

Kenya's flawed transition in 1992:

The impetus and factors that led to a flawed transition at the founding elections in
Kenya in 1992

Jasper Veen, 9235426

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Introduction	

The political liberalisation that swept the globe at the end of the twentieth century labelled by Samuel Huntington democracy's Third Wave offered hope that democratic regimes might emerge. However, the outcomes of many of these attempted democratic transitions are still very much in question.

In the early 1990s virtually every African country was forced to undertake political reforms in the name of democracy. But it became quickly apparent that the nature of these changes would be highly varied. In some countries, political reform was quite limited as long standing autocrats developed new strategies for holding on to power. Still other cases degenerated into patterns of state collapse and civic violence while yet in a number of countries democracy appears to make significant inroads.

In their study "*Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*" Bratton and van de Walle stressed the critical role of political society for democratic consolidation. From a perspective of the mid-1990s they came to a disappointing conclusion about the willingness of African elites to constructively contribute to that process.

I am interested- because of my work with political parties and the political elite in Kenya- in the transition of Kenya. Rather than describing the various stages of Kenya's democratisation process till the elections of 2008, which have been described elsewhere. Amongst others by Branch and Cheeseman in their article:

Democratization, Sequencing, and State failure in Africa: Lessons from Kenya. This paper will look closely at the initial stages of the Kenyan transition in the run up to the founding elections of December 1992, which Bratton and Van de Walle labelled at the time as a flawed transition.¹ In particular it will converge the characteristics unique to Kenya, which have led to its flawed transition.

In the search for an original angle for this paper I came across an interesting statement made by President Moi in which he justified his decision to allow for alternative parties by arguing for the need to screen out disloyal KANU members by separating the 'good eggs' from the 'bad eggs'. To me this statement alluded to a KANU party composed of different factions and perhaps different views on the need to liberalise the one-party system.

¹ Bratton, M. and Van de Walle, N., *Democratic Experiments in Africa: regime transitions in comparative perspective.* (New York 1997) page120

Therefore, the paper will closely examine whether Kenya fits the theoretical model described by Bratton and van der Walle in which the distinctive characteristic of democratic transition in Africa, as compared to the rest of the world, is that most were initiated from below. I will contrast that with the theoretical model of O'Donnell and Schmitter who emphasized the key role of elite interaction and strategic choice during the transition and in most cases ascribed limited importance to mass mobilization from below. In other words did the impetus for transition in Kenya come from masses or from within regime?

The paper will thus analyse the dynamics of change, how and why the transition was initiated and what factors lead to it being labelled a flawed transition. This paper therefore concentrates on the initial stages of the transition in the run up to the founding elections of December 1992.

This paper asks itself the question:

What have been the impetus and factors that led to a flawed transition at the founding elections in Kenya in 1992?

I am thus interested in the role played by the domestic and international actors as agents who facilitated or blocked the transition process. But I will also look at the particular circumstances in which Kenya embarked on its transition and led to its failed outcome.

The case study will follow more or less a historical timeline of the final years of the one-party state whilst intersecting the timeline with a focus on specific actors influencing the transition process.

The paper argues that the result of Kenya's flawed transition depended in large part on a series of contingent events that make the completion of the transition process a more case-specific phenomenon.

I have structured the paper as follows.

In chapter one I will briefly discuss the existing literature on democratisation in particular the structural and the more actor –oriented theories. This chapter will provide the theoretical underpinning for the Kenyan case study.

In chapter two I will discuss the strategies, choices and behaviours of the various major actors in Kenya's transition process and in particular Kenya's political elite as I see them as the primary authors of the political outcome in their country. Therefore the case study ought to illuminate the context and forces that have shaped the experience of the Kenya's flawed transition in the late eighties and early nineties of the twentieth century.

Chapter 1: a brief overview of the discourse in explaining democratisation

Democratisation

The last quarter of the twentieth century witnessed a flurry of countries moving away from authoritarian or totalitarian rule toward political openness, which was considered by Huntington as perhaps the most important political development of the last decades (1991). This global spread of democracies raised an interest in understanding and explaining democratisation and persuaded scholars to write in terms of “the triumph of democracy” (Holden 2000), “the end of history” Fukuyama (1992) and “the spirit of democracy” (Diamond 2008).

However, the recent democratic recession in many parts of the world have shown that the outcomes of many of these attempted democratic transitions are still very much in question. In particular the task of stabilising new democracies and preventing countries in transition from falling back appears more difficult than originally envisaged.

Democratisation is thus an ongoing process that is usually defined as a political process from dictatorship to democracy.

The mainstream understanding of democratisation is accompanied by a complex, contested and still evolving discourse on how to explain democratisation- the causes, the conditions or prerequisites- and on reasons for the absence of democratic reform initiatives in certain places and the failure to democratise successfully in others.

The analysis of conditions conducive to the emergence of democratic political systems between scholars has been broadly between two dimensions: the structural dimension, also named functionalism, emphasising environmental factors to democratisation; and the actor-oriented dimension, also named genetic, stressing the importance of actors and their preferences, orientation and strategies.

The structural factors

Structural theories have focussed on the necessary economic, social and cultural pre-conditions for democracy. This has also been referred to as the modernisation school or modernisation thesis. The lead exponent of this view was Martin Seymour Lipset, whose article on *social requisites of democracy* in 1959 is commonly seen as the start of transistology.²

Lipset claimed that countries having undergone a process of modernisation are more likely to be democratic. He argued that countries tend to undergo a large number of more or less parallel and simultaneous processes, most notably industrialisation, urbanisation, increasing levels of education, rising income and advancement of communication technologies which are all different aspects of modernisation. These processes would all contribute to democratic advancement.

In his classical study *Political Man* (1983) Lipset stressed that states with high levels of GDP promoted democratisation and that states that performed well economically and socially would become consolidated democracies³.

Other studies have shown a more complex picture of this relationship. For instance Barrington Moore in his study *Social Origins of Dictatorship and Democracy* (1966) stressed that rapid modernisation was not sufficient in determining democratisation since the development could also lead to authoritarian systems.

This social forces tradition seeks the origins of democratic rule in the characteristics of and the relationship among social classes in society. His work is best known for his dictum: “No bourgeois, no democracy”⁴. In other words economic development promotes the expansion of an economic strong and political ambitious middle class.

Key to the social forces tradition is a focus on class-based definitions of collective actors, primarily driven by material interests. Democracy is conceived as forged from below, through a power struggle among social forces with competing economic interests.

² Pridham, G., *The Dynamics of Democratization: a comparative approach* (New York 2000) page 6

³ Lipset, S., ‘Political Man: The Social Bases of Politics’ in: Dahl, A., (ed) *The Democracy Source Book* (Massachusetts 2003) page 56-64

⁴ Barrington Moore Jr., *Social Origins of Dictatorship and Democracy, Lord and peasant in the Making of the Modern World* (New York 1966, reprinted 1984) page 418

Another influential exponent of this theory is Rueschemeyer who argues that the working rather than the middle-class or bourgeoisie is the foremost champion of democracy. The middle class takes a more ambiguous stance towards democracy, as it is likely to favour its political role, but is more sceptical towards expanding it to the working class.⁵

Almond and Verba pioneer the cultural preconditions for democratisation in their study '*The civic culture*'. The study focussed on the nature of the political culture that fostered a consolidated democracy. The political culture was understood as the aggregation of individual political attitudes. According to their theory, some political cultures are more conducive than others in establishing democracy.⁶

They developed the theme of 'civic culture', which included high level of trust among the public as well as support for democratic institutions and practises. This trust was seen as providing a reservoir of support that should allow a new democratic regime survive occasional crisis of confidence due to serious policy failure or authoritarian challenge. In short they study how citizens obtain, develop and organise political attitudes.

The research on democratisation has traditionally explained democratisation based on structure-oriented factors. However, in the 1980s, scholars began to identify actor-oriented factors as well.

In short, the socioeconomic perspective has pointed out an important relation between socioeconomic modernisation and democratisation. However, there are flaws in this perspective; socioeconomic advanced states with democratic governance have seen authoritarianism, poor states have developed stable democracies and rich states have continued to be authoritarian in nature.

⁵ Teorell, J., *Determinants of Democratization : explaining regime change in the world, 1972-2006*. (New York 2010) page 22-23

⁶ Almond, G., and Verba, S., *The Civic Culture, Political attitudes and Democracy in Five Nations* (Newbury Park 1963, 1989 edition)

Actor oriented

The long tradition of structural-oriented explanations changed in the 1980s into research on actors and actors' preferences. The publications of Dankwart Rustow's article: *Transitions to Democracy* (1970) and O'Donnell and Schmitter article: *Transition from Authoritarian Rule* (1986) transformed the study of comparative democratisation. These scholars criticised the structural dimensions of the socioeconomic perspective as exaggerating the role of economic and social structures in determining political change and introduced research on the elites' strategies, alliances and compromises.

They saw democratisation as a process occurring according to a certain sequence of phases wherein structural prerequisites or economic development per se was neither a necessary nor a sufficient condition for democratic transition. The theory emphasised the importance of decisions, ideas and the interaction among political actors and stressed the uncertainty surrounding transitions. It also focussed more on the early phases of regime change rather than the consolidating phase.⁷

According to these theorists, an authoritarian regime liberalises its control over society due to the emergence of reformers within the regime. The reformers believe that continuing the status quo will not help them maintain power or improve the regime's legitimacy. In response they try to bolster their legitimacy by adopting liberalisation policies. As a result the opening up of the political system gives groups within society an opportunity to mobilise their supporters. The outcome of the democratisation process then depends on the joint interaction between members of the regime and the opposition. These theorists (Przeworski, O'Donnell, Huntington) assume there are four major actors in the transition phase: hard-liners and soft-liner's in the authoritarian regime, as well as moderates and radicals in the opposition.

The actors involved are primarily the 'hardliners' and the 'soft-liner's' of the incumbent regime and the result of these elite interactions are down to the bargaining skills of the actors involved.

According to Collier the strategic choice approach focuses on the 'banalities' of practical politics: "...political leaders build coalitions to promote their goals, that they

⁷ Pridham, G., *The Dynamics of Democratization: a comparative approach* (New York 2000) Page 9

should strike an appropriate balance between winning or retaining supporters and antagonizing opponents, making this a zero sum relationship if possible, that actors may switch sides in a political battle simply out of desire to go with the winner, that leaders therefore try to convince potential supporters that they will in fact win ...”⁸

O’Donnell and Schmitter believed that “there is no transition whose beginning is not the consequence –direct or indirect-of important divisions within the authoritarian regime itself, principally along the fluctuating cleavages between hard-liners and soft-liners.”⁹

These ideas have developed into an approach that became known as the ‘pact school’ in reference to the emphasis on the need for elite accommodation during transitions.

This approach concentrates on the short-term calculations of a narrow set of actors during a short period of time as opposed to the long-term forces shaping an outcome in the structural theories. These two broad dimensions have quite different time-perspectives; the structural focussing on long-term changes in the society and the actor oriented dimension being more short-termed.

A fundamental weakness of this approach is that it might lead to excessive voluntarism. It tends to assume that actors are free agents independent of any political, economic, social or historical context.

More recently, it has been suggested that the answer to the nature of the relation between actors –structures may be found in the interactive process where the actions are determined by structures, but where actors also determine structures (Karl 1990). Thus the role of actors should be assessed within the context they operate.

Transition phases and types

O’Donnell and Schmitter define transition as “...the interval between one political regime and another”.¹⁰ Dankwart Rustow distinguished three phases in the transition

⁸ Collier, D., and Norden, D., ‘Strategic Choice Models of Political Change in Latin America’, *Comparative Politics* (Jan 1992), 230-231

⁹ O’Donnell, G., and Schmitter C., *Transitions From Authoritarian Rule. Tentative Conclusions about Uncertain Democracies*. (Baltimore 1986, 4th impression 1993) page 19

¹⁰ O’Donnell, G., and Schmitter C., *Transitions From Authoritarian Rule. Tentative Conclusions about*

process: preparatory phase, decision phase and habituation phase.¹¹ His preparatory phase features the polarization between the new rising elite and the old elite, followed by a decision phase in which some crucial elements of democratic procedure are institutionalized. The final phase of a transition is the period during which politicians and the electorate respect (habituate) the new political rules.

However, the most common distinction is made between the liberalisation phase and the democratisation phase. “Political liberalization implies an easing of repression and extension of civil liberties within an authoritarian regime, whereas a transition to democracy implies a change of regimes.”¹²

Although, there are many variations in transitions some common features maybe identified. First, transition periods are characterized by times of accelerated speed in which urgent political issues need to be addressed quickly. Second, transitions are surrounded by great uncertainty with regard to both process and outcome, as both the winners and losers- in the distribution of political and economic power- are unclear from the onset. Third, the emergency of highly diversified political landscape of newly formed political parties, civic groups and the old regime make the need for political communication between these groups paramount on goals, methods and procedures. Fourth, transitions are elite centred whether initiated from above by political elites or below by the masses as through bargaining the transition is in the end settled by the elites and not the masses.¹³

According to Samuel Huntington, there are three different types of transition: transformation, replacement, and transplacement.¹⁴ He states that transformation is possible when “those in power in the authoritarian regime take the lead and play the decisive role in ending that regime and changing it into a democratic system”.¹⁵ In other words, the authoritarian regime itself (mostly reformers within the regime) plays

Uncertain Democracies. (Baltimore 1986, 4th impression 1993) p 6

¹¹ Rustow, D., ‘Transitions to Democracy: Toward a Dynamic Model’ in: Anderson L. (ed), *Transitions to Democracy* (New York 1999)

¹² Mainwaring, S., *Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues* (working paper #130 1989) page 6

¹³ Welsh, H., *Political Transition Processes in Central and Eastern Europe*, *Comparative Politics* (1994) page 381-2

¹⁴ Huntington, S., *The Third Wave, democratization in the late twentieth century* (Oklahoma 1991, reprint 1993) page 121-163

¹⁵ Huntington, S., *The Third Wave, democratization in the late twentieth century* (Oklahoma 1991, reprint 1993) page 124

a major role in making transition possible and requires the government to be stronger than the opposition.

Replacement occurs when reformers within the regime are weak or non-existent and it is the opposition who takes the lead in bringing about democracy either because the authoritarian regime collapses or was overthrown. Lastly, transplacements occurs when democratisation results largely from joint action by government and opposition groups through a strategy of negotiation.

Chapter 2: Kenya's flawed transition

Introduction

“Describing democracy as a luxury that Africans cannot afford”¹⁶ President Daniel arap Moi had emerged by the early 1990s as one of the most outspoken opponents of multi-party democracy. However, the pressure on his government had become so great that he reluctantly announced in December 1991 that the one-party state would be dismantled.

The violent aftermath of the December 1992 Presidential elections in Kenya saw hundreds killed, thousands wounded, and hundreds of thousands displaced; property and infrastructure worth billions were destroyed.

Two decades after the introduction of multi-party democracy a consensus emerged amongst observers of Kenyan politics that the democratic process initiated in the late 1980s in Kenya was of fairly limited nature. Moreover the transition in Kenya has been widely recognised as a flawed transition.

What have been the impetus and factors that led to a flawed transition at the founding elections in Kenya in 1992?

In order to understand its flaw it is necessary to examine the characteristics of the transition in Kenya. It will focus on the different dynamic interactions between the major political actors in the final days of the one party system and in the run up to the multi-party elections in 1992.

Kenya's one-party state under Moi

With the repeal of section 2(a) of the constitution banning opposition parties President Moi ushered in a new era in Kenya's political history in December 1991. For an appreciation of the dynamics of change, how and why it was initiated and what factors lead to this particular outcome we have to briefly summarize President Moi's regime.

¹⁶ Branch, D., *Kenya : Between Hope and Despair, 1963-2011*. (New Haven 2011) page 196

The first 30 years of Kenya's 45 years of political independence was characterized by a one party state and authoritarian rule under the regimes of the founding president Jomo Kenyatta and his successor Daniel Arap Moi. Both regimes were characterized by the unrelenting and systematic centralization of power under the presidency. By the end of the 1980s, Moi had for all practical purposes, created an imperial presidency.

A key pillar to President Moi's hold on power was his elaborate patronage structure that he had build in which he affected centre-local relations and forms of political mobilization. These so-called *Harambees* were constructed as the principal units of development and political mobilization. The effectiveness of the system lies in its role of linking the dominant political elites with the grassroots. These *Harambees* were used by President Moi to keep the lower level the political arena as competitive as possible as it allowed within the one-party system citizens to choose their patrons in elections that regulated competition within the ruling KANU party.

Elections were thus seen as local referenda on the ability of the incumbent to deliver development. That way, the elites heading a parallel patronage network could "...insulate themselves from the contagion of illegitimacy that could probably creep in if the patron of one particular network fails to deliver".¹⁷

These personalized and competitive patronage structures enabled the President and his advisors to construct a tier of local patrons that could effectively mobilize vast constituencies through the ruling KANU party. However this form of political mobilization around local patrons and the expectations of constituents that their patrons will deliver to the community give electoral politics in Kenya its ethnic flare, as it emphasizes once place or locality and one's link to the local patron.

These salient ethno-regional identities were even more reinforced by historical grievances over land ownership. The president used his enormous concentrated power, including power over land allocations to reward a small group of supporters with business opportunities and, most crucially, land.¹⁸

¹⁷ Bedasso, B., *Lords of Uhuru: the political economy of elite competition and institutional change in post-independence Kenya* (Working Paper Series Maastricht 2012) page 36

¹⁸ Land has been a key issue in Kenyan politics ever since the British colonial government claimed

The historical misallocation of property through the executive branch helps explain the salience of land issues as a focus of presidential campaigns, especially in the Rift Valley and along the coast.

Robert Bates in his book *When Things Fell Apart* (2008) argues whether a government chooses to be a guardian or a warlord depends on three factors: public revenues, the government's valuation of the future and the benefits from predation. According to Bates, events in the 1980s negatively altered both governments' public revenues and their valuations of the future.

Predatory behaviour became a more attractive option when the energy crisis of the 1980s led to a crisis in public revenues, which was exacerbated by demographic growth and competing claims to land. This led to tremendous domestic tensions in Africa. The stakes were even becoming higher with the wave of democracy following the end of the Cold War. The future for the incumbent governments in Africa appeared bleak.¹⁹

Kenya fits this frame.²⁰ Whereas KANU under President Kenyatta- although Kikuyu dominated- was a more or less inclusive one party system under President Moi it became more and more an exclusive one party system favouring the Kalinjin and smaller ethnic groups.

Against a worsening economic backdrop and enjoying far fewer political resources than his predecessor, President Moi adopted an increasingly exclusionary system of government, especially after the failed coup attempt of 1982. During the course of the 1980s, Moi's approach ruptured the fragile elite consensus resulting in the inability of the regime to demobilise opposition and contributing to a process of liberalization.²¹

large pieces of fertile land in the Central Province and the Rift Valley for white settlement and abetted grossly unequal property relations between ethnic communities along the coast.

¹⁹ Bates, R., *When Things Fall Apart: State failure in late-Century Africa* (New York 2008)

²⁰ Branch, D. and Cheeseman N., 'Democratization, Sequencing, and State Failure in Africa: Lessons From Kenya', *African Affairs*, (2008), page 4

²¹ Ibidem pag 4

Cracks appear in the regime

At the end of 1980s after a decade of economic crisis and difficult structural adjustment programmes President Moi's regime capacity to provide resources to keep his patronage networks functioning eroded. This coupled with his brutal coercive policies led to a further delegitimisation of his authoritarian rule fermenting popular discontent. At the same time the end of the Cold War changed the donor priorities and norms of governance of Kenya's erstwhile friends contributing to further costs of an overtly authoritarian rule.

President Moi acted reluctantly to this combined onslaught of internal discontent and external pressure from donors and called for a meeting of KANU's governing council in December 1991. He suggested it was time to allow for alternative political parties. Such a measure was necessary to screen out disloyal KANU party members or, in Moi's words, "to separate the good eggs and bad eggs by putting them in the water."²²

This purging of disloyal party members hints at a division within the ranks of KANU. This split in authoritarian elites is for O'Donnell and Schmitter a necessary condition for democratic transitions. They claimed that no democratic transition could be initiated as long as the authoritarian elite would stay united.²³ The unity ends when some members of the ruling elite, known as 'soft-liners', react to a crisis and conclude that political reforms would be a more viable option to them than upholding the status quo.

These 'soft-liners' typically negotiate a pact with moderate opposition elites, providing for elections under clearly defined rules and procedures. These transitions through elites are often referred to as *transitions from above* or *pacted transitions*.

This school of thought believes that although structural conditions such as the degree of economic development and state power are linked with democratization, these conditions alone cannot explain why a democratization process succeeds or fails. According to this actor-oriented approach it is necessary to evaluate actors' strategic

²² Klopp, J., ' "Ethnic Clashes" and Winning Elections', *Canadian Journal of African Studies* (35:3 2001) page 483

²³ O'Donnell, G., and Schmitter C., *Transitions From Authoritarian Rule. Tentative Conclusions about Uncertain Democracies*. (Baltimore 1986, 4th impression 1993)

choices, behaviour and interactions both in the regime and the opposition groups in explaining the transition to democracy.

In contrast Bratton and Van de Walle in *Democratic Experiments in Africa* argue that the famous statement by O'Donnell and Schmitter that "there is no transition whose beginning is not the consequence – direct or indirect – of important divisions within the authoritarian regime itself"²⁴ does not hold for Africa. Whereas the military regimes in South America served as the basis for O'Donnell and Schmitter's generalisations, African authoritarian regimes are best characterised as neopatrimonial rule.²⁵

According to Bratton and Van de Walle fundamental political divisions are between those inside and outside patronage networks rather than between 'hardliners' and 'soft-liner's'. "Instead of fracturing ideologically over whether or not to liberalize, neopatrimonial elites are more likely to take sides pragmatically in struggles over spoils."²⁶ They argue, first, that the success of African transitions were determined by the strength of the opposition forces and, second, "because the stakes of political struggle are the state and its enormous resources, transition struggles are hard and bitterly fought, leading to zero sum outcomes rather than compromise and pacts."²⁷

Bratton and Van de Walle belong to the theorist who put more emphasis on the role of populations in democratic transition processes, which have become known as *transition from below*.

At issue is thus whether the leadership of the reform coalition comes from the inside or outside the incumbent group.

In their account of Kenya's sequencing phases Brachman and Cheeseman²⁸ implicitly

²⁴ O'Donnell, G., and Schmitter C., *Transitions From Authoritarian Rule. Tentative Conclusions about Uncertain Democracies*. (Baltimore 1986, 4th impression 1993) page 19

²⁵ Bratton, M. and Van de Walle, N., *Democratic Experiments in Africa: regime transitions in comparative perspective*. (New York 1997) page 82-89

²⁶ Ibidem page 86

²⁷ Ibidem page 269

²⁸ Branch, D. and Cheeseman N., 'Democratization, Sequencing, and State Failure in Africa: Lessons From Kenya', *African Affairs*, (2008), page 1-26

follow the argument set out by Bratton and Van de Walle that elites in Kenya fractured over access to patronage. "...the 'defeat' of many of the most senior non-Kalenjin figures within the Parliament [at the 1988 general elections] tilted the balance in favour of outright exclusion, and represented the final nail in the coffin in KANU's elite alliance".²⁹

However the demotion of President Moi's oldest ally Mwai Kibaki from the position as Vice President in the wake of the 1988 elections seems to be in response to Kibaki's belief that KANU had to undergo reform to become more accountable and transparent if it was to survive as the ruling party.³⁰ This might indicate that the KANU leadership was less cohesive on its future course.

To maintain the cohesion of the ruling elite, the government turned to another well-rehearsed method of asserting its supremacy.

The Foreign Minister Robert Ouko although not an instinctive reformer³¹ also recognized that change was needed in Kenya. His relations with other cabinet ministers and the president soured over different views on the continuing corruption at the highest level of government. Ouko believed that Kenya was no longer immune to criticism from abroad about corruption practices. Instead, he believed that official corruption was an impediment to future good relations with donors and for the securing of development aid.

In January 1990 Robert Ouko sent a letter to the chairman of KANU, with copies to all cabinet ministers. In this letter he had sought in a careful style "to open a conversation within Moi's cabinet on the process of moving Kenya toward a multiparty democracy. It would be his last known political writing".³²

Shortly after a trip to Washington DC, where he publicly disagreed with President Moi at a meeting with US government officials- the partially burnt and shot body of

²⁹ Ibidem page 9

³⁰ Branch, D., *Kenya : Between Hope and Despair, 1963-2011*. (New Haven 2011) page 208

³¹ Ibidem page 190

³² Cohen, D., and Atienho Odhiambo, E., *The Risks of Knowledge: investigations into the death of the Hon. Minister John Robert Ouko in Kenya 1990* (Ohio 2004) page 52

Robert Ouko was found near his home on 15 February 1990. Moi, it is believed, was concerned that the United States might be grooming Ouko as a possible successor.³³

The demotion of Vice President Mwai Kibaki, the letter of Ouko opening a conversation on a transition towards multiparty democracy within cabinet and the subsequent killing of Foreign Minister Robert Ouko could well be an indicator that the division of the authoritarian elite within KANU was not merely a case between the fight over spoils between outsiders and insiders as argued by Bratton and Van de Walle. But that there also appeared cracks along the fault line of hardliners and moderates within KANU as posited by the theory of O'Donnell and Schmitter. They argue that similar to the hardliners, the soft-liner's themselves are composed of different currents of which some may "...wish to see the transition stop at a limited liberalization which protects their tenure in office or their privileged access to authority."³⁴

Kibaki and Ouko could well fall into this latter category. They were increasingly becoming concerned by the wide spread anger over the rigged 1988 elections coupled with massive corruption at the highest levels of government which angered the international community. However, their emergence was perhaps not so much a desire to move towards democracy but rather an attempt to renew the legitimacy of KANU.

As Mainwaring argues: "the emergence of a pro-liberalization faction within the authoritarian coalition is not so much a prerequisite for liberalization as a response to the erosion of the regime."³⁵

In any case the exclusionary politics of President Moi and the regimes long established tactic of suppressing dissent and seeing of rival challenges meant that members of the authoritarian regime who might favour political reforms could not get the upper hand and begin to liberalize the regime from within. This liberalization

³³ Throup, D., and Hornsby, C., *Multiparty Politics in Kenya, The Kenyatta & Moi States & the Triumph of the system in the 1992 election* (Oxford 1998) page 59

³⁴ O'Donnell, G., and Schmitter C., *Transitions From Authoritarian Rule. Tentative Conclusions about Uncertain Democracies*. (Baltimore 1986, 4th impression 1993) page 17

³⁵ Mainwaring, S., *Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues* (working paper #130 1989) page 7

from within the regime is according to O'Donnell and Schmitter a necessary condition for democratic transitions as they largely determine whether an opening will occur or not.³⁶ They emphasized the key role of elite interaction and strategic choice during the transition and in most cases ascribed limited importance to mass mobilization from below

Loosing legitimacy and mass mobilisation

Bratton and Van der Walle do not agree that transitions occur in the corridors of elite power. They argue that in neopatrimonial regimes transitions are more likely to originate in society. According to them economic distress and exclusionary rewards favouring particular groups are a volatile recipe for social unrest. With declining living standards usually mass protests break out calling for the removal of the incumbent leaders. These leaders driven by calculations of personal survival resist political openings as long as possible and seek to manage the process of transition only after it has been forced on them.³⁷

Barbara Geddes in '*What do we know about democratization after 20 years*' states: "...the lower probability that internal splits will lead to regime breakdown in non-military forms of authoritarianism explains why observers of transitions in Africa ... usually find the beginnings of change outside the regime rather than inside."³⁸

The explicit rigging of the 1988 elections proved to be an important catalyst for transition from authoritarian rule, alienating Kenyans of all classes. At the elite level the politicians who fell out of favour with the regime responded by adopting prominent positions in the campaign for multiparty politics. "At the mass level, ...[the open rigging] ...effectively undermined the parliamentary elections which had previously been a source of legitimacy for the regime."³⁹

³⁶ O'Donnell, G., and Schmitter C., *Transitions From Authoritarian Rule. Tentative Conclusions about Uncertain Democracies*. (Baltimore 1986, 4th impression 1993) page 48

³⁷ Bratton, M. and Van de Walle, N., *Democratic Experiments in Africa: regime transitions in comparative perspective*. (New York 1997) page 83

³⁸ Geddes, B., 'What Do We Know About Democratization After Twenty Years', *Annual Review* 2 (1999) page 122

³⁹ Branch, D. and Cheeseman N., 'Democratization, Sequencing, and State Failure in Africa: Lessons From Kenya', *African Affairs*, (2008), page 19

The loss of legitimacy is sometimes put forward as a factor why cracks appear in an authoritarian regime although scholars disagree over its decisive influence. According to Przeworski: “What matters for the stability of the regime is not the legitimacy of this particular system of domination but the presence or absence of preferable alternatives.”⁴⁰

These alternatives began to emerge in Kenya. Spurred by deepening economic distress people began linking their economic grievances to official corruption and mismanagement.

After the queue voting was introduced for KANU’s internal elections in 1988, a wider array of religious voices began to speak out regularly against the government. Queue voting replaced the secret ballot whereby voters were to select the KANU parliamentary candidates by standing behind the agent of their chosen candidate.

The unwillingness of the government to accommodate concerns of the clergy pushed church leaders to pursue a wider range of concerns. “Christianity transformed public debate of politics in post-colonial Kenya.”⁴¹ While other forms of dissent like freedom of speech were silenced through legislation or repression, freedom of religious practice was far more difficult and contentious to curtail.

Lawyers who through their defence of political prisoners supplied a link between civil society and political opposition joined the churches. The lawyers were able to broaden the debate from criticism of queue voting to the debate about constitutional reform. By late 1988, a new political alliance was taking shape outside the institutions of government –one based around the demands for constitutional reform driven by civil society.

Most notably, Kenya’s labour movement did not play any role in the re-democratisation agenda of civil society. This was mainly because the labour

⁴⁰ Przeworski, A., ‘Some Problems in the Study of the Transition to Democracy’ in: O’Donnell, G. A., et al., *Transitions From Authoritarian Rule. Comparative Perspectives*. (Baltimore 1986) page 51-52

⁴¹ Branch, D., *Kenya : Between Hope and Despair, 1963-2011*. (New Haven 2011) page 180

movement was co-opted by KANU and its leaders were KANU members by choice or coercion. Moreover, the labour leaders advised their members not to attend political rallies, which it considered illegal, devilish, and treasonable acts. This led to an isolated position and a fractious relationship with other social movements calling for the introduction of multiparty democracy. In Kenya the trade union was certainly not a vehicle for democratisation.⁴²

But it was not until the suspicious killing of Foreign Minister Robert Ouko, which galvanized massive demonstrations across the country that the Moi regime started to lose control of political developments. Although crowds shouted ‘Who killed Bob’, they knew who was responsible.⁴³ It were no longer only the church leaders and elites within civil society but also the masses who began insisting on political change.

“Ouko’s murder and the revelations and inconsistencies of the subsequent police and judicial inquiries were one of the crucial drivers behind the campaign for multiparty democracy, crystallising concerns about corruption and the power of those close to the President”⁴⁴ Wild rumours circulated about how the Foreign Minister had died, setting off riots in the capital. Significantly, Ouko’s murder also suggested that Moi might be willing to kill those closest to him to maintain his grip on power.

Shortly after the killing of Ouko in February 1990, two ‘excluded’ prominent Kikuyu former cabinet ministers- Matiba and Rubia- who lost at the 1988 elections seized the momentum and publically called for the introduction of multiparty democracy.

For the first time in a decade, the Moi regime faced a serious challenge from the two distinguished former Ministers, who as wealthy businessmen reflected the grievances of the influential Kikuyu business and professional communities. Matiba and Rubia transformed the long repressed and underground movement for multiparty democracy into a mass movement, which for the first time threatened government control.⁴⁵

⁴² Gona, G., ‘The state of labour movement in Kenya and its effect on the consolidation of democracy’ in: Ajulu, R., *Two Countries One Dream, The challenges of democratic consolidation in Kenya and South Africa* (Sandton 2009) page 133-153

⁴³ Branch, D., *Kenya : Between Hope and Despair, 1963-2011*. (New Haven 2011) page 192

⁴⁴ Throup, D., and Hornsby, C., *Multiparty Politics in Kenya, The Kenyatta & Moi States & the Triumph of the system in the 1992 election* (Oxford 1998) page 58

⁴⁵ *Ibidem* page 62

At the same time the veteran Luo opposition politician Oginga Odinga formed-echoing the civic movements that spearheaded the transitions in Eastern Europe- a civic movement called The Forum for the Restoration of Democracy (FORD). Its social composition was a cross ethnic alliance of diverse social elements from church leaders, young professionals, human right activists, students, and out of favour politicians who lent FORD a broad based national stamp.

The subsequent talks between Odinga and Matiba posed an even greater threat to President Moi who feared that they were plotting to revive the old Kikuyu-Luo alliance, which had brought Kenya to independence. Such a coalition, bringing together two of the three largest, most educated and economic developed groups against KANU would have posed a serious challenge.⁴⁶ According to Branch and Cheeseman: “the excluded elite sought to reinstate multi-party politics as a way to unlock Moi’s monopoly over political and economic opportunities.”⁴⁷

Although, the subsequent detention of the FORD leaders demonstrated that the government would not allow the emergence of the Luo-Kikuyu alliance. The repression failed to contain the outpouring of popular criticism. The Ouko murder remained a thorn in the side of the regime, the Churches remained hostile and growing questions were being asked in the West.

The international influence

According to Stephen Brown the literature on democratic transitions concentrates almost exclusively on their domestic aspects and overlooks the donors’ role, which is of particular relevance in sub-Saharan Africa.⁴⁸

Geddes agrees with Brown: “T [t]he timing of the big increase in the morbidity rate of African personalist regimes in the early 1990s suggests that these breakdowns were caused not by poor economic performance per se (which had begun in most countries

⁴⁶ Ibidem p65

⁴⁷ Branch, D. and Cheeseman N., ‘Democratization, Sequencing, and State Failure in Africa: Lessons From Kenya’, *African Affairs*, (2008) page 10

⁴⁸ Brown, S., ‘Authoritarian Leaders and Multiparty Elections In Africa: How Foreign Donors Help To Keep Kenya’s Daniel arap Moi in Power’, *Third World Quarterly* (22:5 2001) page 730

at least 10 years earlier) but rather by the combination of external pressures and reforms that have cut benefits to regime cadres.”⁴⁹

Western donors emboldened by the collapse of the Soviet Union began calling for good governance, transparency and accountability and putting pressure on the Kenyan government for the holding of free and fair elections. In November 1991 unusual outspoken ambassadors shed the veil of quite diplomacy and suspended all non-humanitarian aid and pressured for democratic reform and change. Thus heralding the introduction of political conditionality.

At the end of the Cold War many aid donors rapidly reduced their support for authoritarian rulers in Africa. The Kenyan government was becoming increasingly isolated. In the fall of 1991 the donor community had decided dramatic action was required and suspended new aid to Kenya—amounting to \$350 million—until corruption had been curbed and the political system liberalised.

“The decision... deeply shocked the government.”⁵⁰ Kenya, the long time favourite of the West, was being treated as one of Africa’s pariah regimes. President Moi made a desperate attempt to prevent the aid tap being turned off: he ordered the arrest of his closest ally and hard-line Cabinet member Biwott.⁵¹

On 26 November 1991 Biwott was sacked and arrested for complicity in the murder of Ouko. Occurring on the same day as the West rejected continued bilateral aid, this ‘double whammy’ completely destroyed the government’s will to resist. Many KANU hawks owed their positions to the ex-minister. His downfall now threatened the regimes survival and his removal from Moi’s side also briefly gave the moderates greater influence within the ruling circle.⁵²

Biwotts arrest meant that he was unable to prevent any change to the status quo. Apparently, “...KANU moderates...persuaded the President that resumption of

⁴⁹ Geddes, B., ‘What Do We Know About Democratization After Twenty Years’, *Annual Review 2* (1999) page 139

⁵⁰ Throup, D., and Hornsby, C., *Multiparty Politics in Kenya, The Kenyatta & Moi States & the Triumph of the system in the 1992 election* (Oxford 1998) page 84

⁵¹ Daniel Branch, *Kenya between hope and despair 1963-2011*, page 196

⁵² Throup, D., and Hornsby, C., *Multiparty Politics in Kenya, The Kenyatta & Moi States & the Triumph of the system in the 1992 election* (Oxford 1998) page 86

western aid was conditional on political reform, and that KANU could legalise opposition parties, win a snap election, and keep the money rolling in.”⁵³

Without Biwott the hardliners were caught by surprise. President Moi announced that he intended to repeal section 2a of the constitution and that the one party system was to be dismantled. According to Stephen Brown the legalisation of the opposition parties happened in large part because of the donors’ suspension of financial assistance.⁵⁴

Although the exact reasons as to why President Moi made his decision remain unclear: “...diplomatic sources suggest that he [President Moi] had made his decision in principle some time before but, concerned about the strength of the hard-line opposition to reform, had waited until the moment was ripe.”⁵⁵

For Stephen Brown Moi’s decision to move quickly to multi-party elections was premised on the assumption that multi-partyism represented KANU’s best opportunity to retain power and that such a gesture would resume the critically required flow of international finance.⁵⁶

Moreover with his decision to allow for more political pluralism President Moi seized the initiative back from the opposition, enabling KANU to control the legislative process, which would legalise opposition parties and to prepare for multiparty electoral process to KANU’s advantage.

The return of the hard-liners

The moderates within KANU led by the then Minister of Health Mwai Kibaki saw the opening up of the system as again an opportunity to reform the party itself and called for fresh party elections. However, the hardliners, reeling from Moi’s decision were slightly heartened by the release of Biwott after ten days of confinement just after the

⁵³ Ibidem 88

⁵⁴ Stephen Brown, Authoritarian leaders and multiparty elections in Africa: how foreign donors help to keep Kenya’s Daniel arap Moi in power *Third World Quarterly* (2001) page 731

⁵⁵ Throup, D., and Hornsby, C., *Multiparty Politics in Kenya, The Kenyatta & Moi States & the Triumph of the system in the 1992 election* (Oxford 1998) page 88

⁵⁶ Stephen Brown, ‘Authoritarian leaders and multiparty elections in Africa: how foreign donors help to keep Kenya’s Daniel arap Moi in power’, *Third World Quarterly* (2001),page 725–39.

conference for lack of evidence. The hardliners managed to isolate Kibaki and persuade the President that Kibaki and other Kikuyu politicians were plotting to disrupt the unity of the ruling party by purging many of Moi's closest supporters.⁵⁷

On Christmas day, informed that President was about to sack him, Kibaki resigned and announced two days later that he would launch a new party: the Democratic Party.

The intended sacking of Kibaki might have been a deliberate strategy by President Moi to force the expulsion of the moderates or the remaining Kikuyu politicians out of KANU. Had he not announced at his party convention just weeks before that he would screen out disloyal KANU party members by separating the good eggs from the bad eggs by putting them in the water?

With the opening up of political space his main concern however was the emerging alliance between the Luo and the Kikuyu, which could threaten his electoral victory. A new strategy had to be found countering this threat.

Hardliners within Kanu "were bent on defeating the opposition and ensuring their survival by turning Kenyans against one another."⁵⁸ The hardliners, including high-level cabinet ministers, hired violence specialists from the army and the police and planned and orchestrated violence to strengthen the position of the incumbent.⁵⁹

According to Klopp and Zuern too much focus has been on 'pacted' transitions allowing for a new regime without significant violent confrontation. Although many scholars have shown a correlation between democratisation and violence according to Klopp and Zuern they fail to identify which mechanisms produce violence when regimes open up. Instead they argue that violence or the threat of violence can be a

⁵⁷ Throup, D., and Hornsby, C., *Multiparty Politics in Kenya, The Kenyatta & Moi States & the Triumph of the system in the 1992 election* (Oxford 1998) page 95

⁵⁸ Daniel Branch, *Kenya between hope and despair 1963-2011* page 195

⁵⁹ Klopp, J., and Zuern E., 'The Politics of Violence in Democratization, lessons from Kenya and South Africa', *Comparative Politics*, (Jan 2007) page 136

useful technique to intimidate or divide opponents, force an agreement, or obtain greater concessions.⁶⁰

The violence instigated by the KANU hardliners appeared deliberately aimed at discrediting the opposition, which was accused of perpetrating violence. Moreover by depicting the violence as largely ethnic they sought to undermine the multi-ethnic appeal of the opposition. Indeed, Moi had been warning that multiparty politics in Kenya would bring tribal warfare and the ‘ethnic clashes seemed to fulfil the presidents dire predictions.’⁶¹

The violence became an instrument in protecting the status quo, driving a wedge between the opposition along ethnic lines and ensuring victory in the newly competitive elections. It “...was introduced by Moi as direct response to the process of elite fragmentation and political liberalization that threatened to remove him from power. By encouraging the further fragmentation of rival parties and exacerbating ethnic tensions, Moi successfully promoted opposition disunity.”⁶²

The violence caught the opposition completely off guard and destabilised key areas of support as key voters became internally displaced and hence disenfranchised. Some areas became emergency zones sealed off from anyone except the government.

The divided opposition

In the days following Moi’s announcement that multiparty politics were to resume, the chances of a KANU victory seemed remote. However, the opposition proved incapable of remaining united thereby improving the prospects of Moi and KANU.

With the launch of the Democratic Party FORD was no longer able to retain its monopoly on opposition. This created a serious rift in the opposition from the outset. The Democratic Party attracted much Kikuyu elite support but failed to attract wider support: “...the party was simply a vehicle for the ambitions of its leaders, who had thought that KANU was doomed but who were too late to have any chance of playing

⁶⁰ Ibidem page 127-146

⁶¹ Ibidem page 137

⁶² Branch, D. and Cheeseman N., ‘Democratization, Sequencing, and State Failure in Africa: Lessons From Kenya’, *African Affairs*, (2008), page 14

leading roles in FORD.”⁶³

According to David Throup two forces motivated the DP: personal ambition and class interest. Firstly, many DP leaders behaved as if they had a natural right to govern. President Moi had simply ‘stolen’ their power and endangered their personal wealth and they were determined not to lose out again. Secondly, the DP was the party of big business favouring economic liberalisation and represented far more than either KANU or FORD the interest of Kenya’s bourgeoisie⁶⁴

The bourgeoisie in Kenya was far from cohesive due to mainly two reasons. First, capital accumulation had a lot to do with close proximity to the state and second, with ethnic affinity between business people and the core ruling element in the government. This meant different ethnic groups were in favour at certain times which generated inequalities and “political and social tensions that have risen and fallen in intensity over the years and have pervaded the business sector and severely compromised its cohesion.”⁶⁵

Moreover most business people were dependent on government favour (contracts, credit, foreign exchange, waivers of taxes and duties) or they hoped for government favour, or they wished to avoid state sanctions against them. This made business people weary of openly calling for lifting of political repression and economic liberalisation. The leaders of the pro-democracy movement were middle class professionals, especially lawyers and clergy who had considerable occupational autonomy from government.⁶⁶

Before the emergence of DP, the opposition landscape was almost monolithic, occupied by a defiant and triumphant FORD. But soon several divisions afflicted it. The first was between the moderates and the radicals: between the old-guard politicians, ‘the moderates’, who sought to use the movement as an avenue to ascend to power and the ‘Young Turks’, ‘the radicals’ from the professional world of the academia, law and journalism.

⁶³ Daniel Branch, Kenya between hope and despair 1963-2011, page 208

⁶⁴ Throup, D., and Hornsby, C., *Multiparty Politics in Kenya, The Kenyatta & Moi States & the Triumph of the system in the 1992 election* (Oxford 1998) page 98

⁶⁵ Holmquist, F., Business and Politics in Kenya in the 1990s (occasional paper 2002) page 11

⁶⁶ Holmquist, F., Business and Politics in Kenya in the 1990s (occasional paper 2002) page 10-12

The second division emerged as FORD's membership expanded the party's dissident roots were in danger of being swamped by Kikuyu conservatism regarding FORD as the best vehicle for a renaissance of the Kenyatta era. They had little in common with the party's founders and endangered its reformist image.⁶⁷

Thirdly, in their struggle for power the old-guard politicians also started to fragment along the predictable ethnic fault-lines of Kenyan politics. These divisions quickly developed into a network of rival alliances jostling for the party's presidential nomination.

As the December 1992 election approached, the question of who was to be FORD's presidential candidate became ever more pressing. Some favoured the Luo Odinga, others the Kikuyu Matiba. Neither man was prepared to give way and the party finally split in October 1992 into two: Odinga led FORD-Kenya and Matiba led FORD-Asili into the December elections.

Once these divisions became apparent to the general public, the great emotional response to multiparty democracy and the tremendous popular enthusiasm created by FORD's registration would be replaced by disillusionment with politicians and the political process amid the failed hopes that had been aroused.⁶⁸

With its control over government patronage and the state machinery, given that the DP would already have split the opposition vote and the disintegration of FORD breaking the much-feared LUO-Kikuyu alliance, a victory for KANU and Moi seemed on the cards.

The election outcome

President Moi and KANU retained power in the 'founding elections' of 1992 due to five main factors. Firstly the opposition rapidly fragmented into two rival parties, one mainly Luo group headed by Odinga and one mainly Kikuyu group headed by

⁶⁷ Daniel Branch, *Kenya between hope and despair 1963-2011* page 208

⁶⁸ Throup, D., and Hornsby, C., *Multiparty Politics in Kenya, The Kenyatta & Moi States & the Triumph of the system in the 1992 election* (Oxford 1998) page 94

Matiba. The opposition vote was further divided by Kibaki's decision to establish the Democratic Party. Opposition fragmentation enabled Moi to secure a re-election with just 36 percent of the vote.

Secondly, the hasty organisation of the election and the widespread ballot stuffing denied the opposition a level playing field. Thirdly, the government sponsored a process of ethnic cleansing causing widespread displacement and chaos. Fourth, KANU effectively played divide and rule politics by distributing patronage through its well established harembee patron-client network to recruit a broad multi-ethnic support base from the smaller ethnic groups in fear of Luo and Kikuyu hegemony.

Lastly, "donors as a whole demonstrated a distinct lack of vision and understanding regarding what was required for a democratic transition in Kenya. They overly emphasised elections (and election day), at the expense of campaign conditions and the other components of democracy."⁶⁹ In the end they permitted the polls to proceed in spite of KANU's tremendous unfair advantage in contesting the elections.

After the votes were tabulated, donors did not publicly reveal their findings on the illegitimacy of the election results and chose instead to endorse KANU's victory. This electoral legitimation allowed Moi to leave in place a significant repressive apparatus at the disposal of the executive and indefinitely postpone reforms that would have allowed a full transition to democracy.

Donors feared the instability caused by the wide spread violence would not only undermine economic reform but also Kenya's strategic importance in a volatile region. "Hence, in order to restore the financial relations between Kenya and its donors, the elections had to be labelled 'free and fair'."⁷⁰ Moreover, "F [f]earing instability, looking for quick results and avoiding more uncertain but farther-reaching reforms, donors actually forestalled more fundamental change."⁷¹

⁶⁹ Brown, S., 'Authoritarian Leaders and Multiparty Elections In Africa: How Foreign Donors Help To Keep Kenya's Daniel arap Moi in Power', *Third World Quarterly* (22:5 2001) page734

⁷⁰ Foeken, D. and Dietz, T., *Of Ethnicity, Manipulation and Observation: the 1992 and 1997 Elections in Kenya* (Leiden 2000)

⁷¹ Brown, S., 'Authoritarian Leaders and Multiparty Elections In Africa: How Foreign Donors Help To Keep Kenya's Daniel arap Moi in Power', *Third World Quarterly* (22:5 2001) page734

Conclusion

This paper concentrated on the initial stages of the transition in the run up to the founding elections of December 1992 and sought to explain why it became a flawed transition.

The transition in Kenya cannot be credibly attributed to actors' contingent choices solely as structural factors played their part as well. A decade of economic crisis, low levels of growth coupled with a rapidly expanding population, and difficult structural adjustment programmes weakened the ability of the Moi regime to fund his patronage networks on which its support base depended.

His exclusionary politics led to elite fragmentation which created opponents at the elite level as predation and access to the state coffers seemed to be an overriding motivation for those elites inside and outside the regime.

As in the case of Kenya it is often difficult to trace the exact origins of when the transition began. What is clear is that the explicit rigging of the 1988 elections proved to be an important catalyst for transition from authoritarian rule alienating Kenyans of all classes. At the elite level this led to calls from within the regime for reform by Kibaki and Ouko and outside the regime for calls for the introduction of multiparty democracy by those who lost their seats in the same election Matiba and Rubio. At the level of the masses the queue voting effectively undermined the legitimacy of the regime.

I am not convinced by the proposition by Bratton and van der Walle that the transition was initiated from below in the case of Kenya. Although the economic crisis fomented popular discontent and led to widespread protests the Moi regime still appeared to be in full control in the late eighties.

It was not until the disunity within the authoritarian regime was exposed by the demotion of Kibaki and in particular the murder of Foreign Minister Ouko that things began to change. The murder of Ouko was in a sense a 'game changer' as it sent signals to other actors that the regime was not as cohesive as it would like to portray. From this moment more actors became involved in influencing the political process

and the regime of President Moi lost control of political developments, which led to a high level of uncertainty.

The statement made by President Moi in December 1991 at his party convention in which he argued for separating the 'good eggs' from the 'bad eggs' to screen out disloyal KANU members for me alluded to a less cohesive KANU in which elements from within were toeing a different than official party line.

The demotion of Kibaki and in particular the cabinet letter of Ouko making a case for multiparty democracy in 1990 and his subsequent murder lead me to believe that the impetus for the transition in Kenya lay within splits in the regime as argued by O'Donnell and Schmitter.

Holding on too rigidly to the neo-patrimonial paradigm with its emphasis on political liberalization from below as the starting point in Africa as posited by Bratton and van der Walle with its overriding attention to the impact of mass mobilisation or opposition actors can lead to neglect of the impact of splits within the authoritarian regime. In that sense I agree with Mainwaring who states that "...most transitions in involve complex interactions between regime and opposition forces from a relatively early stage"⁷²

Despite the strength of the prodemocracy movement protests and divisions within the ruling party, these on their own they were not enough to force a transition by merely domestic actors. The threats to withhold foreign assistance mattered as much as the internal dynamics. Moi eventually succumbed to street and donor pressure by allowing a KANU dominated parliament to amend one article in the constitution to make multi-party elections possible.

What stands out is that it was certainly not a regime-initiated liberalisation. Moi showed little interest in introducing political changes that would undermine his dominance in the political system. He only initiated reform when he perceived that he had little choice.

⁷² Mainwaring, S., *Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues* (working paper #130 1989) page 6

President Moi had deliberately stifled the reformers within his regime ensuring that the hardliners would remain having the upper-hand. This repressive internal party strategy prohibited that reformers within the regime could play a decisive role in making a transition possible and allowing for Huntington's 'transformation'. Moreover the widespread politisation of 'ethnic' violence whipped up ethnic hatred, displaced and disenfranchised many voters, and exacerbated disunity within the opposition as a means to hold on power.

Moi was helped by the opposition's failure to remain united as they were more interested in their own ambitions than the cause of democracy making a 'replacement' in which the opposition would overthrow the regime impossible.

Moreover, the political leaders of the opposition were not inclined to seek constitutional changes that would reduce the power of the President: they preferred to inherit such powers. This helps explain why opposition presidential candidates showed little interest in a new constitution. It also meant that there was no real space or effort for negotiation between the regime and the opposition. In the absence of a pact and reform of the fundamental rules of the game KANU retained the monopoly as the key agent preventing a process of 'transplacement'. This sealed the fate of the transition.

In the case of Kenya Dankwart Rustow's 'decision phase' merely amounted to the legalisation of the opposition parties rather than the wholesale revision of the authoritarian state and despite that the transition was accelerated by donors and a unified opposition, it was ultimately Moi and KANU that controlled the process.

President Moi and KANU were determined to cling to power by any means, while the opposition politicians lacked any guiding political principle on the basis which they could unite and unseat the ruling party. The international community frightened by the instability caused by the 'ethnic clashes' preferred stability over democratic reforms and more or less resumed business as usual.

KANU's victory ensured that the dominant institutions of the one-party survived the initial process of liberalisation.

Bibliography

Almond, G., and Verba, S., *The Civic Culture, Political attitudes and Democracy in Five Nations* (Newbury Park 1963, 1989 edition)

Anderson, L. (ed), *Transitions to Democracy* (New York 1999)

Bates, R., *When Things Fall Apart: State failure in late-Century Africa* (New York 2008)

Bedasso, B., *Lords of Uhuru: the political economy of elite competition and institutional change in post-independence Kenya* (Working Paper Series Maastricht 2012)

Branch, D., *Kenya: Between Hope and Despair, 1963-2011*. (New Haven 2011)

Branch, D. and Cheeseman N., 'Democratization, Sequencing, and State Failure in Africa: Lessons From Kenya', *African Affairs*, (2008), 1-26

Bratton, M. and Van de Walle, N., *Democratic Experiments in Africa: regime transitions in comparative perspective*. (New York 1997)

Brown, S., 'Authoritarian Leaders and Multiparty Elections In Africa: How Foreign Donors Help To Keep Kenya's Daniel arap Moi in Power', *Third World Quarterly* (22:5 2001) 725–39.

Carothers, T., 'The End Of The Transition Paradigm', *Journal of Democracy* (13:1 2002)

Chabal, P. and Daloz, J.-P., *Africa Works: disorder as political instrument*. (London 1999)

Cohen, D., and Atienho Odhiambo, E., *The Risks of Knowledge: investigations into the death of the Hon. Minister John Robert Ouko in Kenya 1990* (Ohio 2004)

Collier, D. and Norden, D ., 'Strategic Choice Models of Political Change in Latin America', *Comparative Politics* (Jan 1992) 229-243

Diamond, L. J., *The Spirit of Democracy: The Struggle To Build Free Societies Throughout The World*. (New York 2008)

Foeken, D. and Dietz, T., *Of Ethnicity, Manipulation and Observation: the 1992 and 1997 Elections in Kenya* (Leiden 2000),

<https://openaccess.leidenuniv.nl/bitstream/handle/1887/4672/ASC-1241504-040.pdf?sequence=1>

Geddes, B., 'What Do We Know About Democratization After Twenty Years', *Annual Review* 2 (1999) 115-144

- Gona, G., 'The state of labour movement in Kenya and its effect on the consolidation of democracy' in: Ajulu, R., *Two Countries One Dream, The challenges of democratic consolidation in Kenya and South Africa* (Sandton 2009)
- Holmquist, F., *Business and Politics in Kenya in the 1990s* (occasional paper 2002)
- Huntington, S., *The Third Wave, democratization in the late twentieth century* (Oklahoma 1991, reprint 1993)
- Joseph, R., 'Democratization in Africa After 1989: Comparative and Theoretical Perspectives,' in Anderson L. (ed), *Transitions to Democracy (New York 1999)* 363–82.
- Klopp, J., and Zuern E., 'The Politics of Violence in Democratization, lessons from Kenya and South Africa', *Comparative Politics*, (Jan 2007) 127-146
- Klopp, J., ' "Ethnic Clashes" and Winning Elections', *Canadian Journal of African Studies* (35:3 2001) 473-517
- Linz, J. J. and Stepan, A. C., *Problems of Democratic Transition and Consolidation : southern Europe, South America, and post-communist Europe.* (Baltimore 1996)
- Lipset, S., 'Political Man: The Social Bases of Politics' in: Dahl, A., (ed) *The Democracy Source Book* (Massachusetts 2003)
- Mainwaring, S., *Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues* (working paper #130 1989)
- Moore B., Jr., *Social Origins of Dictatorship and Democracy, Lord and peasant in the Making of the Modern World* (New York 1966, reprinted 1984)
- O'Donnell, G. A., et al., *Transitions From Authoritarian Rule. Comparative Perspectives.* (Baltimore 1986, third printing 1991)
- O'Donnell, G., and Schmitter C., *Transitions From Authoritarian Rule. Tentative Conclusions about Uncertain Democracies.* (Baltimore 1986, 4th impression 1993)
- Pridham, G., *The Dynamics of Democratization: a comparative approach* (New York 2000)
- Przeworski, A., 'Some Problems in the Study of the Transition to Democracy' in: O'Donnell, G. A., et al., *Transitions From Authoritarian Rule. Comparative Perspectives.* (Baltimore 1986) 47-63
- Rustow, D., 'Transitions to Democracy: Toward a Dynamic Model' in: Anderson L. (ed), *Transitions to Democracy (New York 1999)*
- Teorell, J., *Determinants of Democratization : explaining regime change in the world, 1972-2006.* (New York 2010)

Throup, D., and Hornsby, C., *Multiparty Politics in Kenya, The Kenyatta & Moi States & the Triumph of the system in the 1992 election* (Oxford 1998)

Villalón, L. A. and VonDoepp, P., *The Fate of Africa's Democratic Experiments: elites and institutions*. (Bloomington 2005)

Welsh, H., 'Political Transition Processes in Central and Eastern Europe', *Comparative Politics* (1994) 381-2