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The Kenyan By-Elections: A Political Update

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Introduction

In April 1993, amid widespread rumors of bribery by the ruling Kenya African National Union (KANU), the sitting members of Parliament in Bonchari and Migori defected from opposition parties to KANU. The Bonchari MP, Dr. Protus Momanyi, switched to KANU from the Democratic Party (DP), and the Migori MP, Mr. Charles Owino, switched to KANU from the Forum for the Restoration of Democracy-Kenya (FORD-K). In accordance with the Kenyan constitution, when an MP switches parties, a by-election must be held for the parliamentary seat.

The by-elections were held on May 20 in both constituencies. In Migori, the sitting MP, Mr. Charles Owino, was defeated by the FORD-Kenya candidate, Mr. George Achola. Mr. Achola won 81% of the votes. In Bonchari, the sitting MP, Dr. Protus Momanyi defeated his FORD-Kenya opponent, Mr. Richard Mbeche, with 66% of the vote. Other parties, including the Democratic Party and FORD-Asili, received significantly fewer votes in each constituency.

From 16-24 May 1993, a four-person team composed of International Republican Institute (IRI) program officers Gregory Simpkins and Elizabeth Cheney and two academics - Dr. Steve Orvis and Dr. Thomas Wolf - observed the by-elections in Bonchari and Migori constituencies and conducted an analysis of the election environment. The elections were marred by reported incidents of bribery, vote buying, intimidation and rampant violence during the campaign and on election day.

These were the first elections since Kenya's historic multi-party elections in December 1992, and thus the first opportunity for the Kenyan government to demonstrate its continued commitment to democracy. The elections generated additional high-level interest because of the widespread allegations that the two defecting MPs had been bribed by KANU.

National political figures such as Kenyan President Daniel arap Moi and FORD-K President Oginga Odinga visited Bonchari in the days just prior to the by-elections. President Moi and other high-ranking members of KANU apparently hoped to guarantee a double victory for the ruling party and its strategy of enticing opposition defections. FORD-K also stepped up its efforts to capture both seats and become the official opposition party. The high-level attention and the elevated stakes for both sides contributed to the tense and increasingly violent atmosphere.

The role of the media in Kenyan politics is still evolving. The Kenyan press is plagued by problems of government muzzling and irresponsible journalism. Since last December's elections the police have arrested a number of journalists and publishers and confiscated or destroyed their equipment, including printing presses. At the same time, sensationalism is still too often the norm in the country's major newspapers. Reports of violence during the election campaign, while often true, were given center stage in much of the press reporting of the campaign period. Government harassment of opposition newspapers and magazines and government control of the broadcast media continues to limit free public access to information.

The Bonchari and Migori By-Elections

In assessing the progress made in Kenya since December with respect to multi-party democracy, the IRI team paid particular attention to the election environment. Although election day procedures were followed, for the most part, the atmosphere in the days leading up to the polls clearly affected people's willingness to vote and their faith in the democratic process. If the following issues are not addressed by the Kenyan government and the country's political parties, they could significantly erode public confidence in Kenya's effort to establish a truly open and participatory multi-party democracy.

Electoral and Ethnic Violence

Violence between parties and ethnic groups was rampant in Bonchari and Migori in the days and weeks leading up to the elections. Violence between parties was more prevalent, although the parties are still closely identified with certain ethnic groups, making it difficult to distinguish between purely political and purely ethnic violence.

As part of the team's initial meeting with Justice Zacheus Chesoni, Chairman of the Election Commission, Chesoni told the team that "Kisii people are known for their violent nature." He believed this "ethnic trait" would contribute significantly to the violent atmosphere in Bonchari. The team heard repeated references to "the violent Kisii nature" from a number of different sources.

Another example of ethnic stereotyping was the use of the word "Kyukes" to describe Kikuyus. In Bonchari, a KANU party official repeatedly used the word in a discussion about Kikuyu political activities. In spite of attempts by the Kenyan Government to "de-ethnicize" the political parties, there are still clear ethnic allegiances which often coincide with party affiliations.

Pre-election violence in Migori and Bonchari was instigated by both opposition and KANU party supporters. However, KANU supporters seem to have been the common element in all violent outbreaks. Both opposition and KANU supporters had some incentive to incite violence. KANU supporters seemed to use the violence as a means of intimidating members of the opposition into voting KANU or staying home. The opposition parties, on the other hand, instigated and threatened violence partly because of suspicion that government officials and police wouldn't act in a non-partisan manner to prevent rigging. The IRI team was told, for example, by a high ranking FORD-K official that his party was bringing truckloads of tires from Nairobi so that corrupt polling officials could be "necklaced" if they attempted to manipulate the voting.

The violence intensified during the week before the elections, 13-20 May. Incidents that week included:

- * KANU supporters disrupted a FORD-K rally and stoned the FORD-K candidate's car in Migori on 13 May;

* Violence erupted at Suneka market, a FORD-K stronghold in Bonchari and site of opposition and KANU rallies, on 16, 18 and 19 May. On 16 May, there were clashes between FORD-K and KANU supporters and KANU and FORD-Asili supporters; on 18 May, there was a clash between FORD-K and KANU in which the FORD-K candidate's car was stoned, and on May 19, a FORD-K supporter had his leg nearly cut off by KANU supporters at a FORD-K rally, and

* A FORD-K MP, Ferdinand Obure, allegedly slapped the Chief Inspector of Police in front of his subordinates in Bonchari. Obure was severely beaten by the police following the incident. He had gone to the station to inquire about the status of 11 FORD-K supporters who had been arrested the day before for possessing offensive weapons. Following his beating, Obure appeared in court, carried in on a stretcher and unable to sit up, walk or speak.

By 19 May, the violence had reached such extreme levels that Justice Chesoni threatened to call off the by-elections. He authorized the returning officers in each constituency to "put off" the elections if they could not be carried out in an atmosphere of calm.

Although not a factor in these by-elections, an additional political/ethnic tension deserves mention. During the team's stay in Kenya, the press carried numerous reports of dissension among Muslim Kenyans, especially in Mombasa. In early May, the Islamic Party of Kenya (IPK), an unregistered political party, removed the Imam of Tudor Mosque. KANU politician Emmanuel Maitha immediately began calling for his reinstatement, claiming that the removal was for racial reasons. Sheik Balala, head of the IPK, then called for Maitha to rescind his comments or face beating and death from IPK supporters.

By 25 May, both Maitha and Balala had been arrested: Maitha for inciting violence by agitating a rift between Black Muslims and Arab Muslims and Balala for putting a price on Maitha's head. This incident points to the potential of a growing role of Islam in the Kenyan political environment.

YK '92

During the December elections, it was alleged that YK '92, the KANU youth organization, had been responsible for much of the violence and intimidation. The organization's role was uncertain in the Bonchari and Migori by-elections. On 23 April, President Moi announced the official suspension of YK '92 activities. However, the organization does not seem to have completely disbanded.

The IRI team witnessed numerous Land Rovers, all the same make and model, carrying young KANU supporters, and sometimes the KANU candidate, around Bonchari constituency in the days before the elections. Some of the vehicles also were outfitted with signs and loudspeakers for broadcasting KANU campaign slogans. The team also was told by KANU supporters in Bonchari that the YK '92 network still existed and was being used to distribute weapons, money and instructions prior to the election.

Role of Police and Security Forces

Two days before the elections, security forces in Bonchari were involved in an incident which contributed significantly to the violent atmosphere and to the widespread belief that the police are untrustworthy. On 17 May, security forces connected with an advance team arranging for President Moi's visit to Bonchari raided the Sakawa Towers Hotel. The raid involved the alleged rape of six women and the theft and destruction of property worth hundreds of thousands of shillings. The rampage apparently started when a guest at the hotel allegedly stole the gun of one of the police officers. In addition to their direct role in the violence, the police also may have affected voter turnout in each constituency with the presence of truckloads full of huge numbers of security forces, especially in Migori.

A KANU supporter in Bonchari told the IRI team that the police are generally believed to work on behalf of KANU. This belief was fueled by the destruction of hundreds of kiosks in Nakuru in early May. Many opposition supporters believe the destruction of the kiosks was meant to be a lesson about the consequences of supporting an opposition party.

The IRI team is aware that allegations of violence involving police are often exaggerated, especially by opposition parties in an attempt to discredit the government. However, the extent of evidence concerning violent outbreaks among the parties and participation of the police in inciting and/or abetting the violence is of significant concern. Ability to rely on a free and impartial police force is a vital building block of a democratic society.

Bribery

Allegations of bribery began with the candidates themselves. It was widely believed that the two defecting MPs had received bribes from KANU. The going rate for a parliamentary defection was reported to be two million Kenyan shillings (Ksh) plus the continuation of the MP's salary - win or lose.

These allegations significantly increased national attention and high-level participation in the by-elections. Victory for KANU in both races would have signalled the success of their attempts to buy opposition defections and could have laid the groundwork for future defections. The outcome of these two by-elections--a KANU victory in Bonchari and a FORD-K victory in

Migori--was a limited success for those attempting to encourage defections to the government party.

KANU's efforts to attract defecting opposition MPs will likely continue to meet with limited success. Now that KANU can claim with certainty to be the major source of government development monies and government jobs, the case can be made more convincingly that it is beneficial for both an MP and his or her constituents to be a member of the ruling party. Promises of government development monies and the prospect of government jobs were repeatedly cited by KANU candidates to encourage voter support.

Vote Buying

The team heard numerous allegations of vote buying on election day. The team saw convincing evidence of two incidents, involving KANU and FORD-K. In one case, the team was driving behind a FORD-K vehicle carrying Richard Mbeche, the FORD-K candidate, and other party officials on a road near the polling station at Bogia Kumu Primary School. The IRI team came upon a group of 15-20 people fighting in the road immediately after the FORD-K car had passed. When asked what they were fighting over, the men replied that the FORD-K candidate had just given them money to vote for FORD-K, and they were fighting over how to distribute it. Further along the same road, the team stopped to talk to a group of 10-15 men and women. When asked whether they had voted, they responded that they were waiting for money promised to them by the FORD-K candidate.

A second incident of apparent vote buying involved KANU activities near the polling station at Mosando Primary School. The team members arrived at the polling station shortly after a crowd had been disbursed with gunshots by security forces. The team was told by eyewitnesses from several parties that KANU was bussing in voters, paying them 200 Ksh each in the private home behind the polling station and ushering them down a path to the polling station to cast a vote for KANU. This operation, which allegedly involved several hundred voters in a high-organized scheme, was not denied or refuted by polling officials.

Illiteracy

An additional significant irregularity witnessed by the team involved suspiciously high percentages of illiterate voters in two polling stations: Ingongo and Gesero. The polling officer in Gesero reported illiteracy rates of 95% among the voters at his station. The team witnessed the procedures used to assist illiterate voters. The polling officer would ask each voter, "Can you write?" (Note: A better question might have been, 'Do you need help?' as the design of the ballots, with pictures of well-known animals and other symbols for each party and large boxes in which an X could be marked, did not require an ability to read or write.) If the voters signalled an inability to write, the polling officials would call party agents over and ask the voter for which party he would like to vote. Every illiterate voter witnessed by the IRI team at Gesero and Ingongo voted "Jogoo," the cock symbol of KANU. In many cases, the voters would say "Jogoo" loudly enough for all voters waiting in line to hear, thus compromising the secrecy of the ballot proceedings.

Given the unusually high levels of illiteracy in two key polling stations, the fact that ability to write wasn't really necessary to mark a ballot and the desire of many of the illiterate voters to proclaim loudly their support for KANU, the team believes that illiteracy in some polling stations in Bonchari was part of an organized effort to encourage support for KANU. This conclusion is buttressed by the fact that KANU candidate Momanyi won the bulk of his total votes in two polling stations where the turnout was twice the average of the constituency as a whole.

In contrast, illiterate voters in Migori invariably quietly voiced their choice, usually the FORD-K candidate. Although it is impossible to know for sure at what level instructions were

given, it seems clear that voters had been told to vote KANU and wanted to be sure everyone knew that's what they were doing.

The procedures for casting votes for illiterate voters, as previously described, ultimately caused the walk-out by opposition party members during the final counting in Bonchari constituency. The opposition, led by Raila Odinga (a FORD-K MP and the party's deputy director of elections), noted that many of the ballots from Ingongo station were marked by the same hand and alleged that rigging had, therefore, occurred.

In December, members of the IRI observer team also witnessed a high incidence of illiteracy at Nyaribari Chache in Kisii. This practice is a significant problem, as it seems to be the biggest, and perhaps only, way rigging is occurring in the polling places.

Low Turnout

As noted earlier, turnout in both constituencies was lower than for the December elections. Turnout in this by-election was 40% in Bonchari and 41% in Migori. In December, turnout was 54% in Bonchari and 66% in Migori. Although turnout is traditionally lower in by-elections, there was an unusual correspondence this time between high turnout in traditional KANU strongholds and lower than anticipated turnout in FORD-K strongholds. There are a number of reasons why this may have been the case.

The team was told by several sources in Bonchari that the violence leading up to the election had discouraged many voters from coming to the polling places. In addition, the team received numerous reports of the involvement of chiefs and sub-chiefs in blocking paths to polling stations in FORD-K areas, thus preventing FORD-K supporters from getting to the polls. The team was unable to confirm these reports and did not witness any actual incidents.

By-elections traditionally attract a lower voter turn-out, and the timing of these so soon after the December elections probably contributed to a decrease in voter interest. Moreover, widespread reports of bribery of MPs and continuous, often unsubstantiated, accusations by opposition parties of rigging by the ruling party may have caused voters to lose confidence in the credibility of the electoral process.

Counting Procedures

The team attended the vote counting in Bonchari Constituency and was impressed with the professionalism and impartiality of the returning official. The returning official is responsible for insuring that election procedures are followed throughout election day and for supervising the vote count to insure it is performed in accordance with the electoral law. In this case, the electoral officials involved made every effort to conduct the count according to the procedures and to take into account requests by opposition representatives for adjustments to the process. The counting atmosphere was heated, the counting room was crowded and emotions and tempers were running high. In this context, the job done by electoral officials was even

more commendable. The team does not believe the opposition parties' walkout was justified on the stated grounds of ballot box stuffing or count rigging. The team has no evidence to support these allegations. Following the opposition walkout, a National Election Monitoring Unit (NEMU) observer asserted to the IRI team that procedures were followed fully.

Although the IRI team was not present during much of the counting in Migori, team members were present during the hours prior to the announcement of the winner in that race. Again, electoral officials handled the situation professionally, particularly in their repeated conciliatory remarks aimed at calming a potentially explosive situation. Moreover, the IRI compliments both candidates - KANU's Charles Owino and FORD-K's George Achola - for their attempts at peace-making following the announcement of the elections results.

As noted earlier, although the technical procedures for voting and counting were generally followed, there were irregularities that plagued this election process. The day before the by-election, electoral officials in Migori were desperately trying to process clerks for both balloting and counting at 5:00 P.M., leaving little or no time for training of these clerks.

An additional irregularity occurred concerning use of ballot box seals. In order to safeguard ballot boxes and prevent tampering, the electoral commission issues color-coded seals for use by the polling place officials and political party representatives. Prior to commencement of voting, polling officials and party representatives are given the opportunity to secure ballot box lids with their own seals.

At Nyabisawa polling station in Migori, presiding officer Willyse Omolo handed out no seals to party agents because the normal yellow seals for agents didn't arrive. When questioned about why he hadn't used the polling officials' green seals for the agents as well, Omolo realized his error and handed out the green seals, which also contained the necessary serial numbers. A similar confusion over whether agents had their own seals was voiced by presiding officer S. Orobea Bogonko at Suneka polling station in Bonchari. Bogonko seemed unsure of a number of other procedures as well, despite his also having been a presiding officer in December. However, Bogonko did observe the proper procedures for the closing of the polling station.

Restricted Media

In the weeks leading up to the 20 May by-elections, the offices of *Finance* magazine and Fotoform printing company were raided, and copies of the magazine were seized. Since May 1992, five editions of *Finance* have been confiscated by the government. The seizure of the printing press put Fotoform out of business. Meanwhile, the publishers of *Society* and *Economic Review* magazines also were harassed to such an extent that *Society* was forced to fold because of its inability to find a new publisher while meeting its payroll during a period of forced inactivity. Ironically, the magazine's demise came at about the same time as the government dismissal of sedition charges against its publisher, Pius Nyamora.

The arrest of reporters from the country's three daily newspapers - *Kenya Times*, *The*

Standard and *The Nation* - were typical of the intimidation of journalists that likely kept a great deal of information about alleged government manipulation of the electoral process out of the hands of voters. Some journalists were forced to pass such information on to international observers and domestic monitors, but this information was not available to Kenyan voters in time to help them make informed electoral choices.

KANU and Multi-Party Politics in Kenya

It must be pointed out that the drive for multi-party democracy in Kenya is home-grown, notwithstanding its Western support. In fact, one must recall that the current incarnation of multi-party politics in the country is not its first (see Appendix 1). Following independence, several political parties emerged. Jomo Kenyatta, Kenya's first president, his successor Daniel arap Moi and their ruling party KANU successfully eliminated opposition political parties over two decades. In May 1990, when former MPs Kenneth Matiba and Charles Rubia reasserted the call for multi-party democracy in Kenya, they were rewarded with swift detention.

Riots broke out in Nairobi in July 1990 after the government shutdown of street vendors, resulting in 28 deaths. President Moi's response was to make changes in KANU to ease political tensions, including an end to the practice of party expulsions for disciplinary purposes and to queue voting, which eliminated ballot secrecy, for the next parliamentary elections.

However, the president and his supporters in the party remain adamantly opposed to multi-party politics in Kenya. Moi has maintained that political pluralism would unleash ethnic passions contained by the country's flexible single-party state. He points to the ethnic solidarity evidenced by December's electoral results and to ethnic strife in parts of Kenya as proof of his contention.

Opposition to multi-party democracy is firm among KANU leadership today and largely motivates their efforts to attract defections from opposition parties. Japhet Kiti, KANU's national executive officer, told the IRI team the West's analysis of Kenya's move toward democracy is flawed because it focuses only on institutions and not the country's day-to-day political behavior. Kiti contends that this political behavior enables Kenya to be democratic even within a one-party system.

KANU leadership, which has always had to deal with strong factions and internal dissent, has become increasingly autocratic. During his administration, President Moi has enforced strict party loyalty through public denunciations, demotions and jailings of leading KANU figures such as Minister of Constitutional Affairs Charles Njonjo, Vice-President Mwai Kibaki, MP Martin Shikuku and recently, YK '92 head Cyrus Jirongo.

Notwithstanding Moi's efforts at establishing discipline in the ranks, there has been a continuing flight of prominent party members, particularly Kikuyus, who are resentful of the power Moi has transferred to his much smaller Kalenjin community. Today, there are no KANU Kikuyu MPs. There also are no Luo KANU MPs at this point.

Moi's oft-stated concerns about ethnic unrest caused by multi-party democracy

undoubtedly mask his recognition of the possibility that the disaffected Kikuyu and Luo communities could reform the original KANU ethnic alliance of Kikuyus and Luos under a new party banner and reclaim power from the coalition of smaller ethnic groups he leads. This unstated fear seemed to become a reality in August 1991 when the then-recently-released Kikuyu leaders Matiba and Rubia, along with Luo leader Odinga and prominent Luhya Martin Shikuku and Masinde Muliro announced the formation of the Forum for the Restoration of Democracy.

Because section 2A of the constitution then forbade opposition political parties, FORD started out as a group of nine so as to avoid registering as an association and being classified as an illegal political party. But Kenya's international donors, now free from Cold War constraints, began actively supporting the growing internal demand for the repeal of section 2A and the return of multi-party democracy. At a November 1991 meeting in Paris of Kenya's bilateral donors, the decision was made to tie the future level of assistance to political reform, namely the restoration of multi-party democracy in Kenya.

Within two weeks of that meeting, President Moi announced that section 2A would be repealed immediately and that the 1992 parliamentary elections would be open to opposition parties. His announcement sparked the resignations of several Kikuyu members of government, including former Vice-President Kibaki, who subsequently formed the Democratic Party (DP). Unfortunately, increased political freedom would soon signal the death knell of opposition unity.

Opposition Wrangling Begins

The restoration of multi-party politics in Kenya began with a FORD Nairobi rally in January 1992 that attracted more than 100,000 enthusiastic supporters of the new political order. A multi-ethnic coalition that even included many supporters from the smaller Kamba and Kisii ethnic groups, FORD looked to be a juggernaut that could not fail to unseat Moi and KANU. It was led by longtime Kenyan political figures and the cream of the country's politically active intellectuals. Yet the personalities and relations between the FORD leaders and other key political actors led to the end of what many had believed would be a steadily-building campaign by a unified opposition to install a new, democratically-elected government.

That February, former Vice-President Kibaki formed the DP, which had as its base northern Kikuyus, along with support among the Embu, Meru, Kamba and even Kisii communities. Kibaki managed to bring along longtime figures from the Kenyatta regime and undoubtedly included former leaders of the now-banned Gikuyu, Embu, Meru Association (GEMA) within his new party.

When Kikuyu leader Matiba returned from medical treatment in London in May 1992, he was greeted by thousands of supporters of his bid to assume the leadership of FORD. Odinga and the other non-Kikuyu leadership of FORD were not present at the airport rally, and it soon became clear that the Matiba faction and the Odinga faction were on the road to a schism. This struggle began in earnest in July, and the split became official in September 1992.

As the months wore on, Matiba was able to cement the support of some non-Kikuyus such as Shikuku, while Odinga coalesced a mostly-Luo, but inter-ethnic grouping of his own that

included prominent young Kikuyu Paul Muite. Eventually, the Matiba faction called itself FORD-Asili (FORD-A), or original FORD, while the Odinga faction became known as FORD-Kenya. Widespread efforts to prevent the split or to reunite the two factions failed. George Anyona's Kenya Social Congress became a third splinter from FORD.

The two main FORD factions continued to battle during the 1992 campaign, trading charges and counter-charges of excessive ethnicity and secret pacts with the Moi government. Some believe the rivalry between the two FORDs seriously hampered their ability to select candidates and run campaigns for the presidency and the legislature. Once the election was over, the two FORDs had combined to help President Moi win reelection with a 36% plurality and each garnered 31 parliamentary seats.

Kenya's Divided Opposition

Since the December elections, the political battle has shifted largely to a struggle between the two FORDs over which party would become the official opposition. This designation allows the party to become first among equals. The official opposition has the first right of reply to government motions and forms a shadow cabinet considered in some quarters to be a government in waiting. More importantly, the official opposition takes the chairmanship and majority seats on vital parliamentary committees.

Parliamentary Speaker Francis Kaparo, taking into account the crucial nature of his decision, and perhaps under instruction to drag out the decision, delayed for weeks his designation of one of the two FORDs as the official opposition. FORD-K attempted to bolster its hand in the dispute by forging an unofficial alliance with DP. Kenyan law forbids a coalition of parties operating as either the ruling party or the official opposition party. However, during the time of Kaparo's deliberations, FORD-K's Migori MP defected, which made the deliberations moot. FORD-A was declared the official opposition.

Once FORD-K regained the Migori seat, the wrangling renewed over the designation as official opposition. Then in late June, following the defection of FORD-A Makuyu MP Julius Njoroge to KANU, the party lost its status as the official opposition in favor of FORD-K. This development raises certain questions. For example, what will be the criteria for changing the party designated as the official opposition? Will this change with each defection or shift of one seat? If so, how will this impact governance, since this process can continue to seesaw?

Not counting KANU, there are six political parties with at least one seat in parliament. The following are brief sketches of the three main opposition parties:

FORD-Asili

During the December elections, FORD-A gained support steadily in the weeks just prior to voting. Using a strategy known as "the three-piece suit," Matiba ran on a ticket with the MP and local council candidates. This strategy was quite effective, extending local support where Matiba may have been weak and national cachet where a local candidate was an unknown.

Although originally named the official opposition, leading FORD-A MP and party General Secretary Martin Shikuku admitted that his party has had trouble utilizing its position effectively in a legislative or social justice context. "It is like boxing someone who has an AK-47," Shikuku said, "he just pulls his trigger, and I'm gone."

Indeed, Kenyan government officials have "pulled the trigger" on FORD-A officials in Nakuru, the site of ethnic clashes and the destruction of more than 600 vendor kiosks that largely belonged to Kikuyu supporters of FORD-A. Several FORD-A rallies in support of the vendors have been stopped before they were begun. FORD-A Nakuru official Gibson Kimani even went into hiding after being warned that the local police were about to take him into custody for his role in organizing a demonstration against the kiosk destructions.

Meanwhile, about 200 youths from the Hamisi Constituency in Vihiga District urged FORD-A MP Necedemus Khaniri to defect to KANU. The youth accused the MP of being ineffective in bringing development to the constituency under his current party banner and called for him to join KANU and work with President Moi. At last report, Khaniri was holding out, although the party's Nakuru East sub-branch secretary, Maina Kung'u gained headlines with his defection to KANU.

The party has been hurt by a growing perception of arrogance. Not only is FORD-A (particularly Matiba) seen as preventing a working relationship among the opposition parties, but even FORD-A local officials are accused of or subject to ostensibly high-handed behavior by party leadership. When Khaniri was summoned to Nairobi to answer charges that he had disrespected Matiba, his sub-branch colleagues urged him to refuse to attend on the grounds that national leadership was harassing him. In Nairobi, Mayor Steve Mwangi, a member of FORD-A, has been the subject of repeated rumors of a no-confidence vote by the rest of the city council because of his alleged arrogance and aloofness.

Now that FORD-A is no longer the official opposition, it may have trouble being effective on the legislative front. Matiba's first action as head of the party's delegation in parliament was to walk out on President Moi's first speech to the new, multi-party legislature. Even members of his own party disagreed with this tactic. Furthermore, the residual antipathy between Matiba and Odinga and Matiba and Kibaki is likely to prevent an alliance of any kind.

The chances for such an alliance also were hurt by persistent rumors that Matiba was about to enter into an alliance with the government. While undoubtedly spread initially by KANU, such rumors were picked up by FORD-K supporters, and even in some cases FORD-K leaders. These rumors were often cited as fact in FORD-K statements explaining why the two FORDs could not work together.

Furthermore, many observers wonder whether the party's Kikuyu-Luhya alliance can be maintained. There reportedly has been some movement among the Luyhas to unite, and many believe Shikuku may opt to help form a Luhya party or form a more profitable alliance.

FORD-K

In contrast to FORD-A tactics, FORD-K has tried to form an alliance of sorts with DP. Odinga was even conciliatory over the issue of which party should be the official opposition when his party retook the Migori seat, emphasizing that he didn't want to "engage in a wrangle with anybody on this matter."

Raila Odinga, a FORD-K MP and the party's deputy director of elections, said party officials learned about two weeks before the December elections that they would lose and desperately tried to form an alliance with DP. Odinga said Kibaki was in favor of such a move, but that DP rank and file members remained opposed. Still, FORD-K and DP MPs continued to cooperate with one another, and respective party officials tried to work together even in the by-elections.

However, FORD-K risked damaging its alliance with DP by refusing to carry out a prospective agreement over the by-elections in Bonchari and Migori. Under the terms of this agreement, DP would run a candidate in Bonchari to replace the defected Momanyi, while FORD-K stayed out or even endorsed the DP candidate. In Migori, Ford-K was to offer a candidate to replace the defected Owino, and DP was to bypass the contest.

But what FORD-K officials say they saw was a race in Migori where they almost couldn't lose, and a contest in Bonchari in which DP didn't have a strong candidate. Furthermore, by winning in Bonchari, FORD-K could not only guarantee itself the uncontested right to be designated the official opposition, but would expand party support beyond Luo territory. It failed, but party leaders remain sensitive to charges that it is almost solely ethnic-based.

FORD-K has always been very vocal in its charges that KANU would rig any election that took place. Combined with a continuing inability to agree on assessments of the party's level of support in various constituencies, this leads to actions such as the walkout of FORD-K officials during vote counting in Bonchari. Odinga and others alleged rigging, but could not present any firm evidence of this cheating. Party officials had given support assessments ranging from 50% to 80%. If one believed 80% of the electorate supported their candidate, then it is understandable that the results seemed unacceptable.

Recently, there have been reports that Odinga has made a number of conciliatory statements about President Moi. The FORD-K leader did meet with his former nemesis, but there has been no official alliance announced. Suspicions of a Luo alliance with KANU can only serve to exacerbate the feeling that FORD-K is an ethnic party concerned almost solely with Luo interests.

This perception apparently has widened the rift between the Luo faction, lead by Odinga and Raila Odinga, and the non-Luo faction lead by Paul Muite and Gitobu Manyara. It has been made clear privately that Muite, a likely successor to the elder Odinga, would be strenuously opposed by the Luos in the party.

Recent reports of a two million Ksh donation to Odinga for party use by Goldberg

International will further alienate some party leaders. Goldberg, a diamond marketing firm, has been criticized by FORD-K for many months for obtaining a government loan to market diamonds, which are not known to be a natural resource of Kenya.

DP

This party began losing support with the postponement of the elections from 7 December until 29 December. According to DP MP Martha Karoa, although the party had prominent figures as candidates, it was unable to turn people into DP supporters because it was difficult for voters to differentiate between party platforms.

Karoa had been a FORD-A candidate for parliament who felt she had been rigged out of the nomination. She switched to DP and beat the man who she feels unjustly took the nomination from her. Karoa said Momanyi's similar defection to DP was handled in an undemocratic manner, as Momanyi was imposed on the party through underhanded deals because he was believed to be the strongest candidate.

This undemocratic behavior, Karoa believes, is threatening the party's future. Kibaki announced a parliamentary alliance with FORD-K without polling party members. She said DP members objected to being subject to the leadership of another party without learning what was in it for DP. According to Karoa, DP members of parliament didn't object to an alliance per se, but felt Kibaki had not properly consulted the members. She said this would likely be remedied whenever the party's first election of officers are held.

DP has been shaken by a wave of defections and questionable meetings between DP officials and President Moi. Four of the five DP members of the Webuye Municipal Council defected to KANU just before the May by-elections. Alfred Sambu, the party's local branch chairman, had defected the previous week.

Rumors of further defections continued to swirl around the party by the time the IRI team left Kenya, spurred by such reports as the threat by nearly 500 DP agents in Kimilili Constituency to sue DP if the party were not forthcoming with about 1.4 million Ksh in allowances owed from the December elections. Karoa said her party is trying to raise money to cover debts incurred in December when party leaders expected to win the presidency. The problem, she said, was the result of DP not having a continuing program for raising funds.

A larger problem within DP leadership resulted from an allegedly secret meeting with President Moi attended, among others, by several DP leaders in and around Nakuru. Kibaki first expressed surprise over the meeting, which was ostensibly over ethnic clashes in the region, and he then disavowed party sanction of the meeting, raising questions of control over his party officials in their dealings with the government.

Like the other two major opposition parties, DP also has ethnic baggage that inhibits its success. Built largely on the Kikuyu business elite in and around the Nakuru area, this party has not had great success in extending its ethnic reach. Moreover, as demonstrated by the way in which the meetings with President Moi were arranged and subsequently handled, it may well

be that many DP leaders may not be adverse to a realliance with KANU.

As for the other three parties with at least one seat in parliament, neither KSC nor the Party of Independent Candidates of Kenya (PICK) nor the Kenya National Congress (KNC) wield much discernable influence. However, KSC's leader, George Anyona, is highly regarded as a man of integrity who has been a longtime, sincere opponent of the government. In contrast, Mukaru Ng'ang'a, leader of the much-smaller Kenya Democratic Alliance (KENDA), escaped removal as party chairman when he refused to attend a party meeting in Thika called for him to answer charges against him. PICK remains a party of independent candidates with no coherent program or voice.

It must be said that the opposition parties have not yet differentiated themselves from the ruling party. KANU's Kiti said there still is only one political party in Kenya, and that the varying party names are only different labels for the KANU program. He said the only difference between KANU and the opposition parties is the opposition desire to replace Moi. In fact, the main opposition parties all voice similar free market economic policies and pluralist democracy. This begs the question whether, absent ethnic and personal animosities, the opposition could not have remained unified.

Conclusion

The IRI is disappointed in the lack of progress by the Kenyan government in creating an electoral environment more conducive to pluralist democracy since last year's general election. The success of multi-party democracy in Kenya will require that the government, the ruling party and the opposition make a diligent effort to correct the kind of electoral irregularities noted by the IRI in December and May before future elections are held.

The Kenyan government must commit itself to establishing and improving the impartial operation of police and security forces, and all the parties, both ruling and opposition, must agree to stop resorting to violence as a way to settle differences and influence voters. A concerted effort to establish and abide by a campaign code of conduct, which clearly forbids and penalizes violence regardless of the instigator's party affiliation, could significantly improve the situation.

While election procedures, both at polling places and during the counting, generally were followed, the elections were marred by incidents of bribery, vote buying, intimidation and rampant violence during the campaign and on election day. If not remedied by the political parties and the government, voter turnout may well continue to decline and the opportunity for the country to sustain its transition to multi-party democracy could be lost.

In its report on the December elections, the IRI included a list of recommendations. Few

of these issues recommendations appear to have been addressed significantly in Bonchari and Migori. The following are issues which the IRI believes must be addressed urgently to keep Kenya on track in its evolution to genuine pluralist democracy:

1) Domestic election monitors and political party agents must be properly trained in the procedures for ensuring an honest vote. In discussions with officials of NEMU, the League of Kenyan Women Voters (LKWV), the Federation of Women Lawyers (FIDA), the Legal Education and Assistance Programme (LEAP), KANU, DP, FORD-K and FORD-A, the IRI received enthusiastic responses to inquiries regarding the training of poll watchers. Observing civic and party poll watchers during both the December elections and the May by-elections, it is clear that there is a widespread lack of understanding of the mechanics of the voting process and a proper definition of vote fraud.

Given the likelihood of further defections, not to mention the current court challenges of 95 electoral results from December, it is likely that there will be a number of by-elections in the coming months. The availability of international observers to monitor them all will be limited. Consequently, it will be vital to the success of the process for Kenyans to be trained to be effective poll watchers.

2) Political parties must be taught how to organize themselves on both a national and local basis, how to conduct themselves appropriately during an election campaign, how to develop themes and platforms and how to communicate with the public. Perhaps the most important contribution would be the development of a code of conduct for campaigning, agreed to by all the parties, which preserves party rights during a campaign while punishing violence as a tool to intimidate or cause harm to opponents' supporters.

Moreover, party training could help political parties avoid overestimating their chances in future elections and reduce the number of baseless claims of election rigging. This factor alone would help stem rapidly diminishing voter confidence. Such an enhanced capability of parties to more properly assess their electoral chances will prevent a repeat of the widespread political miscalculations of 1992 general elections. Leaders of the three main opposition parties readily admit they believed almost until election day that they would win the presidency and perhaps a majority of seats in parliament. At the very least, these parties went into the general elections convinced that President Moi could not win 25% of the vote in five of eight provinces as required by law to avoid a runoff election.

By providing appeals other than to ethnic solidarity, voters can make choices absent ethnic guilt or animosity as factors in their deliberations. In Kenya's almost unique situation in Africa, political parties also could learn how to raise funds from supporters, even those abroad, to offset KANU access to campaign funding.

3) Kenyan civic groups should be assisted in helping develop a civil society. Because Kenya has had a long history of elections, outside observers have often assumed that the country already has a civil society. However, for much of the past three decades, the country has been under single-party rule, and intimidation of voters has been the order of the day. If democracy is to survive in Kenya, the average Kenyan must understand the importance of the vote and the

means at his or her disposal to seek redress from the government for perceived injustices.

Since an estimated 53% of the Kenyan electorate is female, LKWV's effort to translate their booklet, "Women and Democracy," could contribute significantly to the effort to inform the electorate. Similarly, LEAP's civic education booklets on such topics as the Kenyan bill of rights, the rights of minorities (e.g. handicapped, poor and refugees) and the rules and regulations regarding political parties also should be supported.

Furthermore, it is clear that there is no objective domestic information on Kenya's turbulent political scene. NEMU and FIDA have proposed conducting a survey of voters in the December elections and parliamentary by-elections over a 12-month period. The study would attempt to determine the impact that gender, ethnicity, class and religion play in determining voting patterns. Such a study would serve as a database for anyone interested in understanding the voting process in Kenya.

4) Journalists, judges, police officials, government and private attorneys and other interested parties should be brought together to devise an alternative to the current government policy of dealing with alleged libel by charging journalists with sedition and seizing printing presses. Although a Kenyan defamation law exists, which theoretically should decrease the incidence of more serious sedition charges against journalists, it is little used or understood. A frank exchange of ideas on an appropriate code of conduct for journalists and an effective watchdog organization established to address complaints of journalistic excess prior to a resort to judicial means would be helpful in remedying the situation. Such a watchdog organization was discussed at a 1992 media seminar, but action has not been forthcoming. A follow-up conference should be preceded by concrete steps to establish such an organization.

The IRI spoke with FIDA, LEAP and the Law Society of Kenya, and representatives of all three are enthusiastic about the prospects of developing an alternative to current government policy on alleged libel. If the government's aim is truly to punish libelous coverage by opposition journalists, then it will cooperate in promoting the use of the less serious legal alternative. If on the other hand, the aim is to intimidate those attempting to freely express their views, then it will continue to utilize the most draconian legal means available to inhibit future news coverage, even to the extent of financially ruining publishers and printers.

The political situation in Kenya may appear bleak to some, but there is reason for optimism. Ethnic political enmities have lead to violence and tension, but the old coalitions are no longer as strongly entrenched. There is increasing room for cooperation and coalition-building. Much of the electorate is woefully ignorant of basic rights, but there continues to be an enthusiasm for exercising what voting rights are understood. Opposition political parties are all-too-often operated on an ethnic basis by their leaders, who because of personal animosities, have refused to cooperate with one another. However, there are young leaders, even in KANU, who offer hope of improving the political process in the future.

The West is suspected of not being steadfast in its support of pluralist democracy in

Kenya because of past inattention to the suppression and repression of opposition political parties. Now is the time to keep up the pressure on the Kenyan government to act justly in its dealing with the opposition and on the opposition to act responsibly in its dealings with the government. Both sides must be encouraged to end the intimidation of the Kenyan electorate and develop legitimate themes with which to appeal for votes.

If this current multi-party system in Kenya is allowed to fade away, the Kenyan opposition may lose faith in the democratic process and resort to less peaceful means of seeking change and redress of grievances. However, there is still more than enough time to salvage the democratic process in the country, given the continued cooperation of the interested domestic parties and international supporters of democracy in Kenya.

Appendix 1

Kenya's Multiparty Traditions

Contrary to the current belief of many, multi-party democracy in Kenya did not originate in December 1991. The actors in these early days of multi-party political competition and the tactics they employed are instructive in understanding the current political situation. There are several ironies regarding positions political figures take today as opposed to their earlier activities, and alliances and feuds of the past continue to affect Kenya's political situation today.

Thirty years before the announcement by President Daniel arap Moi that Kenya would allow opposition parties to be legalized, elections to decide the African-majority legislature of a transitional government for an independent Kenya pitted KANU against the Kenya African Democratic Union (KADU). In these pre-independence elections, KANU won 16 seats to KADU's nine.

Initially, neither party agreed to accept ministerial positions or form a government while KANU leader Jomo Kenyatta remained in prison for his alleged ties to the rebellious Mau-Mau movement. With British refusal to release Kenyatta, an impasse continued for several weeks until KADU formed a coalition administration with the New Kenya Party, the Kenya Indian Congress and several independents. After his release from prison in August 1961, Kenyatta became president of KANU in October and leader of the opposition in the legislature after filling an intentionally vacated seat in January 1962.

A party dominated by the major Kikuyu and Luo ethnic groups, KANU promoted centralism in the 1962 constitution conference on independence, while KADU, a coalition of the Kalenjin, the Luhya and smaller ethno-linguistic groups, championed majimbo (Swahili for regions). KANU eventually agreed to a version of majimbo so as not to delay independence, but KADU earned itself the lasting enmity of landless Kikuyus by pushing for regional governments to have the power over the exchange of land, thus blocking settlement of Kikuyus.

KADU continued its emphasis on ethnic identification and regionalism in the campaign for the 1963 elections for Kenya's first independent government. In the 1963 elections, KANU and KADU competed not only against each other, but also the smaller African People's Party (APP), founded by Kamba ethnic group leader Paul Ngei. KANU won 70 seats in the House of Representatives, with KADU trailing at 32 seats and APP winning eight. Two independents won seats, and five seats went unfilled due to a boycott by ethnic Somalis demanding the right to secede and merge with Somalia. In the Senate, KANU won 18 seats, KADU 16, APP two, two went to independents and three Somali seats went unfilled because of the boycott. Eleven of the 12 Senate seats filled by the National Assembly went to KANU.

The elections established KANU as a national party as it won the Kikuyu-Embu-Meru seats, as well as the Luo seats in western Kenya. KANU won all large towns except for Mombasa and won seats in areas populated by the Kalenjin, Luhya, Kamba and Turkana.

Although no major KANU politicians ran in the races for regional assemblies because of the party's opposition to regionalism, KANU won control of the Nyanza, Central and Eastern regions.

KADU was a vocal opposition, but defections and elections in the North-Eastern Region to fill the vacant Somali seats resulted in a weakened KADU and a strengthened KANU. In August 1964, Kenyatta pushed the legislature to approve an amendment to the constitution making the country a republic, creating the office of president and abolishing regional autonomy. KADU strenuously opposed these amendments, however, it was too weak in the House to successfully prevent its passage. KADU had enough strength to block passage in the Senate until three key KADU senators defected to KANU. Before any vote was taken, KADU leaders announced that the party had dissolved and that its members wanted to join KANU, which welcomed them readily.

On the first anniversary of Kenya's independence, Kenyatta was elected by the National Assembly as the country's first president, and Luo leader Oginga Odinga was named the country's first vice-president. Moi, a leading figure in KADU, received the position of Minister of Home Affairs.

Kenyatta was strongly in favor of a single-party system, believing it to be less divisive than multi-party competition. Consequently, following the merger of KANU and KADU, he aggressively pursued coalition politics within KANU, using even marriage ties to prominent families and coopting prominent clan leaders, such as Charles Njonjo, by giving them important government posts. Kenyatta built political power by balancing different groups through the use of patronage. The primary tool was constituency service projects under the system of *harambee* (Swahili for self-help).

These tactics were necessary because of the contending factions within KANU. Kenyatta had purposefully kept KANU weak so that the party would not usurp executive power. Most legislative initiatives increasingly originated in the Office of the President before appearing on the agenda of Parliament. Beginning in 1963, disaffected KANU MPs, known as the "Backbenchers Group," had threatened an alliance with KADU to force Kenyatta to consult them. Although he managed to prevent their defection, this group maintained influence even after the dissolution of KADU.

There also was a divide within the party between KANU-A, or the conservative bloc, and KANU-B, the more "radical" wing. A large Kenyatta family faction wielded great influence between 1965 and the death of Kenyatta in 1978. This faction included Kiambu MP and Minister of State Mbuyi Koinange (Kenyatta's brother-in-law), Juja MP Peter M. Kenyatta (his son) and Nairobi Mayor Margaret Kenyatta (his daughter). The family faction was strongest in the conservative wing of KANU.

A rivalry developed within KANU between President Kenyatta and Vice-President Odinga. Kenyatta tolerated his vice-president's criticism, his competing speeches and even his provocatively supportive statements in favor of communism for a year. At a March 1966 KANU delegates conference Kenyatta had been pushed to convene, the conservative wing of the

party dominated the proceedings, reelecting Kenyatta and ousting Odinga as party vice-president. In fact, the party removed numerous leaders considered to be part of the left wing from positions of influence.

In April 1966, Odinga resigned as Kenya's vice-president and blasted the government and his former party. Within weeks, more than two dozen KANU MPs resigned, and Odinga founded the Kenya People's Union (KPU). Among the KANU actions in response to this large-scale defection was an amendment to the constitution requiring by-elections when elected MPs changed their party affiliation before elections were held. To protect KADU members now serving under the KANU label, the amendment exempted former members of absorbed or dissolved parties.

Even before being legally recognized, KPU members in Parliament were allowed to take part in the debate on the amendment. In the meantime, 13 KPU members asked to be readmitted into KANU. These prospective redefectors were instrumental in the passage of the amendment, but KANU then refused to accept them back into the party. All KPU seats were declared vacant, and by-elections were set for June.

Because of the limitations caused by a delay in the party's legal registration, its exclusion from coverage in the government-controlled media and low voter turnout, KPU won only two of 10 Senate seats and seven of 19 House seats. Even these nine victorious KPU members of Parliament (consolidated into a unicameral body by constitutional amendment in December 1966) were handicapped by government harassment. This included government use of technicalities to refuse to register party branches or candidate nominations and jailings of members under public security regulations. KPU was prevented from organizing, raising funds or holding public events. This prevented the party from establishing a national appeal.

Along with a base of former KANU leftists and politicians representing local interests, KPU was largely composed of Luo supporters of Odinga. After the July 1969 assassination of KANU Luo leader Tom Mboya at the hands of a Kikuyu, tensions rose between Luos and Kikuyus. At the height of this tension, the government banned KPU in October 1969. Thus, the one-party state that had prevailed briefly between the absorption of KADU in 1966 and the June 1966 by-elections had returned, again on a de facto basis.

Odinga and George Anyona, now leader of the Kenya Social Congress (KSC), tested Kenya's de facto one-party status by attempting to form the Kenya African Socialist Alliance in 1982, which resulted in Anyona's dismissal from KANU, and later in then-President Moi's constitutional amendment that rendered Kenya a de jure one-party state.

President Moi inherited not only a weak and divided KANU upon Kenyatta's death in 1978, but also an insecure position as a member of a minority ethnic group expecting to lead a party that had historically been controlled by the major Kikuyu and Luo ethnic groups. A member of the tiny Tugen ethnic group within the minority Kalenjin language grouping, Kikuyus and Luos did not favor Moi's succession to say the least.

During Kenyatta's later years in power, a number of Kikuyus undertook clandestine

oathing ceremonies in which villagers were kidnapped, forced to swear ethnic loyalty and join a secret tribal society known as GEMA (Gikuyu, Embu, Meru Association). Later outlawed, this group was active in the movement to change the Kenya constitution so that Vice-President Moi would not automatically succeed Kenyatta. Then-Attorney General Charles Njonjo, a prominent Kikuyu politician, helped stop this movement and supported Moi.

A clandestine paramilitary commando unit known as "Ngoroko" for the small pastoral ethnic group that stole cattle and attacked their neighbors is said to have had a hit list of 15 prominent persons to be killed once Kenyatta died. Undoubtedly, Moi was at the top of this list. Once Moi got word of Kenyatta's death in Mombasa in August 1978, he was spirited out of his home in the Rift Valley, past Ngoroko roadblocks so that he could return to Nairobi to be sworn in. He had 90 days as interim president to win support in the National Assembly so that he could hold onto his position.

Working quickly and effectively, Moi received key support from Njonjo and Mwai Kibaki, Minister of Finance and Planning under Kenyatta. Njonjo organized civil servants, police, the army and district and provincial commissioners in delegations across the country to demonstrate support for Moi. Kibaki reportedly engineered a cabinet resolution in support of Moi. But perhaps Moi's biggest supporter had been Kenyatta himself, who, out of apparently loyalty to his vice-president, refused to back the Kenyatta family faction or GEMA in their bid to block Moi from succeeding him.

Moi's main rival, Njoroge Mungai, had lost his legislative seat in 1974 and was constitutionally ineligible to be elected president, and there was no other KANU figure with the necessary backing, stature or ability to effectively assume the leadership of the varying KANU factions. Mungai eventually endorsed Moi, virtually guaranteeing him a nearly-unanimous election to the presidency in his own right that was made official in October 1978.

Moi began his presidency with no clear public image. He had been a loyal, though quiet, vice-president under Kenyatta. By 1978, his role as an obstructionist leader of KADU who championed majimbo and was publicly suspicious of Kikuyus and Luos was in the past. He now had two prominent Kikuyus working on his behalf - Njonjo and Kibaki. Njonjo was kept on as attorney general, and Kibaki was made vice-president.

The new president reshuffled the cabinet, but didn't remove Kenyatta appointees. He released from detention political opponents of Kenyatta. He promised procedures to eliminate abuses in the land redistribution program. He even instituted a free milk program. Still, Moi had to overcome skepticism and disrespect for his efforts. A popular chant early in his presidency was "Moi gives us milk, and it causes diarrhea."

Moi's main problem was that he was not Kenyatta. Mzee (Swahili term of respect for "old man") Kenyatta was a dynamic speaker who could rally the masses or wananchi. Moi was a deliberate, even slow speaker who was considered somewhat dull. Kenyatta was a pan-Africanist with an international reputation. Moi was not well known even throughout Kenya. Kenyatta was perceived, correctly or incorrectly, as a Kikuyu hero of the Mau Mau movement. Moi was a man of the background who effectively built his power base among the Kalenjin,

Kambas, Taitas and other small ethnic groups as a reaction to feared Kikuyu-Luo dominance.

In order to quiet likely Kikuyu opposition to his rule, Moi allowed the impression early in his presidency that he, Njonjo and Kibaki were engaged in a form of joint rule. Yet he also began courting Luhyas and Kambas by pushing legislation to reduced unemployment. Slowly at first, he began handing our government position to Kalenjin. His shrewd consolidation of power may have been quietly effective, but the public impression was of a nice, earnest figurehead who actually was being controlled by the former ruling crowd. Even this seeming facade threatened to fall apart with an attempted air force coup in August 1982.

Poor economic conditions had lead to strikes and demonstrations throughout Kenya in 1981. Moi had presented himself as a reformer upon assuming the presidency, and after three years, patience was wearing thin among those expecting significant changes that would eliminate corruption. Meanwhile, corruption scandals continued. Still, dissatisfaction against the Moi government remain unfocused.

Thus, when junior officer of the tiny Kenyan Air Force formed what they called the People's Redemption Council in 1982 and seized the radio station, they stirred rioting and disorder, but no organized leadership ever materialized to lead an effective insurrection. The army never joined in this coup attempt, and indeed, there were rumors that key army leaders had encouraged leftist air force coup leaders to take action so that the army could then crack down on them and put President Moi in their debt by saving his presidency.

Moi's first public reaction to the attempted coup was to reaffirm his dedication to reform. Among his statements in that regard was a somewhat vague reference to a conspiracy in the cabinet by individuals working in conjunction with foreign interests. Moi used the good will the unsuccessful coup conferred upon him to push through the constitutional amendment legally making Kenya a single-party state.

President Moi also used this residual good will to begin to move on his rivals for political power. He made several moves to destabilize the Kikuyu power base. First, in December 1982, he accused Njonjo of involvement in foreign intrigues and supporters began accusing the KANU strongman of transferring large sums of money abroad and of owning a firm in South Africa. Within months, the man who had scared judges and ordered about high-ranking police officials was out of government completely.

Next, Moi continued to quietly encourage accusations of corruption by Kibaki. Njonjo's faction of KANU had previously carried the tales of maize and milk shortages due to Kibaki's manipulations, and Moi had pitted the two Kikuyu leaders against one another. With Njonjo on the way out, Moi began to push MP Kenneth Matiba and former Mau Mau leader Kariuki Chotara as Kikuyu counterweights to Kibaki.

Moi became increasingly sensitive to criticism and opposition and forced strict loyalty standards on KANU politicians. When a 1981 newspaper report referred to a KANU statement on a doctor's strike at Kenyatta Hospital as "anonymous," Moi had the editor and five staff members arrested. The journalists were released only after promising to print a front-page

apology to the president and the nation. He has continued to crackdown on magazines and newspapers, and even individual journalists, who criticism his government.

Moi had instituted the policy of "nyayo" (Swahili for footsteps) to symbolize his adherence to Kenyatta's policies. However, it became clear that the footsteps of nyayo were actually Moi's. His inner circle became known as "the Nyayo group" because they closely followed him. In a 1984 speech at Kenyatta Airport, Moi said, "I would like ministers, assistant ministers and others to sing like a parrot after me. That is how we can progress."

KANU politicians were accused of disloyalty and expelled in large numbers. Increasingly, electoral manipulation and jailings of current and former critics and opponents inflamed rising passions in favor of multi-party democracy. Yet it was not until the end of the Cold War that the Moi government came under sustained Western pressure to allow multi-party democracy. One cannot honestly say that the KANU government was genuinely confused by what undoubtedly must have seemed like mixed signals, but there clearly has been uncertainty over the stamina of Western supporters of pluralist democracy.

Appendix 2

Ethnic Divisions in Kenya

Shifting ethnic alliances have long marked Kenyan politics. One could say there are two main trends in Kenyan ethnic politics: KANU's original Kikuyu/Luo alliance and Moi's KADU/KANU alliance of Kalenjin, Luhya, Kamba and other smaller ethnic groups. The creation of FORD briefly appeared to augur a second Kikuyu/Luo alliance, with perhaps stronger Luhya support. However, the continuing emphasis on ethnic politics is rapidly leading to a "Balkanization" of Kenya in which each group seeks to promote its own interests, even at the expense of others.

Opposition parties complained that the ruling party had established "KANU zones" in the Rift Valley and had utilized violence to prevent the opposition from having a fair opportunity to compete. The high vote percentages for KANU in these zones only served to prove that tribalism was employed, they charged. However, each of the three main opposition parties also tallied high percentages of support in their home bases, and ethnicity was a main feature of their appeal to voters.

In the 21 May 1993 edition of the *Kenya Times*, former Wajir South MP Noor Abdi Ogle said, "Matiba, Kibaki and Odinga are all tribalists who received majority support from their tribally dominated districts and who believe that only Kikuyus or Luos can lead this country." Ogle has long been a supporter of the supposedly-dead issue of majimboism, a form of federalism. The current ethnic strife has placed the subject of local autonomy back on the table of public discourse.

Ethnic tension has been heightened by such incidents as the deployment of Kalenjin "warriors" to counter opposition protest the opening of the new multi-party parliament and the apparent reconstitution of the outlawed Gikuyu, Embu, Meru Association (GEMA), as evidenced by the secret statehouse meeting between Kikuyu (Gikuyu), Embu and Meru leaders and their counterparts in the Kalenjin, Maasai and Pokot communities.

Kikuyus, and the related Embu, Meru, Mbere and Tharaka ethnic groups, comprise 28% of Kenya's population. They are based in the Eastern, Central and Rift Valley Provinces. If you add the growing Kamba, also a central Bantu grouping, the Kikuyu group comprises nearly 42% of the population. Kikuyus have long provided the face of Kenya for outsiders. It was the Kikuyus who had the greatest contact with the British, and the Kikuyu Mau Mau movement was the one of the most famous ethnic-based national liberation movements in Africa. Jomo Kenyatta, the first president of Kenya, was Kikuyu, and he appointed numerous kinsmen to government posts. Kikuyus are now predominant in both FORD-A and DP. There are currently no Kikuyu KANU MPs, although there are 12 Kamba and two Meru KANU MPs. Of the 34 Kikuyus in parliament, 21 are FORD-A, 12 are DP and one is FORD-K.

Because of their predominance for such a long period in Kenya's history, many Kenyans derisively refer to this as time for the hated "Kyukes" to step aside. This jealousy and suspicion of Kikuyus undoubtedly plays a major role in the inability of FORD-A and especially DP to broaden their support base.

For their part, Kikuyus have had long-standing land disputes dating back to the colonial period. Kikuyus doubled in size over a period of 25 years in the later stages of the colonial era, and a series of violent incidents between Kikuyus and British settlers lead the British to remove Kikuyu in large numbers from white areas in the Rift Valley to already over-crowded reserves in the east near Mt. Kenya. These land issues largely remain unresolved.

Luhya, part of the western Bantu grouping that includes Kisii and Kuria, comprise 13.8% of the population. When the Kisii and Kuria are added, this grouping now comprises 20.5% of the population. They are largely found in Western Province, but because Luhya have been migrant workers, many now reside in Nyanza Province, as well the related Kisii and Kuria. Luhya have long been a swing group, politically speaking. KADU had depended on strong Luhya support against KANU, but was disappointed. Luhya continue to be somewhat independent, voting in a generally unpredictable fashion, and belonging to political parties across the board. There are Luhya MPs in FORD-A (9), KANU (6) and FORD-K (5).

Kisii and Kuria, although related to Luhya, do not necessarily follow the Luhya lead. There are Kisii MPs in KANU (6), FORD-K (2) and DP (1). The only Kuria MP is in KANU.

Luhya politicians reportedly were promised high positions in the government should their support of President Moi result in his reelection, perhaps including the vice-presidency. However, Luhya leaders Elijah Mwangale and Burudi Nabwera, who professed their interest in the number two spot in the government, both lost in the December elections and were ineligible to be named vice-president.

Although KANU did enjoy wide Luhya support during the December elections, the recent treatment of Cyrus Jirongo, the former leader of Youth KANU '92 (YK '92), has soured KANU-Luhya relations. Jirongo, a prominent Luhya who played a major role in the bullying and bribing of opposition politicians during the nominations and campaign, was removed as head of YK '92 and the organization was banned following the elections. He had been so effective in this effort that the 500 Ksh note is called by some the "Jirongo."

Since his removal from his YK '92 post, Jirongo has been linked to the Postbank money laundering scandal, and many Luhya feel he has been set up as a scapegoat for KANU, which needed a sacrifice to domestic reformers and international donors. While on a tour of Parliament, an IRI team member witnessed a "friendly" argument over the Luhya anger over the Jirongo affair between Shikuku and Vice-President George Saitoti.

The Kalenjin linguistic group, which includes such ethnic groupings as Kipsigis, Nandi, Pokot, Keiyo, Marakwet and Tugen (along with the allied Maasai, Samburu and Turkana groups), now comprises 14.4% of the Kenyan population, and are centered in the Rift Valley Province. The Kalenjin often have been at odds with the Kikuyu, and have always been distinct

from them.

Under President Moi, Kalenjin figures have replaced Kikuyu in government posts. All 24 Kalenjin group MPs are KANU members. In addition to replacing Kikuyu in appointed positions and posts on major commercial boards, under Moi, Kalenjins are attempting to claim or reclaim Rift Province land from Kikuyus and all non-Kalenjins.

Ambushes and mob violence are becoming the rule, in addition to governmental manipulation. While there is little sympathy for Kikuyus among the other ethnic groups, incidents such as the destruction of the Nakuru kiosks, ostensibly by the Moi government, often has struck non-Kikuyus, and there is rising antipathy for Kalenjin "warriors."

Luos are now slightly lesser in number than Luhyas at approximately 13.2% of the population. Their replacement as Kenya's second leading ethnic group ended only with the 1979 census. Nyanza Province is generally referred to as Luoland. Luos have long been the main political rivals of the dominant Kikuyus, at times in alliance and at times in strenuous political struggle.

Jaramogi Odinga Odinga was not originally the sole leader of the Luos. Fellow KANU founder Tom Mboya was his primary rival for this ethnic group's leadership in the early years of independence. Even after Mboya's assassination in 1969, Odinga was still one of several Luo leaders. However, he has become the undisputed leader of the Luo people. As a result of his leadership of the Luo people, there are currently no Luo MPs in any political party other than FORD-K. The 19 Luo MPs are all FORD-K, comprising 61% of that party's total MPs.

But despite Odinga's hold over the Luos, he blamed his loss in the presidential race on the failure of his people to register and vote in larger numbers. Addressing a campaign rally in Migori only days before the by-election, Odinga complained that only the Luo community claimed not to have received their national ID cards. "If you don't wake up, you will continue to remain behind while other communities use you as a floor-mat and even urinate on you," he was quoted as saying in the 17 May edition of *Kenya Times*. Subsequently, Odinga urged his followers to form a strong alliance with other ethnic groups if Luos hoped to elect a president.

Ethnic rivalries have played a major role in stymieing Kenya's movement toward a lasting multi-party democratic system. There are other issues that must be factored into the troubled Kenyan experience with elections, yet ethnic rivalry remains the major obstacle to the existence of a vigorous opposition necessary for Kenya to achieve stability within a pluralist framework.

Appendix 3

Observation Team Biographies

Gregory Simpkins is a former journalist who has covered Africa issues for magazines, newspapers and radio since 1977. As a consultant, he worked in several political campaigns and has worked solely on African political issues since 1987. As an IRI program officer, Mr. Simpkins has managed the IRI's comprehensive program in Guinea since last fall. He was a member of the IRI's advance team, which conducted a pre-election assessment in Kenya in November-December 1992 and also participated in the Kenyan election observation itself and the post-election field work.

Elizabeth Cheney, before becoming an IRI program officer, held several foreign policy positions in the U.S. Government, including Special Assistant to the Coordinator for U.S. Assistance to the former Soviet Union in the Department of State, Project Development Officer in the U.S. Embassy in Budapest and Special Assistant to the Assistant Administrator in the Agency for International Development's Bureau for Europe and Near East. In 1985 and 1987, Ms. Cheney conducted research in northern Kenya on the U.S. Government's famine relief programs.

Dr. Stephen W. Orvis is a professor of government at Hamilton College in Clinton, New York. Utilizing a Fulbright-Hays grant, he spent two years doing research in Kenya for his doctoral dissertation on the political economy of agriculture in Kisii. Dr. Orvis has written and lectured extensively on East African politics and Kenyan development issues. He has been a visiting instructor at Wesleyan University and recently completed a year as visiting researcher at the University of Notre Dame.

Dr. Tom Wolf is a lecturer in the department of government at the University of Nairobi. As part of his responsibilities, he also coordinates students exchange programs for the university with American schools such as the University of Massachusetts (Amherst), Kalamazoo College and Pennsylvania State University. Dr. Wolf first came to Kenya with the Peace Corps in 1967. He later conducted field work on Kenyan politics for his doctorate in 1978-81. Before assuming his current position, he served as director of Friends World College program in Kenya.

Appendix 4

FOR IMMEDIATE RELEASE

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IRI Team Observes Bonchari, Migori By-Elections

Nearly five months to the day after Kenyans went to the polls to take part in historic multi-party elections, voters were again asked to cast ballots in key parliamentary by-elections in Bonchari and Migori constituencies. The International Republican Institute (IRI) election team observed the final days of the campaign, voting and counting in both constituencies.

As in the December general elections, the IRI team noted irregularities, such as almost constant violence, widespread reports of voter bribery and a suspiciously high percentage of illiterate voters at some polling places. However, the IRI team does not believe these irregularities altered the outcome of the election in either constituency. Still, the IRI team feels that Kenya's continued progress toward establishing an effective multi-party system will depend upon the correction of these irregularities.

The parliamentary by-elections were convened due to the defection to the ruling Kenya African National Union (KANU) by Dr. Protus Momanyi, formerly the elected Democratic Party (DP) member of parliament in Bonchari, and Charles Owino, the elected Forum for the Restoration of Democracy - Kenya (FORD-Kenya) Migori member of parliament.

In what had been expected to be a close race in Bonchari between KANU's Momanyi and FORD-Kenya candidate Richard Mbeche, Momanyi held onto his parliamentary seat with 66% of the vote. In Migori, FORD-Kenya candidate George Achola unseated the sitting MP, Charles Owino, by winning 81% of the vote. Achola had been expected to win the Migori seat easily.

In both Migori and Bonchari, voter turnout was lower than in the December elections. Approximately, 40% of registered voters came to the polls in the Bonchari by-election, as opposed to 54% in the general elections there last December. Turnout among voters in Migori dropped from about 66% in December to 41% in this by-election.

Although by-elections typically draw fewer voters, the IRI team believes the daily reports of violence leading up to the elections almost certainly limited the turnout of voters, particularly in Bonchari constituency.

Polling station results indicate that in Bonchari, there was unusually high turnout of voters in stations where KANU won and a corresponding oddly low turnout in polling stations considered FORD-Kenya strongholds.

Pre-election violence, especially in Bonchari, created an atmosphere that may have intimidated some voters and lowered turnout. While both KANU and opposition parties participated in the violence, members of the ruling party appear to have instigated more of this violence, and their presence was the common factor in all reported incidents.

Moreover, the IRI team privately received credible reports from KANU supporters that senior KANU officials in Kisii district encouraged their youth wing members to instigate violence and provided some of the weapons used. The IRI team also heard threats of election day violence from a high-ranking FORD-Kenya campaign official, which, fortunately, did not materialize.

IRI observers witnessed and received credible reports of voter bribery by party campaign officials on election day in Bonchari. IRI team members saw voters sharing money they apparently had been given moments before by a FORD-Kenya official. At another Bonchari polling station reputed to be a FORD-Kenya stronghold, IRI team members heard numerous reports from eyewitnesses that a KANU campaign official was handing out as much as 200 Kenyan shillings per voter to encourage votes for KANU. These reports were not contradicted by polling station officials.

The IRI team also was concerned by the very high percentage of voters in certain polling stations who declared themselves illiterate so that their ballots could be marked publicly by election officials. In two polling stations visited by IRI team members where KANU won more than 95% of the vote, observers estimated that 75 to 90% of all voters were declaring themselves illiterate and voting for KANU. In one station, voters shouted "Jogoo" loudly when asked for whom they wanted to vote. Jogoo is Swahili for rooster, the symbol of KANU >

In a polling station won by KANU in Migori, the IRI team noted a similarly high percentage of illiterate voters in one polling place where KANU won 64% of the vote.

In conclusion, these by-elections were marked by numerous irregularities. These irregularities appeared to have affected the voter turnout and margin of victory in both races. However, the IRI team does not believe that absent these irregularities the result would have been reversed. The success of multi-party democracy in Kenya will require that the government, the ruling party and the opposition make a diligent effort to correct these irregularities before future elections.