sheila the "magic touch" with the likes of show-biz rat, er cat, Smits Smitten, 'showbiz kitten.'

Nikki, predictably, stands Smitta up at the *Havana* to go cut a song at the studio till midnight. Nairobi's show-biz kitten spends the evening reading 'Freakonomics' and freaking out on double shots at the Havana. Voting Day is less than a week away now. Not

one to be deterred, Saturday 22<sup>nd</sup> Deck finds him hanging out with two radio presenters - a dude called Shaffie Weru who always has lady troubles (too many women, too little time) and a thirty-something radio-nymphet (some would say 'maniac') called Cess Mutungi who drinks alcohol by the *mtungi* (jerrican) and has been rumored to frolic near-nude at her apartment complex's swimming pool with two men, at mid-day, in the full view of shocked neighbors.

Her scandalous behavior is fodder for *Pulse*, and eagerly chewed up and digested by over a million Kenyans. But Cess, sassy and bubbly, rides the wave to increase her radio ratings.

*Sunday 23<sup>rd</sup> December*, at a club called Soho's, the Smitta runs into Fidel Castro Odinga, the first-born son of Raila Amollo Odinga, who even at this moment could be in the process of becoming the fourth president of the Republic of Kenya. Other writers would be fawning over the chance to cement a friendship with a potential 'First Son,' four days to the General Election. But not Smitta! The unconventional writer, no doubt intoxicated with vodka, instead sings "*Tetete-tee, Castro, te-te-te-te, tee Castro,*" to Fidel Odinga, mock –trumpeting Kenya's equivalent of "Hail to the Chief." Fidel laughs and buys him a bottle of *Sky* Vodka.

Yes. The mood at *Soho's* around Castro Odinga is very good, because his father has gathered a formidable multi-tribal coalition behind his candidacy called The Pentagon.

The referendum campaigns of 2005 which pitted then President Mwai Kibaki against his Roads Minister Raila Odinga led to formation of the ODM (Orange Democratic Party).



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Mr Kibaki was supporting the proposed constitution, while Mr Raila was against it. Then Liberal Democratic Party (LDP) leader, Raila, was in the “No” camp whose symbol was an orange, while Kibaki was in the “Yes” camp represented by a banana. On November 21, at least 58 per cent of Kenyans rejected the proposed constitution handing Raila’s camp victory over Kibaki. The then Head of State responded by firing all pro-no Cabinet ministers and senior government officials.

Apart from Raila, Kibaki sacked Kalonzo Musyoka (now Wiper leader), Ochillo Ayacko, William ole Ntimama, Najib Balala (now Tourism Cabinet Secretary), Anyang’ Nyong’o (now Kisumu Senator) and Linah Jebii. Raila’s camp also had the then Opposition leaders Uhuru Kenyatta (now President), William Ruto (now Deputy President) and Mutula Kilonzo’s backing (his son, Junior, is now Senator of Makeni, where Kivutha Kibwana is Governor).

But as the leaders were still in a celebratory mood following the victory that was perceived as protest vote against Kibaki’s leadership ahead of the 2007 polls, lawyer Mugambi Imanyara grabbed the opportunity and registered ODM as a political outfit. Raila’s camp was outsmarted and had to scout for a different name which saw them register ODM-Kenya.

In an interview with *The Standard*, Mr Imanyara said he was inspired to register the party because of the resounding defeat the banana camp had suffered. “After the ‘no’ team won, I knew that the orange was going to transform itself into a political movement. I acted fast and registered the party,” he said. Uhuru would later ditch the Orange team in favour of President Kibaki 2007 re-election bandwagon.

ODM-Kenya remained with Raila, Kalonzo, Musalia Mudavadi, Ruto, Balala and Joseph Nyagah.

However, during this period there were already internal haggles over who was to be the party’s presidential flagbearer. In mid-August 2007, the wrangles boiled over, creating two camps, pro-Raila and Pro-Kalonzo, whom the ODM’s Raila disparagingly dubbed the ‘Water Melon’ man. It was at that point that the current Makueni MP Dan Maanzo declared that ODM-K belonged to Kalonzo.

*Raila’s camp was left with no party.*

“Those who felt left out by Kalonzo’s party, including Raila, approached me to give them the party to use as there was little time left. I met with Raila many times and agreed to give him the party,” Imanyara said. Raila, Ruto, Mudavadi, Balala and Nyagah (the Pentagon) took over the outfit, leaving ODM-K for Kalonzo and Julia Ojiambo to run for presidency under the party. Kalonzo beat Ojiambo in the party primaries and that made the latter the automatic running mate. Raila would go on to win the ODM nomination, with Mudavadi, former short-lived VP in KANU, as his running mate.

But the ODM Party also had William Ruto, Najib Balala and Jeremiah Nyagah in its galaxy. It is these five men who were dubbed ‘The Pentagon’ by the media, following a throwaway line by ODM presidential candidate Raila Odinga, but behind them stood millions of tribal followers. Raila Odinga had all the Luo in his camp, Musalia Mudavadi came with at least 60% of the Luhya, Ruto had about 70% of the Kalenjin in the ODM camp, Balala brought two-thirds of the Coast with him, and while Jeremiah Nyagah didn’t carry many of the Ameru (or Embus for that matter), he at least brought the symbolic face of GEMA to the main Opposition challenger.





## Political Parties after Political Parties

Two months to the election, the Steadman Polls showed the Orange Democratic Party with fifty percent of the populace planning to vote for it, the incumbent president Kibaki with 40% for his Party of National Unity (PNU) with Kalonzo, whose Secretary General Daniel Maanzo had fled with the ODM-K's party certificate right under Raila's nose, with ten percent of the vote. There was no reason to suppose this wouldn't be close to the final tally, come the New Year, especially with the beacon that had been lit for the ODM following their triumph in the *Katiba* referendum a mere two years before.

That November, a darker slogan (that should have pointed to the dangerous seismic nature of the country's subterranean tribal politics) arose: '*41 versus One!*' All of Kenya's tribes versus the Kikuyu, seeing as the PNU had only its 99% Kikuyu vote bloc intact, with 'Uncle' Moody Awori a more symbolic figure, and not at all an Abaluhya Kingpin at all, in spite of his lofty political perch (as Vice President of the nation).

Opportunistically, as the polls showed ODM with a firm lead at the start of October, Charity Kaluki Ngilu joined the Pentagon bandwagon. On 5 October 2007, Ngilu announced her support for the Orange Democratic Movement and its presidential candidate, Raila Odinga; she compared Odinga to Nelson Mandela, but typically said that she was remaining in the government as Minister of Health, despite backing Kibaki's main rival, which was total audacity.

However, her dismissal from the government by Kibaki was announced the very following morning on 6 October, 2007, and her security detail and Ministerial Mercedes withdrawn. Her defection was a cause of celebration

for ODM, never mind that Charity Kaluki Ngilu stubbornly, and perhaps wisely, hang onto the NARC (National Rainbow Coalition) as her party ticket, having stealthily long registered it, with herself as Chairlady. ODM were happy on two counts. Charity Ngilu was a major *female* political player now playing on their team; and she could siphon off votes in Ukambani from Mr. Kalonzo 'Watermelon' Musyoka's ODM-K party (Ngilu's NARC would end up with a total of three seats in the next parliament). Not that Raila was about to change his coalition's popular 'Pentagon' name to The Hexagon, now that the NARC woman had clambered aboard the gravy train, even as it left the station.

Not that President Kibaki didn't have a solid achievement record in his first five years to run on. He had introduced, for example, free and universal Primary School Education, and there were some unorthodox wildly successful stories that, in a less tribal nation, he should have been able to tout and even roll out the characters onto the campaign stage, '*Joe the Plumber*' style.

For example, the 84-year-old Kenyan, Mzee Maruge, who was the oldest third grader in the world by 2007, having first registered for first grade at 80 in the January of 2005, to take advantage of this Kibaki program. (Check it out on the [Guinness Book of World Records, 2007](#)). Infact after NARC took power in 2003, Mzee Maruge made it a point, *at eighty years of age*, to engage in pre-unit (or kindergarten) school somewhere in the boondocks, alongside 3- and 4-year-old kids. Mzee Maruge was such a phenomenon; he was even given a ticket to the USA (the first time he had ever seen an aeroplane, other than in the sky) to meet retired president Bill Clinton.





\*There's a moving movie, *The First Grader*, about Mzee Maruge. It is almost mid-day when I finish going through our newspaper, the *East African Standard*, our rivals *The Daily Nation* and the *Nairobi Star*. Time to visit the kid-brother at the hospital. The first question Ben asks, though he is going blind in the right eye is, "Where's the *Pulse*?" Instead, I hand Ben an air fragrance called *Flower Shop*. "The scent is of apples and jasmine," I tell him. Ben shuts his right eye, either in a conspiratorial wink or because the light hurts it. "That's great," he says, "But I lost my sense of smell in the attack. Cannot smell anything, not even my own *shit*". A pre-election violence victim with his sense of self-deprecatory humour.

His olfactory nerve or something, Doctor Rono said. "Well," I say in parting, "See you on Monday, kid. Now in your solitude, in this private hospital room, you can only half see evil; and you can't even *smell* it." A big brother's macabre humour. "But I can hear it and see it from our politicians," Ben points out, pointing at the television screen where poll results are still pouring in. At 2p.m, December 28, 2007, Raila Odinga seems to be pulling steadily ahead by some quarter a million votes, or just slightly less at the polls. As a Kibaki supporter, I am less than pleased.

I pass by a video store called '*Episode*' and borrow five films. I intend to hanker down over the weekend, and alternate poll- watching with movie viewing. So does my girl, Marilyn Patsy. At her place, we settle down with crisps and white wine for a marathon session of movie viewing. "Movies and the munchies," she says, cuddling closer on her 'Indian sofa' (lots and lots of cushion, like the harem of a Sultanes).

The first film we watch on DvD is '*The Look-Out*,' an appropriately titled movie for these times that call for vigilance with the votes. The Miramax. Spyglass Entertainment film begins with two American couples on a night date, in a BMW, cruising some country road with their headlights off, the better to watch a constellation of fire-flies in the night. "*It only happens once a year, and then they die.....it's like a mating ritual or something. Isn't that romantic?*" the Beamer's driver whispers to his blonde girlfriend, in the opening lines. "Fire-flies mating, then dying, romantic?" Sharon scoffs. "That's just dumb."

I think of female pray-mantis and their headless male partners after the act of coitus, an apt metaphor for violence after an act of democracy – like copulation, or voting in an election. How many Kenyans have died for expressing this very basic democratic right, since 1992? We watch '*Wild Hogs*' from [Touchstone Pictures](#).

In the opening scene (road rock music), William H. Macy, needling middle-aged roadie says: "*Man, oh man, I almost lost it back there. I donno what's going on....*" and at that moment, he runs into Cincinnati. (Well, a roadside state sign that reads 'Cincinnati,' anyway). Martin Lawrence, the black comedian, is one of the 'wild hogs.' I cannot stand his way-over-the-top acting that, at the time in 2007, seems to play up to ridiculous *Crazy Black Guy* tropes. I think his 'Method' acting is hogwash. Like he's man on bad crystal meth.

So, Marilyn suggests we watch a truly great black actor, Samuel L.R. Jackson, in "*Black Snake Moan*," co-starring the truly munchy Christina Ricci, with its raunchy sounding title. The picture



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from Paramount opens with an old blues singer speaking saying: "There is one kind of blues, and that's consisted between male and female that's in love. In love, just like I sang one of them songs while ago, when I put a voice in there, and said that love had all fault, making you do things you don't want to do. *Love!*" But hate, as we are all about to find out, also has its loony fringes – making 'political' people do all sorts of things to others, that they'd never dream of doing, outside of these dead 'heady' days; when the letter of the Law is laying low on the land.

The next movie '*Bone*' written, produced and directed by Larry Colleen, is pretty poor. A 1972 'classic,' this 96 minute' piece of reel shite about "*A Bad Day in Beverly Hills*" opens with a car salesman called Lennox giving his opening pitch." I put love into every car that leaves this lot, whether it is a late model or just a transportation vehicle. Lennox has a car to suit your family style, and your family budget."

Even as a commercial '*Bone*' would still be pretty awful. We then pan to the wrecked cars in the lot, complete with glimpses of the accident victim's dead in them- but in spite of the visual-artistic promise of these macabre scenes, '*Bone*' is a bucket -load of crock, a film wreck that belongs in Lennox's lot. A "violently unstable black criminal (Yaphet Kotto) invades a white couple's Beverly hills' home, where the white couple will be forced to explore their secret lies, nightmares, desires and perversions." A porno's plot, but worst of all, a trope politically incorrect in 2007, and unacceptable today!

With the bad taste of '*Bone*,' bitter in her mouth, Marilyn Patsy suggests Denzel Washington's "*American Gangster*,' the

true story of Frank Lucas, Harlem drug baron and later multi - millionaire, in an era when black men weren't supposed to be crime lords, let alone president. (In America, Kenyan-fathered Barack Obama, like Raila's votes, is rising steadily in the polls). I settle for vodka orange, and the last bit of our movie marathon with Miz Marilyn Patsy.

*"This is the problem.... The problem with America. It's gotten so BIG; you just can't find your way ..."* **RAILA AMOLO ODINGA** is ahead by almost a million votes.... I have disturbed sleep where American gangsters take pot-shots at fireflies from the Bronx in white BMWs, and wild, old, mentally imbalanced black men ride on *Hell's Angels* motor-bikes to roadside bars in Kitengela, Kenya, where disturbingly, I recognize the lead Hell Angel.

It is president Mwai Kibaki, with a potbelly, and covered in **PNU** (*Party of National Unity*) tattoos: over *muratina*, they plot to destabilize the nation. In my dreams, a wizened black Kalenjin elder whispers at me through blue smoke: *"There is one kind of blues, and that's consisted between tribes that's they're in hate. In hate, just like I sang in one of them war songs in Tambach and Kaptagat, not too long ago, when I put some incitement in there and said that hate has its faults, making you do things you don't want to do- like raping and looting and burning and chopping up your neighbors with machetes - things like that. But hate... It is all we got. That's all we got left in this nation, boy, lots of hate... nothing more...."*

### Day Three: Saturday December 29 2007.

While Kenya slept, the ground shifted from under Raila's feet- to the turn of



half a million votes. In fact, while we slept, the ground shifted underneath our feet, all 66 million of them.

But like the first seismic ripple that barely shakes the ground, we mostly ignored the warning rumbling from deep within the bowels of the Rift Valley, of the political earthquake that was coming in the near future to wreak such catastrophe among us.

*It is a sunny Saturday morning.*

I buy the weekend papers as always. My fiancée Marilyn gets into her little white Daihatsu Charade. There is another charade to die to, that is being played before us by that farce and façade of an institution, the Electoral Commission of Kenya. (**ECK**).

Marilyn and I arrive at the popular Mobil Station in South ©, Nairobi, dazed and dazzled by the bright African morning sunlight that casts a yellow hue over everything, like those orange cellophane wrappers that cover the energy drink Lucozade, that you carry to patients in hospital.

Did I say 'Mobil'? What I meant was '**Oilibya**,' petrol station. In one fell swoop earlier in the year, Muammar Qaddafi's Libya acquired all the *Mobil -Exxon* petrol stations in Africa from George Dubya's *Exxon*, and recent divorcee representative Nikolas Sarkozy's *Mobil* franchise.

What a difference twenty years makes in a country's life. In 1986, the USA and France were actively trying to 'neutralize' (fucking kill) Qaddafi. America bombed Tripoli, an act of retaliation (bloody revenge) for the *Lockerbie* disaster (terrible terrorism), but only succeeded in killing The Colonel's adopted daughter, and a few unfortunate dromedaries, within the palace grounds.

In 1986, Raila Odinga was still mark timing in solitary detention. KANU's Daniel Arap Moi was president, and Emilio Mwai Kibaki was his loyal Vice President. Fast forward to 2002.

Moi and Mwai are now sworn foes, with Moi trying to get young Uhuru Kenyatta, the son of Kenya's first president (whom Moi served as a loyal Veep, for a donkey's decade) to succeed him, but lo! Raila Odinga, backing Mwai, said "*Kibaki Tasha!*" (Kibaki is enough) and Mwai Kibaki defeated young Uhuru by a 60% to 40% electoral whitewash.

### **Fast Forward five years later...**

Daniel arap Moi and Uhuru Kenyatta have again ganged up, but this time to support the re-election bid of Emilio Mwai Kibaki against the formidable challenge of Raila Amollo Odinga. Two days ago, Kenyans cast their votes, and now the dice, and who dies, are cast.

Only the tallying remains, for both the ECK and the Grim Reaper.

As we dilly-dally with Marilyn Patsy outside Oilibya *nee Mobil-Exxon*, there is time for ironic reflection, such as the fact that Qaddafi, the French and the Americans are all cool with each other now.

"Hell, and hell-o," Patsy jokes," Bush probably invites Gaddafi and Sarkozy for weekends of fishing, oily talk and the eating of pretzels and *freedom fries*."

We toast to that! Not knowing that, in another short 4 years, the Americans and NATO will be turning the great eccentric and Pan-Africanist Muammar Gaddafi into shite toast in Sirte.

Even though it is only eleven in the morning, Marilyn and I are already drinking cans of Tusker beer. Not that it is customary for her to do so! Patsy, whose father is half English and half Indian (the Englishman forcibly married



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the Indian servant woman while being a colonial turd in Bangalore, and then essentially spend the next three years beating her up, and calling her a whore, before being transferred to Kenya in 1947 when the colonial project ended in India) and whose mother is half Seychellwah and half -Swahili (the man from Seychelles came over to Kenya for rail-road work in 1906, as a teenager and ended up staying, in Mombasa no less, and impregnating a local Swahili woman) is a moderate drinker.

But you bet even Christ and his apostles knocked themselves silly over wine that last night, and even though we cannot yet see it, we can tell political party fallout Gethsemane is almost upon us. Something static, shiny, dangerous in the air, like that hot sun before a ferocious storm.

I call my best friend Martin Oduor, a Luo magistrate who presides over criminal cases in my native tribes-land of Kisii. He likes to joke that most of the cases in Kisii involves "either civil land-disputes, or uncivil land disputes, the latter being most uncivil because the adverse parties seem to rather enjoy chopping up the competition with *pangas*, instead of *pangaing* to seek legal recourse with the lawfully appointed magistrates, who democratically oversee these disputes."

Kisii, where I come from, is the Banana Capital of African. Note, capital, not *republic*! Bananas, some almost as long as a small human's arm, are grown there. Not yams, that's just a yarn. And Kisii bananas, they are yummy. Not at all like *Frontera* wine. Which is why, I guess, some native swine would resort to bloody violence to "protect what's mine," especially where they feel the White Man's Laws have not worked to their advantage.

*Do not laugh at our flaws.*

Through all history, most wars have been about territory – **LAND** - including the Israeli/Palestinian conflict. 50% of Kenya's economy is still agrarian, with 20% being tourism and all the rest combing to make up a mere 30% of the GDP.

Here's how many of the street political junkies – and Kenya is a country obsessed with EPL football and local politics, especially the male population of the nation – operate daily. They will begin the day at their neighbourhood corner where the street vendor hawks newspapers. For five shillings, instead of the sixty it costs to buy the *gazeti*, they will 'borrow' the paper, read its contents, absorbing the politics, then return the paper to the newspaper seller.

They will then take a leisurely stroll from Eastlands (mostly) to the CBD to sit outside supermarkets like Uchumi (The Economy supermart) on Aga Khan Walk, or outside the opulent Hilton Hotel in downtown Nairobi where the municipality has provided stone benches for them.

These 'educated jobless classes' cannot afford to shop at Uchumi, much less step in for a cup of cappuccino at the Hilton which goes for as much as \$5. Theirs is what is called a 'kadogo' economy, where as you've seen instead of buying a daily paper for sixty shillings, five bobs (less than 10% of its cover price), gets you all the sports and political news to feed your need to know.

And all day, these folk talk politics, before taking a break over lunch-time for 'air burger's (listening to the apocalyptic talk of Nairobi's street preachers, who for once, will seem prophetic), before another afternoon marathon of political talk - mostly on who will win the 2007 General Elections, Mwai Kibaki or Raila



Amollo Odinga, PNU or the Pentagon? These discussions are always long, loud and passionate. A bypassing tourist may mistake it for a mob quarrel. One of these gatherings even attained a quasi-formal status as '*Bunge la Wananchi*' (the *Parliament of the People*).

In the evening, the street legislators take the six-mile trek back to their electricity free hovels in the East, still fiercely clutching the big brown manila envelope with their *curriculum vitae* under sweaty arm-pits, although for some, it has been a good ten to fifteen years since they showed their C.V. to anybody, much less a prospective employer. These brown C.V envelopes are their excuse to leave their houses to "look for job," and go talk party politics in the Central Business District of Nairobi with fellow out-of-work-ers, as helpless spouses do odd jobs like cleaning affluent folks' houses to put, at least, a little food on the table.

As Patsy and I Daihatsu past Uhuru Highway, that links the international airport JKIA to the heart of Nairobi city, we do not spot a single idler. Just lots of antiriot policemen, milling aimlessly under the mid-day sun. We pick up my Luo magistrate friend Oduor in affluent Westlands. He has just finished eating a Debonair's pizza in a red-bricked burger house, and now wants some beer. I also want some beer. Beer has a way of keeping the fear at bay. *Fear of what*, you ask? Have you ever heard the phrase "*the calm before the storm*"?

Well, that's what exactly how Kenya feels like on the one PM of this Saturday. December 29. The danger is like electric static in the air. Ye can smell it the way animals smell coming rain. And it makes one's arm-hairs stand on end.

*Animals take cover when they sense impending storms*

Kenyans take beer. Tusker - the lager named after the crazed pachyderm that trampled on the white hunter who tried to shoot it in 1907, the hunter who was also the founder of *East African Breweries*, the company that makes *Tusker*, the beer that you take when you are in good company. Or when you want to chase away the fear.

### **We go to Magassys!**

The Magassys are a family of many siblings - four brothers and two sisters, three of whom are either married or engaged, and are here with their partners. '*Here*' is a big apartment in Westlands, owned by Big Bro Edward Magassy. The Magassys went to vote as a solid block in Westlands for a belligerent and pugnacious legislator called Fred Gumo, and for ODM's Odinga. Fred Gumo has been the Member of Parliament for Westlands, forever, as was his father. A big man, of gorilla-like build, large forehead and a toad's sleepy eyes, 'Gorilla' Gumo is a populist who is dismissive of his competition. Of his opponents before the election he said, dismissively- "*I hear there are some people campaigning, but I do not even know their names.*" His most famous quote to his constituents? "*Kaa Ngumu!*" which translates to "stay strong/stubborn" or 'live hard' (the former is hard, the latter easy to do on less than a dollar a day). Westlands has Nairobi's third wealthiest population, and also its third poorest slum, Kangemi (after Mathare and the Mukuru slums).

In Nairobi, a slum borders every affluent residence - luxurious Lavington is next to the slum called Kawangware, Mathare sprawls towards Runda and Muthaiga. In Kenya, slums are always described as



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“sprawling,” like a rich man on his sofa, with his feet up on a coffee table. And the (in)famous Kibera, third largest slum in the world (after Soweto and the favelas of Sao Paolo), is just a valley and a road away, from the “white and affluent black” highlands of Karen. Francois Gringnon, the Africa program director of some N.G.O., tells Nation Television presenter Peninah Karibe, “I live in Muthaiga and I am shocked that while my neighbours display their wealth (mostly luxurious Germans automobiles) and live-in grand mansions, just a hundred meters away, Mathare begins. I have been to Mathare, and there, Hobbes principle is on open, and violent display.” Life in Mathare is, indeed, short, dangerous and brutish.

One may add filthy and unhygienic too, with no room for dignity. But on this sunny Saturday afternoon at The Magassys, Gringnon and such other well-meaning expats are not on TV screen. Every television station, including our sister company **Kenya Television Network** (KTN) widely regarded as the pioneer of free media in our nation, and so the most watched (at the time) are all broadcasting live from *Kenyatta International Conference Centre*. (KICC).

### **Kenyatta.**

Kenyatta- the first president of the Republic of Kenya. The largest avenue in Nairobi is named after him (and the second largest after his successor, Mzee Moi). So is the largest airport in Kenya, the *Jomo Kenyatta International Airport*. (The next largest, **MIA**, in Mombasa, is named after his successor, Daniel T. Arap Moi). Kenyatta’s statue sits like a golem on the humongous compound of KICC, facing the mausoleum where his body is still embalmed, *a la Lenin*. The mausoleum is next to Kenya’s own ‘Westminister’, the parliament buildings. The statue in front of the High Court

Building isn’t of a Libra-like lady justice, holding scales in her hands. It is of a small boy with a sheep-wig on his head, and a fish in his hands. The small boy is naked, and peeing into a fountain.

One has to wonder if Jomo Kenyatta’s statue wasn’t strategically, and ironically, placed, to show that his concrete will would rule over Kenya, forever, like a giant shadow. That parliament is as dead and inert as his body within its grounds, a legislative tomb. That all, who sought justice for political recourse in our Courts-of-Law would be peed upon, then forced to drink the urine - like those black cleaners in a pre-dominantly white South African University in Pretoria. Both Kenyatta (1963-1978) and Mr. Moi (1979-2002) made sure their mugs were on every currency note in the country for the thirty-nine years they ruled the country.

So why should the third president of Kenya, Emilio Mwai Kibaki, with no avenues, airports statues or currency worth speaking to commemorate his reign - just a 40-shilling coin with his balding pate, introduced on the 40<sup>th</sup> year of our independence, circa 2003 - not rule for a mere 5 years more? What is wrong with *tano tena?* (That question will be answered by a later regime). Okay, so Moi’s only ‘statue’ of worth is that of his *fist*, clutching a club, smashing through the sculpture of Mt. Kenya like molten lava. Symbolic? Of a ‘clubbish’ rule, in all senses of the word, and his 24-year triumph and domination of the Agikuyu elite from 1978 to 2002? “Well, the old Agikuyu elite is firmly back in the seat of power,” one of the Magassys whispers as we watch results trickling in on TV, “and, this time, they don’t intend to let the chair go.”





### **International.**

The international media is also at KICC - CNN, Reuters, the Associated Press, BBC, Al Jazeera- they are all here. We sip beer at the Magassys and the Fear Factor diminishes a little more. Gazing past the apartment's door, lit up by a ceiling fixture's allowance of the afternoon glow to halo, is burnt-red mahogany paneling, Martin Oduor says: "With all the international media watching, this is an open election (counting exercise, he means). There is no way anyone can cheat."

"And if they do," chimes in one of the Magassy Sisters," There are always the *Courts of Law*." Far off, in KICC's compound, the statue of Jomo Kenyatta overhears this in the wind, and a slight hard grin comes over its face, as it gets out a little wind. A sudden afternoon breeze blows gas towards the Courts, and small Pee-Boy (P.B) wrinkles his button nose.

### **Conference.**

The Constitutional Body entrusted with overseeing this election is the Electoral Commission of Kenya, or E.C.K. Its chairman, Samuel Kivuitu, an Advocate of the Court, is known for a dry, sarcastic humor, in the manner of a non-favourite grumpy uncle. In 48 hours, he will be among the most despised men ever to (dis) grace the face of the country's history, but for now, he is still getting away with his "avuncular uncle" histrionics. As Mwai Kibaki's disputed votes continue to pour in, 'Uncle' Sam Kivuitu swears, "I'll stand by my *Kaulis* (decisions) and if need be, I will burn with the country."

*Conference, or cabal?* In other rooms at the K.I. Conference C, are there old and shadowy men, with pots and cigars, plotting on how to rig the vote?

### **Centre.**

*K.I.C.C.* is no doubt, the center of sixty-six million eyes, the point of convergence, as Kenyans of all shapes, height and colour, watch the ECK announce the results - constituency by constituency, that Saturday afternoon. The tempers and temperature of the ODM vs PNU crowd in the conference hall are at boiling point. The sun in the sky too, this Saturday afternoon, is scorching. A day made for swimming. We sit on sofas at the Magassys, and munch on snacks, and drink Tusker beer.

As the sun heads towards set, I have watched enough. The race is now neck-and-neck, Raila and Kibaki, with almost six million votes counted, in a 10 million voter prize bag. ODM Kenya Challenger, Kalonzo Musyoka, is hardly worth a sentence. He is limping behind, badly. 'A donkey in a two-horse race,' as Raila had earlier quipped in one of his sticky analogies.

### ***I want to go watch Chelsea take on Aston Villa at six pm.***

Marilyn Patsy drops me off at a pub in the South 'C' for vodka and for the football. Chelsea, by the forty-fifth minute of the soccer game, is down two-nil. But then Andrei Shevchenko converts a penalty, and we now have a goal to the villainous Aston Villas's two.

Over the half time interval, a rival supporter asks me, "Why do you support Chelsea so vehemently?"

"Because its owner, Roman Abramovich, is a Russian Jew."

"And you like corrupt Oligarchs?"

"I like Russian Jews."

"I don't know all Jews, but I do know one Russian Jew, with eyes as melancholic as the Roman's. He's called Mikhail Iossel ..."

"Jews know how to make money," the anti-Chelsea fan interrupts, "Which



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means you support P.N.U *because Kikuyus are the Jews of Kenya.*"

I open my mouth like the fish in an aquarium at "*Studs n Spurs*" then shut it again.

I look at the Arsenal flag that dominates the bar counter. In Kenya, ever since our Kenya Football Federation made it its prime occupation to steal all money meant for soccer for themselves, whether from private sponsors like the *East African Breweries' Limited* or the world football body, **FIFA**, almost all Kenyans switched allegiance to the English Premier League.

I like the Russians primarily because of the literary city, the awesome beauty and the mysterious denizens of St. Petersburg, Professor Misha's birth place, which I visit almost every year, like a devout Moslem goes to Mecca. St. Petersburg is or should be the Mecca of writers. So, I support Chelsea. As for the Agikuyu, I'm indifferent. By origin, I suppose I am Kisii. But I like to tell folk my tribes' mates are poets and that I belong to the 'country of writers.'

The truth is I am a Nairobian, first generation denizen, through and through.

Born at Mater Hospital, bred in Nairobi West, schooled at the Catholic Primary School in the CBD, high school day scholar at Starehe Boys Center in nearby Ngara, Univ. of Nairobi, LL.B.

Kenya, though, with its politicized ethnicities and economic domination by elite septuagenarians, is *No Country for Young City Men*.

Second half: Chelsea equalises, then goes up one better. Aston Villa manages to score again, to tie the scores at 3-3. Chelsea's Michael Ballack, the German, scores the apparent winner. Chelsea 4,

Aston Villa, 3. But then, at the very death of the twilight of injury time, Aston Villa manages to snatch a draw from the Jaws of Defeat.

I am as devastated as the anti-Chelsea fans (mostly Man Utd and Arsenal men, with a few Kops) are elated by the result. When things seem wrapped up, he who equalizes the score will always see the draw as a dramatic victory, whether in football or in politics.

I join the fake Aston Villain fan, and his brandy-sodden girlfriend, in a ride to Nairobi West to have an 'equalizer drink,' but all the bars in the self-proclaimed "drinking capital of Eastern Africa, from the Chinka River in Central Africa to the Limpopo down south," are shut.

All 27 of them!

"Sorry," says a watchman in one of them, *Jeans*, sounding genuinely apologetic. "We have had too many serious fights in the bars around here yesterday night, and the whole afternoon, due to politics. So, we (collectively) decided to shut them at 11.p.m., instead of 3 a.m."

It is midnight, both in *Chelsea* and in Kenya.

It is time to go on home.

### **Day Four. Sunday, 30<sup>th</sup> December 2007.**

I start Sundays the way I always do. By reading the *Sunday Standard*. Today, though, I have no hangover, so the coffee I take, I'm just taking out of habit. Here's a bit of political faction I penned earlier that week in the Sunday Magazine in *Poetic Insight*. It is called '*Massacre Tous*.'

"Sire?" *Le Pen's voice is already beginning to irritate the Marshall. Napoleon prepares to step regally outside to greet his men. He takes a deep breath and expels it in a violent coughing fit that leads to tears, bend over double and supports himself on his knee breeches as he sneezes. 'Bend*



*the Knee': the way he has seen Sovereigns whose kingdoms he has cut off at the knees pay him obeisance at the moment of capitulation, dreading a potential decapitation.*

*"Sire, are you alright?"*

*It is Le Pen's extremely irritating -in-the-nasal voice, but these men would never dare step into the sleeping quarters of their great General. When they need to see him, they stand outside his big canvas tent, and he steps outside the tarpaulin to see them.*

*"Get on with it!" Napoleon growls, reaching for a tumbler of strong French wine.*

*He swigs at it. Brandy would be better for his cough, but his soldiers have finished all the Viceroy's in celebration, following their big triumph over the Turkish hordes.*

*There is a most nervous pause.*

*"What shall we do with the 1,200 Turkish prisoners of war we have in our hands?"*

*Le Pen inquires.*

*Napoleon puts the wine down, coughs again and says: "Massacre' toux!" Then he adds. "Come back later." He is in no mood to make major decisions right now, but he is inclined to think the Turks may be useful - and can even be recruited as mercenaries into his, frankly speaking, fabulous army that is already putting foes to the sword; and the Occidental-Oriental world under his enlightened rule. Soon, French Law will rule the world, egalitarian and equitable, under the baton of this little bastion of what an ambitious man -Napoleon the Narcissist - can achieve.*

*Exactly three hours later, and three miles down the road, 6,000 French soldiers, armed with knives and bayonets, fall upon 1,200 terrified Turkish Prisoners of War (POWs). The POWs aren't only outnumbered five-to-one, they are also trussed up like X-Mas turkeys, ripe for*

*slaughter. It is a most unequal combat. Soon, they will be slaughtered and stuffed.*

*They scream for mercy. They cry and beg; they call out for both Allah and for their mamas. They pledge allegiance to Napoleon and curse the Sultan of Istanbul who led them to defeat against the French. They are given no quarter. The French legionnaires slaughter them to the last man, till the French blue-and-mauve army uniform runs crimson with blood, and the site resembles an abattoir.*

*When it is all over, the French army officer who was in overnight charge of the Turk POWs, a handsome, dark-haired fellow who had charmed the frightened Turks into thinking it would all turn out alright, and now feels he somewhat betrayed them ("Napoleon is a pragmatic man, not a butcher, monsieur. If you promise to be of service, he will spare you, I assure you") now looks into the beak-like face of Le Pen. "Was this really necessary, sire?" Le Pen leans forwards, like a giant bird from a pre-historic era, and peers at the officer. "Bonaparte said, "Massacrer tous" (to massacre them all).*

*Dead men aren't useful to armies on the move, Napoleon is thinking, but broken mercenaries are, especially if their home country is promised to them as the prize of loyal servitude to him.*

*The cough, once more, tears into the future emperor. Through red and streaming eyes, which make him look like he's been weeping, which is why he will not see anyone today, Napoleon says: "**Massacre toux!**" for the umpteenth time that day. This translates to- "this killer cough!"*

*Outside, in the grey sky, birds of prey beat a steady path northwest, airlines going to feed on carrion. Le Pen watches them circle the skies, and cupping his mouth, lets out a nervous cough.*



## Political Parties after Political Parties

Sometimes, in political situations, mispronouncing oneself may cost others' life and limb!

I decide to take a walk to Patsy's apartment, in search of sustenance beyond hot *kahawa* number *maja* and the cold morning news. Usually, at 8 a.m. on a normal Sunday morning, the Nairobi West shopping- and-drinking center is still littered with the rubble of last night's drunkards, a mumbling brother or two still staggering out of Jean's pub, blinking uncomprehendingly at the morning sun, wondering where night went, when the darkness left his life.

Once in a messed -up, while, I have found myself in Jeans at 8.a.m Pizza and Bud company, loudly singing "*the House of the Rising sun*" to no one and everyone in particular.

*This Sunday morning, everything is different.*

The sun seems more crimsons as I walk the one kilometer from my house to the fiancée's flat, through the sullen, sober silence. The solemn throngs of families shuffling to various churches in the neighborhood are not to be seen. Everything Kenyan has been abandoned - from Tusker to Yahweh.

The eviscerated rubbish bags outside the public toilet in West are still in evidence, but the gazillions of broken beer bottles, like spent cartridges in Kenya's drinking wars (battle zone: Nairobi West) are nowhere in sight. Folk huddled home last evening, like animals expecting a storm. In this sense, prophecy will be self-fulfilling.

Even the drying pools of vomitus from over-indulgin' drunks are missing

from the Nairobi West pavements. By Monday, all the signs of bacchanalian revelry e.g., condoms thrown out of lodge windows, have been hosed off these streets usually.

But for a week now, the Nairobi City Council has not come around. Life has gone underground, like we are in some kind of lockdown. When will our residence return to normalcy, to the definite drink routines and noisiness of everyday living and drinking, and screwing, and singing aloud at morn?

Patsy makes lunch. It feels like *The Last Lunch* in some Biblical scene. But the traitors aren't in a painting, they are on television. And Judas Iscariot is Electoral Commission Chairman, Samuel Kivuitu, grinning like an imbecile and cheerful confessing he has no idea where certain returning officers, with the certified results are, such as the gentleman from Tharaka Nithii.

Nevertheless, he goes ahead to announce the uncertified (soon-to-be-Notorious Form 6A) results with aplomb, staring down the shouts of furious opposition leaders through half-moon spectacles.

Hon. William Samoei Ruto from Sugoi warns aloud of "unimaginable consequences, should this election be rigged!"

Samuel Kivuitu stares him down, glares at the international media gathered in the **KICC** Conference hall in the hundreds, his eyes so hard through his bi-focals he seems to be x-raying darkness into our very living room.

*"If Kenya burns,"* he blandly lies.  
*"I will burn with it."*

*In other words, be dammed with the consequences*



## Political Parties after Political Parties

*Let the chips, and the corpses, fall  
where they will.*

Finally, at about 4p.m., Samuel Kivuitu prepares to announce the final poll results and hell and all its relatives break loose. The scenes form **K.I.C.C** are a bedlam, insanity itself rushing from room to room, screaming at the tops of its maddening lungs. Lights go out in the building.

The Opposition, like a man who a jury has found unfairly guilty of a murder he didn't commit, does not want the sentence to be pronounced. So, they shout **ECK** major domo Samuel Kivuitu down:

*"No! No! No! No!"* they yell at the top of their voices. The next minute, paramilitary police in combat gear storm into the conference center.

They smash cameras and throw tear-gas and shove journalists, local and foreign, out of the huge hall. Opposition (**ODM**) politicians are *batoned* out of the premises, presidential candidate Raila Odinga slammed against a wall as **ECK** Chairman, Samuel Kivuitu, carrying files, is led off to an armored strong room by a contingent of the para-military forces.

Fifteen minutes later, he resurfaces on another television station. *Kenya Broadcasting Corporation* –the State-owned broadcaster. In a monotone, totally Zombified, Samuel Kivuitu announces the 'official results of the election':

Raila Amolo Odinga-*four million, two hundred and something thousand.*  
Emilio Mwai Kibaki- *four million, four hundred n something thousand....."*  
Thorns grow in our eyes. I can no longer see the TV screen. I can hear 'Men at

*Work,'* totally twisted, playing in my head:  
*'Traveling with a lied-out Kivuitu / rigged-up trail, head full of zombies/ I met a strange gentleman, he made me nervous/ went on television, gave us results!*  
*Will they rise from the land down under?*  
*Will the women growl as their men plunder?*

*Can you hear, can't you hear the thunder?*  
*You better run; you better take cover ...'*

I want to go to bed on the carpet right there in Patsy's living room and never wake up. The ECK Chairman's callous announcement of nakedly flawed results feels like a scene that I have seen in a thousand films.

*A Hundred Days!*  
*Hotel Rwanda!*  
*Sometimes in April...*

It is the scene where Rwandese president Juvenal Habyarimana's plane is shot down over Kigali by a missile. The dreaded moment. The Brink of the precipice of genocide.

I think of my countrymen and women watching this missile shoot out of Kivuitu's laughing mouth. Rural folk under thatched roofs watching the verbal missile on little red Chinese 'Great Wall' televisions (that they put colored polythene bags over to make the TV a 'colored' one).

Old mamas in shanties with flies in their eyes watching the Big Lie, students whose electricity comes from generators wondering if they'll ever return to school after 2007, my brother in hospital –without his sense of smell because his olfactory nerve is blown – yet still *smelling trouble* as he watches his little hospital television our through his good eye. The left eye.

What this election has cost *him!*



## Political Parties after Political Parties

I think of the millions of Kenyans who voted across the country, in every backwater and ghetto, in all of Kenya. What presidential elections in Africa, and other shit political stuff (like airplanes over Kigali) have led to babies being smashed against church walls until their little skulls split open in Africa, how a church can be burned to the ground with political refugees hiding inside. What will they call our story after the storm has consumed us?

*'Sometimes in January?'*

And how many days will it take? Ten? A hundred? A thousand days, like the World War II siege of Leningrad nee Saint Petersburg?

And will there be a hotelier hero out of the coming calamity? *'Hotel Intercontinental?'* Who then lives to tell the tale in Belgium? I know only one hotelier well, my friend, Mwingiria Kithure. May be if I call him, he'll put Patsy, my sister Bonareri and myself up in a store-room at the Panafric Hotel.

Ben, my kid brother, will be safe in hospital. *Jail houses and the hospitals are always the last to go.* Screw churches. Coz when the shit hits the machetes in African, we burn churches! May God burn in Hades forever and ever, amen. I try to think of my past life in Kenya, how fortunate and blessed I have been, thus far, on a continent full of pestilence and violence, And I become numb.

Somehow, most Kenyans manage to fill their bellies, even if it's only *ugali* and *sukuma wiki* (*'push the week'*), kale so called because it manages to keep many Kenyans going till end month

A few fortunate locals feast on *Nyama choma* (roast meat) and Tusker beers all the time. The Luhyas have their

chickens, the Luos fish, and Somali males in Eastleigh easily live on *Miraa* (khat) and Coca-Cola for months.

Patsy has stocked up on tinned soups, beans, meats and biscuits. In the slums, hunger is a vulture, waiting to land after all he's food kiosks have been burned down in town.

As five o'clock crawls towards six PM, I feel my country slipping away before our very eyes, like a terminally ill patient gulping in those last gasps of oxygen in a hospital bed.

I think of Ben. I wonder where my sister, a New year baby, is. Sis will certainly not have a happy thirtieth birthday, 2007/2008. On television, they hurriedly set up a tent in the impossibly green gardens of State House in readiness for Kibaki's swearing in. The diplomatic corps are not there. Just a handful of former Ministers, inner kitchen cabinet cohorts and the Attorney general, looking like a funeral horse without his usual big broad smile on the face.

Only Chief Justice Evans Gicheru is grinning, his brown mien wreathed in a big, happy smile as he prepares to swear Kibaki in – and I think of the seven figures salary he draws in monthly, and feel sour in the belly,

There is something very *'Through the Looking Glass'*, about the whole electoral scenario.

In near-by Nyayo stadium, military men are wasting their time doing drills in preparation for a 31<sup>st</sup> December 2007 public swearing in ceremony that will never happen. Events are overtaking everyone. This coronation will be shameful, not a triumph paraded in a stadium by the **PNU**.





If people are shocked by these goings-on-the polls, the state of the country, the stealthy swearing in- then they are not sharing it in bars as Kenyans usually do.

Like animals we are hankered down in our homes and huts, waiting for the storm to break over us, hoping we will not be the ones who drown.

All my life, I suddenly realize, I have been mentally preparing for this moment-when Kenya goes down the drain pipe, like Uganda did, and the Sudan (Darfur) and Somalia (which is nothing more than a pile of sand now with warlords running across it these days, with AK-47 ever since the *Black Hawks* left in 1993). I never swallowed retired KANU's propaganda (all 25 years of it) about "*Ginya*" being "*eh highland ov beach, in a sea galamity...*" Kenya as heaven. Because somewhere in the Universe, where God the White man makes the rules, African lives have never counted for much -and especially not during political elections.

*In Africa, we live with a certain kind of fatalism.*

We expect to die of some disease before our Time, e.g., AIDs and we expect our countries to dissolve into Civil War at some point. That's just the way it is.

The reason most Africans, the non-starving ones, are seen smiling so hard in photographs is because they are so damn glad, they are not dead. *Nyet*. Not yet, at any rate. Not this script!

And it dawns on me, somewhere deep inside, that although I don't feel worthless, I and my people in Africa know our existence will not mean much to the outside world, once the machetes start falling like hail.

***January and the storm are almost upon us.***

January is usually a long, dry hard month - no merriment after X-mas and New year festivities, and school fees to pay for the kids for the year. January 2008; I know January will be a long, hard month already, but not dry, no sire. It will be *dire*. Wet with tears, slippery with blood. On this strange Sunday evening, as Patsy makes tea in her little kitchen, I stop listening to the sounds coming from the TV. To stop my mind wandering from dark pictures of drinking *uji* (porridge) in U.G (anda) as opposed to the *waragi* (whiskey). I *anda* (hustle up) a day dream.

*A daydream about abroad.*

The most peaceful city I ever set eyes on in my life is Montreal, Canada.

A bilingual metropolis (French and English), Montreal is serene in an almost ethereal way, like nothing truly horrible ever happens there. I went there for five days in the April of 2006 for the Blue Metropolis Literary festival, and have never quite forgotten it.

The crisp air, the Governor hotel in down-town Montreal where I stayed, the walk across cool lots with polite winos begging for change in French, the actual *Blue Metropolis* festival with hundreds of interesting creative folks from all over the world, my mentor Prof. Mikhail Iossel of Concordia university, and hostess; the affable, fabulous Linda Leith, a bar called *Acapulco*- Montreal was chill, and it is there I go to by *Air Imagination* to turn my inner eye from refugee camps, next door.

But my outer eyes cannot keep from returning to the television when Mwai Kibaki, at dusk, stealthy as burglar at sunset, appears on the State House lawn - and is swiftly and hastily sworn



## Political Parties after Political Parties

in as the 'continuing' president of the Republic of Kenya.

*It's like First Term never ends, oh oh oh!*

I step out of the house.

Patsy's balcony faces west. It is sunset in Africa. The sun always sets over the Kenyan countryside, hard and sudden, branding the skies ebony.

With a glass of Chilean 'Frontera' in my left hand, I watch with the steady gaze of one prepared for the worst wine or swine, as the red orb goes down over the horizon: watching for airplanes to rise up out a Wilson Airfield yonder west, waiting to see if a missile will shoot up out of the Ngong Hills, waiting to see if the ghost of Juvenal Habyarimama will, once again, wake up and stalk the land.

### DIARY OF DEATH.

**Monday 31<sup>st</sup> December 2007.**

Chaos erupted across the country following the swearing in of president Kibaki.

Fifteen souls are lost overnight, especially in the slum areas of Kenya, as angry mobs club, burn, beat and slash 'ethnic enemies' to death.

**Tuesday, January 1<sup>st</sup> 2008.**

Happy New Year

The killing orgy in the country multiplies tenfold. The cities of Nairobi, Kisumu and Mombasa all experience extreme violence, and the killing spree spreads to the towns of Eldoret, Kericho, Kilifi, Taveta, Wundanyi, Narok, Busia, Bungoma, Kakamega, Kuresoi and Molo.

A petrol station on a major road that belongs to former ace rally driver Patrick Njiru, a Kikuyu, is razed to the ground by arsonists from Kibera. Up in the great North Rift, mansions belonging to super athletes, marathonists who are seen as 'Moderate Kalenjins,' are set ablaze.

Kenya, caught in a frenzy of hate, has no 'heroes' left. Everyone is reduced to their Rawest Common Denominator/ political identity- their tribe.

I begin to realize that, caught on the wrong road, (say, the *road to Eldoret*), a mob may not give a hoot that I am a nationalist, a locally celebrated columnist, media personality, an urban and urbane man, with no problems with nobody, (and lots of good friends abroad). A real honest-to-badassness Nairobiian.

I'll be seen only as a 'Kisii', ruthlessly chopped up by the roadside, condemned to a ghastly death by the ethnicity of my parents -the way the Nazis terminated Jews in the past due to their parentage, not giving a damn about age. Gas chambers.

On New Year's Day, 64 Kenyans have their lives brutally snuffed out.

**Wednesday, January 2 2008.**

ECK Chairman Samuel Kivuitu, form the comforts of his luxurious Garden Estate mansion in a leafy suburb of Nairobi, tells **KTN-TV**. "*I don't know if (Kibaki) won the election.*"

So where did he get the 4 million plus figures from? Did he cook then up in the melting pot that is his head? It's too late for the two hundred plus Dead, and piling up.

On that day, fifty women and children, hiding in a Kenya Assemblies of God church in Eldoret town, are tracked down by a marauding mob of 300 male killers. They simply barricade Kiambaa church, chopping down with axes and machetes anyone, woman or child, who tries to escape.

Then they pour paraffin and gasoline all around the church. Someone lights the



match. And as kids and women scream and shriek inside the little church, they are burnt alive, *a la Rwanda*, as their murderers watch in daemonic glee. "That church was infested with devils," one of the killers says, smacking dark lips. Then they fade away into the day, looking for more 'devils' to exorcise.

### Thursday, January 3 2008.

Fifty more poor devils-many of them children- have been slaughtered like chicken overnight. The local media, who have been silenced by a media ban for three days on their own cross made by government, finally come out with one headline, across the board: "*SAVE our Beloved Country.*"

It's a plaintive plea.

The "Victim," would-be president Raila Odinga comes out to say "the Violence should stop," and he is "ready to be part of an interim govt." Raila is a man who talks through clenched teeth, even at the best times, but his words have to struggle more than usual, today, to get through his lips.

But the really silent man is the President, Emilio Mwai Kibaki.

Safety ensconced in State House, he is quiet as a mouse. He knows if one stays put long enough, and stays mum, problems usually go away.

Three hundred Kenyans have been put away, for good, in three days.

### Friday, January 4 2008.

President Kibaki finally calls his first news conference since being sworn in one the previous Sunday. He has a solution for the country "*Yule hajatosheka and haki ya kwenda kortini na kufuata sheria*". ("Those who are not satisfied have the right to go to court and follow the Law")

### Saturday, January 5 2008.

Noble laureate Archbishop Desmond Tutu arrives in Nairobi and goes to State House to meet President Kibaki, presumably to tell him "courts, and election petitions, and appeals to legal procedure", will not quell the violence. The courts often take two months to two years to resolve election dispute. One M.P had his poll victory of December 2002 annulled in October, 2007, two months to this fresh election.

Let's be optimistic and say the presidential poll dispute is sorted out in two years. Let's be pessimistic and say the killing continues at the rate of a hundred people a day.

That will be 75,000 Kenyans dead, an acceptable poll toll in Africa. It usually takes four times that many Dead, *a la Darfur*, to grab the world's attention, to become a full-blown genocide. Which is like refusing to ARVs on HIV. Until it had become full blown AIDs! Yet with the Tutus of the world jetting in, there is a sliver of hope for us. I wish I could meet him, interview him. He'd be my fourth Nobel laureate. I met and loved Literature Laureate Derek Walcott at the *Hyatt Hotel*, in Montreal, two Aprils ago. I met, interviewed (and did not much fancy) Wole Soyinka at The Stanley in Nairobi. I'll change my mind, 2014. I once wrote a bio-legal paper for Prof. Wangari Maathai which constituted part of her presentation at the Hilton, Nairobi.

### Tuesday, January 8 2008.

Ghanaian president John Kuffuor comes to Kenya to mediate on The Crisis. Government Spokesman, the brilliant Dr. Alf Mutua, cheekily suggests the man is "only coming to share a cup of tea with peer and old pal, H.E. Kibaki," as if Ghana's cocoa isn't superior to our local beverage.



## Political Parties after Political Parties

Gordon Brown, UK's Premier, suggest a poll re-run. By now, the Dead have become 486.

How do you even begin to organize an election? The Law Society of Kenya dismisses ECK chairman Samuel Kivuitu from its Roll of Honour.

"They should disbar him," a lawyer - friend of mine tells me, in a tiny, hidden local pub called "*Animal Farm*" at the edge of the Nairobi National Park, as we stare at its endless grass expanse.

"He should self-immolate himself like a Tibetan Monk," I say bitterly. "Did he not promise to BURN with the country?" "*Weka ye tyre,*" my lawyer pal laughs.

The infamous Winnie Madikizela-Mandela "necklace," where the victim has a gasoline-soaked tire put over their head, then it is lit. Such gruesome scenes are going on across the country. 486 dead.

### **Wednesday, January 9 2008.**

Barack Obama loses narrowly to Hillary Clinton in the New Hampshire Democratic primaries. That's bummer. Kenyans are now losing all faith in polls. Medvedev Methods afoot in Russia!

President Kibaki names his minnow rival, really a *Ralph Nader-ish* figure Kalonzo Musyoka as his Vice-President, and founding father Jomo Kenyatta's son (who didn't oppose him so not to 'split' the Kikuyu vote) Uhuru his Minister of Local Government. Fifteen others, including hardline polarizing personalities like Martha Karua, John Michuki and Samuel Poghio, are appointed into Cabinet.

Riots sweep across Eldoret, Nairobi and Kisumu, and the police shoot protestors dead, including a hip-hop protestor in Kisumu who will come to be known as George.O. (Our very own Tianamen man-stand-B4-a-tank).

George O, writhing on the ground, will poignantly ask his police killer: "*Why have you killed me?*" Later, the police spokesman Kiraithe will brazenly and bloodlessly that say what we saw LIVE on TV is "*just Rambo -style inventions by graphic designers in television studios.*"

That is police style, classic. They will tell lies about what one sees with one's own eyes.

And in Kenya, thugs always shoot at the cops first, and are killed when "*the Mboyz returned of firearms.*"

### **Thursday, January 10 2008.**

The USA, Europe (including Italy and Slovenia) all back talks between "the two principals." PNU's Kibaki and the Pentagon's Raila. Ghanaian President John Kuffuor, with an entourage of "Former African Heads of State" ('sinister title' says my friend Arno Kopeski, one of the few white people who haven't left, and who gets mail from Vancouver like, *got any machete cuts today?*) shuttles between Raila at the Hotel Intercontinental, and Kibaki in State House, Nairobi.

A two kilometer, three-minute drive, up Kenyatta Avenue on deserted Thursday streets.

Traffic would normally come to a standstill for the screaming Mercedes Benz limos, except there is no traffic. Most Nairobians are parked and cowered in homes, and our 'Central Park,'-*Uhuru Park*-where the Opposition wants to hold a protest-at- the -polls-results' rally is cordoned off by hundreds of anti-riot militia.

They look like Robo-cops in their helmets with plastic glass face shields (that will only become common 12 years later during the corona crisis, but very sinister in the 'winter' of 2008), heavy sweaters, leather jackets, shields, boots



and batons – they are the Eerie Men. But they are, after all, humans following orders to ‘stand back but stand by’ from the Top. Men who stand ramrod-straight all day in 30-degree centigrade heat, with only the ducks in the pond for fun, and the odd free-flowing non-traffic for visuals.

For all their troubles, they are paid the princely sum of U.S \$10 (Shs. 780 then) extra per day.

Or Shs 65 per hour. Or a shilling a minute, to slowly boil in your city combat boots ...

### **Friday, Jan 11 2008.**

*Talks collapse!*

President Kuffuor, after only two days, flies out of the country. I suspect it is because the *Africa Cup of Nations*, being hosted in his country, begins in less than ten days, and he doesn’t want to get bogged down in Kenya arguing with Raila and trying to make his “tea buddy” Kibaki see the sense in power sharing.

I don’t blame him.

But like John the Baptist, he will send us a “Ghanaian Jesus in time.

Meantime, the Killings resume with earnest.

### **Saturday, January 12 2008.**

The *Orange Democratic Party* calls for mass protests.

The Police Commissioner, a retired Army general called Brigadier Ali, vows to “crush all such rallies.” It will be the opening statement of the file that eventually has him in incredibly hot soup, with his name in the ‘Waki Envelope’ (of those most culpable for this ongoing PEV, for police executions of protestors and our slum residents in Kibera). The stage is set. *For what, you ask?*

More death.

What else?

*What else?*

### **Monday, January 14 2008.**

Roads Minister John Michuki, who as Information Minister in March of 2006 hired two Armenian gun-men and mercenaries called “Artur Brothers” and sixty special squad cops to raid and shut down the “KTN-Standard TV and Newspaper Group” declares: “There is no problem in Kenya and foreigners coming to Kenya are interfering with our sovereignty.

We won the election. We do not welcome Koffi Annan here.” Five hundred citizens of our country and dead from a dark and extreme violence but, hey, *no problem!*

### **Tuesday, January 15 2008.**

The Tenth Parliament elects Kenneth Marende of *Orange Democratic Movement (ODM)* House Speaker. Former U.N Secretary General. Koffi Annan, perhaps feeling not exactly welcome by Michuki’s “clarifications,” pleads flu, and stays in Accra, Ghana.

### **Thursday, January 17 2008.**

Members of the ODM-Pentagon, their top echelon, are tear-gassed in central Nairobi, on main street, Kenyatta Avenue. I can smell the tear gas ten floors up at our offices. It’s like using an entire can of insecticide to kill a bug. More seriously, in Kisumu, the police shoot four more ‘rioters’ dead - including a ten-year old schoolboy walking home from some grade school that is foolish, or brave, or just dedicated enough, to have stayed open and started its First Term syllabus. The lad was called Arina. It is good we got his name. Usually, in Africa, the nameless political dead are mere statistics.

He is Number 505 fatality. The Americans have their 9-11. The Jewish people their ‘Holocaust.’ The Rwandese are still too stunned by their Million Dead to call



## Political Parties after Political Parties

the holocaust that happened to them anything, so it just goes by 'Rwanda,' or '1994,' and you understand *what* happened.

Even today, google 1994 and the first two references are FIFA World Cup Final and Rwanda Genocide. You have to wonder – did one of those high-ranking Hutu Akazu generals, with access to satellite TV, perhaps take time off the killings in June to catch a game or two. For 13 years, I often wondered, in regard to 1994: “How could it Happen?”

Not any more! Three weeks after our elections, as we stand on the Brinkipice, I feel the ice in my bones.... And wait for waiter Juvenal Habyarimana to pour the red *Frontera* onto the blood rocks.

### Friday, January 18 2008.

Kenya is still crashing through the air, waiting to hit ground and completely break up into irreparable pieces.

Narok, Taita and Taveta districts are on fire. Police enter Kibera forcefully, force out journalists, and shoot dead a dozen people in the dead of the night, after blockading the slum.

People report door-to-door operations, summary executions, but Cop Spokesman Eric Kiraithe says one has to “stop fire with fire”.

*Demonstrators' tire fires raise ire of police who respond with live fire.* There are reports of Uganda soldiers on Kenya's Western borders coming stealthily into the country. I admire, but have never trusted, President Yoweri Kaguta Museveni of Uganda.

A man who came of age during the brutal rule of the human cannibal Idi Amin Dada, the “Last King of Scotland,”

Museveni is a career guerilla, even as President; *a shark in troubled waters* who somehow is suspected as having a long hand in every conflict in the region - from the Sudan to the Congo. May be we will soon need a military junta to bring order to failed democracy?

### Monday, January 21 2008.

The Government has great news for all of us- *'Kenya's high school going kids will soon benefit from free secondary school education.'*

“That's great,” a friend enthuses at the secret-bar-by-the-savannah (*Animal Farm*, South C), as we watch an *African Cup of Nations* game over furtive beers. “Maybe they can unlearn *Ethnic Cleansing, 101*, the Theory?”

Ivory Coast, led by my beloved Chelsea FC legend-in-the-making Didier Drogba, beats Nigeria. It's the happiest we've been, me and my soccer amigos, in three weeks.

### Tuesday, January 22 2008.

Koffi Annan lands in Kenya, (presumably after watching *that* great game of football live).

U.S. Ambassador Michael Rannenberger attacks the Party of National Unity (PNU) for placing ads in the paper that claim that “*those governments saying the elections were flawed want to interfere with our sovereignty.*”

An emotional Raila Odinga, at the mass funeral of a 100 people killed in his home-town of Kisumu, weeps as he views the bodies in open coffins. “These people, killed by State agents as they demanded justice, are the true heroes of Kenyan democracy, not I,” he says. “They wanted *haki yao*, (their rights) and they got bullets instead.”  
*Amen.*





### **Wednesday, January 23 2008.**

Retired Tanzanian president Benjamin Mkapa, Uganda's Yoweri Museveni (*uji* instead of *waragi* in a 'fugee camp in U.G.) and Graca Machel-Mandela all arrive to "lend Koffi Annan a hand."

*Yoweri-yo*, do you want another rap? I still think he a spy. Today, *nobody dies*.

### **Thursday, January 24 2008.**

Back in Nairobi, at another mass funeral mass at *Ligi Ndogo* grounds on Ngong Road, police lob tear gas canisters at the congregation. In response, now riotous mourners burn down one of the country's biggest post offices. No more snail mail? Thank God for the internet.

*Hooray ya-r-oooh*.

Still wiping tear gas tears from his eyes, Raila Odinga goes to the *Serena Hotel*, opposite Robo-Cop Uhuru Park, to meet Koffi Annan - over coffee and a bun, perhaps...

### **Friday, January 25 2008.**

Koffi Annan coerces Raila Odinga and President Kibaki to meet. Outside *Harambee House*, the official *Office of the President*, the two antagonists share a steely hand-grip and give fake smiles to the world. It reminds me of those old Yitzak Rabin-Shimon Peres 'handshake' days, with president Bill Clinton grinning on like a proud parent from the sidelines of the Rose Garden.

But it will take Koffi Annan five weeks, and cost the country 500 more dead, to soften those hard, and hardened, hearts. Still, we are gladdened, albeit half-heartedly, by this gesture towards reconciliation.

### **Saturday, January 26 2008.**

And, by gum, in an area called by Gum in Nakuru, thirty-two people are murdered overnight by suspected Mungikis - who shoot, hack and use poisoned arrows on innocent men, women and children. The

hardliners do not want peace. They want ethnic vengeance. The army, armed to the teeth, finally come out and impose a 7p.m-6a.m night curfew, to stop the killing in towns in the region.

### **Tuesday, January 29 2008.**

With the military in the town, the tribal militias have spilled out into the highways of Naivasha and Nakuru, stopping vehicles, asking for national identity cards and savagely chopping and cutting to death, with sharp machetes, people from the "Wrong Tribes." 96 are killed like this.

Later, these strange inhuman men, blood still dripping from their Somali swords, cars burning in the background like a scene from "*I Am Legend*" leap up and down for the cameras, frenzied and delirious from blood lust, singing *Thaiiiii thaaaaiiii!*

Watching them on TV, I do not shed a tear. I cried for George O, and Arina. These guys make me sick to the stomach with a revulsion so strong I actually want to throw up. *Shoot 'em all dead!* Later, TV turned off, I shudder in disgust. Are these creatures fellow Kenyans - or aliens in the midst of my countrymen, camouflaged in the skin of human beings?

### **Wednesday January 30 2008.**

Opposition (Orange Democratic Movement) Members of Parliament begin to get assassinated. First it is 39-year-old Mugabe Were of Embakasi, who is shot in cold blood in his car at midnight outside his up-market Woodley residence; then the left Honorable Member of Ainamoi who is murdered in broad noon-light, just off a major highway in the countryside by a 'deranged' traffic policeman.



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Both men are said to have been involved in "love triangles with other men's women," say the police. "Any connection to politics is coincidental."

Unfortunately, the traffic policeman who killed the MP of Ainamoi is a Kisii. Like me. I wonder how many of my kinsmen, women and children will be hacked to death, or burned alive, promptly as a scarlet letter (via *Death mail-com*).

The next day the answer comes in the daily newspapers - a dozen omogusii killed in revenge attacks! I have no doubt that had I been in Ainamoi, I would be one of them.

*That's how the tribal chips, and cadavers, fall in Africa.*

Our tribal chiefs have stacked it up so that is the way the political game is splayed, across the bows of the Party lines. And January ends as January began with the stench of Death everywhere, corpses on the road-side and fires razing the farms of 'foreigners' (other tribes) in the background.

Even cows are literally cut off at the knees by marauders too hate-filled to even think of eating them and are left to bleed to death in the field, mooing helplessly, wondering why this strange slaughter is happening to them in their bovine minds... not knowing that, they too, just happen to belong to the "Wrong Tribe."

### **Obituary.**

At the end of February, 2008, President Emilio Mwai Kibaki, at the instigation of Koffi Annan, finally agreed to share power with Raila Amollo Odinga, with the latter designated to become Prime Minister of Kenya in a Government of National Unity of their opposing party

alliances.

The violence that snatched over a thousand lives and displaced half a million frightened Kenyans finally abated. Babies in Kisumu were mass-baptized 'Koffi Annan', regardless of gender, and hopefully the old man, having lost his soul over not saving Rwanda from its million -person tragedy, can now take comfort that he brought Kenya back from the "precipice of a genocide."

*If there is a God, maybe he lives in Kenya.*

Certainly, having let Somalia, the Congo, Rwanda and so many other neighbouring nations go to the dogs, wolves, hyenas and scorpions, I am now convinced if God is Black, then he is a Kenyan. Else, how do you explain our salvation, or the good fortune of Barack Obama whose father was Kenyan?

Both events, the country and the man, are phenomenon!

*The Precipice of Genocide.*

The Russians have a saying "Life will decide."

Having failed to sort out our Constitutional quagmire since 1992, the country finally broke apart in practical terms, and in sixty days, we now have a natural new constitutional order in the country.

Having failed to make the Constitution, *the Constitution has made us*. Too bad the tree of this new liberty, *a la* Washington-Jeffersonian model, had to be "watered by the blood of patriots" (*Protestors, targeted victims*).

Now we are seriously speaking of Land Reforms, truth and justice commissions etc.



In other words, Life decided! Too bad the cost was an average of twelve thousand pints of blood, to “water the tree of liberty.”

I can only be glad my six liters are still intact in my body. This ink is my solitary contribution to the blood that “waters the tree of liberty.”

This is not a blue print for the future; it is simply a frozen word snap-shot from our rnot-distant political past, one writer’s slivery view of being on the edge of tragedy, a fringe looks from the periphery, for I was nowhere near the *actual center of the storm*.

But I did spy the eye of the tiger.... And it was savage, and Siberian.

To paraphrase Disraeli: “Kenyans shouted in honour of the phrase *“the sovereignty of Kenya,”* all was satisfactorily settled; then, 44 years later, they spat it out of the window and went to work.... with *pangas*.”

Kenya’s oligarchs who have always used the *mwananchi* as a spring -board to power (greedy kleptocracy) finally found out that the plebiscite was actually a crazy, all-devouring Frankenstein, having grown too big to be ‘breeched’ in.

As in those Kung Fu kick flicks where you finally *‘Unleash the Dragon.’*

Violence, class wars and tribal ideologies all came to the fore, the end of ethnic tolerance in the country-but conflict binds a people together, too, after dividing them. For too long, we let wounds foster in the national psyche, when we could have lanced them through equitable land and Constitutional measures.

Then *“things came to the saddle,* and rode mankind,” and Kenya will never be the same again.

We rode the tiger, and were almost eaten alive - but most of us survived, even my bro Benjamin. And on March First, relieved Kenyans, everywhere, greeted each other with the phrase “Happy New Year,” the fear gone from their voices, determined to erase the past two months from their minds with that common annual greeting ‘Happy New Year.’ Yet we must NEVER forget the Post Election Violence (PEV).

All we need to remember, too, is that famous post-traumatic phrase, *“Never again!”*

In Mombasa, the Coastal city, later that year during Easter, 2008, it was a great relief to see so many tourists walking the beaches - mostly Germans and Italians, but also quite a few British, and even Chinese...

“The Americans are coming next week,” a happy hotelier called Mathenge told me, in a conspiratorial tone,” and when the Americans are coming back, it means countries are going to be alright.” Back then, the USA was gold. I thought of a four-letter word (that starts with “f” and rhymes with ‘duck’) then kept quiet like a fish. *If the aquarium is blissful, why disturb it?*

To unpack the 2007 post-election violence and indeed, all the other cases of violence during elections, we must look to the very nature of the State and the nature of politics at the heart of the conflict and violence. In fact, the 2007-2008 post-election violence could be seen as a logical continuation of politics in a State where access to or exclusion from rights and power has historically



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been organized around ethnic identities. Successive post-colonial governments failed to democratize state power, choosing instead to perpetuate the colonial legacy with its divisive logic of allocation and distribution of resources and access to rights on the basis of ethnicity (Mamdani 1996). For instance, the system of administration in post-colonial Kenya has remained organized around districts and provinces that correspond with the boundaries of ethnic groups as designed in the colonial period. The electoral system in post-colonial Kenya simply replicated this logic. As a result, the demarcation of constituencies geared to accommodate the ethnic interests and ambitions of political leaders. Organizing along ethnic lines therefore makes perfect sense to political and states that granted access to political and civic rights on the basis of ethnicity.

At Independence, nationalism provided the broad umbrella for organizing the masses on pan-ethnic platforms under national mass political parties, *Kenya African National Union (KANU)* and the *Kenya African Democratic Union (KADU)*. Indeed, as Tom Mboya argued, the “nationalist movement has no time for arguments about Ideology, or for differences in economic and social programmes.” (Mboya 1986:88-89). Thus, nationalism papered over the ideological divisions within the various parties but also stifled the emergence of clear ideological parties or movements. With the collapse of the nationalist project, ethnicity was left as the most attractive organizing idea of Kenyan politics. While the Moi presidency was ostensibly organized around the so-called Nyayo philosophy of ‘peace, Love and Unity,’ in reality President Moi presided over an increasingly authoritarian state whose erosion of popular legitimacy was only

counter-balanced by a careful cultivation of ethnic political supremos across the various communities. These ethnic gatekeepers provided the cover for the increased tribalisation of the State and politics, a cover that was inevitably blown off once the Moi presidency was confronted with a nationwide demand for the restoration of multiparty politics. Staring at the possibility of real defeat from the Opposition, the Moi administration quickly resorted to the promotion of ethnic divisions and the instigation of the 1990s ethnic violence (HRW 1993: Kagwanja 1998).

It could, therefore, be argued that the seeds of poisoned electoral politics originated from this structural and the historical failure to invest in ideological parties and political movements. As a result, the elevation and preference of ethnicity over ideology meant that political contests would follow ethnic fissures thus widening the ethnic divisions in the country. In the event of close contests, as was the case in 2007 and where the integrity of the elections results was contested, the tinderbox of ethnic conflict could be easily set alight.

First, Equitable distribution of resources across the country is likely to reduce the bitterness over marginalization that has shaped politics for more than 50 years. A political system and state that is erected on the wheels of ethnic polarizations, ethnic exclusions and marginalization will inevitably run into ruin. The political rails must be changed so as to transform elections from an ethnic race to control the state. The new constitution contains the blueprint for the transformation of the country's politics. Through devolution, power has been distributed to various centers and resources are now distributed to all regions of the country without



dependence on the patronage of the President in power.

However, devolution carries within itself the risk that ethnic divisions and polarizations that have plagued politics at the national level will be replicated at country levels. In almost every country, there are new minorities who see themselves either as marginalized or are seen as privileged by others (*Mkutu et al.* 2014). These kinds of mistrust must be addressed to insulate counties from becoming the new theatres of violence and violations during electoral periods.

Second, the *Katiba* offers a new opportunity to test new institutions of governance to pre-empt a repeat of the violence of 2007. To this end, it is important that the reforms envisaged under the constitution are kept alive and the few gains protected. In particular, the reforms of the Judiciary, the security agencies, the electoral commission and land management and administration should be accelerated. If these reforms are aborted, the country is likely to find itself back in the same situation that precipitated the crisis of 2007. Third, it is important that impunity be addressed through local mechanisms and processes. The Judiciary, with all its current weaknesses, must be tested again and again. There can be no substitute for domestic judicial mechanisms.

The modest good record of the post-2010 Judiciary in dealing with human rights violations must be built upon by those working on justice. Beyond judicial processes, there is room for violation. It is obvious that the report of the *Truth, Justice and Reconciliation Commission* is unlikely to be implemented in the near future. Nevertheless, there is nothing to prevent localized units such as counties,

especially in places that have been hard hit by electoral violence, from setting up their own mechanisms for reconciliation as well as truth.

### **POLITICAL PARTY ORGANISATION IN KENYA AND THE 2013 ELECTIONS: WHAT LESSONS FOR DEMOCRACY AND INCLUSION?**

#### **Introduction.**

The Constitution of Kenya was promulgated on August 27, 2010 with a lot of pomp and colour. This was an expression of Kenyan's expectation that the socio-economic and political trajectory in the country would change for the better, half a century after the founding of KANU. One of the fresh ideas in the constitution was the creation of two levels of government, namely the national and the county governments. Three years later in March 2013, Kenyans went into elections and cast six ballots for respective political leaders in compliance with the new constitutional dispensation. This chapter examines not only how political parties organized their affairs in the run up, but also, during the 2013 elections.

The rationale and consequences of this political party organization is examined with a view to providing solutions on how political parties could be re-modelled to be more democratic, inclusive and issue-driven.

#### **Party politics after the Post-Election Violence (PEV).**

The 2010 constitution of Kenya created 47 counties and brought several other far-reaching changes. They say true Constitutions are often birthed in blood, and it can be strongly argued that the PEV of 2007/8 created the urgency to bring to being the 2010 *Katiba*. During the 2007 elections, suspicions



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between different political parties over the role of the PNU government in the management of elections was rife, and this is what eventually led to deadly strife.

In the period preceding the 2007 general election, the president unilaterally appointed Electoral Commission of Kenya (ECK) commissioners in total violation of the 1997 Inter-party Parliamentary Group (IPPG), compromise which provided that political parties would nominate members to the ECK according to party strength in parliament (Prof. Ben Sihanya, 2011). Claims of election irregularities in the vote tallying process by the main opposition parties, the foreign observers and domestic observers, especially the civil society, cast doubts on the integrity of the Electoral Commission led by Samuel Kivuitu, as we have seen in the previous chapter.

The announcement by the Electoral Commission on December 30, 2007 that Mwai Kibaki, the incumbent, had won the elections led to a political crisis that provoked an unpredicted wave of political violence and killings across the land. A total of 1,133 Kenyans lost their lives and hundreds of thousands were displaced (CIPEV 2008: 346, 352). In addition, property worth billions were destroyed through acts of arson and looting across the length of the land.

This conflict was resolved after the two main political parties, the Orange Democratic Movement (ODM) and the party of National Unity (PNU), held negotiations under Kofi Annan, the former UN Secretary General who acted as chief mediator as we saw in the previous chapter. Following that 'handshake' deal, on February 28, 2008,

Mwai Kibaki and Raila Odinga signed a formal power –sharing agreement. The main provisions of the agreement stipulated that a grand Coalition government would be established, in which the two parties would share power. Executive authority would be shared between the two main parties, ODM and the PNU.

Kibaki was to retain the presidency, while Raila would occupy the newly-created office of the Prime Minister, whose tenure was secured as he could only be removed from office by a vote of no confidence by parliament (Ben Sihanya 2011). On March 18, 2008, Parliament amended the constitution and adopted legislation to give legal force to the agreement and on April 17, 2008, the new coalition Cabinet and Prime Minister Raila Odinga were sworn in. The Kofia Annan-led political settlement also set out a reform agenda to address underlying causes of the PEV. Agenda No 4 of this arrangement specifically called for a new process to finalize the long-awaited Constitution with a view to addressing the long-standing grievances, many of which are believed to be the basis of the bloody violence in 2007/ 2008. 'Constitutions are written during times of crisis,' goes the aphorism, and after the PEV in 2008, great momentum was borne towards finalizing the new Constitution, born of the organic nature of the PEV of that January.

The 2010 constitution introduced new structures of government, including devolution (Ghai & Cottrel 2013). The 2013 election was, therefore, wholly different from any before it - as it ushered in a revolutionary experiment separate from the past in several ways. First, each voter cast six votes. One was for the president, member of





parliament, Woman Representative of the county, County Governor, Senator of the county and finally, member of the county assembly (MCA) for the local ward. Each constituency has between three and five such members based on population and geographical space (Ghai & Cottrel 2013). Consequently, the 2013 elections saw the expansion of the number of constituencies represented in the national assembly from 210 to 290. Other than the 290 members, the National Assembly also had 47 women representatives, elected countrywide from 47 counties.

### **Political parties in the 2013 elections.**

By 2013, the Party that had been declared winner of the 2007 elections, PNU, had collapsed by 2013. Kalonzo Musyoka's ODM-K had transformed into the Wiper Democratic Movement (WDM). After the 2007 Election, ODM-K had established a coalition with the PNU of Mwai Kibaki that saw Kalonzo Musyoka, the Party Leader, become the Vice-President of Kenya. KANU, the party that ushered Kenya into political independence in 1963, had also become quite weak by virtue of having lost most of its followers and key leaders to other political parties. The monkeys, minus Mwai Kibaki, now off for a deserved retirement, may have been the same as in 2007 but politically speaking, they were now 'partying' in very different forests.

First, it was conducted using a new Katiba, which was expected to resolve some of the critical causes of socio-economic and political cleavages that afflicted the Kenyan society. Secondly, the election was supervised by a new electoral body, the Independent Election and Boundaries Commission (IEBC), whose members were carefully vetted by parliament to ensure that

they were people of high integrity. Thirdly, the elections took place against the background where one of the presidential candidates, Uhuru Kenyatta, and his running mate, William Ruto, had been indicted by the International Criminal Court (ICC) in The Hague, a city in the Netherlands.

'Uhuruto' stood accused of masterminding the 2007-2008 ethnically targeted violence against each other's communities, Kikuyu vs Kalenjin, which left many people dead and thousands injured and many more displaced from their homes. Lastly, the election attracted eight contestants, although eventually it turned out to be a two-horse race between Uhuru Kenyatta's new Jubilee Alliance and Raila Odinga's CORD Coalition. It has been observed by several analysts that, like in ALL past elections, the voting pattern of the 2013 General Election tended to be along ethnic lines and thus reflected the organization of political parties in the country.

Mutahi Ngunyi, a political analyst, summarized the outcome as the 'Tyranny of Numbers,' to state that the odd Kikuyu-Kalenjin alliance of political parties, with their tribal numbers, *must* triumph! Mr. Mutahi argued that the election was already lost by the time voter registration, ended on 8<sup>th</sup> December 2012, due to the pattern of registration (Ghai & Cottrel 2013:110). Although it was anticipated that more than 21 million Kenyans out of the more than 40 million would register as voters, ultimately only two-thirds of those, 14 million, registered. Mutahi Ngunyi's subjective analysis pointed out that areas dominated by Uhuru Kenyatta's Kikuyu and William Ruto's Kalenjin communities had registered more than six million voters. Raila Odinga's areas



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of core support, on the other hand, registered only three million and this left the prospects for Uhuru Kenyatta's victory very probable, according to him. As always in Kenya, political mobilization was also based on ethnic and sectional interests. In the Jubilee strongholds for instance, there was intense mobilization of potential votes by politicians, because the stakes were very high compared to other regions in Kenya, according to people like Mutahi Ngunyi. The fact that the ODM appeared to have been the most popular party might have led to the party's areas of support not to register as aggressively as in the Kikuyu and Kalenjin areas. A number of opinion polls seemed to confirm that the ODM was on the way to winning the election. It was only at the eleventh hour, especially after the presidential debates in February 2013, that *Synovate Ipsos* began to suggest that Uhuru's popularity was on the rise.

In addition, as already pointed out, the fact that Kenyatta and William Ruto had been indicted by the ICC for serious crimes led the two leaders and their political parties to campaign very aggressively, possibly due to the belief that political support would shield them from the ICC (Mueller, 2013). Once the ICC commenced investigations of the Kenyan situation, the government mobilized support against it both domestically and internationally, advocating for trials to be conducted locally (Mueller 2014:31). Moreover, the fact that Sudan's President Omar Al-Bashir had continued to run Sudan in spite of similar indictment by the ICC Could have persuaded the supporters of Uhuru Kenyatta and William Ruto that a similar situation could be replicated in Kenya, as long as the two leaders won political power.

A number of pre-election coalitions took shape among political parties prior to the 2013 elections. The Jubilee Alliance was one of these coalitions and it was designed to unite most of the Kikuyu and Kalenjin peoples through their leaders, Uhuru and Ruto, respectively. The fact that both leaders faced the same problem in regard to the ICC cases obviously motivated them to work closely in mobilizing supporters from their respective ethnic communities. Moreover, the ICC proceedings against these leaders enabled them to create a 'siege mentality' among their supporters. They persuaded their supporters during campaign that they were victims of both neocolonialism and Imperial conspiracy of the United States of America and Western Europe to imprison black African leaders faraway in their Winterland dungeons. The comments made by western envoys to the effect that their countries would only have essential contact with Kenya in the event that the leaders were NOT elected, seemed to confirm this assertion by 'Uhuruto', as the pair was popularly referred to as.

Even Barack Obama, now president of the United States of America, wasn't spared from this conspiracy theory by 'Uhuruto' supporters. 'Choices have consequences,' he had said in regard to the Kenyan election. This was taken to mean he/the USA would 'punish' poor Kenya - unless we chose to elect CORD to power, the Party led by Raila Odinga, a Luo like the late Obama Snr! In Kenya, local tribalism is projected to be an international phenomenon, so much so that in the USA, you hear that the Kikuyus are to be found around Washington DC, the Luos in California, while the Abagusii always first go to settle in Minnesota. So much so that there's this ditty. '*Mkisii akiskia amesota, anaenda Minnesota*' (When a Kisii gets broke/ they



emigrate to Minnesota)! Charity Ngilu, the Kamba political acrobat from Kitui County and former Cabinet Minister in Mwai's government, also joined the Jubilee Alliance. Charity Ngilu's motive to join the Jubilee appeared to have been guided by the acceptance of her political rival, Kalonzo Musyoka, in the Coalition of Reform and Democracy (CORD) Alliance of Raila Odinga as a major domo leader. To Ngilu, this was a betrayal by the ODM, as previously, she had 'supported the party to the hilt' and had been appointed by Raila within the Grand Coalition government as the Minister for Water, one of the most important ministerial portfolios available to his half of the GNU.

The CORD Alliance, on the other hand, was designed to unite the Kamba and the Luo as well as sections of the Luhya people of Western Kenya, particularly the Bukusu. This was achieved through forging an alliance of community leaders led by Raila, Kalonzo and Moses Wetangula. Raila brought the **ODM** into the Coalition, Kalonzo came with **WDP**, While Wetangula brought the FORD-Kenya party under the coalition. Another smaller coalition was the *Amani Coalition*. This comprised Musalia Mudavadi's *United Democratic Front* (UDF) party which was supported by a good number of Luhya communities from Western Kenya, and two other small parties namely, *New Ford-Kenya*, led by another Luhya leader from the Bukusu section, Eugene Wamalwa and finally the old fallen giant of the Kenya African National Union (KANU).

It should be pointed out that Musalia Mudavadi was a staunch member of the ODM party all the way up to a few months before the 2013 elections, when bad blood developed between him and Raila's supporters in the party.

This was after he declared his intention of contesting against Raila for the nomination as the party's presidential candidate. When it became imminent that majority of the Luo leaders in the party were opposed to his candidate, he quit and established the *United Democratic Front* (UDF). Since his party attracted some of the Luhya members of the ODM, it can be argued that his departure from the ODM further undermined Raila's opportunities of overwhelmingly capturing the presidential vote. Mudavadi's supporters interpreted the resistance of mainstream Luo-ODM leadership to Mudavadi's presidential candidature as having been informed not only by tribalism but also intolerance of democratic competition within the CORD coalition.

It must be noted that one of the factors that undermined party democracy among the dominant political alliances/ coalitions such as Jubilee Alliance and the CORD Alliance in 2013, was interference of the party primaries by the leadership. The CORD Alliance appeared to have been more adversely affected by this phenomenon, possibly because of the high stakes associated with clinching party nomination, which was understood as a gateway to political success given the wide support of the party in Nyanza and Western Kenya. In Nyanza, such interference cost the ODM party the National Assembly seat for Alego-Usonga, which was won by the Wiper Democratic Movement, and three county assembly seats in the same constituency went to Ford Kenya and the National Vision Party (Ghai & Cottrell 2013). At the coast, the political landscape was somewhat different from the rest of the country on two accounts. Firstly, the region is inhabited by a large population of Muslims as opposed



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to a small fraction of the Christian population. Followers of both religions have divergent interests, especially on political representation.

Secondly, the coast has since independence experience some tension between the communities from upcountry settled in the region and the indigenous coastal communities. (Willis & Chome 2014). Despite a very serious campaign by the Jubilee Alliance at the coast, a majority of the residents voted for the CORD Alliance. The distribution of the votes has been attributed to the fact that Kenyatta got support from "Upcountry voters," including the Kikuyu in places such as Lamu West, while Raila got the majority of the Coastal people's vote (Willis & Chome 2014).

Structural issues appear to have been at the centre of determining the voting pattern and the political alliances in the region. Majority of the coastal people were dissatisfied with the modest devolution offered by the 2010 constitution. Locals wanted a higher threshold of devolution, with regard to local control over the ownership of minerals, public sector jobs, land ownership and the port of Mombasa. This could explain why most of the senatorial, gubernatorial and national assembly seats at the Coast were won by political parties in the CORD Alliance, who campaigned there on the platform of even more autonomy for the region, were they to win the GE.

*Inclusivity and democratization of political parties in Kenya.* One of the defining political characteristics of multiparty politics in Kenya is the high number of political parties. More than 50 political parties contested for various seats in the 2013 elections (Ghai & Cottrel 2013). As usual, the 2013 elections demonstrated

that Kenya's political parties are not grounded in any ideology, but rather are led by individuals who are perceived to represent interests of particular ethnic groups or regions. Indeed, most political parties have been described as 'vehicles used by leaders for coagulation of particular ethnic support around those individuals.' This explains why some leaders are quick to join one party, then whenever it suits them, to decamp to another. For them, it is forever 'party after party after party,' every 5 years.

Decamping from one party to another could also be brought about by other political grievances. In 2013, the TNA (The National Alliance Party) and the URP (United Republican Party) emerged out of such dynamic political interest. This calls for serious efforts to infuse ideological or philosophical bases in political parties. Such a strategy could undermine the ethnic orientation of political parties, and subsequently reorient them to focus on real issues affecting the nation. Johann Krieger, who chaired the *Independent Review Commission*, which was established by the Kenyan government in February 2008 to investigate the causes of the PEV, observed that the 'political parties are used as vehicles for strong men to run their politics along ethnic lines' (Mosoku 2014:7). He further observed that 'one cannot distinguish the principles of the Jubilee Alliance from those of the CORD coalition in the 2013 elections,' and concluded that Kenyans 'still run elections on tribal associations between leaders, but not programmes or any principles'.

Uhuru Kenyatta in 2013 was campaigning on the ticket of a new political party, the **TNA**. This meant that he had abandoned KANU his former political party. Similarly, his running mate, William Ruto, also abandoned



the ODM party and established a new political party, the URP. Interestingly, rather than join Uhuru in his TNA party, Ruto chose to establish his own political party. This implied that each candidate mobilized supporters from his region. The TNA and the URP (United Republican Party) came together in December 2012 when they established the Jubilee Alliance. Supporters for Jubilee, which was led by Uhuru, came as a surprise to most observers. The Rift Valley was the worst affected during the PEV after the 2007 elections and the communities that were locked in this conflict in the province were mainly the KIKUYU and the KALENJIN. It was, therefore, surprising that these communities were united in the Jubilee Alliance, given the history of election-related violence in the Rift Valley, which dates back to the early 1990s during the Moi era (Lynch 2014). Lynch has gone on to argue that the Kikuyu have tended to vote as a bloc in multiparty elections, and cast their votes for parties other than those supported by majority Kalenjin with the exception of the 2013 election (Lynch 2013:95).

The name **Jubilee** was strategic for a number of reasons. First, it combined multiple themes, both religious and political. Secondly, it appeared to celebrate Kenya's fifty years of independence, 2013 being the half century mark since the older founder Kenyatta had presided, as KANU president too, over our Independence as we saw at the start of this text. In this way, the name of the Alliance is likely to have gained traction, and hence attracted a substantial number of votes. The name 'Jubilee', is also the name of the in/famous insurance company, therefore provided assurance even among older voters, even as its two different party leaders sold their 'youth' to the Youth.

The Leadership of the coalition, namely Uhuru and Ruto, capitalized on being 52 and 51 respectively, contrasting their relatively younger leadership of Jubilee to older leaders in the CORD Coalition such as its leading lights Raila and Kalonzo, who were described as 'analogue' - compared to the Jubilee Alliance which was presented as 'digital'.

It should be pointed out that although the ODM party did not experience as many changes in terms of leadership as the other main political parties in the run up to 2013 elections, it also underwent a substantial transformation. After the Grand Coalition Government was established and the subsequent securing of the position of Prime Minister by Raila, his main allies in the pentagon, including Ruto and Najib Balala, fell out with him - and accused him of having failed to sufficiently reward them and their communities in spite of having sacrificed a lot to secure votes for the Orange Democratic Movement. This fallout was an indication of lack of internal conflict resolution mechanism within political parties. It therefore implies that to enhance strong and vibrant political party culture in the country, mechanisms must be created to foster internal *party democracy*. This would curtail the repeat of occurrences like those which led to the acrimonious fall out of the former Pentagon members. It should be pointed out that the fall out between Raila and his constitutional affairs' adviser, Miguna Miguna, further undermined the ODM leader. In his book, *Peeling Off the Mask*, which was published in 2012, just one year to the elections, Miguna makes negative allegations that painted Raila in bad light. For instance, the author accuses Raila of high handedness in the running of the ODM party and also accuses party leaders appointed to cabinet during



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the Grand Coalition Government of having abetted grand corruption. Such allegations cast doubts even among some of the ODM members on the ability of their party to steer political leadership of the country, given that Miguna was among the senior leaders of the party who had decamped. This author was among the packed audience at the Louis Leakey Auditorium in the late September of 2012 (during that year's *Storymoja Festival*), listening to the man Miguna Miguna foam at the mouth as he excoriated his former party leader.

In 2013, too, there was marked regional concentration of party support. With the exception of ODM, all the five major political parties received at least more than two-thirds of their seats in parliament from constituencies where the majority of residents were of the same ethnicity as the party leader. Moreover, out of the 59 registered political parties in the country, only 19 won seats in the National Assembly.

Even the major political parties dared not field candidates in their rivals' stronghold regions. ODM did not field candidates for gubernatorial positions in Nyandarua, Kirinyaga, Baringo, Laikipia and Bomet, among other places perceived not to support the party. This was informed by the fact that these areas were believed to be predominantly Kikuyu and Kalenjin strongholds (*Ghai & Cottrell 2013:14*). Similarly, the TNA and its affiliated parties did not field gubernatorial candidates in Machakos, Makueni, Vihiga, Busia, and Siaya, among other places. Again, these areas were believed to be predominately the strongholds of the wiper Democratic Movement and United Democratic Front. This situation could be averted through the enhancement of the Political Parties Act. Political scheming

by the parties in the run up to 2013 elections demonstrated that political parties suffer from two weaknesses. First, they fail to recruit members from all parts of the country into the political force, which is one of the functions of a political party. Indeed, this runs contrary to the Political Parties Act, which requires political parties to have a national character. Secondly, since the parties are not organized around ideological basis, they fail to offer alternative policies from their opponents.

According to *Ghai & Cottrell (2013)*, one of the novelties brought about by the Constitution (2010) 'is the possibility of competition between political parties within the counties, especially in areas where the population is more cosmopolitan.' Nevertheless, in some areas, it has been reported that political parties got together and allocated governorship to one ethnic group, position of senator to another group, and the position of women representative to a different group (*Ghai & Cottrell 2013:116*). This could possibly explain why in some counties; political seats were widely distributed between the main political parties. On the flipside, such an arrangement ultimately undermines democratic principles and creates bitterness, especially among people who feel disenfranchised due to such political machinations.

The high salience of ethnicity in Kenyan political parties remains one of the greatest burdens to the sustainability of democracy and national cohesion in the sovereign republic of Kenya, yes.

There was also widespread fragmentation of parties during the 2013 election compared to the 2007 election. This is because political party coalitions allowed disgruntled primary losers to run on other party tickets, as long as they





remained loyal to the broader umbrella coalition of the given region's preferred presidential candidate. This might have been brought about by the increased inter-regional political realignment that occasioned political competition much more than was the case was earlier in the country's political history. This was the case in the Meru counties in Eastern Kenya, where a former Minister, Kiraitu Murungi established his own political party, which captured not only the Meru gubernatorial seat, but also a number of National Assembly seats. Nevertheless, at the presidential vote, the region voted for the *Jubilee Alliance*.

One positive development that took place in their 2013 elections is the contest for positions in the devolved government. Ethnic balancing was clearly illustrated in the gubernatorial elections and this brought about some level of inclusivity in political parties. Each candidate as a rule was required to run with a deputy governor as the running mate in compliance with the constitution (2010). In cosmopolitan areas, candidates picked running mates from other major ethnic groups. In Mombasa County, Hassan Joho picked Hazel Katana as his running mate. Whereas Joho is Swahili, Katana is from the Mijikenda Community, which is represented by a substantial population in Mombasa County. In Lamu, Governor Timmamy Issa Abdalla's (Swahili) running mate was Erick Kinyua Mugo, a Kikuyu. Again, the Kikuyu immigrant population is quite substantial in Lamu County, hence, this political arrangement. In Taita-Taveta, Johnson Mruttu's running mate was Mary Ndiga Kibuka, who is Akamba. In Nakuru, Kinuthia Mbugua who is from the Kikuyu community, picked a Joseph Kibore Rutto from the Kalenjin community.

In Nairobi, Evans Kidero who is Luo, picked Mwangangi Mueke, a Kamba to be his running mate. The downside of this ethnic based political arrangement is that political competition is compromised, as political positions are allocated on the basis of ethnic or regional balance. Moreover, as Hamasi (2013) observes, 'the political elite exploit ethnic differences to push their agenda forward; this explains why most Kenyans vote for the co-ethnics represented by party' (and not the *party policy*).

Although the above arrangement is prone to a number of pitfalls, including enhancing undemocratic practices given that running mates were picked on the basis of their perceived ability in amassing votes from their communities; on the brighter side, it enabled people from minority groups and women candidates to enhance chances of ascending to political power. Moreover, the fact that the constitution, which created 47 county governments, enabled Raila's ODM party to capture some gubernatorial and senatorial seats obviously softened the blow of losing the proper presidential contest.

Similarly, the balancing of ethnic interests was witnessed in the presidential contest. Uhuru's running mate was Ruto. While Uhuru is Kikuyu, Ruto is from the Kalenjin community. On the other hand, Odinga, who is Luo, picked Kalonzo, a Kamba, as his running mate. Martha Karua from the Kikuyu community, running on a XYZ ticket, picked Augustine Lotodo, a Kalenjin from the Pokot community, in the Rift Valley. This means that political parties' leadership calculated chances of security political power largely in ethnic terms. This could explain the voting patterns, particularly in presidential



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elections. Politicians who were seen as community leaders were able to attract a large following, especially if they forged an alliance that promised office and other benefits for the people (Ghai & Cottrel 2013:117). While ethnic calculation is important, the fact that candidates were forced to enter into electoral alliance with parties affiliated to other communities potentially killed off opportunities for forging genuine alliance and cooperation across several ethnic groups. Unfortunately, such alliances are usually very stable only during General Elections, and have continued to be unstable once power is won.

Indeed, few survive, intact, into the next cycle of elections, though the 2013 alliances would! Pragmatism was noted in the 2013 elections. This is well illustrated in a number of factors. First, for the very first time since nearly a half century before, three Kenyans of Asian extraction were elected to the National Assembly, in spite of the fact that they contested in areas dominated by African Communities. There are: Shakeel Shabir, once the mayor of Kisumu, who was elected on an ODM ticket. Another one is Israd Sumra (ODM), who was elected in Embakasi. Finally, Abdul Rahim Dawood (**Alliance Party of Kenya-ARK**) was elected to represent South Imenti Constituency in Meru. This trend should be enhanced in order to promote democracy and inclusivity in Kenyan politics of all citizens, including 'muhindis' our official Tribe Number 44. The 2013 elections also saw Kenyans vote for a number of independent candidates, particularly for the National Assembly and MCA ward seats. Indeed, it was observed, correctly so, that the 2013 elections provided opportunity for the entry of many first-time candidates to be elected into office and therefore

expanded the scope of democracy in the country. Independent candidature provides opportunity for political contestants who may be elbowed out of party politics by virtue of coming from minority communities, or due to other factors that prevent from competing with Party candidates effectively, to still get to 'power' like the proverbial turtle that won the race.

### **Conclusions about the 2013 Elections.**

It is clear that political party organization during the 2013 elections was quite dynamic, possibly in response to the new political dispensation in the light of the Constitution of Kenya (2010), and partly due to other emerging political developments across the country and across the seas. The creation of party alliances and coalitions characterized political party organization across the country. Such coalitions could be enhanced further to entrench not only ethnic and racial diversity in political party membership, but also more inclusion in party organization. All the political party coalitions had a presidential contender and a running mate from different ethnic communities. In Jubilee Alliance, the main partners were the TNA and the URP, in CORD (*Coalition of Reforms and Democracy*), an echo of Jaramogi's first FORD two decades before), the main partners were the ODM and the WDM. Given that these politics parties represented several ethnic communities, such party organization provides a great opportunity to enhance inclusion of the majority of citizens in political parties. Other political parties like KANU and the Democratic Party could be strengthened for forging political alignments with bigger political parties, as indeed seems to be the case at the time of writing, seven and a half years down the road from the election that pitted Jubilee Alliance against the CORD coalition of parties.



The 2013 elections also demonstrated the advantages that accrue from more inclusion in regard to gender and youth representation in party organization. This is something that should further be enhanced in compliance with the Political Parties Act, which requires political parties to reflect membership representation from across the entire nation. The youth constitute a huge fraction of the Kenyan population and therefore their participation in the political organization in the country should not be taken for granted. Political parties should also establish internal conflict resolution mechanisms to guard against frequent splintering of their supporters. This could be done through civic education, as well through enhancement of internal party democracy. It has been observed that the fall out between Miguna Miguna and ODM leader Raila Odinga, for instance, may have cost the ODM party votes at worst – but at best washed a lot of dirty inner political party inner wear in public, then through the medium of a book (*Peeling Back the Mask*), let it all hang out in the sun – like the notorious drying undies on balconies in Pipeline estate. Similarly, contestants who felt short-changed at the primaries also ended up joining competing political parties.

Finally, one of the revolutionary ways of ensuring that all Kenyan citizens have access to political leadership of the country is to encourage political parties to mobilize the citizenry in all corners of the country. The Kenyans of Asian extraction who managed to capture electoral seats in different parts of the country in the 2013 elections are a clear testimony of the benefits of such party mobilization of the diverse population, and show that while many Kenyans find it difficult to think beyond tribal kith-and-kin, they can, ironically, look beyond the colour of one's skin.

### **Enter the politics of money (as observed by academic & social observer Dr. Joyce Nyairo).**

Prayer meetings, branded helicopters, trademarked cars. Music concerts, leaders adorned in fashionably tailored shirts in screaming party colours; and a teeming sea of party caps and T-shirts for the electorate. These were the hallmarks of the loud pomp and material extravagance that defined the campaigns in Kenya's 2013 General Elections. The Jubilee rally held at 64 stadia, Eldoret, on Saturday February 9, 2013, bore all of these markers. It was a spectacle of staggering financial muscle blended with the rhetoric of the aspirants and the quick-witted enthusiasm of crowds mingling under the unyielding heat, oblivious of the free-flowing dust that is typical of a February day in Eldoret.

The Campaign rallies mounted by political parties every five or so years provide a rare crystallized moment in which we can study emerging trends in our nation's political culture; against the backdrop of everyday struggles and the ways in which ordinary people loop into and out of political spaces. Sometimes the people exploit these spaces for their personal gain but, more often, they are overrun and shaped by the callous needs of the political class. Campaigns may have been designed as an opportunity for potential leaders to chalk up their record in public life and lay out their promises, but they have since been afflicted by the voters' need for instant rewards. Arguably, Kenneth Matiba is the man who, in a substantial way, introduced the *politics of money* to the Kenyan electorate in 1979, when he made his bid for the Mbiri parliamentary seat. His opponent, Julius Gikonyo Kiano, the first Kenyan to attain a PhD, had been elected member of the



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Legislative Council in 1958, representing Central Province south.

But when Matiba ran against him, Kiano's performance –his development record, which included piped water, the proliferation of Harambee secondary schools throughout Murang'a, the upgrading of many PI teachers into Diploma holders at Makerere and infiltration of Nairobi's River Road with brisk traders from his district - signed by the lamp (of *light and progress*) that was his campaign symbol throughout his political career, was quickly overlooked. Suddenly, performance in politics was about the beer that Matiba was buying and the Kshs. 20 blue notes that voters rustled in their pockets on their way home from his campaign meetings. As word of Matiba's generosity crossed the ridges, nimble footed voters from Mugoiri location in Kiharu Constituency crossed the river - and registered in Mbiri.

When Prime Minister Raila Odinga formed an alliance with Vice-president Kalonzo Musyoka, another unlikely act opened in the theatre of absurd politics. With the ODM-K Party in hand, Kalonzo had stormed out of the Pentagon with Raila Odinga, William Ruto, Najib Balala, Musalia Mudavadi, Charity Ngilu and Joseph Nyagah in 2007 following a rally in Tononoka, Mombasa, where Raila was endorsed as the party's presidential candidate. Kalonzo's decision to run for the Presidency was seen by some as the HEX that jeopardized Raila's chances, leaving him within a hair's breath of Kibaki's contested win. In the violent aftermath, Kalonzo quickly struck a deal with Kibaki (*kupita kati kati yao*, passing between the two parties, like Moses in the parted Red Sea, as he said) and was appointed Vice-President as an outraged Raila stood firm, demanding his victory.

How could these two sworn enemies, Raila and Kalonzo, now claim to have found a new affinity for each other? Their ill-fitting convenience was betrayed in their official campaign posters, which showed a smiling Kalonzo (lagging) behind a jovial (marching) Raila. In yet another pose Kalonzo was seen, not just standing behind Raila, but looking aside with shoulders turned left, as if not sharing the vision of Raila - who is gazing straight ahead. Their bodies were carriers of many meanings. They were not *bega kwa bega*, standing in unity and trust, in the way Uhuru-Ruto were photographed, each with his arms crossed, their shoulders touching, in a cheeky schoolboy pose. Crossed arms suggested not just relation and comfort with the task ahead, but a marking off of territory, as if they would not allow anything or anyone to penetrate their circle of trust. In all their posters, even with the rest of the 'Digital Team' - Charity Ngilu and Najib to ooze camaraderie, to signal the spontaneity of their peace pact as a credible affinity that they would infuse in their respective communities that had 'gone to war'.

With these compelling optics, UHURUTO had turned on the charm as CORD and NARC-Kenya went on the offensive, warming of a dreaded return to KANU-type dictatorial days, and the baggage of an ICU-indicted leadership. With varying degrees, all of the presidential candidates exploited many elements of contemporary theatre practice, mounting a deft improving Travelling Theatre, whose stage was never a static site but was diffusely and multi-fold spread out across streets, markets, televisions, computers and hand-held devices.



This *intermediality* amplified the urgency of the high stakes in these elections for both alliances.

*Jubilee* picked Big Ted Kwaka to head their creative department, and act as the MC at all of their major events. **CORD** retained John Kiarie (popularly known as KJ) of the famous *Redykulass* trio of comedians. Kiarie ran in Dagoretti in 2007 and again in 2013 on an ODM ticket. At the last campaign rally at Nairobi's Nyayo Stadium ODM's Otieno Kajwang, aspiring for the Senate seat in Homa Bay, led the immensely popular chorus "*bado mapambano*".

(So popular was the tune that the author's EPL middle class soccer 'hooligan' friends, who used to watch their football at a CBD pub called 'Hooters' would corrupt the song and sing: '*Vijana musilale, lala lala, vijana musilale, bado Adembayor, Adembayor, Adembayor ...*' to indicate that the Togolese striker Emmanuel Adembayor, playing for Arsenal at the time, was yet to strike. When he would fail to, and Arsenal lose the match, these 'Mafans' would, without fail, turn the chant into a taunt that went '*vijana mume lala, lala lala, vijana mume lala, kwa sababu ya A-dame-mbaya, a dame mbaya, a dame mbaya*' – Young men you have been put to sleep because of a bad, bad girl (Adembayor) – like the harlots who slip *mchele* (pills) in a patron's drink ...).

A full-fledged concert, including comedians and acrobats, was on offer for the early arrivals. Similar entrainment, perhaps on a larger scale, was on offer at Uhuru Park. Watching the events on television from Eldoret, I (Dr. Nyairo) sent the following email to a friend who was already in his village, waiting for the vote on Monday.

*It's amazing the kind of programme they've put together for guys who arrived at the park from 7am on.*

*Nyayo stadium also very colourful. Just heard blasts of Bob Marley's "I'm on the run.... Fire. Like lion in Zion!" ... the crowds are amazing for their numbers, elation and energy! Will tell you about grand entry of the hopefuls into the park and the stadium.*

The choice of Bob Marley and other international leaders in songs of protest may have been a way of steering away from ethnic politics. In July 2012, some ethnic songs had come under the scrutiny of the *National Cohesion and Integration Commission* (NCIC) and some musicians were charged in court. NCIC expressed "concern about the role of popular music in mobilizing political support based on ethnic identity: But NCIC may have failed to separate literary taste from criminal justice- "to differentiate between dangerous talk to plot murderous intent against a specified group and repugnant chatter". The cases eventually fell through, but even whilst they were pending in the courts, ethnic musicians were strategically welcomed on the campaign platform. Where they were absent, MCs worked from pre-recorded mix tapes. Popular wisdom held that parties needed to show up their ethnic diversity by introducing the members of their coalition onto the stage with an emblematic ethnic song. Thus, CORD's Moses Wetangula would be ushered in with a fast-paced Lingala jig to which he and Boniface Khalwale would jive with a skill to match that of any professional dancer! Likewise, Big Ted would order a *taraab* tune from the DJ, before handing the microphone over to Najib Balala of the relatively, okay barely known *Republican Congress* party that was part of Jubilee's Alliance.





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The question of the suitability of gospel music for the political stage was never once raised. UhuRuto had kicked off their campaign as a plea for Christian charity. It seemed logical, therefore, that songs of worship should be a part of their repertoire. As campaigns for the election kicked off in earnest, other candidates found themselves inevitably drawn to their genre precisely because it is now such an indelible part of the local music industry, dominating the night-life in secular nightclubs and pubs; diffusing like wild fire from the confines of the church to secular studios, broadcast media, banking halls, elevators, *matatus*, cell phone ringtones, simply everywhere. The lines between the secular and the spiritual have (been) wiped out. First, religion competed with global consumer practices for the financial and cultural allegiances of the people. Now it was actively determining the nation's politics.

### ***"Kuuza sura, [ha] wakati kuuza sera": What didn't they sell?!***

The modern-day campaign rally is a site of many transactions. Whether you arrive at the venue hours before the event kicks off, or you get there in the thick of things as speaker after speaker takes to the podium, the place is a thriving marketplace of diverse wares and garrulous traders. As seen in the street note-book, there is the relevant fare of bottled water, juices and sodas that you would expect to be on offer to relieve audience from the scorching sun. But alongside these edible goodies, which include ice-cream, biscuits, mangoes, pineapples and *water melon*, one finds seemingly irrelevant wares such as exercise books, pencils and biro pens of all shapes, lengths and colours. Business is brisk and voluble traders seem to provide anything one might remotely think of needing - scratch cards

for airtime, handkerchiefs, batteries, torches, even plastic containers! Out on the field in the thick of the audience, these commercial exchanges appear to be the real business of a political rally. The bulk of the transaction at a campaign rally has little to do with the exchange of ideas that should be at the heart of a meeting where serious, rather than playful, reflections on the incumbent government ought to be made, and the party's policy pronouncements should be communicated to underline its suitability. But instead, all manner of commercial transactions is at work between politicians, musicians, religious leaders and enabling brokers. The rhetoric of rallies is met with a varied mixture of full attention from the audience, raucous laughter, booing and jeering, somber listening, merchant and other performative sideshows.

To intervene in this slippery atmosphere of entertainment, casual sparring between opponents, ethnic incitement and blatant merchandising, the media actively engaged its role as the people's watchdog and intervened to bring issues and ideas to the heart of the contest through the first ever televised presidential debate. The debates were held AT Brook House International School in Nairobi. The first one was on the night of February 11, 2013, and was preceded by a minor side-show in the form of Paul Muite moving to court to demand the inclusion of all presidential candidates rather than the staging of a contest between the presumed hot favorites. Muite's intervention proved to be critical. By the end of the first debate, a little-known candidate Mohammed Abuduba Dida had won the hearts of social media wags by grounding the debate in earthy common man experiences. When Peter Kenneth of the *Eagle Alliance* impressively cited statistics





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on education and healthcare nobody, not even the anchors questioned his sources.

It was as if numbers in and of themselves are facts. On social media, opinion was sharply divided on who the winner of the first debate was, but it was without doubt a rare moment in which Kenyans were given the opportunity to listen to all the candidates at a forum that was devoid of the sonic and colour-filled distractions that define rallies. At some point in the second debate held on February 25, the ICC question threatened to deteriorate into a mud-slinging contest, but Paul Muite saved the day. The other explosive subject was the land question as Martha Karua, Musalia Mudavadi, Raila Odinga and Peter Kenneth appeared to gang up on Uhuru Kenyatta (but even here, Raila refused to really stick the dagger in, by referring to Uhuru as an 'innocent inheritor' in order not to peeve Kiuks too much).

These televised debates and published manifestoes were the only serious forum through which political parties kept to issues and moved away from selling their prowess on the dance floor. But one cynical commentator dismissed the 'Cut and paste' glamour of the glossy manifestos saying:

*Read any of their manifestos and you are left to imagine a Garden of Eden. There will be free secondary and university education; a fully stocked referral hospital in every county; a pension scheme for everybody over 60; a national health insurance scheme for every Kenyan; cash transfers to the urban poor. Holy Lord, the list is endless.*

*Any intelligent person can see the manifestoes are most unrealistic. They are*

*a total waste of time to read, and a total waste of money to print. You don't need to be an economist to see the extravagant promises they are making have a total disconnect with the reality of our economy. The political candidates want to imagine that these fantasy printouts are the answer to the public demand for "issue-based" campaigns... Talking issues is about explaining cogently how you will pay for the largesse... Another pledge to invest 2.5 per cent of GDP in research and development similarly went beyond the roof of known global levels. Worse, it was not clear where the R & D was going into: money transfer technology? Animal husbandry? Fisheries? The Jubilee coalition plans to unveil its own manifestos today. You can rest assured it will be another make-believe tract. Don't bother reading it!!!*

How can Kenyan politics be steered away from the blitz and extravagance that peaked in 2013 adding to the list of dubious considerations such as ethnic brokering that have thus far shaped Kenyan politics? In 2013, religion was exploited in ways that had not been seen before. There was plain gullibility of voters in the face of nimble orators and there were outright ethnic considerations of gain - whether that gain was the security to remain in contested lands or the promise of redistributed wealth and the end of "marginalization" by the State - accompanied by disillusionment with the reform brigade and its showing in the 'mseto' government. Rhetoric was long and intense, but nowhere was there compelling evidence of the capacity of the aspirants to address the country's yawning needs. Marking the gap between what needed to be addressed and what was being offered, the popular musician Juliani (Julius Owino) spun humorous poetry as he said: *"Ufisadi, ubinafsi, ukabila; kuuza*



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*sura, wataki kuuza sera*". Ultimately, the dynamics of the 2013 campaigns were a full-fledged study on "the constitutive and political nature of representation itself.... Its complexities; [the] effects of language; [and] textuality as a site of life and death" (Hall 1992:285).

### Conclusion.

Whether or not, once again, one believes that Raila Odinga was robbed of victory at the 2013 polls, the question still remains: *why didn't his message of a promise to redistribute resources between communities carry the day resoundingly across the republic?* Why was he not overwhelmingly seen as the solution to the violent aftermath of the 2007 General Election? Why, at these 2013 polls, was Martha Karua's commitment to justice at the ICC dismissed with such contempt, earning her, a national leader with 20 years' experience in parliament, far less votes than many of the women's representatives garnered in their respective counties? (Remember we discussed the similar fate of by now late Wangari Maathai in the previous chapter? Go against the 'issue,' in this case the defense of the political party *muthamaki*, at your own political peril, sire/madame).

*Can religion be used to circumvent justice?*

Students of political persuasion argue that it is possible that 'effective' leaders may be effective precisely because of their ability to select the right message, and so say the right thing at the right time" (*Dewan, Macartan & Rubernson* 2013:285). In the 2013 elections, the content of the message mattered. Campaign rallies may be a circus of various acts of gaiety and commerce, but there is little doubt that in going round the country addressing crowds, each of the competing candidates came

to be associated with a particular cause. And that cause was invariably tied to the candidate's past. Uhuru and Ruto were able to persuade significant blocks that theirs - rather than the reordering of the political economy that was promised by Raila - was the best chance at peace and unity (between their, and by extension ALL, Kenyan communities across the board). By switching parties and finding new colours, slogans and content, they earned the benefit of *novelty*. They appeared to have a cogent public relations team that exploited optics much more strategically, while their strongest rival, Raila appeared to be "lumbering under old orange colours, grudges and complaints, never taking responsibility for any problems in Kenya, just blaming others for 'robbing him of the fruits of his victories' (a legitimate claim for 2007 A.D.)

The final outcome dealt a blow for the criminal justice system! Martha Karua and all who stood steadfast by this notion that "wrong-doing" should be punished, were the ones punished! Uhuru turned their legal predicament (at The Hague) into a lasting solution, purportedly guaranteeing the peace between their respective communities. The discourse of "born-again" salvation was a powerful rally cry (complete with steady or C.U. spouses in tow, respectively) and it propelled their message with a currency and resonance that was readily available to many. Religion doesn't persuade. It *compels*. Acts of persuasion in the 2013 campaigns may, indeed, have hinged a lot on the politics of money, the charm of ethnic unit and the charisma of young(er) leaders but more than anything else, the victory belonged to religious discourse; a marker of socio-economic mobility and the new ethic around which assembly and commerce are happening. To change this culture of



politics we would have to do more than legislate and monitor limits for campaign funding. We would have to change the entire nation's moral compass, fixation with wealth and status, and the value it ascribes to performativity, including religious displays.

### **Political parties and Coalition Politics in Kenya General Election(s): the 2013 Presidential and General Elections by Gov. Prof. Anyang Nyong'o of Kisumu. Introduction.**

How and why do political parties enter into alliances or form coalitions during general elections in Kenya? What are the issues they consider when forming, or seeking to form, such alliances and coalitions? To what extent are such alliances based on policies that can indicate what kind of political, social and economic order such alliances seek to establish once they get state power or form government? These are cardinal questions that need to be posed in an attempt to understand a growing phenomenon in electoral politics in the country over the last decade, and a phenomenon which is likely to shape the nature of forming governments in the future, if and when political parties become more stabilized.

An associated question has been asked regarding why Kenyan political parties are not ideological. Quite often, those who hold that these parties are non-ideological do not go farther to state what they mean by "ideological," or what ideology they expect the political parties to espouse. Simply put, an ideology is a clearly formulated world view that, in politics at least, seeks to organize society along certain preferred values so as to impact social relations in specific ways. Hence an ideology that a political party upholds will inform the manner in which it uses state power when governing.

### ***Political parties: An overview.***

A political party is essentially an organized group of people who come together to pursue the goal of capturing state power through an insurrection, a revolution or an election to organize and run society in a specific way. This specific way is often defined in terms of ideologies, programs and policies that are based on the interests of the members (and supporters) of the party - or at times just the interest of the leaders - and the direction towards which they want society to develop. If along the road of seeking to capture state power a party finds that it cannot command enough support in society to do so, it will most likely seek to ally with other groups or parties to achieve the objective. When political parties do so, they form what are called alliances or coalitions. A government formed out of such marriages among political parties is called a coalition government.

Such governments can be the products of insurrections, revolutions or competitive democratic elections. But political parties can within themselves be coalitions of diverse interests and social forces.

The assumption that the party became synonymous with the state in African one-party states, or died to leave the state to run politics, is only true to some extent in specific cases like Kenya.

In Tanzania, this was not necessarily the case: Under both the *Tanganyika African National Union* (TANU) and its successor *Chama Cha Mapinduzi* (CCM), the party remained an organization on its own dedicated to organizing its common affairs within the state. The fact is that President (Julius) Nyerere was aware that building socialism and democratic governance needed leaders who were consciously trained and prepared,



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and he strengthened the party as the institution within which such leaders were to be nurtured. The relationship between the state and the party subsequently had a substantial bearing on the process of democratization after 1989, explaining the differences observed between Kenya and Tanzania in this regard.

In Tanzania the party kept on renewing itself so as to organize and run state power. In Kenya, the State submerged the party and only resurrected it at election time to give legitimacy to state power. The one-party system in Kenya destroyed the art of organizing political parties altogether. In Tanzania, this art remained the preserve of the ruling party, which perfected the art of statecraft at the same time. Rather than pursue the construction of socialism and democracy with this powerful party machinery, the Party became a means (through positions) for accumulating both power and wealth to themselves, eventually discarding any pretenses at the pursuit of both democracy and socialism. They nonetheless continued to organize competitive electoral politics within the ruling party in forming government essentially to legitimize their political domination of society. In Kenya, the force that organized such elections during the KANU regime to legitimize political domination was not really the ruling party but the president, using the administrative apparatus of the state.

### **The political party coalition in 2012/2013**

During the course of the Grand Coalition Government, factions emerged in government and new alliances started to form. The ODM, an alliance of political leaders coming from six main provinces (Nyanza, Western, Rift Valley, Coast,

North eastern and Nairobi), created a party structure that accommodated all the provincial - and hence ethnic-interests within the party leadership. However, this did not necessarily satisfy the interests of certain leaders, particularly William Ruto. Though he was one of the two deputies (the other one was Wycliffe Musalia Mudavadi, a Luhya from Western province) to the party leader and Minister for Agriculture, he felt that the ODM party leader, as Prime Minister, had left some of his close lieutenants out of the cabinet. This misgiving subsequently provided one of the grounds for Ruto to quit ODM.

In its election manifesto for the 2013 general elections, ODM had singled out four important issues: first, reforming institutions of governance and the political empowerment of the people by ensuring the implementation of the constitution, particularly devolution; second, ensuring economic stability and growth by infrastructure development, job creation (particularly through value addition to agricultural produce and other raw materials), fight against corruption and environmental control and the use of green energy; third, promoting equity and social protection by guaranteeing universal access to healthcare, ensuring universal quality education and improving access to water and proper sanitation; and finally, land reform. The usual concern with regional integration, a forward - looking foreign policy and respect for international treaties had always been a common feature of the ODM manifesto since the 2007 elections.

There had been growing concern since the NARC government (in which some leaders in ODM, including the Prime Minister, had served) regarding deforestation and its effect on water



resources and climate change. Kenya's water towers in the Mount Kenya region and the Mau forest were major culprits in this. The Coalition Government, therefore, decided to reverse the deforestation process in both areas. While the initiative in Mount Kenya and the Aberdares had gone on reasonably successfully since the NARC government, imitating reforestation in the Mau forest by relocating squatters from there became a problem. Having been initiated by the Prime Minister and ODM party leader, Ruto, his Deputy, was totally opposed to this initiative. His disagreement was at times based on the methods being used, and at others on the need to retain the use of the forests to its "ancestral owners." Notwithstanding several meetings held by the party organs to iron out these differences, and despite the fact that there was hardly any disagreement regarding the party policy position on this, Ruto still led a group of leaders from the Rift Valley to oppose the relocation of the squatter from Mau forest. In the end, it is the disagreement over the Mau that led the Prime Minister to remove him from the cabinet, giving him the justification to create a strong faction in the ODM that finally broke away to form his own party, the *United Republican Party* (URP), with a strong Rift Valley following. The same Cabinet reshuffle affected Najib Balala, who also quit ODM to eventually become an ally of Uhuru Kenyatta in the Jubilee Alliance.

Behind all this was the desire by Ruto to position himself as a presidential candidate in the 2013 election. In this regard, he needed a strong political party that he controlled and that he could use with himself as the candidate or in a coalition with another party, as the Constitution now provided. Since substantial executive power still lay in

the presidency even under the new constitution, this was the position that was perceived to be critical in control instruments of State power. But Ruto had another pressing need to get to the center of state power: his case at the *International Criminal Court* (ICC). He shared this predicament with Uhuru (leading The National Alliance party-TNA, with a strong following from central Kenya) who was then a minister in the Grand Coalition Government and a close associate of President Kibaki. As Susanne Mueller has noted, Uhuru and Ruto understood that political power mattered and acted to win it, capitalizing on their ethnic identify with the Kikuyu and Kalenjin respectively to craft a coalition that they called the *Jubilee Alliance*. Winning the election was part of a key defense strategy to undercut the **ICC** by seizing political power, flexing it to deflect the ICC, and opening up the possibility of now showing up for the trial if all else failed. In carrying out their political campaign they targeted Raila Odinga, the leader of their rival Coalition for Reform and Democracy (**CORD**), and a Luo with strong credentials in the reform movements, as having been responsible for their predicament to eliminate them as political opponents.

Mueller has described the Jubilee Alliance as an opportunistic alliance of convenience as the ICC had accused both individuals of masterminding the 2007-08 ethnically targeted violence against each other's communities. While Ruto was leading the URP elite that appeared anxious to enter state power and initiate the process of accumulation, Uhuru represented an old established elite that had used the state to accumulate capital since the days of Jomo Kenyatta. With vast wealth in land, real estate, finance and industrial capital, the TNA



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elite was obviously better endowed to control state power than their URP counterparts in the Jubilee Alliance, under an essentially presidential system. There has also emerged a new and younger elite in real estate, finance capital and commerce that straddles between business and politics, and that uses both economic and ethnic ties to the old elite in support of the Uhuru presidency. Another element of the TNA alliance is the “Securo-crats”. The elite in the armed forces engaged in business with the civilian elite and deriving their source of accumulation in major state Defense contracts (<http://forforeignpolicy.com/2014/06/06/why-are-Africa-militaries-so-disappointingly-bad/>).

The TNA/URP alliance was, by its very nature, an alliance of “unequals” bound to suffer the strains of how each side sees the end and outcome of state power. On the one hand is Uhuru Kenyatta, the titular head of a political and economic dynasty, for a long time wedded to the State and supported by a coterie of economic potentate’s incapable of cutting the umbilical cords tying them to state power as a guarantee of their wealth and social standing. On the other hand, is William Ruto, a *nouveau riche* who appears to be in a hurry to build, control and influence power within the state, using it to accelerate the process of accumulation that can match and/or outdo the Kenyattas. Yet the five-year time period creates a limit, and undue pressure, to such a scheme. At such a time, voters in the countryside may easily become mere numbers needed to get into power in the first place; the policies to be pursued while in power in the interest of voters take a secondary position, if any at all. And that is why the public usually become skeptical about party manifestos. Yet the skepticism

needs to be audited by the concrete policies and programmes pursued by a party while in power. The tension between the pursuit of private interest of leaders when in power, and their public commitment to fulfill manifesto promises, is real and concrete, whatever party or coalition of parties’ form government from time to time.

ODM has been described as “the successor of a former people’s movement which was formed in the 2005 Kenya constitutional referendum” in which it spearheaded the defeat of a draft favored by Kibaki’s government in preference to an earlier draft by a people’s convention held at the *Bomas of Kenya* in Nairobi. But the ODM, as it was in October 2005, is very different from the ODM of 2013 onwards, as an ally of *Wiper Democratic Party* and **FORD -Kenya**. The ODM that led the drive to defeat the Wako constitutional draft crafted in Kilifi was composed of the LDP, KANU and an amalgam of civil society organizations committed to the *Bomas* draft constitution. Just before the 2007 elections, KANU led by Uhuru Kenyatta, left ODM, as did then *ODM-Kenya* led by Kalonzo Musyoka. During the life of the Grand coalition government in which the ODM, KANU, PNU and ODM-Kenya were all partners, new alliances started to emerge as discussed above, affecting the subsequent membership and support of all the four parties. Once it was clear that an alliance that came to be known as **Jubilee** was in the offing by the beginning of 2012, the ODM leadership started to search for allies among other political parties. The search was a conscious and deliberate action based on the need to put together a winning coalition at a general and presidential election. In the end, the ODM found partnership with *Wiper Democratic Party* and **FORD**





Kenya to form the *Coalition for Reform and Democracy*, CORD.

Ten or more minor parties also joined CORD, but their significance and participation did not survive after the elections when CORD failed to form the government. This was evidence of the fact that leaders of such parties join pre-election coalitions anticipating entry into government, subsequent to such coalition winning elections. The equally tend to depart to join the opposing coalition in the event that the latter wins the elections. Of the 10 small political parties which joined the CORD before the elections, only one stayed after the elections.

United Democratic Front (UDF), on whose ticket Musalia Mudavadi ran as a presidential candidate, turned out to be an insurance scheme by the Jubilee Coalition as a “provider” of a more marketable presidential candidate. The scheme aborted at the last moment, leaving Mudavadi with an awkward choice of either giving up running for the presidency altogether, or running without the support of the Jubilee Coalition. In the end he seemed to have accomplished an ingenious feat: he ran as a UDF presidential candidate but with the support of the Jubilee Coalition, so that he “would eat into” an essentially CORD Vote Bank in the former Western Province.

### **Conclusion.**

Coalitions are formed by political parties to get majorities to form government following competitive elections in democratic political systems. Majorities can be created. Political leaders usually look and seek out interest groups, movements, organizations and associations as well as influential individuals to be part of their political

parties or to ally or coalesce with their parties in order to create a winning majority at elections. Such groups, including ethnic communities, do not wake up one morning and begin looking for other ethnic communities with which to form alliances; the leaders, assuming they represent such communities, are the architects of such alliances. Such alliances can be formed on the basis of certain policies or ideologies manufactured by the leaders. Here we do not use the word ‘manufacture’ in a derogatory sense; we use it in the sense of creation with a specific purpose. The purpose here is to mobilize people to take an action that produces results in the interest of members, or those who come together to take such as action: in this regard the Voters.

In the case of coalitions that have arisen among political parties in Kenya, the mobilizing ideology has usually been based on distributive politics in the use of state power. The presidential authoritarian system, in existence since independence, has tended to situate the focal point of distributive politics in the presidency: hence the need for parties to coalesce to win majority to capture the presidency. When it is unlikely that the votes may not win the majority for incumbent presidents, and their coalition partners, fear of losing election creates temptations to use coercion (/ rigging/algorithms) to determine the win.



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## CHAPTER TEN

### JUBILEE vs NASA

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The electoral system in Kenya is paternalist. The parties give the voters what they want to *hear*, while making sure that they, not the voters, rule. Any disadvantages there may be in counting votes, instead of weighing them are minimized, and the advantages are not lost.

Only the voters, after all, know where the shoe pinches, and for politicians to have to lick the boots of the electors periodically is a salutary change from the rather purer lip service they usually pay to democracy. As the mysterious Mr. Anonymous put it in more elevated language: 'Friends, an election is good for the soul of political leaders. Elections then are certainly beneficial for politicians, and often a good opportunity for the electorate to vent. The ultimate decision lies with the voters. This controls the politicians. At the same time, the scope of that ultimate decision is closely confined. Thus, the voters, too, are controlled by the politicians.'



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Elections still adequately perform their basic function of providing a government. They are the most widely accepted method of gaining consent from the governed. The legitimacy of the Kenyan government has been questioned twice after a president has been sworn in. Once, after the 2007 swearing in of Emilio Kibaki that sparked off the PEV. Then after the swearing in of the 're-elected' Uhuru Kenyatta in 2017. This is a period of history worth re-examining, never mind my earlier intention to make this a purely 'analytical' chapter.

To understand why and how NASA's leader, Raila Odinga ended up swearing himself in at Uhuru Park at the end of the January of 2018, with his on-and-off lieutenant Miguna Miguna doing the honours that ended with the ODM Party Leader being declared the '*People's President*', let us go back three months, and listen to the story from one of the principals of NASA, Mr. Musalia Mudavadi, who was/is the leader of the ANC (Amani National Congress) party:

'Meanwhile, a few days after the Big Announcement, we unveiled, on November 3, a number of firms whose goods and services were to be shunned. They included *Safaricom Ltd*, *Brookside Dairies* and *Bidco*. This was supposed to mark the beginning of Kenya's economic liberation, we said. We had suddenly morphed into "a resistance movement." The movement was intended to mobilize "progressive forces" in the country to ensure that fresh, free and fair presidential elections would be organized within 90 days. We also announced that for the purpose of charting our way back to constitutionalism and democracy. I must emphasize, National Resistance Movement (NRM) was not a creation of

NASA, nor was it a NASA organ. It was just as mysterious to me as was the manner in which it was first introduced to Kenyans.

So, too, was the sudden emergence of Mr. Miguna Miguna as "the NRM General." Miguna had been nowhere throughout the NASA activities. He had even run for the position of Governor of Nairobi County in the August 8 election as an independent candidate and lost. How he suddenly metamorphosed into a member of our team and to the non-existent position of NRM General remains a mystery. It is instructive that he had fallen out with Raila in 2011 and had gone on to say very appalling things about him in the media and in a book that he published in 2013. I am not so sure about where and when they patched up their differences and agreed to be enjoined in NRM. Nor am I sure whether he was now back in ODM.

The NASA coalition agreement, filed with the Registrar of Political Parties, clearly showed the instruments of the coalition. There was no mention of NRM. Whatsoever in these instruments.

If you wanted to introduce a new instrument, you would have to register it with the Office Registrar of Political parties. Moreover, a radical instrument with a profound agenda, such as NRM was professing, required going back to party organs for the parties to recognize the changed circumstances and to endorse them. This was unless we now recognized that we had suddenly become a revolutionary council and parties and their mandates no longer thought that NRM was a great strategy to lead our supporters in civil disobedience that would pile pressure on to the regime and force it to step aside.

The proposed certain extremes that they then went on announce to the public



without adequate internal consultation and consensus. These included the proposition to swear in Raila as the “People’s President.” Initially, the idiom was “president”. After a while it transformed to the “people’s president.” We did not know – certainly I did not know – who was going to swear him in, until when after a number of hiccups, the name of the self-proclaimed NRM General Miguna cropped up again. As co-principals, we started becoming suspicious of each other. Some members now drifted into situations where they began ignoring the consultative structures and mechanisms that we had set up in the coalition document. These things would rattle NASA. During our campaign against the October 26 repeat election and even the August 8 election it was common, for example, to hear some of the youngest leaders in our camp declare, “should they go on with this election, we will swear in our leader as the president. We will then march to State House and flush out Uhuru. When they transmit, we will transmit. And when they tally, we will tally. When they declare the results, we will also declare. And when they swear in their man, we will swear in our man.”

All these were good for the gallery. However, few were willing to confront the reality. Some of us would soon raise tough questions that went unanswered. Jubilee and the Independent Electoral and Boundaries Commission (IEBC) went on with what was essentially a farcical exercise dubbed an election. In our considered view, president Uhuru competed against himself. If the election had been necessitated by the fact that the earlier one had been marred by irregularities and illegalities, it was only a matter of common sense that something should be done about these illegal and irregular considerations. How

could both the IEBC and Jubilee walk the country into another election with everything that had gone wrong very intact? Regardless, they went on. Voters in the areas that were predominantly pro-NASA stayed away from the exercise. Television footage throughout the day showed that polling stations remained empty. There was no sign of an election in place and people either stayed at home or went about their other work. IEBC had under very tight armed police security delivered polling materials to these places, with the exception of counties like Migori, Homa Bay and sections of Kisumu, where vigilantes made it virtually impossible for them to deliver voting materials. Young people turned out to protest against the farce, despite our advice that they should remain indoors. They lit bonfires and kept the police busy for the next few days.

It was soon time for a reality check for Jubilee and IEBC. As the results began coming out, it transpired that in many stations – all virtually in Jubilee strongholds – the voter turnout surpassed the number of registered voters. And they had all voted for president Uhuru, with very few exceptions that you would count on the fingers of your hands. People started saying in the social media things like, “Uhuru was competing against Kenyatta.”

This was a dark day for democracy in the country. Kenya will need to redeem itself from the infamy of this farce that place the margin of the presidential victory in the same league with failed states in Africa. Uhuru was declared the winner with the glorious margin of nearly 99 percent of the votes cast. There was little doubt that everything had been done to ensure that Uhuru



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got almost the same number of votes as he had done in the August 8 election. Never mind that there had veritably been no voting in places like Kakamega, Bungoma and other counties, where he had ostensibly got significant votes in the first voting. It was absurd that there should be rigging even in an exercise where there was only one candidate, for all purposes and intents.

We had not participated in the repeat election. Despite all the glaring irregularities, it did not seem sensible that we should enter a petition against the process and the outcome. We held a meeting in Nairobi to deliberate on this and carve out a way forward. We had earlier sought legal reference from courts on the grafting of the other candidates into the repeat election. The verdict would never come out. It is common practice for courts to sometimes render their ruling even when it serves no practical purpose because it has been overtaken by events. Even this did not happen. For, information filtering from the Judiciary indicated that judges were receiving chilling signals from anonymous sources. On the eve of the day that the ruling was to be given, Deputy Chief Justice Philomena Mwilu's driver was reported to have been shot at in a motor vehicle drama on Ngong Road in Nairobi. Justice Smokin Wanjala could not turn up in court, for reasons that remain unexplained years later. And Lady Justice Njoki Ndung'u was said to be out of town. There was no quorum and so the matter rested there.

We could not as NASA file a petition for we had withdrawn from the election. In fact, the undertones were, *"why should they be bothered about the result of an election that they did not participate in?"* Regardless, predation to challenge the outcome of the repeat election had

started way before the voting day. *"Kura Yangu Sauti Yangu"* was a cocktail of civil society groups it brought together over 2,000 hawk-eyed observers. These people began taking stock of the goings on way before October 26 and carried on to the polling day, the counting and even after. We thought that we could lend them support in a civil society driven petition against the poll. However, our plans came a cropper. The petition that they filed before the Supreme Court was simply struck out.

We had opted to work with Njonjo Mue and a voter called Khalefa Khalifa. The two took the matter to court. Mue was the chairman of the International Commission of Jurists Kenya chapter, while Khalifa was the chairman of *Muslims for Human Rights*. This petition, however, did not carry the same weight as the first one. The same lawyers did not carry the same weight as the first one. The same lawyers who worked for us in the petition were retained. They shared among themselves the tasks. Time was not on our side. The stakes were extremely high. Either Uhuru was going to get legitimacy from the highest court in the land, or Kenyans were going to a third presidential election. The import of the caustic Jubilee campaign dawned upon us with tons of freshness. It was all along a pre-emptive exercise, sending a signal to the judges that they should never again dare do what they had done, in the event that another petition was brought before them.

This second petition took place under very tense circumstances. Throughout the period, the Supreme Court judges' security detail was withdrawn. There was unceasing public dossier and speculation about threats against them. As if to send a strong message, one of the judges' cars, Philomena Mwilu,





as I have already said, was shot at by unknown people. Her bodyguard was reported to have been seriously injured. The petition was lost.

### **RAILA ODINGA SWEARING-IN SAGA.**

Meanwhile, Raila went to the United Kingdom and United States for about a week. It was a personal, private trip. However, he used it to carry out a few consultations here and there on behalf of NASA. On his return on 17 November, several of NASA supporters went to receive him at the airport. The State security made elaborate arrangements to bar people from the Jomo Kenyatta International Airport (JKIA), the port of arrival. Yet this had been anticipated and a critical mass of supporters had arranged to fly in from points outside Nairobi. They were therefore quite a sizeable number of people at the airport, ready to welcome their leader. Together with a number of other senior leaders in NASA we waited for him at *Ole Sereni Hotel*.

I personally couldn't access the airport because of the situation around JKIA. We linked up with him at the flyover next to *Ole Sereni*. Adulating multitudes followed our convoy right from these areas as we snaked our way through Mombasa Road, Outer Ring Road, Airport North Road, Jogoo Road and Haile Selassie Avenue. It took us six hours to do a journey that would usually take just about fifteen minutes on a good day. The people chanted songs and encouraged us to swear in Raila as their president. We occasionally made stops and addressed them along the way. We promised them that the journey to Canaan was still on, and that they had no reason to worry. Again, intense riots broke out between our supporters and the police, who responded with tear-gas, powerful water cannons laced

with irritant chemicals live bullets were also fired. Unfortunately, five people were dead. Another manifestation of excessive force meted on civilians by the police. Robert Mbui, a member of parliament from Wiper Democratic Movement broke his legs (in the melee).

We had planned to hold a rally at Uhuru Park but the whole area was cordoned off. *Jubilee* leaders thought that we were going skirmishes and use of live bullets against us. Raila was riding in his white car. A number of bullets and other projectiles were fired directly at us. Fortunately, the cars were bullet proofed and apart from the dents that they suffered we remained safe.

It was moment of truth for the Raila Odinga swearing in. One of the debates we had persistently had as NASA was whether we would hold a parallel swearing to Uhuru's or not. We had earlier on said at public rallies that if they should swear in "their" president we would swear in "ours" as "The People President." The Clarion call was "*Wakiapisha tunaapisha*" (if they swear in, we swear in). Now that the second presidential election petition was lost, the logical thing was for Uhuru to take the oath of office.

Where would this leave us? We felt lost and helpless. In our consultative meeting our First among Equals, Raila, looked lost. He groped around for almost anything to hold on to. "What will we tell the people?" he kept asking, "We must find something that will give our people hope," he would say, restlessly fidgeting with stuff on the table.

At this point he listened attentively for any suggestions around the room. The swearing in matter become a protracted debate in the NASA innermost sanctums.



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We were perched on the seesaw about the merits and demerits of the proposed action. A great majority in the technical team was not for it. Others, however, believed that it was the only way left to express our total disgust in the regime. They did not, however, offer any thoughts beyond the physical swearing in. What would come next? Would we march to state House to confront the President? Would we end up outside the gates of the House on the Hill, chanting and singing? Did we intend to bring down the Uhuru Government, or were we only talking about a mere show of bravado? What did it take to remove from power a government that lacked critical public support and legitimacy? These, and many more questions, occupied us. At one of our meetings, the new ANC secretary General, Barrack Muluka, put it starkly. *Did we intend to take over government or were we just putting up a show of protest?* If we intended to take over, were we ready to stay the course for the long haul? Obviously, he said, the Government would not just look on. Were we ready to walk Kenyan youth into State bullets? If this was the case, then we needed to prepare the agitated youth. We must tell them at our rallies that they were going to give away their lives to safeguard democracy. Beyond this, he said, reading from handwritten notes in a notebook, we must know that the engagement against the Government could last several months, perhaps even years. We must know that we were now preparing to be a militia movement. We would need to think about things like capturing state officials, including the president and the entire Cabinet, wherever we could lay our hands on them. We would need to round up top officials in the state security agencies and in the military as well.

We would also need to take control of broadcasting airwaves, limit press freedom, take over all ports of entry into and out of the country, take charge of the national airspace, national banks and financial institutions, external telecommunications and cripple the social media. Were we ready to do all these things? *Did we have the capacity?* Did we have any detachments for the defense forces ready to rally behind us, or were we going to cause division in the force? In short, we were starting at a new broken and ungovernable Kenya before Democracy could be restored. If this was the way we wanted to go, we must make it very clear to ourselves as the core NASA team, and wake up the rest of our support base to this reality.

*It was not going to be a (political party) walk in the park.* The meeting agreed that this was not what we wanted. Raila explained that what was necessary was to keep the government on its toes, without tearing up the fabric of the nation. Those talking about seceding were asked to drop the talk as this would not help things. Amidst an emergence of hardliners in our team, it was agreed that we should hold a meeting for the NASA legislative team and our governors and MCAs at Maanzoni Lodge in Machakos. We met at Maanzoni on Saturday 25 November 2017 to discuss the way forward. Three NASA principals were present, with the exception of Kalonzo, who was still in Germany. We listened intently as one speaker after the other called for parallel swearing in on 28 November. The air was upbeat as some people buoyantly talked about the need to secede. In the end Raila stood up to disabuse them of these thoughts. The matter was far more complex than the meeting seemed to be taking it, he explained. He said it would be useless to take up the Bible, utter a few words



that sounded like being sworn in and after that drive back to his regular residence in Karen. "When I take the oath, I must become the President," he said, I don't want to be a comic like Kizza Besigye of Uganda. I want to be like Emmerson Mnangagwa of Zimbabwe, "he concluded amidst cheers.

It was confounding how people easily swung from one end of the pendulum to the other. Suddenly, some of the most vocal people who were urging for swearing in and seceding were now talking volubly about the demerits of such a move. The call to suspend this thing until we were sufficiently ready to take power was now hailed all rounds. The consensus was now that Raila should not undertake the parallel swearing in. Serious implications would befall him as an individual. NASA, too, would take a hard beating that could be obviated at this stage. The swearing would be viewed as trying to obtain power through unconstitutional means, it was agreed, bearing in mind that we had not participated in the repeat elections. In addition, the Supreme Court had hitherto nullified the 8 August Presidential results. Which results were we therefore going to use? The November 28 swearing plan effectively abandoned, we drove off in a convoy of vehicles from Maanzoni to begin explaining to Kenyans why the decision had been reached. The explanation would gravitate around the Mnangagwa and Besigye dichotomy. We made two stops on the way back to Nairobi—one each at Athi River and another at Mlolongo. Raila told exuberant crowds that the swearing in had been called off indefinitely. A new date would be announced when, after the swearing in, we would take over power. *We would finally get to the proverbial Canaan*, he said.

Uhuru took his second oath of office as President and Commander in Chief of the Kenya Defence Forces on 28 November 2017, at Moi International Sports Centre Kasarani. It had been agreed the previous day that we would take it easy. We would stay at home and follow the proceedings quietly on TV. Quite early in the morning, however, about 7.00am, I received a call from Raila that we should gather at the Panari Hotel. It would be a good idea to collectively watch the Uhuru inauguration from there and compare notes in the process. I arrived at the Panari to find that the thinking was now that we should, in fact, proceed to the Jacaranda Gardens near Donholm, where the postponed Raila swearing in had originally been planned. Reports indicated that thongs of our restless supporters were there, waiting to hear a word from us. It would not look right to abandon them at this critical moment. It was quickly agreed that we should proceed there at about 11.00am, abandoning the original plan to follow on TV the activities at Kasarani. We had also established that the police had cordoned off the garden. However, we would still go there and try to force our way in.

Accessing Jacaranda was virtually impossible. We received updates that human waste and sewage had been deposited there, making it impossible to hold a rally there. We were told that this was the work of the new City Country Government (under Governor Mike 'Sonko' Mbuvi). Indeed, a very senior elected official in the country would soon brag in the open about how he had contracted a number of fully loaded sewage exhausters for the dirty job. The police spokesperson had previously announced that it would be "all systems go," if we attempted to get to these grounds. Just before we could



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announce to our supporters along the road that the place was inaccessible, the police descended on us with teargas and bullets. All hell broke loose. The entire place- four square kilometers around fell under a dark cloud of tear gas. Amidst all this, Raila got a moment to declare through our mobile public address system that he would be sworn in on 12 December. This would coincide with *Jamhuri Day*, the day Kenya marks her independence from the British. He had just finished speaking and was in the process of handling the microphone to me for a comment when the live bullet firing intensified. We took cover and left the scene.

The announcement of December 12 as Raila's swearing in date took me by surprise. He had not consulted with any one of us, the co-principals in NASA. Certainly, he had not consulted me. For, we had all agreed after Maanzoni that this would continue to be a bargaining chip with the Jubilee government. We considered it an invaluable pressure point that should eventually make them cave in to talks on electoral reform and the possibility of a repeat election in the midstream of Uhuru's next term. This swearing in affair, accordingly, became a divisive issue, eating up the summit. Kalonzo was also still out of the country. To be honest, we were struggling to keep the hopes our supporters alive. The last thing we needed was friction among ourselves. Yet individual lone ranger announcements of this kind threatened to diffuse our solidarity. A coordinated approach to everything was of the essence. Wetang'ula and I met Raila the following day. He apologized to us for the ambush. He explained that he had read desperation in our people and their desire to hear something promising. It was in this spirit that he had made this declaration. At his suggestion, it was

agreed that, closer to 12 December, we would find a way of suspending the swearing in for the second time. After that it should be possible to play the swearing in card without naming a specific limiting date.

There were elements of exhaustion and fatigue. Uhuru had now been sworn in. Even within the camp, you could read signs of despair. What was that one big thing we could do to light the fire of hope afresh? Signs of disintegration began showing. Decisions seemed to be made elsewhere only to be brought to the consultative forum for rubberstamping. We did not just seem to have lost out on the elections front; we seemed to be losing each other. Arbitrariness of decision-making and action only added to the fuel of weakened intergroup solidarity. One such a matter that was quickly rushed through was the formation of People's Assemblies. In point of fact, the announcement was made to the public even without the idea first interest of group solidarity; you agreed in public and raised your furious questions in private. We seemed to be taking the country for a ride. I did not like this at all, and I made it quite clear. Governor Kivutha Kibwana and Johnston Muthama, for Kalonzo, agreed with me -as did Senator Wetang'ula, the Party Leader of Ford Kenya.

### **ENTER THE PEOPLE'S ASSEMBLY.**

On 2nd December 2017 we eventually issued a formal statement about the soon to be launched People's Assembly. This would smoothen over some of the rough edges of the earlier non-consultative pronouncements on the assemblies. We now introduced the People's Assembly as a vehicle that would own and midwife the review of the country's Constitution, particularly in terms to strengthen and safeguard



devolution, as well as the electoral process. We tasked NASA governors to mobilize grassroots leaders to join local chapters of the people's Assembly. The Assembly would be made up of the Governors, their deputies, senators, Members of National Assembly, our members of the county Assemblies, religious leaders, trade unions, civil society leaders and youth and women representatives and their organizations.

There would be a task force to review the Constitution and also focus on failure of electoral bodies and the electoral system in general. Besides, it would also look at the performance of National Security organs and the abuse of power by the national Executive, as well as the structure of the Executive. In essence, the Assembly would be an avenue for restoration of democracy and constitutionalism. It would help the country to restore legality and the rule of law. We unveiled a seven-member team to spearhead the People's Assembly roadmap. They would share the report with the Summit before the swearing in ceremony that was scheduled for the December 12. This was despite the fact that the summit was planning to cancel the swearing in for the second time.

The Summit held a couple of consultative meetings ahead of 12 December. The first one was in Raila's Office at Capitol Hill where we met with foreign diplomats accredited to Kenya, religious leaders and leaders from the business community. They pleaded with us not to carry on with the swearing in plans. The second meeting was held at the American ambassador's residence. Also present at this meeting was the Acting Assistant Secretary for State for African Affairs, Donald Yamamoto. There was also Howard from the Security Adviser's Desk in the White House and Ambassador Robert Godec.

Their communication was clear that NASA had refuted the presidential election results and indeed Kenyan needed to reform its electoral system and electoral justice. We made it clear that, for our part, we were not looking for a coalition government. We were more interested in an inclusive democratically elected Government that was not the product of violent bloodletting and killings. We also wanted the victims of police violence to receive compensation and that Mr. Kenyatta apologizes for extra judicial killings by his police forces. We also wanted the police to denounce their deplorable conduct and recent deeds.

We were ready for a structural dialogue with Jubilee, but also demanded that any meeting was to be centered on issues of electoral justice. The international community made it very clear that if the swearing in took place, the diplomats and their countries would have nothing to do with us. They would cease to recognize us as a responsible Opposition and, instead, consider our action to be tantamount to a declaration of war against the state of Kenya. They told us to our face that we would now be warlords, with attendant international consequences. They were of the opinion that they could create an avenue for dialogue with the Government to resolve the issues that we had raised. Of equal concern to them was the possibility of our activities causing regional instability.

On 10 December we held a brief consultative meeting with Raila and Wetang'ula. It was agreed that we had perhaps carried our sacrifice way past the crossroads. It was time to retrace our footsteps, to call off the swearing in thing once and for all. The best way to do this, it was agreed, was to call the press at the *Okoa Kenya* offices that also



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doubled up as the NASA headquarters. We agreed to work on a message that justified the putting off of the swearing in, without a new date. I retreated to my personal office with a battery of personnel from the joint technical team, to work on the statement. The thinking was that since Kalonzo was still out of the country, we could use this as an astute exit point. The Constitution required that the president and his deputy should take the oath of office at the same time.

It would be reasonable for us to tell Kenyans that we would wait for Kalonzo's return before announcing a new date for swearing in. Meanwhile other mechanisms would be engaged, to obviate altogether the swearing thing. As the technical team led by David Ndii grappled with the statement, I frantically tried to reach Governor Kibwana, for Kalonzo, to bring him up to speed with the latest thinking and to invite him to the press meeting. The Governor hit the roof instantly. *Why were we now trying to use Kalonzo as the scapegoat, he quipped? Could we not see that we were setting him up continued pejorative justification of the watermelon tag?* We would have to find another excuse, he said. Meanwhile Raila had gone out of circulation. For sometime he could not be reached on the phone to reflect with us on this turn of events. We put together our heads with the technical team and agreed that in this move, we were giving an opportunity to the diplomatic and business communities to attempt their proposed intervention. The statement was accordingly rejigged to reflect this position.

I eventually reached Raila, just as we were about to leave for the *Okoa Kenya* offices to read the press statement. He excused himself and requested that

the three of us - Senator Wetang'ula, Governor Kibwana and I should go ahead with the press conference, He has been caught up in a situation, he said, and he would not be able to join us. However, he said, we could meet later at the Karen Blixen Restaurant. While I was nursing a heavy flu, I agreed to lead the team. We made our way to the *Okoa* offices, where we found the press already waiting for us.

Governor Kibwana arrived presently and took a frantic look at the statement. Satisfied that it had no mention of Kalonzo, he agreed that we could lead it as the official position. I made the announcement where we called off the swearing in plans as well as the proposed launch of the *People's Assembly*. We however asked our supporters to sustain the civic and economic resistance. Our statement said. We fielded a few questions from the journalists. They did not quite look convinced. They thought that we were being economical with the facts, but went with what we had given them all the same. I did not go to Karen, as Raila had proposed. I went back home, instead, to take a rest and recover from the flu. I would learn a few days later that while we were preparing to call off the swearing in, Raila was in fact in Jimmi Wanjigi's residence in Muthaiga, with a number of family members and a few friends. The object of the meeting, I would learn, was for him to record a private swearing in, which would be circulated to media houses and on the Internet. I learnt from one of the people present that Raila seemed to have been very shocked to watch us on TV calling off the swearing in *sine die*. He is reported to have said, "Oh, so they are calling it off?" At this point, the swearing in at Muthaiga was also called off. Before we left for *Okoa Kenya* from my office,





he had called me to ask why we were taking long to make the announcement. Instructively, there was no senior ODM official at *Okoa*, except the Executive Director, Mr. Oduor Ong'wen, who had also participated in the drafting of the statement.

### **THE DOVES AND THE HAWKS: THE PLOT THICKENS.**

Things were never the same again after 10 December 2017. It was clear that we had drifted too far apart, we doves and the hawks. Launching of various chapters of the *People's Assembly* went on, despite the mutual agreement to put this in abeyance. You just heard on radio or TV that an assembly would be launched somewhere at the Coast, or in Western. **NASA** was no longer in control of things as a coalition. Instead everything was in the hands of an amorphous group.

Some of the people in the group did not belong to any one of the NASA parties. Their role in our activities was difficult to fathom. Just how did they fit in? *Where had they come from?* Nobody could answer these questions. When we came back from the Christmas holiday, we had completely drifted apart on the issue of swearing in. During the break, we had not been in close contact with each other as co-principals. I believe people who were strongly for Raila to take the oath must have found a perfect opportunity to goad him towards that direction. At a public gathering in Kakamega just before the end of the year, Raila announced that he would be sworn in on 30 January 2018. Once again there had been no consultation, leave alone an agreement. The rest of us remained calm and restrained, in the spirit of our agreement not to show our differences in public. We would from this moment on hold a series of difficult

private meetings on this matter, while publically demonstrating solidarity and unity of purpose. It was a precarious *Catch 22*.

The clock was ticking away towards 30 January 2018. There was no agreement on the swearing in. In the third week of January, we had dinner at Raila's house in Karen. Present were all the four principals, Kalonzo having recently returned to the country. The newly elected Governor for Kisumu Country, Professor Peter Anyang Nyong'o, was also present. Also with us was former Nigerian President Olusegun Obasanjo, a close friend and confidant of Raila. He had specifically come to Kenya for this meeting. He spoke strongly against the proposed swearing in event. "You are my friends and I clearly understand where you are coming from. But taking an alternative oath of office is not the solution. The move can only shake and destroy your credentials. You boycotted the repeat presidential election. That was a grave mistake - you really have no basis for the action you are about to take. You are going to be viewed the world over as people who want to undemocratically grab the mandate to govern. You are going to be alone."

President Obasanjo also shared with us conversations he had had with President Museveni of Uganda, asking him to caution NASA leaders on the same during his visit to Kenya. He also echoed similar sentiments as having come from the UN Secretary General Antonio Guterres. All of us, including Raila, agreed that he would not take the oath. Beyond this, Raila also told us that on a different occasion, and in the presence of Orengo, President John Pombe Magufuli of Tanzania- also a close friend of his -had held a lengthy telephone conversation with him. It



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had been agreed in their talks on the phone that this would be the wrong thing to do and, therefore, he would not go that way. As a matter of fact, we had each served in key Government positions in the past. Even from our own perspectives, we understood that such an action in this day and age would receive a lot negative response from the international community. We accordingly affirmed our resolution as a coalition that the swearing would not happen. What remained was how to manage this with our supporters, especially seeing that the exercise had been called off twice before.

It was a very delicate time for Kenya. I would hope that the nation never gets to this kind of set up again. We had various approaches to achieve what we wanted. Some of us believed in what we had documented as our approach in the coalition agreement. We had a radical approach and a realistic approach. We were alive to the fact that the radical approach would escalate into dangerous situations. However, there were people who could not understand. While some of us called for caution, they embraced the clarion call of "*Kama ni mbaya ni mbaya.*" This was to say that when things are bad, they are bad and there is no use looking for peaceful options. They believed that the end justified the remains. With the bloodletting of 2007 and 2008, where about 1,400 people died, still very fresh in our mind, we, the four principals of NSA, collectively agreed that we had to be very careful about our approach.

Yet our own relations were no longer what they had been only a few months ago. It appeared that some people were playing hidden cards under the table. We did not trust each other anymore and not all the information was tabled,

discussed, synthesized and digested the way it ought to have been. Basically, people around our presidential candidate wanted to drive personal agendas away from the interest and ideologies of **NASA**. I would get to learn later, fore example, that there had been further efforts to do the "swearing in" on 28 January. Some versions of the narrative stated that the "Swearing in" had, in fact, been done and recorded in a video format, in the presence of some ODM Members of parliament from Nairobi, at Raila's residence. The truth, however, rests with those who are said to have been there. From a personal perspective, I was not at all for the swearing in, in any form and I made this very clear. On Monday 29 January we, the principals, had our last meeting ahead of the critical moment in the swearing in saga. I revisited what I had said ahead of a joint rally in Homa Bay over the weekend. We had tried our very best to stop the swearing in. However, there were those who seemed determined that it must go on. The time had come to release the brakes. I would, however, not be party to the swearing in. Wetang'ula and Kalonzo also stated that they would not be party to the process. Meanwhile, at the end of the Homa Bay Rally, Raila had intimated to us that he had information that the *Jubilee* side would reach out to him in good time, to forestall the "Swearing in" and to begin negotiations about reforms. This did not come to pass, to the best of my knowledge.

On 30 January, Raila Odinga hurriedly carried on with the "swearing in ceremony" amidst heightened tension. Miguna Miguna commissioned the oath. The other co-principals and I stayed away from the process. At this point it was agreed that we would all, nonetheless, go to Uhuru Park- the



venue where the swearing in was to take place- to face our supporters and call off swearing in once and for all. We agreed that we would meet at a venue to be agreed upon in the morning. We were conscious to the fact that there was high security concern about January 30 and that we were being followed and our cell phones monitored. We exchanged alternative phone numbers and agreed that these would be the channels of communication the following morning, ahead of our joint entry to Uhuru Park.

A team of ANC officials monitoring Uhuru Park on the night of 29 January reported that there was absolutely no activity at the park. There was no police presence – nothing! This was rather curious, seeing that the Cabinet Secretary for Interior, Fred Matiang'i, and the Inspector General of Police, Joseph Boinett, had repeatedly said that they would not allow the swearing in to go on. We expected that they might possibly try to block people from entering the park. But this was not the case. TV stations had been switched off, however, to prevent broadcasters from live transmission of events in Uhuru Park. There was no scope even for recorded news footage. Our surveillance teams, however, kept us informed of the ongoing. People began flocking into the park quite early in the morning. We expected that we should be in the park by about 11.00am, after assembling at the place yet to be agreed. Raila was expected to make the calls on the alternative numbers. As we parted the previous night, he had indicated that he would not spend the night at home. However, he would call at about 9.00 a.m. The call was however not forthcoming. Meanwhile, I reached both Wetang'ula and Kalonzo on phone. We agreed to meet here, at about noon, and Raila eventually called me using his regular phone number.

Our telephone conversation was disjointed, creating the impression that he was possible under siege. He reported that he was marooned and that he would call again a little later with clearer information. He did not say where he was marooned, or who had marooned him. Moments later, however, we learnt that he had proceeded to Uhuru Park and he was taking "the presidential Oath of Office." We learnt that Miguna was administering the oath, assisted by another lawyer.

### **AFTER JANUARY 30.**

The simmering suspicions in NASA burst into full-blown public mistrust and, I daresay, hostility from some quarters. Those of us who had not appeared in Uhuru Park were suddenly at the receiving end of all manner of appalling epithets. We were cowards who had betrayed Raila Odinga, so the narrative went. We were accused of waiting for endorsement to be the NASA flag bearers at the next presidential election. This was a pipe dream. Raila himself remained very restrained and civil, however. While it was difficult to tell what was going on in his mind, it was not difficult to see that he was under a lot of pressure, and we now met even more regularly than we had done before. He would sink into deep reflection and talk about the need for us to maintain our solidarity, regardless of anything that might happen after the recent events.

We did not issue any joint statements however, apart from a press event at Orange House, where he invited the co-principals to grace the closing of the ODM Governing Council meeting. Kalonzo and I made some brief remarks, ahead of Raila's closing statement. Remarkably, he stated that the struggle against dictatorship would go on, post the recent swearing in. It was a struggle



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his party was committed to pushing to the bitter end. In this regard, ODM would continue to work with other like-minded leaders and parties. However, he said, if necessary 'ODM would go it alone.'

Opposition parties often have no political pendulums to rely on. They can only get back to power by getting back into step with changed circumstances and public opinion. A Party that loses an election is like a passenger who arrives at a station when the last train has just left. If he wants to catch the train, it is no good standing on the platform hoping for another; he will have to move on to the next station by taxi or other means. This operation was successfully carried out with conspicuous success by the Orange Democratic Movement, when

Raila Odinga managed to maneuver President Uhuru Kenyatta onto the famous Harambee House outside staircase for yet another 'handshake' that would see him, and his party, 'inside' government – ten years and ten days after that First Handshake with yet another obstinate incumbent (perhaps then illegitimate) president called Mwai Emilio Kibaki. The other principals of NASA like hitherto long quoted ANC's Musalia, Ford Kenya's Wetangula and Wiper's Kalonzo were inclined to remain sulking on the platform, saying that the train should not have left in the first place – but that having left, Raila (ODM) should not have called a Bolt cab to dash after the train; that they all should have waited patiently, for five hours till dawn, for the next train to come to drop them at Platform 2022, together as one.

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## CHAPTER ELEVEN

### The Unique Effect of 'The Handshake' on Political Parties & Democracy in Kenya.

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The following chapter attempts to capture the current -Kenyan political system as it is, after the infamous handshake of March, 2013 - between the two major political party leaders, and the main power protagonists of the last decade - (then) NASA leader, Raila Odinga, and Jubilee party leader (and president of Kenya) Uhuru Muigai Kenyatta. If there is an 'antagonist' to this plot, that would be William Samoei Ruto, Deputy President of the Republic. This would make him the *de jure* deputy leader of Jubilee. But, in reality, he has become the *de facto* leader of the Opposition in the country, while somehow still being in Jubilee. And the *de jure* opposition leader, Raila Amolo Odinga, complete with his 'ODM' opposition Brigade, has in fact become the *de facto* deputy of Uhuru Kenyatta in the country, courtesy of the **B.B.I.** (Building Bridges Initiative).

While the Opposition has in effect withered, with its ODM core becoming a partner of the Ruling party, the ruling party, Jubilee, has itself split and splintered into two



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opposing factions. The *'Kielewekwe'* (Understood) part of it, is in government. The *'Tanga Tanga'* (Wanderers) faction is opposing the government recent political strategy to work with the opposition, especially the Raila fraction. If it were football, it would be as if Team A and B came into the pitch, and the two teams played very roughly against each other in the first half, with Team A's Captain getting red carded. The Red Card would be that Supreme Court ruling by CJ David Maraga's Supreme Court, nullifying the August 7<sup>th</sup> 2017 election. Then Team B refuses to play in the second half, resulting in a walkover for 'A'. (That would be NASA, as an alliance of parties, boycotting Oct 26<sup>th</sup> rerun). The very next weekend, in the return match, Team B shows up at Team A's pitch with only five players, after six Team B squad players quit after seeing a newspaper (in which the A and B captains were toasting cheers to each other with a keg of beer in a nearby pub). Before the game can begin, Team B's captain says his players want to join Team A, which A Captain eagerly accepts. The Team 'A' Deputy Captain then quits the team, alongside the goalkeeper and three other players, and the FIVE now say they will square it out against the new eleven player cocktail medley of 'A' and 'B.' Kenyan politics is truly in a *'Through the Looking Glass'* moment, with opposition parties now in government, and half the ruling party now in de facto Opposition to the government, while still *being in* the Government.

Let us chart the discourse through several articles that were written in the newspapers in the period immediately preceding the October of 2020, when the Building Bridges Initiative (B.B.I) project, as well as the suggesting of a referendum to change the 2010 constitution, was proposed by the

president and Raila Odinga, of Jubilee and ODM respectively, on the 26<sup>th</sup> of October, 2020 at the *Bomas of Kenya* (and, symbolically, exactly three years after the NASA Alliance had boycotted the second presidential election that then 56 year old birthday boy Uhuru/ Jubilee won).

### **Raila's nine lives that keep him at the centre of power.**

#### **By Wilfred Ayaga.**

For Orange Democratic movement (ODM) Leader Raila Odinga, losing an election is nothing. It is always another opportunity to play the honey badger, that indefatigable spiny creature that fights its way into the beehive, ignoring a million stings with ruthless efficiency and ultimately gets the honey. Neither does it shy away from making itself at home in some animal's abode. In a similar fashion, Raila has made himself comfortable in the Jubilee house, shoving aside Deputy president William Ruto from the centre of power. It is versatility that defines Raila, who has lost four elections, but in three of the cases, still slithered into government, confounding both friend and foe who had already prepared his tomb stone. Despite boycotting the 2017 repeat election, today Raila sits as the only leader in the world to have his leg both in Opposition and government, a feat he has repeated, albeit in different forms, since 1997 when he first contested for the presidency.

### **Reforms push.**

In 1997, he dissolved his National Development party (NDP) to join KANU and prop up the government at a time it was facing an onslaught from other Opposition leaders as well as activist who were demanding reforms and regime change. Raila had contested that year's highly contested election and





emerged third behind then incumbent Daniel arap Moi and Democratic Party's Mwai Kibaki. Staring at the prospect of whiling time in the Opposition for five years, Raila abandoned Kibaki and Ford Kenya Leader Kijana Wamalwa in the (opposition) trenches and joined KANU in a 'cooperation' agreement that translated into merger but later resulted into political indigestion. He was subsequently appointed Minister for Energy. A number of his key allies, such as the late Adhu Awiti were also given positions in government, transforming Raila from a leading Opposition activist into a powerful government figure.

In KANU, Raila took up the position of Secretary General, an influential post in a party which had detained him and ostracized his father. From his front pew position, he boosted the KANU government, giving it a lifeline until its sunset days when Moi announced he would back Uhuru Kenyatta for the Presidency in 2002, sparking a revolt. A disappointed Raila bolted out, taking with him a number of KANU stalwarts such as George Saitoti, Joseph Kamotho and Kalonzo Musyoka to the Liberal Democratic Party (LDP) that would later support Kibaki under the National Rainbow (NARC) banner for the 2002 elections.

This transformed him into a reformist and earned him a slot in Kibaki's cabinet in the Road docket. In the meantime, KANU, for the first time in 39 years was confined to the opposition. Feeling cheated for being denied the seat of a Prime Minister, Raila differed with Kibaki and was elbowed out of NARC in 2005, where he became a champion of the 'No' campaign against a new constitution, and defeated the draft supported by government during the referendum. The referendum not only energized

him but also gave him a party symbol, Orange, leading to *Orange Democratic Movement*, the vehicle he used in 2007 General Election. But he would find himself holding the short end of the stick in that year's disputed election. Staring at another stint in the Opposition, Raila chose to turn defeat into some sort of victory when he negotiated for the Prime Ministerial post.

However, five years later, he was not as lucky because he was beaten by Uhuru and TNA in what were largely peaceful and uncontroversial polls. The situation changed in 2017, when again the country was at a tipping point on account of polling irregularities, even after the Supreme Court had nullified the first President election and Raila boycotted the following one. Raila led his troops to the streets and was sworn in as the "the People's President" on Jan 30<sup>th</sup>. The country was shocked when a few weeks later on March 9, 2018, Raila made peace with Uhuru, leading to the famous **Handshake**. Raila had grabbed another chance to reinvent himself, and wedge his foot into a government he had demonized. Just like 1997 in when Raila propped the KANU regime up, he entered the Handshake deal at a time Uhuru allies in government were talking of a plot by DP Ruto's wing to impeach the president in parliament. In his latest role, Raila has managed to become president Uhuru's right-hand man. The two have been pushing the *Building Bridges Initiative (BBI)* agenda, opposed publicly by Ruto. There has even been talk of a government reshuffle to accommodate his allies however this is yet to be seen. This is a profound transformation for a man who, in 2017, was the target of police brutality as he sat on the tarmac demanding electoral reforms. Today, courtesy of the Handshake, Raila sits a heartbeat away from power with direct access to the president.



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### **Race to sill Uhuru shoes in Mt Kenya Kicks off.**

Key Mount Kenya leaders are positioning themselves to succeed President Uhuru Kenyatta as the region's political Kingpin with the head of state is set to retire in 2022. The cast of hopefuls are reportedly strategizing on how they will use the anticipated Building Bridges initiative (BBI) referendum to build a rich profile. Among those who have come out openly is former Gatanga MP Peter Kenneth, who continues to meet region's grassroots leaders mostly behind closed doors. Health CS Mutahi Kagwe is equally milking the privilege of his office to establish a foothold on the vote rich region and last weekend he represented Uhuru in the Akorino church annual meeting. Kagwe has, of course, taken full advantage of the Covid-19 briefings to create a national posture. His Agriculture and Livestock counterpart Peter Munya on the other hand has been making extensive visits in the area to champion what is at the heart of Majority voters; tea industry reforms. The lobbying has taken him to Murang'a, Kirinyaga and Nyeri where he has bagged support from the Democratic Party (DP) Members.

Munya has also been combing his Meru backyard almost every weekend since the president sent the Cabinet on recess and has so far addressed rallies in Meru and neighboring Tharaka Nithi. There is also former CS Mwangi Kiunjuri who is believed to be keen to build liaisons in Murang'a and Kiambu counties. Former Naivasha MP John Mututho who has been vocal on the issues affecting the region and has been involved in unity talks among the Mt. Kenya leaders is also seen as a potential Uhuru replacement but it is Kenneth who is arguably most visible. Kenneth's political allies such as Mathioya MP Peter Kimari think he has

gained significant political mileage in the last few months after winning tactical backing from key groupings. On Friday, he met elders and spiritual leaders of the Kikuyu community at their shrine near Ngaruroro Township in Nyeri. The elders said they only endorsed the former Assistant Minister as the Agikuyu cultural ambassador, but some observers read politics.

### **Total confidence.**

"Kenneth has won wide approval from national peers and his people of Mt. Kenya have in the last few months clearly indicated he is far ahead of the completion," said Limford Mutembei who chairs the Mt. Kenya Youth Caucus. Mutembei said Kenneth's main advantage over rivals was that he enjoyed confidence of national leaders such as the president, former Prime Minister Raila Odinga, Baringo Senator Gideon Moi and *Amani National Congress* leader Mudavadi. But his critics argue that he may not be able to command the region support as he bears the tag of "spoiler" having stood against President Kenyatta in 2013. "I think Kenneth needs to work hard to change his political image altogether. He has always disappeared from the political scene only to re-emerge at the last minute," said Geoffrey Wahome, a resident of Nyeri. Vocal Nyeri MCA Kiruga Thuku, however, thought it was foolhardy for the region to purport to look for a Kingpin yet Uhuru was still in charge.

"We should support President Uhuru until his last day in office then we can talk about his replacement. Anyone arrogating himself such a position may be shocked," said Thuku. A few weeks ago, Kenneth was also endorsed by the Murang'a *Council of Eminent Persons*, the elders' group that comprises of



such figures as former Equity Bank chairman Peter Munga, Royal Media Service owner SK Macharia and chaired by real estate developer and Kenyatta era permanent secretary Joe Kibe. The Council which was meeting at a hotel in Kiambu with all but three of Murang'a county's nine MPs is said to have agreed to back his bid for a national position. In all these events, you will realize that parties are not at the centre of politics but individuals. Parties as vehicles for election will be decided later on when everything else seem to fall in place.

### **ODM gives Raila Consent to take on DP for 2022 duel.**

#### ***By Rawlings Otieno and Jacob Ngetich.***

Rattled by the increased political activity by Deputy President William Ruto, Raila Odinga's ODM party is now planning a counter-attack to tame the man they believe will pose their sternest test in 2022. The Orange party ended a two-day retreat at *Stoni Athi* resort in Machakos County yesterday, with the resolution that Raila and the party should quickly move to claw back the gains Ruto has made.

Ruto is eyeing the Presidency in 2022 and has put his foot on the pedal in his quest to clinch the top seat. Raila, on the other hand, has not come out to declare that he will contest - but his allies, including elder brother Oburu Odinga, have indicated that he will be on the ballot. According to a National Executive Committee (NEC) member present at the retreat but who sought anonymity, the party gave Raila the go-ahead to start mobilization across the country to popularize the party and his candidature without further delay.

The top party organ, which meets twice a year to take stock of gains and losses, agreed to challenge every narrative by the DP that seeks to portray the

party, its leader and president Uhuru Kenyatta's legacy agenda, in negative light. This will include meet-the-people tours across the counties where Raila and fellow party members will debunk the DP's narrative of the *Hustler nation versus Dynasties*, and the Building Bridge Initiative (BBI) as an attempt by ODM to push for expanded Executive positions. During two meetings in Kwale and Kisumu, Raila sought to debunk Ruto's assertion that he represented the 'hustler nation', instead accusing him of flaunting his wealth which he claimed was acquired in questionable circumstances.

#### **Dynasty tag.**

Speaking in Kisumu a week ago, Raila said the 'dynasty tag' was meant to incite people against a section of the national leadership and hoodwink Kenyans to take political sides. 'This kind of talk is aimed at inciting Kenyans against one group and does not augur well in the eyes of the *Building Bridge Initiative*, which is seeking to reunite all Kenyans divided along ethnic and party affiliations,' he said. In a grand scheme to neutralize the DP's influence and agenda, the party is said to have agreed to start aggressive campaigns to recapture the Msambweni parliamentary seat following the death of MP Suleiman Dori. Party Secretary General Edwin Sifuna yesterday welcomed Ruto's decision to back an Independent candidate in the by-election. 'We are not scared of Ruto. He can back any candidate but I can assure you that we will crush him the same way we did in Kibra,' said Mr Sifuna, adding that they will use mini-poll to give the DP a taste of 2022.

He was referring to last year's (2019) by-election in Kibra occasioned by the death of MP Ken Okoth. In the poll, footballer McDonald Mariga, a Jubilee



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candidate largely seen to have Ruto's backing, was up against ODM's Imran Okoth. ODM won the election.

Recently, Ruto unveiled Feisal Abdallah Bader as his choice for the Msambweni seat at his Karen office. He was accompanied by Coast MPs Athman Shariff (Lamu East), Mohamed Ali (Nyali), Owen Baya (Kilifi North), Khatib Mweshetani (Lunga Lunga) and Aisha Jumwa (Malindi).

In recent months, Raila has attended meetings in Taita Taveta and Kwale, one week after DP had visited, seen as an attempt to curtail Ruto's influence in the region.

But it is now expected that with the political leeway handed to him by the party, the 'opposition' leader will be bolder and more aggressive in the coming days.

Speaking in Gikomba after attending a service at Ziwani AIC recently, Ruto asked the ODM leader to drop the push for a constitutional amendment aimed at creating more positions in government, if indeed he was interested in promoting hustlers' welfare.

''Now that they have agreed Kenya is a hustler nation, we want to tell them to give priority to job creation and business opportunities to the hustlers so that they can take their children to school and afford decent housing,' said Ruto.

***During the retreat, ODM also resolved to push for 35 percent of national revenue to go to the counties. The party also wants wards to be allocated five per cent of national revenue to accelerate development in the grassroots.***

The party also resolved to put its house in order by filling vacant positions that

had arisen due to natural attrition or members shifting their allegiance.

''The NEC has resolved to conduct a harmonization exercise to fill existing gaps in the party leadership resulting from death, resignations or defections from the polling station level to the national level,' said Sifuna. He said the exercise at the polling station and sub-branch levels shall be undertaken by members in October. Sifuna added that a similar exercise shall be undertaken at the branch level, which comprise the 290 constituencies, and the county coordinating committees in all 47 counties under the supervision of the National Elections Board (NEB) and the National Secretariat.

**Duale: Eight years in a high-profile job and now out of it. Do you have any regrets?**

I have absolutely no regrets. I'm a man of faith and I believe no position is permanent. Everyone who gets a chance to serve in public office, even the presidency, has to hang their boots at some point. I am happy having had the privilege to be the first Leader of Majority under Article 108 of the 2010 constitution. I thank president Uhuru Kenyatta and his deputy William Ruto for entrusting with such an important constitutional office.

**What may have cost you your job?**

I was not removed because I was not loyal to the party and the president. I was not removed because I failed to push government agenda. Members of Jubilee did not remove me. Until today, it is a mystery that some signatures were allegedly collected to push for my removal. How many were the signatures? Who were they and what were the allegations? No one seems to have the answers. But remember I have been



in unfamiliar territory before. In 2008, I was sacked from assistant minister role. I am back in the backbench. What is more important is my loyalty to the people of Garissa Township.

### **Did you anticipate your ouster?**

I discussed with the president on whether to stay or leave. I chose not to lobby to remain. I felt that as my boss and good friend, I needed to give him a chance to work with somebody else. He may have felt that because of my links with Ruto, I would be conflicted. I had split loyalty. By the time some MPs were reportedly collecting signatures, I had made a decision to give way. However, the president has never been on record asking me to abandon William Ruto.

### **Some say you were betrayed. Was this the case?**

In politics, the common denominator is betrayal and deceit and this you can ask Raila Odinga, William Ruto, Kalonzo Musyoka, Uhuru Kenyatta and many others who faced challenges in their political careers. I knew a day would come when I would leave office. I will focus on the future not the past. I am now doing my memoirs.

### **What are the highlights of your tenure as majority leader?**

I serve from 2013 and was retained in 2017. More than a hundred pieces of legislation were passed, a record performance compared to five previous parliaments combined. I defended impeachments against Cabinet Secretaries. I survived the impeachment of CS Jacob Kaimenyi with only 11 votes. I also played a key role in approval of constitutional office holders besides passage of key legislation such as the Parliamentary Service Act, Judicial Service Act, Kenya Coast Guards Act, LSK Act and mainstreaming legislation

on Islamic products in the financial sector. I dealt with the president one on one on a daily and perhaps hourly basis. Some days, he would call me more than 40 times like during the debate on the controversial VAT and security laws.

### **What would you say you did that you could have done better?**

There were times I pushed government agenda and forgot the public interest. Kenyans and mps can judge me if I could have done better as leader of government business. During my tenure, the government lost only one Bill.

### **You had a way with parliamentary diplomacy. How did you achieve this?**

Parliament has interests from parties, party leaders, regions and faiths. I learnt that each MP, regardless of his party, must be respected, lobbied and involved in legislation. I preferred dialogue and consensus-building, not tyranny of numbers. During the passage of the security laws, bureaucrats were targeting the Somalia community under the guise of fighting terrorism by profile them. I advised the president that some clauses needed to be expunged and we did just that I used to lobby a lot, sometimes leaving my office at 10pm.

### **Describe your relationship with president Kenyatta.**

My links with Uhuru started in 2005 when he was seeking the chairmanship of Kanu against the late Nicholas Biwott. I was supporting Uhuru although I was not a Kanu member. He beat Biwott. We united again during the Orange 2005 referendum. In 2007 we joined parliament. He was deputy premier and I was assistant Minister. I owe him respect even if sometimes unhappy with his decisions. My links with Uhuru cannot end. He has a relationship with my family too.





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### **How about his deputy William Ruto?**

Ruto is a close friend. We were founder members of ODM. Along the way, we differed ideologically with former premier Raila Odinga. We formed URP and later merged with TNA and fought the ICC cases together. I have a long personal history with Ruto. Having served Uhuru's administration diligently, I have a business to finish in ensuring that the Jubilee succession plan works. We promised 10 years each for Uhuru and Ruto.

### **After Uhuru and Ruto fallout, how did you manage to strike a balance?**

The period 2018-2020 was the most difficult. The relationship between them was getting worse and I was caught in between. I learnt how to deal with it. I never contacted the president, not even his deputy. There is nothing I ever did without first consulting the president. The Jubilee rank and file and the opposition knew that when I spoke, it was the president actually speaking.

### **What makes you believe in a Ruto leadership?**

Uhuru, Ruto and Raila are the only politicians I have fully understood their political philosophy. I am a political student of the three combined. I am not a Ruto ally by accident. It is because of political history. I know what Ruto is capable of achieving. He believes in the oneness of Kenya. Just like Uhuru, Ruto has taught us the politics of tolerance.

### **Do you agree with claims that the system is out to frustrate him?**

I am reading two books titled '*Deep State-the fall of the constitution and the rise of shadow governments*' and '*The Room where it happened.*' I am in the process of understanding systems and Deep State. There are bureaucrats, not with Uhuru's instructions, who are undermining Ruto,

but the system opposed *Uhuru -Ruto 2013* ticket. It also said choices have consequences.

### **Has Jubilee Party lived up to its ideals?**

We collapsed 14 parties to form Jubilee. We wanted to kill ethnicbased parties. I had misgivings about dissolving URP. Uhuru and Ruto convinced me. The party grew and managed to have elected leaders in 44 counties, with 170 MPs. But today, it is a shell. I regret the decision to collapse parties. If the president will not salvage Jubilee, the 2002 scenarios in Kanu will play out. There will be a mass exodus by leaders who will form a new outfit. I urge the president to rescue it. He can leave a legacy of leading the largest united, cohesive party.

### **What are your thoughts on BBI and calls for a parliamentary system?**

Just like Ethiopia, we have challenges with our ethnic diversity. The solution is a parliamentary system. The pastoralists' parliamentary group made submissions to the BBI task force. Kenyans always fight over the presidential seat, nothing else. Only two communities have produced presidents since independence and as it is now, smaller tribes cannot produce a president.

### **You once publicly warned governors not to embezzle funds Kenyans recall your quip "hii pesa sio ya mama yako". Are counties on track?**

I have been vindicated. More governors are being taken to court. Graft has been devolved. As a member of public Accounts Committee (PAC), I am shocked at the extent of wastage in counties. Devolution was a good idea but those we elected to midwife it became the biggest obstacles.





### **What's your take on CJ Maraga's advice to Uhuru on dissolution of the House?**

Dissolution would be a serious affront to the will and sovereignty of the people exercised by parliament on their behalf. Article 94(1) confers the legislative authority on parliament. Dissolution would negate this Legislative authority.

### **Was the push and pull over revenue sharing warranted?**

Budget-making process is time-bound. It is disheartening that the Senate took so long. But world over, resource sharing is very controversial. Kenya is defined by land and its people. We need to build systems that ensure resources are equitably shared.

### **What are your political plans, especially with regards to 2022?**

I have plans at the county level, North eastern regional level and nationally; but for now, I want to state categorically that my choice for presidential candidate come 2020 is William Ruto.

The race is between two horses, Ruto and Raila. The rest are camels.

### **Ruto vows to stand firm as allies urge Uhuru to send MPs home** **By Brian Ojamaa.**

Deputy President William Ruto vowed to stand firm against threats and intimidation as his allies piled pressure on president Uhuru Kenyatta to dissolve parliament over failure to implement the two-thirds gender rule. At a funds a drive for Pentecostal churches in Bumula, Bungoma county, some Tanga Tanga MPs challenged the President to adhere to the constitution he swore to protect and follow Chief Justice David Maraga's edict.

The chief justice said we have failed to enact the two-thirds gender rule, so

we should go home and seek a fresh mandate. The president has no option but to do so," said Kuria West MP Mathias Robi. Dr Ruto took a swipe at proponents of the *Building Bridges Initiative* saying there was a need to change the dialogue and bring communities together instead of creating new positions for a few people.

"The conversation should change, and it *must* change; we are going to advance talks with the masses so that they can also grow. The poor are the voters; we have to lift them out of poverty," the DP Said. He cautioned Kenyans against divisive politics and urged the Luhya community to support his presidential bid, adding that nobody should be threatened or intimidated "for holding a certain political post".

Gatundu South MP Moses Kuria asked Amani National Congress leader Musalia Mudavadi and his Ford Kenya Counterpart, Moses Wetangula, to stop dragging the Mulembe nation into the opposition. "We are forming the government with Ruto and we don't want the Mulember people to be left behind," said Mr. Kuria. "We want to form a government that will take care of the hustlers and revive the economy, we don't want to be part of the government but we want to form the government." The DP's allies once again alleged that there were plans to use *Huduma Namba* to rig the 2022 General Election. Webuye west MP Dan Wanyama claimed certain people in the government were manipulating Huduma Namba data at a mansion in Runda, Nairobi.



### **Why 'Hustler Nation' movement and not any political party is gaining traction.**

#### **Harrison Ikunda.**

I did not expect anything less than a significant opening of the economy during President Kenyatta's recent address. Having engaged in assignments that made me to visit various businesses and communities in slums of Nairobi and satellite towns and in rural areas since March 2020 when Covid-19 forced us to close the economy significantly, I could tell that trouble was mounting. Massive layoffs, business closures and reduced economic activities have left many jobless or without any source of income. Even with the best efforts by the government to contain the economic pain, there is a lot of suffering out there.

Covid19 has changed the dynamics on jobs and employment generally; its blow on the economy has come at a bad time for Kenya as high rates of unemployment and the corruption scourge had already made our lives miserable. The pandemic has only exacerbated the crisis. So, re-opening the economy was inevitable. Many people, young and old, are really struggling to eke out a living in a difficult economy. Any promise to improve their lot, real or false, is quite welcome. This explains why sports betting for some time was treated as work by many, especially the youth. It promised to get them out of the economic misery they were in. *Covid19* has made the situation for many worse.

Covid-19 has only fueled the misery of the 'hustler'. Deputy President William Ruto and his allies have been capitalizing on this misery to sell their political agenda. Ruto (who is a part and parcel of the government) has been popularizing the 'hustler philosophy' and his allies have been blaming others that they call

'dynasties' for our misery and economic problems. It is pointless to blame the 'hustler class' (those struggling economically and trying to make ends meet) for believing the 'Hustler Nation' spin. I have over time seen that the increasing rate of unemployment and collapse of enterprises (micro, small and medium and even some of the big ones) is very risky for the country.

Lately, anger within the population is palpable. To make things worse, when public funds are stolen or wasted, the economy suffers and many livelihoods are destroyed. Needless to say, it is the ordinary person who suffers the most. When you have a situation where many youths leave schools and colleges but don't secure employment, that is a big problem. Recently, I was at a firm in Nairobi where a job advertised for an accountant (CPA-K) with a university degree, paying a salary of Shs.30,000 per month, attracted over 5,000 applicants in a very short time.

That I've met many ICT graduates selling all manner of cheap wares on the streets is heart-rending. But such graduates are considered lucky by their peers who can't get such opportunities, and thousands upon thousands of other job seekers who have never been to university or college. Entrepreneurship which has for long been touted as the solution is not working as the economy can only sustain certain numbers of micro, small, medium and even large/big businesses. The solution is to fix the economic paradigm in totally. Where did we go wrong as a country? There is no question that we have been progressively going downhill. Corruption, tribalism, bad politics and the discriminatory trade have made our independence dreams a mirage.



If you want to understand why people are falling for the populist 'hustler' philosophy, you need to read the history of Germany, the tribulations that the now wealthy country went through in the past. You can't have people perpetually in poverty, pain and unpromising economic situation for long and think things will remain normal. An empty stomach and a stressed mind are dangerous combination.

In a nutshell, it is either we fix the economy or we all fall- 'hustler' or no 'hustler' philosophy. They have seen an opportunity! We are in a situation where people need urgent solutions to improve the economy and their lives. Whether the 'hustler' philosophers have a solution is a different ball game, a Game of Thrones, between political parties.

### **Eyes on Uhuru as Jubilee moves.** **By Moses Nyamori.**

President Uhuru Kenyatta's allies have initiated a brutal process to kick out his deputy William Ruto from the Jubilee party in what marked the beginning of their formal political divorce. Yesterday's pronouncement by the party, with far-reaching political ramifications perceived to put roadblocks on Ruto's road to State House, gave the strongest indication yet of a plot to block him from running on a Jubilee ticket in his quest to succeed Uhuru.

Ruto has in the past said he was ready to jump ship ahead of 2022 polls if denied the party ticket.

The National Management committee (NMC) is the organ that sets the agenda for the National Executive Committee (NEC), which the party's top decision-making organ. All eyes will now be on party leader president Uhuru Kenyatta

who chairs the National Executive Committee and can ratify or reject the decision from NMC. "The NMC has recommended to NEC that the DP ceases to be deputy party leader after he opened the so-called *Jubilee Asili* offices that is reserved for him and his allies until such a time this development of the *Jubilee Asili* is discussed at the NEC," said Jubilee Secretary General Raphael Tuju. The organ also barred Ruto from holding any political meetings at the party offices, declaring that the Pangani-based head-quarters is out of bounds for his 2022 Presidential ambitions.

Tuju described Ruto's decision to host about 30MPs at the offices on Thursday as an attempted power grab in the absence of President Kenyatta, who was away in France on an official visit.

He declared that the party headquarters was not going to be used as a theatre of conflict and political confrontation by the rival camps in the ruling party. Ruto had camped at the party offices for over three hours, hosting MPs critical of President Kenyatta. It has since emerged that the DP did not inform Tuju of his intention to host the meeting at the offices, only calling him after arriving at the headquarters. Tuju has said the DP can host his political meetings at his *Jubilee Asili* Offices while declaring him a person non-grata at the Jubilee Party offices. "The deputy party leader as a self-declared presidential candidate for 2022 will not be allowed to use us as a center of operationalisation of his 2022 campaign and to use the center to intimidate any potential opponent or party staff," charged Tuju, who was flanked by other party officials. In a strongly-worded statement, Tuju said it was no longer tenable to have Ruto continue using the party platform to advance his 2022 political ambition



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through “his divisive so called *hustler* politics that are counter to the party and president’s platform of uniting the country, the fight against corruption and the agenda four items”.

### **Breakaway faction.**

“He will no longer be allowed to use the party headquarters to make such statements that are principally for his break away faction of the party,” declared Tuju. Tuju claimed the party almost witnessed physical confrontation after a group of MPs allied to Uhuru on Thursday held a second lunch meeting at a city hotel to plot how to tame the DP and cement the President’s legacy. Tuju said the team wanted to charge against their rivals at the headquarters, in what could have degenerated in a physical brawl. The recommendation to expel Ruto means the party’s NEC, which he sits, will have the final say before he can be rendered to a mere party member or retain his position of deputy party leader.

NEC is currently composed of individuals allied to Kenyatta after politicians backing the DP were kicked out in a ruthless purge. The organ that will have the final say on whether he stays or not are the president, Ruto himself, Tuju, Nelson Dzuya (chairman), David Murathe (Vice Chairman), Kositany (deputy SG) and Mutai (Treasurer).

### **You can’t stop the Hustler movement, DP tells critics.**

Deputy president William Ruto told off his critics over their continued attacks on him and his style of politics, saying they are fighting a losing battle. Ruto spoke yesterday in Chergeri village, Nakuru County, during the burial of Mrs Esther Kogo Toyoi, mother of former world Marathon champion Paul Tergat. “We have people who are clearly angry

with me over things that don’t concern them. I can only tell them to stop wasting their time calling me names, exhibiting pride and hate for no reason. I’m here to change a narrative in our politics and they won’t change that,” he said.

The DP, who was accompanied by several MPs, spoke minutes after Jubilee Party Secretary General Raphael Tuju issued a statement on behalf of the party National Management Committee, recommending his removal from deputy party leader slot. “We have seen him going around the country launching the hustler movement. These are campaigns and open defiance to the president,” Tuju said. Ruto, however, said his hustler movement was unstoppable and that he would continue to engage the ordinary folk. “Yes. It is time for change for change, time to talk and walk the hustler narrative. Not about sharing power but empowerment. Not about leaders but ordinary citizens. This *wheelbarrow* conversation will continue,” he said.

Ruto said those opposed to the hustler narrative were focused on ensuring Kenyan youth remained poor for easier control and political manipulation. “If you see them angry with me giving out *boda bodas*, wheelbarrows and hand carts, it is because they fear they will not have people to use in political demonstrations. I shall keep the hustlers busy, productive and unavailable to them,” he said. The DP added: “those fond of using our youth in demonstrations on the streets will be left with their children and wives. I know this is a difficult conversation but we shall have it any way.” Elgeyo-Marakwet Senator Kipchumba Murkomen faulted at Tuju and Jubilee party vice chairman David Murathe, describing them as a thorn in the flesh of Kenyans.



### ***Worst form of hypocrisy.***

"We have the worst form of hypocrisy in Jubilee by self-seeking people. Tuju has become so proud that he has forgotten where he was picked. There shall be no truth in the party if we allow the likes of Tuju and Murathe to lecture the DP," said Senator Murkomen. He said the two have been the greatest enemies of the ruling party and its support base, and that their actions had led to divisions across the country.

"The two have been fighting hard to sell the false narrative that the president is not in good terms with the DP. We can't claim to be uniting Kenyans while our own house is divided. They are the worst elements of division of our time. The president should start by firing them," said Murkomen.

He told off Tuju on remarks that Ruto allies were not welcome to the Jubilee headquarters, saying he has no moral authority to deny any member of the party access to the premises. "We shall be going there as our contributions are funding the party," Murkomen said. Nakuru Senator Susan Kihika described Tuju as an ODM mole. "It is evident that Tuju is an ODM sympathizer. He has described us as crooks who are not welcome to our party offices. From Monday, we shall be moving into Jubilee House. Let him dare shut the gates for us and we shall bring them down," said Kihika.

Langate MP Nixon Korir said this was the beginning of their fight for their space in the Jubilee party. Emuru Dikir MP Johanna Ng'eno said they would stand with Ruto to the end. Nakuru Governor Lee Kinyanjui however said leaders should not confuse Kenyans. "We were not elected to complain. We elected you to go to parliament to seek solutions. You should not sow seeds of discord," said Kinyanjui.

### **Let's stop debate where the pot is calling the kettle black.**

#### **Barrack Muluka.**

Raila Odinga is right. We are all either hustlers, or we have been. The unstated thing is which type. It is a conversation Kenya must have, free of the animus that has informed the discourse this far. Deputy president William Ruto has framed the 2022 election as a contest between what he calls the Dynasties and the Hustlers. This has been understood differently by different persons, depending on where they stand.

Of particular interest is the conflictual definition of a hustler nation. Going hand in glove with this is the perception of who is corrupt, and who is not. Again, this is a conversation we must engage in, but not in the manner we have done so far. The challenge with the hustler idiom is that it is what in linguistics is called a contranym. A contranym is a word that has two or more meanings opposed to each other. The word apology, for example, is a contranym. If you do something that offends other people, you can give an apology. One way to apologize is to admit your mistake and take responsibility. You show remorse. But you could also stick to your guns. You deny any wrong and, instead, justify what you have done. This, too, is to apologize.

Such is language. It baffles us. You pursue a document by taking a cursory look at it. But if you also study it closely, you have perused it. You dust something to remove the dust. But if you add dust to something, you have also dusted it. You consult when you give advice. Yet you also consult when you seek and receive advice. So, now, which is which? To continue is to suspend an activity. Yet to keep doing it is also to continue. Oh, this beautiful and yet ever so confusing



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language! Refrain is to stop, but it could also be to repeat!

So, who is a hustler? Some will tell you a rogue. A male prostitute. A fraudster. But others will tell you that the hustler is a diligent person. A hardworking and focused individual, who strives against hardship and wins. A go-getter. And both are right. In Kenya, therefore, we must agree on the possibility of both applications of the idiom. There are those who have defrauded the country. And there are those who have dashed about and worked hard. There is even possibility of someone being both. The issue is that we must have this conversation.

One thing is not in doubt. In concert with the State, proximity with the state seems to create billionaires. Kenya has had five states, if we could use another linguistic notion-metonymy. There has been the colonial state, the Kenyatta state, the Nyayo state, the Kibaki state and today the Uhuru, or Kenyatta Two, state. Phase two of the Kibaki state has also been called the Kibaki-Odinga state. Each of these states has generated billionaires.

Whichever way you look at it, there are wealthy state-generated billionaires. How did all these previously poor people become so vastly wealthy? They Hustled!

If you were not directly involved, your progenitor did it for you. What we need to know is whether it was an honest hustle, or a fraud. But we cannot hold this debate selectively. Hence, one day some governor somewhere is as holy and clean as grade one cotton. The next day he is being dragged to court, kicking and screaming. On the third day he visits some office where he is sanitized and the case is forgotten.

Elsewhere, Prof Makau Mutua will write in the weekly press praising Martha Karua. He will patronizingly say how she has neat anti-corruption credentials. Then he will go on to liken these credentials with those of governors. Anne Waiguru and Charity Kaluki Ngilu. He will conclude with what must be assumed to be unsolicited advice to Karua. That she must remain like Ngilu and Waiguru. She should not allow herself “to be a running mate to a thief” in the 2022 presidential race. Prof Mutua, now this is perfect linguistic oxymoron. You don’t compare oranges with tomatoes. Waiguru has some well-known economic and financial credentials. Are they comparable to Karua’s? Is she politically comparable to Ngilu and Karua? Really?

Part of our challenge is a surfeit of disingenuous professor, like Makau Mutua. If Karua will not be with Mutua’s preferred hustler, then she should be blackmailed not to be anywhere else. That is the game. This bloviating scholar called Mutua was my contemporary at the University of Nairobi in the early 1980s. Let us just say the “puppyism” of the 1980s has matured into full blown dogmatism, 40 years later. Hence if you can prostrate yourself before Capitol Hill, the focus on your economic crimes simply evaporates.

If you say no to these two edifices, they will haunt you out of office and public space with all manner of accusations, and with all manner of accusations, and with full backup and apologia from bloviating and ingratiating scholars. I repeat. The debate on corruption and on the Hustler, nation is two obligatory assignments Kenya must undertake. But they must be reframed. We cannot get anywhere with the present framework, where the pot is calling the kettle black.





How have Kenya's billionaires made their wherewithal? As Odinga says, either the billionaires themselves, or their progenitors, were just as poor people as the rest of us. We also know the political offices they have occupied and the take-home. So how did they become billionaires? We must also hold this conversation.

**Mudavadi: Deputy President taking from us with the left hand and giving. By Wilfred Ayaga and Jacob Ng'etich.**

**Amani National Congress** (ANC) leader Musalia Mudavadi has faulted DP William Ruto's growing habit of dishing out handouts to the Youth. Mudavadi said what Ruto was doing amounts to robbing Kenyans with the left hand and giving handouts to the same people with the right. He called on the Government to compel Ruto and others who are on a spending spree to state whether they have been submitting genuine returns to Kenya Revenue Authority.

Speaking at a requiem mass of Khwisero politician Dickson Katibi at *Ekambuli Primary School*, he said leaders cannot continue robbing innocent Kenyans and deceiving the same people with handouts. "It is time to gauge what is submitted to the tax man by these individual and interrogate their huge spending in a poor economy like ours," said Mudavadi. He regretted that the country's debt had risen to Shs6.5 trillion, painting a grim future for its majority youth who are unfortunately, victim of the handouts culture. The Amani leader said his motivation to succeed president Kenyatta was informed by the fact the country needed a serious turnaround strategy and "not a rescue mission sort of arrangement that Ruto appears to have perfected". He said his focus was to have an empowered youth

where the Government would "review the tax regime to give youth a chance to prosper".

Mudavadi reiterated that nothing would stop him from running for the higher office come 2022 even as some politicians have asked him to back the DP: "Those who think otherwise will be rudely shock." Sabatia MP Alfred Agoi said Mudavadi was best suited to succeed President Kenyatta because he had the wealth of experience and the seal to steer the country to the next level. Elsewhere, police had a rough time controlling rowdily youth who turned up for the *Mulembe Youth Movement* event at Mbale in Vihiga.

**RAILA: Prepare for BBI, referendum. By Patrick Lang'at and Justus Ochieng.**

Orange democratic movement (ODM) party leader Raila Odinga yesterday gave the strongest hint yet that the building Bridges Initiative (BBI) report could be unveiled soon, setting the stage for a referendum. "The BBI report is ready. In a matter of days, Uhuru and I will receive it. We will publicize it for everybody to read. So, I get surprised when I hear some people oppose it. How do you oppose what you have not seen?" Mr. Odinga posed. He was speaking at the United Christian Ministries in Kawangware, Nairobi, where he was hosted by dagoretti north MP Simba Arati. Other MPs present were George Aladwa (Makadara), Elisha Odhiambo (Gem), Justus Kizito (Shinyalu), Tom kajwang' (Ruaraka), Mpuru Aburi (East African Legislative Assembly). Nominated members were Maina Kamanda, Getrude Musuruve and Dennitah Ghati.

While the contents of the much-hyped report remain a subject of much speculation, BBI-an off-shoot of Mr.



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Kenyatta's and Mr. Odinga's March 9, 2018 Handshake is expected to change the executive structure. Kenya must have a conversation on how to increase the national cake, Mr. Odinga said. "The baby has to be born. And that baby is a new constitutional dispensation," said Mr. Kajwang' Odinga for the presidency in 2022, saying the country was ready for his leadership.

"We are not going back. BBI is the solution Kenya has been waiting for. Time for the BBI is now," said Mr. Kamanda. Before Mr. Odinga spoke about the BBI report yesterday, question had already emerged about why it was taking long for the two principals to receive it.

Jubilee Deputy Secretary -General Caleb Kositany said the proponents of BBI "are afraid of making it public." We have no clue on the whereabouts of BBI. Of course, Raila seems to be talking a lot about it, it's only him who seems to know," Mr. Kositany, the de-facto spokesman of the Ruto camp, said.

Political analysis Dismas Mokuia said President Kenyatta and Mr. Odinga were holding on to the report because

presenting its content during covid-19 would paint the duo as insensitive to the plight of citizens. Initially, it was believed that Mr. Odinga's absence during a medical surgery in Dubai to where he flew on June 21 barely a week to the date the report was completed, was the cause of the delay to have the report released. However, since Mr. Odinga's return on July 12, no date to receive the report has been set by the two leaders. President Kenyatta during his 11<sup>th</sup> address on the Covid -19 pandemic on August 26 told the country that, 10 years after the promulgation of the 2010 constitution, time had come for its improvement.

The joint secretaries of the BBI steering committee, Ambassador Martin Kimani and Paul Mwangi, said the report was ready. "We shall be advised by the principals on the next step," Mr. Kimani said. Mr. Mwangi said: "our remaining duty is to deliver the report. State House spokesperson Kanze Dena-Mararo was non-committal on when the President is likely to receive the report, only saying that, when the decision is made, "Communication will be sent through our official portals."

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## CHAPTER TWELVE

### Political Parties and Democracy – 2020 To 2022

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“There can be in parliament only two parties,” said Brougham in 1835, “and I must either be for a government or against it.” Following our Independence, Kenya built its parliamentary assembly hall in imitation of the Westminster model, rectangular and mano-e-mano confrontational chambers, whereas, in the fullness of time, a semi-circular system that reflects a multi-party system may have suited it better. In those early years of KANU and KADU, this may have been well and good. But no matter. Things have come, if one can pardon the pun, full circle. If the BBI’s recommendations are adopted via referendum, Kenya will finally have a parliamentary system, with a Prime Minister and an Official Opposition (the first runner’s up Party); never mind that there will be both a chimera in the House (the other ‘losing’ political parties) and a Medusa (Executive President) outside the House, with its multi-serpentine head peering into the national gallery.



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*Complete with powers to turn the premier into stone through dismissal.*

The problem with our country's political party system is similar to that of Britain in 1688 before the rise of the Labour Party - we are, *de facto*, governed by ONE 'Party', since all the alleged 'differentiated' political parties belong to one select and elite class, protecting their interests into the foreseeable Infinity. The original KANU-KADU axis may have gotten the common *Wanjiku's* rights, like that *right* to property, that she did not enjoy before as an African under the British protectorate. But once the opposing tribal alliances (of which one, KADU) folded, and bonded itself with the other (KANU), then the leaders and elite members of these parties had, in reality, coalesced into one. Now the tread tended to be against a multiplicity of political parties and in favour of party (KANU) unity, where all the cockerels were supposed to crow, not just in unison, but in the same un-unique direction. Just like MPs on 'both' sides today.

In the interests of a fairer capitalism, a softer African socialism that seemed interested in expanding the economic meaning of *uhuru*, the *Kenya Peoples' Union* (KPU) was formed in the mid-1960s. The reluctance of the now Ruling Class to countenance any type of African 'socialism' helped blind many wanachi to the strength presented by having a several parties/ or even Other Party system. Instead, the KPU bridge were portrayed as tribal, anti-nationalist personnel, scarlet pimpernels amidst a good homogenous nationalist crop out to make a cropper of 'prosperity,' including to an outside world now riven by the threat of the IRON Curtain (and the steel glove of world Communism), and they were swiftly and undemocratically dismantled by the end of decade (October 31<sup>st</sup>, 1969).

Dissent was still allowed inside the

main ruling party of KANU, as we saw much earlier in our work, especially in Parliament, but this wasn't in any way a sustained assault. Ruling parties do not like competition, and after 13 years of being the only *de facto* party in the country, and following the attempted coup of 1982, KANU moved quickly to become the only permitted political party, and thus Kenya became a *de jure* One Party state for the remainder of the 1980s.

The parliaments chosen at the various elections, of '83, '88, automatically became the Law-ordained government. The party leader influenced who could run, and who could not. Now an election could change the monkeys in the forest, to go back to one of our earlier analogies, but only if the forest (**KANU**) wanted them changed, hence the *mlolongo* fiasco. Kenyan MPs now owed their election entirely to the possession of the right party outfit, and to their implied willingness to toe the party line and outright express enthusiasm of the party leader and all his policies and pronouncements.

In these times, winning Party members were elected to support the government, and not to challenge, let alone imagine *changing* it. This was an intensely conservative system of 'party' and the major element of the political stability in the country in the mid-to-late eighties '*peace, love, unity*' days. Expect for the cases where the Opposition had, of necessity gone underground, and it was now the work of the police to pursue them into their political basements, and flush them out or, more often, turn those basements into political dungeons.

'Democracy,' or rather, multi-party democracy, was a well-chosen war cry (for the first FORD) in the early 1990s, precisely because democracy is (supposed to be) at the core of the political struggle in most countries. Later, when every one of the political



leaders, beginning with Matiba Kenneth and Ker Jaramogi, wanted to occupy the center of power, it only succeeded in splitting the party - and allowing literal, and even literary democratic splinters, like the Democratic Party of Mwai Kibaki to rise like a Phoenix - and from the same members, if not quite the same embers, that had been created when a party like Asili perished.

KANU's rival parties had been inclined to think that the evocation of a 'true democracy' and the use of symbols and airing of long suppressed grievances would prove a large enough pie to get at least one of them past the post - but in that first multi-party election, all it succeeded in doing was to allow KANU to exercise the "Divided are ruled" maxim. As the new parties waged war against each other, KANU, the Ruling party, picked up its supposed 'tatters' of tribal support, here and there, and managed to stitch together a political patchwork sweater that they could wear to a victory party. So long as the different parties in the country remained fragmented, neither parliament nor any one party could claim to represent the majority of the nation, or indeed to be the embodiment of public opinion in the country, in the way the first FORD had before hubris got the better of it.

Indeed, after that election, KANU continued to exercise power as a political force, and farther split its various external Oppositions though the power of raw Patronage. Even if the belief that government was something the People ought to *obey, and not* try to be a powerful part of, had been (temporarily) eroded, elections and the parties now fed upon each other in a cannibalistic cabal cycle 'Democracy' enjoined that political parties had to be created for the (1997) elections, and that hazy promise of posts made more and more particulate political parties join the fray for General Elections.

Meanwhile, the organization of the mass parties, capable of commanding the loyalty of entire tribes, and soliciting the suffrage of entire regions/ districts/ counties and presenting candidates who were electable/ could self fund entailed political professionalism and a single mindedness that would see almost the entire serious political class of 1997 still be the major political players, as we head into the head winds of yet another transformative election, quarter a century down the line...

Elections became a major industry, political parties the currency of politics, and their Elite members the permanent alligators of that lucrative parliamentary swamp we call *siasa za Kenya*, where there is loot to be made and luche to plunder, in the name of 'representative' democracy. By 2002, lessons learned, it had become crystal clear to the opposition parties that only a centrifugal bias, so to speak, arising from conjoining different parties, and selecting a single candidate from amongst their constellation to face off with the P KANU project, would reap them the long sought-after rewards of State power. Democracy such as the country enjoyed in the watershed year of 2002 A.D. seemed, for once in a long eon, to actually bubble up organically from common mwananchi.

A Coalition machine, indeed, is a powerful tool as long as its separate, and sometimes conflicting bits, can be kept together long enough to enable it to roll forward as an unstoppable juggernaut; just long enough to run over the opposing party's nuts. Before its bolts inevitably, in Kenya, fall off, leading to the collapse of the once formidable machine. Even as its members pick themselves off the ground, dust themselves off, and either build another machine, or look around for another juggernaut to clamber aboard, and joy



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ride to their next destination.

Indeed, *'twas brillig and the slither toves, did gyre and gamble in the wabe ...'* In a multi-party system, parties can be more or less responsible for their (tribal) supporters, while more or less leaving the Coalition as a whole to look after the voters, especially if in Government. Once the Coalition falls apart, as it did in the twilight of 2005 in the contested November referendum - the Oranges (*no!*) and Bananas (*yes*) Katiba debate, then it is back to the hustings for the individual political party; and to hell with the people, or to be politer, the Devil take the hindmost, the rump often being those at the very bottom of society.

As was correctly calculated by the Pentagon coalition of 2007 (Opposition), to win, a party must be able to absorb new forces gained from momentum on the ground (eg, winning a referendum by defeating its single issue) and new people, whilst neglecting as few of the old ones as possible even as it alienates a segment of the population, politically, by serving such red meat to its sharks like *'41 vs One'* narratives. As a French radical deputy once put it, 'the main task of a good political party is the same as that of a good stomach: *not to reject that to assimilate.*' Certainly, the ODM party of 2007 had an admirable digestive system.

The problem was that the old food that lay in the digestive tract, the Party of national unity, refused to be ejected by way of the anal canal of election results. And if ejected, declared itself vomitus fit to be eaten again; leftovers capable of sustaining the Body Politic in ruddy and sturdy health for another five years, which if thoroughly disgusting for democracy, once minced with new sustenance, proved to be a partially digestible, if ironic, truth.

First of all, though, the country had to suffer a serious bout of typhus in the name of the PEV (Post Election Violence), during which for some, the only cure seemed to be medieval-style bloodletting, if you will allow me to stretch the metaphor a little longer, with your indulgence. The word 'Party,' like *parliament*, covers a wide range of activities. Kenya's political parties are not simple single organisms. The party as a form of elective machinery is different, if not separate, from the party as a method of running the State. Political party leaders generally have a finer idea of what direction the party should go than a random selection of their ardent followers, most who would follow them straight out of the Party, if it became a strait jacket to their Ambition - which very often has little to do with the good of the nation, unless national and self-interest happen to democratically converge.

As the Swedish Social Democrat Branting once went ranting: 'Most people would oppose that primitive democracy which originates in the (strange) belief that, from the Beginning, the masses (Wanjiku) understood everything better than those who have the insight and Knowledge...!' *Intra-party democracy?* Look, where there are no competing camps with leaders presenting alternatives within a party, the so-called decisions of the masses owe zero to 'primitive democracy' and a lot to sophisticated methods of manipulating choice and opinion, including the animal that we now call BBI (*Building Bridges Initiative*).

Intra-party democracy therefore, in reality, is a myth; yet all our political parties *do* practice some kind of guided democracy. The proportion of guidance and democracy varies, sometime wildly, from party to party, but neither is wholly ever absent. Though the Leaders





ultimately determine party policy, they cannot entirely ignore the opinions and/or feelings of their many, and often loyal, followers across the nation.

Leon Trotsky's statement about Communism that the 'dictatorship of the proletariat would be replaced by the 'organization of party' which would be replaced by the **Politburo** which would be replaced by the Great Dictator, no different at the best, at worst far worse than the Czar,' proved to be prophetic in the USSR (Union of Soviet Socialist Republics) within a mere 20 years of the Bolsheviks seizing power in Russia.

The danger in Kenya is that, within twenty years of our people-driven 'revolution' of 2002 that removed the now newly resurgent KANU party (under Chairman Gideon Moi) from the center of political power (then under his father, Mzee Moi), decision making in the State has gone back to a centripetal 'Politburo' that is only being opposed by a self-seeking false Hustler proletariat narrative - that is itself massaging the myth that it is part an intra-party *lumpen masses* versus elite classes struggle for democracy.

The Party aottle in Kenya, whilst not a mock struggle, in fact being as 'real' as it gets, to use modern parlance, becomes more farce and fraud when it comes to the question of ideological and/or intellectual differences between the mental fabrics of the parties. Parties may be, to borrow a phrase from Belloc, Siamese twins, and although they are not identical twins, they are, strangely enough in Kenya, *interchangeable* twins, Political parties in Kenya have been so long obliged to talk/make grand promises in similar style (since 1991, in fact) that they seem to have made converts of themselves by their high hypocrisy, and to have entranced both

the sentiments and language of their adversaries, that they can and often do cross the debate floor (*naomba muvuke sakafu, mutu-unge mikono kwa hii mjadala*) and adopt the positions of their foes, while attacking their previous positions which their rivals are now vigorously defending - as has been seen since the 'Handshake'.

Our political parties now mostly represent powerful interests and the same elite class, even those who profess to represent 'mkokokteni' people/handcart pushers, in order to leverage their wheelbarrows to load the dirt poor on, to get them to power. Though their methods, and heads, may be far apart, all our political parties are Siamese twins/ triplets, whose stomachs are enjoined at the same digestive system. Someone once described Government as a Big Baby - an insatiable appetite on one end, and mass waste on the other end.

If this be the case, then political parties in Kenya are the digestive system of this great, greedy, irresponsible baby. Few parties in Kenya, with the exception of KANU, have a long folksy memory to rely on to get a hold of a historical philosophy. Fewer still, Governor Alfred Mutua's '*Maendeleo Chap Chap*' comes to mind, can even dare present themselves as fresh alternatives to the status quo. Only the presumed political and financial and economical interests, sans ideological strife, give those other political parties underlying ideas and feelings that differ from their rival parties, and all boats are loaded with (short termed interest) mercenaries. Yet the BBI, and the Referendum, by rending an heir apparent from the throne, in the process tearing his trousers, and bringing the prince of a rival kingdom close to the bosom of the lame duck King, has given the nation it's 'first' contestation of Ideas-with the 'Dynasty' versus 'hustler' narrative at the center of



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it all.

This struggle is proving to be quite inconvenient for the government. After all, the Building Bridges Initiatives was meant to do exactly that- build bridges, especially between the Agikuyu and the Luo communities, after half a century of animosity and antagonism – but it has now turned into the BBI (Burning Bridges Implosion) with the Deputy President the bucaneeering Brigadier leading the razing brigands of his own party to 'blow bridges up' behind them as they beat a retreat.

The country is now split right down the middle. Our political parties have proved to be multiple marriages of convenience, with little ideological love lost between them. Ideas, like symbols, are weapons of war in any battle, but an army marches on its stomach. In our time, every political party thinks, first and foremost, of what contents it can get into its tummy. Quinton Hogg pointed that there is rarely room for more than one great political debate in a generation. And for a child born in that heady November of 2002, and who is now eligible for an Identity card and therefore a voter's card, their first great political act will be/is/has been the referendum to review the 2010 Constitution. That will forever alter the structure of political party governance in our nation.

### **The danger of Consensus to a Democracy.**

The BBI seeks to bring about a constitution that will bring about compromise and consensus between communities in the country. Of course, consensus between political parties, like a steak meant to be served well-done, can become overdone, and the whole thing served 'burnt offerings' to the patron/ population. Already, our parliamentarians are now merely picking ques from Party Leaders after political

retreats where they are barracked, and only allowed out to sightsee, and gate upon the pink flamingos on the shores of placid lake Nakurus in BBI retreats. No man has proved more adept, across the last two decades, in forming mergers (with KANU) coalitions (with NARC) government of National Unity (with PNU), alliances (with both CORD + NASA), earth-shifting handshakes (with the leader of the Jubilee party) and finally running referendum that sees him two years away from State House.

In a healthy party system, the struggle for positions is part of a larger struggle for votes. Politicians trim and tack in their naked quest for power, in an effort to get the breeze of votes into their sails. If this wind is either lacking, flagging or broken by governmental control of referendum or algorithm elections, or is squeezed tight by parliamentary manoeuvring afterwards, political parties and, ultimately, parliamentary systems become becalmed in the murky, muddy waters of intrigue corruption and influence. And the party boat becomes marooned amidst hyacinth.

To win elections, political parties must seek, to some degree, to mirror at least 25% of the entire country, while having a choke hold of their ethnic/ regional strongholds. They must contain their opponents' majorities to minorities; but now, in addition, to preserve the unity that is imperative (under BBI), differences have to be tolerated ... They cannot risk offense, as the losing political party leader that runs for president has no political safe landing zone. Within the 'losing' political parties in parliament, all opposing Opis within themselves may have to be integrated right out of existence, in order to present a united front with the official opposition in the National Assembly.

Like we may have mentioned right at the start of this political party tome,



things will not be just *party after party*, as the popular song among local weekend revelers would have us believe. Indeed, it may be more like that famous scene in the play, *A Night at the Opera*, where the Marx Brothers rip off the parts of a contract that they do not like, until there's *nada* left. Political party elites remain united in this pact, but in fact, the country, like an abandoned child, is dumped outside the political orphanage and left to take care of itself. The end result of it all may be a laudable moderation. That comes with the distinct risk of a 'static' political inertia; instead of stimulating, the parties paralyze each other with speech without action, lots of smoke signals but no inter-party fire. In addition, even in elections, intra-party conflict is discounted. Differences **within** parties are news, differences between them, not. Internal party democracy is also diminished for that 'one voice' to shout, in a unanimous manner, at the opposing side across the parliamentary aisles. In the darkness of the night, the lone dog may bark at the moon – but like Shikuku back in the 1970s, such a canine will be considered loony. At dawn, by unwritten decree, all the cockerels must crow in unison at the sunrise. Once intra-party battles are fought in secret, and the wars between them fought in a structured 'winner/winner' manner, the only loser left is democracy and *wananchi*.

If the political party leaders are the only shapers of national opinion, as is becoming the case, then as Lenin once said, only events will decide, and those could be revolts. The upshot is that a largely powerless Wanjiku, powerless because all decisions have been crystallized and made by the 'grand mullahs' of the Big Parties- will no longer look to its legitimate leaders, and may even become apathetic to the political process, unenthused and hopeless, because they know they are just sending the same set of monkeys, to

the same forest, to sit in the same trees, albeit sometimes in directions opposite from the last five years- lush forestry, while we, the people, languish in the dry scrublands of no low-hanging fruits, as are enjoyed by political classes. With the downgrading of the political parties' institution now only just beginning in earnest in the Republic of Kenya, a concentration on class, interest groups, economic anarchists and a 'culture sans tribal identity' may finally develop. De Tocqueville, in a much quoted 'diss'/ dismissal of the British constitution said that 'since it may undergo perpetual changes, it does not in reality exist.'

Doing Constitutional Law under good Professor Kivutha Kibwana Makeni, now Governor of Makeni, our UON LL. B class of 2001 was taught that 'the Kenyan parliament is part of the constitution.' That was 20 years ago, when we all were idealistic under-graduates. By the June of 2021, the county is likely to be on it's Third fully fledged constitution, thus leading many to believe that we live in a sort of the Tocqueville dystopia, when it comes to our *Katiba*. For the reality is that constitutions are not like diapers, or even inner wears, to be changed regularly (or even when one has made a bit of a mess in them). They should at least last a generation, not just last intact a decade.

The Supreme Court is supposed to act as a balwark of freedom against Executive or parliamentary encroachments, but with the coming appointment of a Judicial Ombudsman, written into the *Katiba*, even that bulwark work seems to have been bypassed by the political party leadership; much in the same way as Hitler's Wermacht Panzers divided the invulnerable Maginot Line by the simple expediency of going round it - instead of going straight to try and over-run it, in their conquest of France in World War Two. It bears repeating that institutions are as fallible, or malleable, as those



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who man them.

If they are made to serve the interests of their dominant members, yet are intended to serve the welfare of the public, then we hear phrases like 'eternal cartels', 'State capture' and 'Grand Dragons of Corruption,' and we can then say democracy has been hijacked without fear of contradiction, regardless of whatever it is that is said in the actual Constitution about rights and Democracy.

*So, where does power lie these days, in our democracy?* If we look back sixty years to 1960, going back full circle, we could say that, in our State, power has lain in different places at different times and in different degrees, rather like a couch surfer, according to the circumstances and personalities involved.

Power has lain with the Queen of England and the Civil Service and Jomo Kenyatta, it has lain with late Mzee Moi through an all-powerful political party called **KANU**, it has lain with tribal leaders, and for a short glorious period, with the consensus leader of an all-conquering coalition of political parties. Power has gone to the streets and roads and ruralities, during the PEV, before the genie was contained in an Aladin's lamp called the 2010 Constitution, that was supposed to grant our democracy all its wishes. It has lain in political party alliances in the 2010s, before the jinn coming out of the Constitutional bottle, to give its three wishes to three political party leaders. The one of Jubilee, his deputy, and the leader of the ODM party.

### ***Even when the two wishes are against One.***

The only thing that is now crystal door is that whatever our Katiba says about 'the people of Kenya are the Sovereign,' the electorate is definitely not the sovereign. For one, our electorate is a political abstraction. And government is 'the

thing that governs. As my *rafiki* Kenyan Ambassador to the United Nations Martin Kimani once told us: 'The Ship of State makes for strong sailing, and often rolls over impediments, so get the heck out of its way...'

The Electorate plainly does not govern in Kenya. Its wishes are immaterial! All it can do is select between highly organized hierarchies or alliances (parties) which, in class and style, bear or close resemblance to each other- and it can only change the visible party the iceberg. For beneath the visible berg lies the so-called 'Deep State,' stretching downwards deep into the depths of the ocean, and that continues its operations in whichever way it wishes, whatever it is that 'democracy' on the sea's surface actually wants.

Still, the electorate through an election, ought to be able to change the visible government, and General Elections are the dominant event in our democracy, every five years. Political parties don't exist to give you what you *want*, say more land (though our politicians do dish out title deeds, from time to time, as political dishes), or even what you *need* (like three square meals a day in your rumbling tummy), but *Who* you want - from within their ranks.

The need to win a 'free and fair' election determines the nature of the parties, and the party system; and the political party system has largely determined the ***development of our democracy.*** From our hard-fought independence for the country, to the coming of multi-party democracy to the (constant) Constitutional changes that we wish we could say are there to create what Abe Lincoln called a 'more perfect union.'





1<sup>st</sup> Thigiri Hilltop, off Thigiri Ridge Road,  
P.O. Box 66471 - 00800,  
Nairobi, Kenya  
Tel: +254 261 0021, 261 0022  
Email: [info.nairobi@kas.de](mailto:info.nairobi@kas.de)

