2011-01-01

Thomas Jefferson in Nairobi: The United States, Kenya, and the Democratization Debate

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Thomas Jefferson in Nairobi: The United States, Kenya, and the Democratization Debate

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Thomas Jefferson in Nairobi: The United States, Kenya, and the Democratization Debate

By

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Thesis

Presented to the Faculty of the Graduate School of

The University of Texas at El Paso

in Partial Fulfillment

of the Requirements

for the Degree of

Master of Arts

Department of History

THE UNIVERSITY OF TEXAS AT EL PASO

August 2011
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Chapter 1

Kenya Before Moi: an Open single-party State

You can afford to have two parties in America after 500 [sic] years of independence, and there are no ethnic groups and everyone there is American...we are still too young a nation with tribes. To introduce a multi-party system at this stage will mean inviting bloodshed.

-KANU Mombasa Branch Chairman Shariff Nassir, April 29, 1990.¹

I will go knowing fully that I have made my contribution in my own small way towards restoring my beloved democratic Kenya to the ideals for which our grandfathers, fathers, mothers, brothers and sisters sacrificed so much for. These ideals are universal to humankind...Our constitution guaranteed that every Kenyan should be able to walk the streets of the country without fear of unwarranted arrest; to work in his office without unwarranted interference with his privacy; to live in his home without fear of unwarranted search; to participate in an open, free and fair election, where he can vote for a candidate of his choice; and belong to a political party of his choice.

-Gitobu Imanyara, editor of the Nairobi Law Monthly, commenting on his imminent arrest, March 1990.²

In the spring of 1991 when the U.S. House Subcommittee on Africa met to hammer out foreign assistance legislation for the fiscal years 1992 and 1993, there was general bi-partisan agreement that this was an unprecedented moment in U.S. history, and an unprecedented opportunity in U.S. foreign policy.³ The rubble that was the Berlin wall left no question as to the winner of the cold war just as—it was months later— that the rubble in Bagdad left no question about the strength and boldness of American power in what was newly a unipolar world. Indeed, it seemed at this moment that the U.S. could usher in a new world order as it liked, free from the Soviet antagonism that had lasted nearly a half century. One commentator writing in Foreign Affairs had optimistically opined, “The world, in what

promises to be more than a half century of global peace, has become safer for democracy than it was in 1945, 1917, or any previous time.”4 History, it was thought, had reached its end.5

In Kenya in the spring of 1991, the full legal realization of multi-party democracy was still approximately 9 months away. At this time, for over a year, the merits of the new system had been the subject of intense debate. Gitobu Imanyara’s quote in the epigram above is not only a fitting introduction to the intensity of the debate, but also provides a critical insight into the way in which those in the Kenyan opposition conceived of “democracy.” Imanyara, with his arrest imminent, did not simply list every liberty guaranteed in the Kenyan constitution. Instead he listed the freedoms which he deemed important to a free society. And, not coincidentally these were exactly the areas that had been recently constricted by the Moi regime. He wrote about being able to “walk the streets without fear of unwarranted arrest” because democracy advocates had been disappearing into jails without charges; he wrote about being free to work in one’s office without interference because government police had just visited his; he wrote about the guarantee of “free and fair elections” because Kenya had just been through one of the most blatantly rigged contests in its history; and finally, he wrote about being able to choose the political party of one’s choice because in Kenya, in 1990, no such thing was possible.6

Imanyara belonged to a group of opposition elites consisting of lawyers, clergymen, and former government ministers who argued in favor of political pluralism while the government argued against it. Shariff Nassir’s words point to the government’s main argument against multi-party democracy: that together with Kenya’s ethnic diversity a multi-party system would lead to chaos. During this ongoing

5 The general argument in Historian Francis Fukuyama’s work The End of History and the Last Man was that the end of the Cold War also meant that Western style liberal democracy was now a globally agreed-upon notion. Francis Fukuyama, The End of History and the Last Man (New York: Free Press, 1992).
dialogue, notions of democracy in Kenya intersected with debates about other contentious issues in Kenyan society. In this way ideas about democracy in Kenya in the early 1990s were shaped by, and shaped Kenyan notions of ethnicity, development, imperialism, and most of all authoritarianism. This thesis is about those ideas.

The Early 1990s: An Unprecedented Moment

A concatenation of events in the early 1990s allowed for a break with a pragmatic U.S. foreign policy. This phenomenon, in retrospect, which might be better described as moralist window—a time when geopolitics abated and there was enchantment in U.S. policy-making circles with what was thought to be an inexorable spread of a Western type of government and a Western free market economic philosophy. Variously described in all-encompassing metaphors, the idea that true democracy was finally coming to Africa was agreed upon by Democrats and Republicans alike. This spread, as articulated at the U.S. Congressional hearings on Africa in 1991, was inevitable. The details of it, however, always remained vague. The important thing, politicians agreed, was that it was America’s democracy and its market economy that were being exported to Africa.

The definition of this democracy—outside of the important symbol of holding elections—did not appear to be of any consequence. Indeed, members of Congress often showed a lack of basic knowledge of the political contours of various African states. But this did not matter: it made no difference how democracy would spread; the fact was that the world was freeing itself in an American way. Democratic ideas were expressed in a way that was more self-congratulatory than sincere, more of a reflection of what had already happened when the U.S. had encouraged democracy in the past—as with the cases of Germany and South Korea—than what might be yet to happen in Africa. Also, the nascent Eastern European democracies gave U.S. policy makers confidence that it was now also Africa’s time to democratize. Consequently, as far as post World War II American foreign policy goes, this
current of moralism in a sea of pragmatism served to make ideas about democracy sound like grandstanding. Perhaps no greater testament to the United States’ own confidence in the democratic movement can be cited than with the situation in Zaire. Even Africa’s most notorious kleptocrat Mobutu, it was thought, would come around.7

In Kenya at this time, the conversation about democracy, aside from the mention of elections, hardly resembled the way it was being framed in Washington. In the epigram to this chapter, Sharифf Nassir’s quote touches on the main question in the Kenyan debate: Are Kenyans ready for democracy? An affirmative answer came from Kenyan intellectuals and lawyers. And, indeed, although Kenya had never truly had multi-partyism, democracy—or a measure of political freedom in a one-party state—was something Kenyans began to realize they had had when President Daniel arap Moi’s regime began to take it away. Democracy, then, became a way to oppose a dictatorial regime without having to talk about a regime change.

The idealism of the group of opposition elites who began these intense—and dangerous—debates about democracy should be measured carefully. They may have turned out to be democratic patriots, but their own sense of opportunism always lurked in the debates about democracy. After all, as historian Frederick Cooper has noted, the oppositions’ patronage networks were just as entrenched as Moi’s.8 But to say that their ideas about democracy were simply a ploy to replace the current leadership would be selling them short. The most vocal of the opposition leaders were jailed and tortured, and this process only encouraged more democratic debate and intensified the desire for a more open system in Kenya. But, the point is that these opposition leaders did not see themselves as floating on a wave of something that came from the West, or something that was completely new and foreign to them. Instead, what this work endeavors to show is that they were using the language and

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8 Frederick Cooper, Africa Since 1940 (New York: Cambridge University Press, 2002), 176.
philosophy of democracy to stand in opposition to an increasingly oppressive system. Moreover the rhetoric of democracy collaterally revealed the primacy of ideas about “tribalism” in Kenyan society as well as the idea depending on which side one listened to—that democracy would either help or hurt the economy. Democracy and disorder were ideological partners.

Expressing an opinion that directly reflected the position of the ruling party, Sharrif Nassir, for his part, aggressively argued that, in an ethnically complex Kenya, the implementation of democracy would “invite bloodshed.” This was one of the two main government arguments against democracy. The other was the notion that political competition needlessly hindered development. These ethnic and economic arguments held within them a tacit assumption tied up in the philosophy of modernization theory: the idea that Kenya’s time as a multi-party democracy would come and the government argued this would be after ethnic difference was de-emphasized and after the country developed further. Interestingly enough, this same logic underpinned the U.S. Congress’ analysis: just like Germany and South Korea, Kenya would come into history.

The election violence that crippled Kenya in 2007 and 2008 serves as a fitting close to this work for two reasons. First, the violence, seen through the retired President Moi’s eyes, seemed on the surface to confirm his dictum that multi-partyism was not possible in a highly ethnically differentiated society. And Moi would have been proven right if the veracity of his argument was not subject to the fact that he, and other leaders, had consistently encouraged ethnic polarization via politics. And second, the arguments about democracy before and during the violence in 2007 point to a version of democracy that had changed: instead of being centered solely on multi-partyism it focused on constitutionalism. In other words, the realization came that having pluralism on the books did not equate to a pluralistic political system.
An examination of the debates around democracy in the U.S. and Kenya in the early 1990s reveals two things. First, a cold war victory had created a certain hubris in Washington that underpinned ideas about exporting democracy to Africa and led to the vague but unyielding belief that democracy would have no trouble finding fertile ground there and that its implementation would resolve the fundamental problems facing African states and societies. Second, in Kenya, ideas about democracy are virtually indistinguishable from opposition to President Moi’s regime, and this is illustrative. It points to the fact that the Kenyan opposition in the early 1990s did not “import” democracy—that is they did not see it as a foreign system that needed to be tailored to fit their nation—as much as they used the language and rhetoric of this system of government in order to address and oppose what they felt were increasingly ebbing freedoms. In other words, for people living in repressive regimes, such as the Kenya of the early 1990s, democracy is not an abstract and foreign concept, but something they understand in terms of their own experience living in—an actively opposing—a repressive government.

Democracy in Africa in the 1980s and 1990s

The democratic progress that was ongoing in Kenya in early 1990s was just a small part of what was happening across the continent. Africanist Paul Nugent has asserted that the last two decades of the 20th century in Africa were highlighted by the “rediscovery of competitive politics.” In the 1980s and 1990s “significant sections of society weighed into politics with a gusto which had not been witnessed since the heydays of nationalism.” Many elements came together to lead to a so-called third wave of democratization in Africa. The worldwide economic contraction of the 1970s had eroded patronage resources, and opportunities for students and professionals alike diminished. Moreover,

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10 Ibid.
economic stagnation allowed for ordinary workers and the urban poor to be available for demonstrations and other violent protest.\textsuperscript{12} Donors, such as the World Bank and International Monetary Fund, and a growing range of Non-Governmental Organizations (NGOs), were demanding progress on “good governance” and human rights.\textsuperscript{13}

These factors had widespread effects. In Africa in the 1990s, there were more elections than in any single time period since independence, and between 1990-1994 progress toward democracy could be seen in 16 out of 47 African nations with civil liberties showing at least some improvement in 32 countries.\textsuperscript{14} These estimates reflect the optimism of the moment; small democratic gestures, as the U.S. Congressional hearings showed, drew Western applause. Though these gains were both “uneven and fragile,” it is important to note that as of 1990, no African government had ever been defeated in an election, but within 6 years 18 elections would unseat incumbents.\textsuperscript{15} It is in this context that debates around multi-party democracy began in Kenya early in 1990.

\textbf{Historiography}

The scholarship on democratization in Africa, and Kenya, near the end of the twentieth century has largely been the province of political scientists, and generally has confronted the effectiveness—or lack thereof—of the implementation of democracy in various African states. In large part, the analysis has been quantitative and scholars have paid little attention to the rhetoric surrounding democracy in the places where it has been taking hold. Broadly speaking, there have been three general trends in the literature on democratization in Africa since the “third wave” of democratization began to take shape.

\textsuperscript{12} Frederick Cooper, \textit{Africa Since 1940}, 181.
\textsuperscript{13} Ibid.
\textsuperscript{14} Frederick Cooper, \textit{Africa Since 1940}, 182.
\textsuperscript{15} Paul Nugent, \textit{Africa Since Independence: A Comparative History}, 369.
there in the late 1980s and early 1990s.\textsuperscript{16} First, there was an optimistic strain of scholarship which went to great lengths to describe the new democratic movements, or indeed anything that resembled them. Then, later in the 1990s, scholarship became focused on democratic consolidation a term broadly used to describe the changes that still needed to be made, outside of multi-partyism and elections, for a more complete democracy to take hold. Finally, more recent scholarship on democratization in Africa—and certainly in Kenya—has tended to be diagnostic and descriptive, and has tended to look back on the third wave in an attempt to understand its failure.\textsuperscript{17}

Scholarship on the third wave of democratization in the early 1990s in Africa ranges in tone from overly optimistic to cautious, and tends to describe democratic tendencies at length. Political scientist Samuel Decalo wrote in 1992 that while democratization efforts in Africa were “a breath of fresh air” that some countries would “surmount the obstacles posed by democracy” and others would regress to single party or military rule.\textsuperscript{18} Also in 1992, political scientists Michael Bratton and Nicolas van de Walle asserted that the prediction that Africans would come to prefer democracy had “begun to be brilliantly vindicated.”\textsuperscript{19} Likewise aid expert Carol Lancaster argued optimistically that three fourths of the 47 sub-Saharan African states were in “various states of political liberalization” in 1992.\textsuperscript{20}

But by 1997 the shortcomings of democracy in Africa were evident and this was reflected in the scholarship. Political scientist Fareed Zakaria’s article in \textit{Foreign Affairs} titled “The Rise of Illiberal

\textsuperscript{16} “Third Wave” is a term coined by political scientist Samuel Huntington to describe the range of new democracies sprouting across the globe starting in 1974 with the deposing of Marcelo Caetano. The first wave came with the universal suffrage given to white males in the United States at the beginning of the 19th century and the second stretched from 1945 until 1962. Samuel P. Huntington, \textit{Third Wave Democratization in the late 20\textsuperscript{th} century} (Norman: University of Oklahoma, 1991), 3.


Democracy” insisted that free and fair elections alone did not constitute democracy. And, in fact, many new democracies, which he termed “illiberal,” had experienced multi-partyism and elections yet were not observing other fundamentals of democracy such as “the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property.” A kind of topical democracy was flourishing but these other aspects which he termed “constitutional liberalism” were being neglected.

Political scientist John Harbeson argued that this was happening in Kenya. He highlighted the “incompleteness” of the transition to multi-partyism under Kenyan President Moi in 1991. Harbeson argued that though the 1997 Kenyan election was flawed it “kept alive political renewal leading to further democratic consolidation.” Political scientist Korwa Adar argued similarly that both the 1992 and 1997 elections in Kenya “did not meaningfully alter the authoritarian and repressive character of the state” which remained reminiscent of Kenya’s post-independence single party systems. Adar also asserted that the central problem with Kenyan multi-partyism was that the “central process of political control was politicians’ manipulation of ethnicity.” In his mind, the main impediment to democratization was the lack of a political will on the part of the Kenyan leadership, the fact that they would not adhere to “a constitutional framework consistent with democratic principles.”

After Moi left office in 2002, the focus of scholarship remained on democratic consolidation. Political scientist and political consultant Joel Barkan argued in 2004 that the U.S. had forgotten the task of helping to consolidate democracy in Kenya in the face of a terrorism-centered foreign policy.

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22 Ibid., 23.
25 Ibid.
26 Ibid.
reminded U.S. policy makers that the “process of democratization extends beyond defeating the country’s former authoritarian regime.”

After the tumultuous 2007 election in Kenya, the scholarship took to exploring the various causes of the violence. Barkan claimed that a restructuring of “the basic ground rules of the political game” was necessary. Scholars Daniel Branch and Nic Cheeseman examined the election violence in terms of three trends dating back to the Moi years: elite fragmentation, political liberalization, and massive state corruption. For these authors an out-of-date constitution and a lack of institutional safeguards deserved the preponderance of the blame for the Kenyan violence. Political scientist Susan Mueller argued that the elections’ failure was not simply a result of technical problems, but rather a general lack of willingness to be the loser of an election, and a weakness of the rule of law. Peter Kagwanja and Roger Southall, President of the Africa Policy Institute and sociologist respectively, argued that the roots of the Kenyan crisis were to be found in population growth, extensive poverty, and ethnic disputes over land that dated to colonial times. These authors, like others, believed that Kenyan democracy was at risk because the leadership—which now consisted of a coalition government—would not take up reform.

Finally, in 2011, political scientists Gabrielle Lynch and Gordon Crawford wrote the epitaph for the third wave of democratization. In an analysis of overall progress made on democratization in Africa they determined that little headway had been made. Although Ghana, Senegal, and Mauritius had

28 Ibid., 87.
31 Ibid., 26.
made some gains in civil and political rights, these were the exceptions, not the rule. The authors called for a more serious effort at establishing the rights of security and economic rights for Africans.\textsuperscript{35}

Though the overwhelming majority of scholarship has not addressed opinions and notions of democracy on the ground in African nations, there have been some exceptions. Political scientist Gavin Williams has argued that the concept of democracy is “essentially contested,” and therefore very little agreement can be made as to its core meaning. In an African context, these definitions can only be found through a continued dialogue and continual political activism in the societies going through democratic change.\textsuperscript{36} Political scientists Beth Whitaker and public policy expert Jason Giersch have argued that scholarship on Kenyan politics has focused too heavily on ethnicity. This has tended to obfuscate other factors that have influenced voters. In the case of the 2005 failed referendum on a new constitution, these authors argue that the mobilization efforts of the “yes” and “no” campaigns as well as Kenyan’s own perceptions of government also influenced voting patterns.\textsuperscript{37}

Robert Mattes and Michael Bratton have also questioned the essentialization of the African voter. They proposed a “learning model of the origins of popular attitudes” on democracy in Africa.\textsuperscript{38} They rejected the notion that African’s political views are based on “either cultural values or their positions in the social structure” and argued that Africans form political attitudes based on what “they learn about what it [democracy] does.”\textsuperscript{39} This includes learning about democracy through awareness of public affairs, their own experiences with the government and the economy, and their interpretation of

\textsuperscript{35} Ibid.
\textsuperscript{39} Ibid.
national political legacies. My argument is somewhat similar: what I endeavor to show is how the experience of authoritarianism defines democracy in the minds of the Kenyan opposition.

The Kenyatta Years 1963-1978

The developments in Kenya in the late 1980s and early 1990s were rooted in late colonial and post-colonial history and the popular understanding of governance. The government which brought Kenya to full independence within the Commonwealth on December 12, 1963 was led by Prime Minister Jomo Kenyatta. Kenyatta, who would change his position to president a year later, had exceptional political credibility with the Kenyan people. When he took power, he had nearly 40 years of political experience and a record of colonial resistance behind him. Multi-partyism lasted only a year after independence with Kenyatta’s Kenyan African National Union (KANU) absorbing the opposition Kenya African Democratic Union (KADU) party, and, with this, “both winners and losers now agreed there was little to be gained from a Westminster style process of confrontation leading to an electoral contest every five years.” In the newly independent state, political competition between organized parties was seen as a threat to national unity, and therefore KANU would be the only party.

KANU did not then have the strength or influence that it would gain years later under Kenyatta’s successor. Kenyatta vehemently opposed any suggestion that he strengthen KANU by allowing it to be a vehicle for development and instead chose to keep the business of the party and that of the administration separate. Kenyatta allowed for a government that tolerated a range of points of view so

41 Ibid., 12.
long as certain lines were not crossed, and under him KANU also tolerated some internal criticism over its policies.42

Eschewing the party as a vehicle to distribute resources, Kenyatta chose instead to use a system called “Harambee,” a Swahili term meaning “let’s pull together,” for this task. Harambees were local fund-raisers for development projects in which the local Member of Parliament was expected to make a large donation. But, as had been anticipated by Kenyatta, this would place a significant burden on the Member of Parliament who would then be forced to ask other senior politicians for help. This political institution helped to build government coalitions across ethnic lines and provided a measure of equality for the underrepresented groups they served. Moreover, the system allowed Kenyatta not to have to use KANU “as a vehicle for social and political control.”43

The absorption of KADU in KANU established the principle that national unity would be threatened by the divisiveness of multi-party politics. Strictly speaking, the formation of parties remained legal, and in fact the government permitted a limited degree of political pluralism. In 1966 Luo politician Oginga Odinga announced the creation of a new socialist party called the Kenyan People’s Union (KPU) and a number of sitting Members of Parliament declared their allegiance to the new party.44 In response the National Assembly quickly amended the Constitution to require Members of Parliament who had switched parties to face an immediate by-election. This by-election decimated the KPU and ended Kenya’s experiment with quasi-multi-partyism. During its brief existence, the KPU was far more restricted than was the ruling party. The organization was forced to operate under strict guidelines from the government: it could not hold meetings or participate in harambees; and it was

43 Ibid., 34.
44 Throup and Hornsby, Multi-party Politics in Kenya, 13.
subject to harassment by the Registrar of Societies. In the 1968 local elections, all 1,800 KPU candidates were personally disqualified by Kenyatta. And, finally, when the President’s visit to Luoland—which was the heart of the KPU—turned violent, KPU leaders were detained and the organization banned. So, individual political leaders did exist outside of KANU, but precariously so. Odinga was the most prominent of these but, during the Kenyatta years, he was never able build significant support outside his home district. From the advent of the KPU in 1966, to its complete eradication in 1969, Kenya was technically a multi-party state. Yet, during the 1990s, multi-party advocates would refer to this as an era of political competition.

In 1969 Kenya again “became” a one party state and would continue to be until late in 1991. It was, however, by African standards, an open single party state. Kenyatta stayed above petty political feuds and ruled a state that was willing to listen to dissent, and was capable of dealing with local grievances and the popularity of new leaders. Under this “relatively benign” brand of authoritarianism Kenya prospered. Kenya’s Western-orientated economy expanded through effective macroeconomic policies. Substantial investments were made in infrastructure and education, and coffee and tea production and tourism grew during the Kenyatta years. Impressively, from 1963 to 1978 the economy grew at a 5-8% clip in every year but two. And, although Kenya became a de facto single party state in 1964, Kenyatta’s version of a one-party state did not resemble others in Africa. The civil service

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46 Ibid.
51 Ibid.
maintained high professional standards and competitive elections—where incumbents often lost—were held every five years. This was the Kenyan exception.

These elections were a source of legitimacy for the government as new Members of Parliament and cabinet ministers would come into office and address local grievances. For instance, the elections of 1969 and 1974 were especially difficult for incumbent assistant ministers as almost half were defeated in 1969 and over half lost in 1974. The years 1969 to 1974 marked the “apogee of the Kenyatta state.” The economy was growing and, as long as politicians did not criticize Kenyatta himself, they had room to maneuver. Officially Members of Parliament endorsed KANU’s platform, but they had room to debate critical issues on development and the economy—space they would not have under Moi. Yet during this era of openness from 1969 to 1975 political speech still fell within well-defined parameters—and when these parameters were exceeded there were consequences.

The murder of Josiah Mwangi Kariuki provided a grim illustration of what could happen when Kenyan political figures stepped outside these well-defined limits. A former private secretary of the President, Kariuki came to lead a significant group of radicals in the assembly. His populism and criticism of Kenya’s development policy and its reliance on the West made him a favorite among landless Kikuyu people and intellectuals. His 1975 murder cast suspicion on the government because “he spoke from within the Kikuyu community on behalf of those have-nots who gained little from the

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52 Ibid.
53 This was widely referenced notion that Kenya’s economy, relative openness of rule, and lack of violence made it an African exception. Frederick Cooper addresses this notion in his book: *Africa Since 1940* (New York: Cambridge University Press, 2002), 181.
56 Ibid.
57 Ibid.
first decade of independence.”58 Kariuki’s murder effectively ended the Kenyan “golden age” of free speech and measured dissent. Kenyatta was now in his late 80s, and upon his death in 1978 would bequeath power to his Vice President Daniel arap Moi.59

Moi Takes Power

Upon Kenyatta’s death, Moi was sworn in as President. Because he came from the Kalenjin ethnic group—one of Kenya’s smaller minorities—he was seen as less of a threat to the powerful Kikuyu elite. However, as the same time, he did not have the same large ethnic backing as Kenyatta, and he also lacked Kenyatta’s personal wealth and record of resistance to the British.60 Moi campaigned on a platform of continuity, and his slogan “Nyayo,” meaning “footsteps” in Swahili, meant to connote a connection with Kenyatta.61 However Kenyatta had left a disproportionate concentration of power and resources within Kikuyu hands, and Moi moved to redress this inequity.62 This alienated the Kikuyu businessmen and civil servants who had been at the center of power under Kenyatta.63 To make matters worse, tourism leveled off. Furthermore, the cash crop boom from the 1970s was now over, and the oil shocks of the 1970s were still reverberating through Kenya’s economy.64 These realities dictated Moi’s style of governance; because of the lack of resources he could not co-opt opponents, and thus he set out to “marginalize and weaken them instead.”65

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59 Ibid.
61 Ibid.
65 Ibid.
In August of 1982 Moi withstood a coup attempt from the Air Force that would change the way he ruled Kenya. It is widely believed that two or three plots for a coup had been hatched by “different military and political groups.” After an investigation many in the Air Force, and a group of Kikuyu elites led by officers of the army and police, were arrested. Moi had alienated the Kikuyu elite when he disbanded ethnic societies. After the coup attempt Moi became “increasingly oppressive,” demanded absolute loyalty, and began banishing anyone from KANU who questioned his politics. Even though no real political opposition had existed since the time right after independence, the coup caused a de jure one-party state to be declared, and Oginga Odinga landed in jail.

The central tenets that would come to characterize the Moi presidency in the 1990s were now established: elections were rigged, the press was muffled, dissidents incarcerated, and torture became widespread. As if this were not enough, the 1983 general elections were rigged to “an unprecedented degree.” Moi, was consolidating his power, and the election results revealed this. The 1983 election had the “lowest turnout of any general election.”

A consolidation of power and an increase in privatization of state wealth characterized the Moi government from 1985-1990. “Grandiose schemes” were utilized to put state resources in the bank accounts of Moi’s cronies, and KANU became the organ Moi would use to monitor the sentiments of the public and stifle dissent. For the first time in Kenyan history the party became the main source of

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68 Ibid.
71 Ibid., 37.
power, and this displeased many of the Members of Parliament.73 Because of the importance of the party, membership skyrocketed as a membership card became a requirement for virtually any business with the state. Even though KANU was the locus of power the party it had “little ideological content,” aside from Moi’s wishes.74 In an African context, political Scientist Jennifer Widner has made the distinction between KANU under Moi and other African “party” states. Although, she argued, Kenya under Moi was not a party state of the “same character” of the party states of the 1960s—such as Ghana, Tanzania, or Zaire—Kenya “came to share with these systems a merger of representative and law-enforcement functions, extremely limited pluralism, and concentration of power in the head of state.”75

Though opposition voices had generally been silenced by the regime, the church was a somewhat safe haven for certain types of political dissent. At the 1986 KANU annual conference Anglican clergymen Henry Okullu and Alexander Muge complained about the newly installed queue voting system—a process where voters lined up behind the photo of a candidate they chose to vote for. This made it easier for those in the Provincial Administration to rig the election and harder for voters to express their true opinions; but the process was sold by KANU as a form of “African” democracy. At the time of its introduction queue voting “allowed the regime to identify and punish those brave enough to line up behind opposition candidates,” and in the 1986 elections this allowed Moi to decimate even mild opposition. In the 1988 election the queue voting system backfired on Moi as it allowed for Kenyans a measure of transparency through which they saw the true magnitude of corruption perpetrated by government appointed officers.76 The Kenya Law Society, the group that published the Nairobi Law Monthly, claimed that queue voting infringed on voter’s constitutional rights and called for a return to

74 Ibid.
76 Ibid.
the secret ballot. In a one-party state that had a history of allowing a measure of political freedom, queue voting was something that Kenyans and opposition leaders felt crossed a line.

The 1988 general election introduced “a new level of electoral malpractice” into Kenyan politics that would ultimately lead to the ruling party’s demise. At least a third, over 60 seats, were rigged and the abuse was so blatant that the National Assembly lost its credibility with ordinary Kenyans who no longer felt part of the political process. The election turnout reflected this; the number of registered voters was down 1.2 million from the prior contest. Moreover, popular politicians who would become leaders in the multi-party movement, lost in blatant rigging. The consolidation of power continued from 1988 to 1991 as a total of nine ministers were fired or left the cabinet during this time. But as Moi tried to tighten his grip, his hold on power became gradually more tenuous. According to political scientist Joel Barkan, by the end of the 1980s, Kenya, which had had this exceptional golden age of single party openness, had now become another example of “big man” rule along with Zimbabwe and Zaire. The stage was set for the multi-party movement which would begin in early 1990 with the dissenting words of an Anglican clergyman.

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78 Ibid., 42.
79 Ibid.
Seemingly out of nowhere, there appeared hope for democratic change in Eastern Europe, just as developments in South Africa seemed to foreshadow a brighter future for the entire continent south of the Sahara. Nelson Mandela’s release in February of 1990 had begun a process of change in South Africa that seemed a harbinger for the entire continent. A commentator writing in *Foreign Policy* explained, “If the long-abhorred race based regime in South Africa can consider giving the vote to all citizens and grant the rights of free speech and free assembly, then why, many Africans ask, cannot other African regimes grant similar rights to their citizens?”

It was this question that the United States House Subcommittee on Africa and to some extent the Bush Administration itself—buoyed by the change in Eastern Europe—also had in mind. And looking back we can see that from the right and left, and from both Congress and the administration, this idea of an irrevocable “wave” of democracy spreading throughout Africa. But reworking the foreign policy philosophy for an entire continent overnight can have its drawbacks. So the birth of this new imprecise democracy-based foreign policy, with its allusions to two party systems and human rights, was problematic. This was especially so considering this new policy was to be implemented with African heads of state who themselves were former cold warriors. These were indeed the same leaders who formerly followed statist policies, had just recently embarked on structural adjustment, and were under the thumb of the International Monetary Fund and the World Bank to an extent that the newly

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independent Eastern European states were not. Hence, the debates that surrounded aid allocation in Africa were not painstakingly guided by a shared view of this new inexorable democracy, but rather by a hodgepodge of democratic ideals, and a touch of what were then supposedly old fashioned geopolitics, and intermittently, by confusion and misinformation.

Africa’s abysmal economic condition formed the background to these debates. In 1990 a ranking French diplomat wrote under a pseudonym in \textit{Le Monde} that, “Economically speaking, if the entire black Africa, with the exception of South Africa, were to disappear in a flood, the global cataclysm would be non-existent.” Though this comment certainly overreached, the hyperbole pointed to the fact that, by just about any estimate, the 1980s—economically speaking—had been a less-than-stellar decade for Africa. The value of exports, for example, fell from $57 billion dollars in 1980 to $32 billion in 1986 as “depressed world commodity prices, declining agricultural production, ravaging drought and desertification, rising external debt, and both civil and interstate warfare” plagued the continent. The 1980s were also not a good decade for Kenya. American transnational companies, which had once held the country in high esteem, divested during the decade, and the Kenyan economy grew at a slow rate.

Perhaps unsurprisingly, the continent’s economic woes became a topic for discussion during the Congressional hearings of 1991. Dan Burton, a conservative republican and committee member from Indiana, pointed out that in the 1980s Africa had received $150 billion dollars in foreign development assistance from the West but somehow remained economically stagnant, and so, he reasoned, “Obviously money is not a magic solution.” Maybe, argued Scott Spangler, the Assistant Administrator for the Agency of International Development’s Africa Bureau (USAID), focusing on governance and

\begin{footnotesize}
\item[85] Chege, “Remembering Africa,” 158.
\end{footnotesize}
democracy in Africa was a more useful way to spend U.S. tax dollars. He went on to explain that the return on investment from most African countries had been “zero if not negative” and this was the impetus for the governance and democracy initiative. Otherwise, he claimed, “You end up with the government changing hands in a cataclysm as happened in Liberia and Somalia just in the last six months and you write off all of the aid you’ve given them.”

This idea of a democratic initiative for Africa was a relatively new one in the foreign policy community in 1991. Just two years earlier, in an article in Foreign Policy, three U.S. House democrats, Howard Wolpe, J. Stephen Morrison, and Stephan Weissman, lamented the disastrous effects that the Reagan administration’s policy of “constructive engagement” had had on Southern Africa. Because of this policy, and South Africa’s efforts to destabilize its neighbors, they argued, much of Southern Africa became “miserable and unsettled.” Besides calling for South Africa to move away from a policy centering on apartheid and destabilization, these authors wanted U.S. money to help with three things: development, humanitarian needs, and the provision of limited defense programs for Southern African nations to “reaffirm to South Africa the seriousness of America’s concern for regional stability.”

Remarkably, in this major article appearing just as the movement for democracy was taking off, Wolpe who would later become arguably the most enthusiastic supporter of multi-party politics in Africa, had mentioned nothing about democracy, human rights, or good governance. But from that point a new paradigm very rapidly emerged.

About a year later, the day after Christmas 1989 Donald K. Peterson, then the U.S. ambassador to Tanzania, sent what turned out to be an influential cable to his Secretary of State James Baker and assistant Secretary of State for African Affairs Herman Cohen. The cable stated that the Cold War had

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89 Ibid.
90 Ibid., 63, 74.
ended and now was the time, with the help of other Western powers, to begin to tether developmental aid to democratic political reform. Cohen was so pleased with the communiqué, that he copied it, and sent it to all of the other U.S. ambassadors in Africa. Smith Hempstone, the outspoken U.S. ambassador to Kenya wrote in his autobiography Rogue Ambassador that, “Now if there ever was one was the time to push Jeffersonian democracy abroad. Having said that I did feel that supporters of such a policy were gravely underestimating the difficulties of implementing such a blanket policy in Africa.”

Despite Hempstone’s misgivings, he was the first American ambassador in Africa to publically express a new policy coming out of Washington—the idea that aid packages would take democratic developments into account. Notwithstanding Cohen’s apparent enthusiasm for democratization and Hempstone’s boldness in May of 1990, U.S. support for democratic change was uneven. Just four months later, in August of 1990, Assistant Secretary Cohen travelled to Kenya to patch up a Washington/Nairobi relationship that, because of Hempstone’s outspokenness, had been at a historic low. After a meeting with Moi, Cohen spoke cautiously of multi-party democracy in Kenya saying, “Who are we to say it is good for everybody.”

Even up until late in 1990, just six months before the “wave of democracy” hearings on Africa that were to occur in the spring of 1991, the U.S. still did not demand multi-partyism in exchange for aid. In November of that year Patrick Leahy, a Senator from Vermont, wanted four things from Kenya in order for it to receive its allotted $15 million in U.S. military aid: the charge or release of all prisoners, an end to mistreatment of prisoners, the restoration of both the independence of the judiciary, and freedom of the press. These are all freedoms that are associated with a liberal democracy, but the

91 Smith Hempstone, Rogue Ambassador: An African Memoir (Sewanee, Tenn.: University of the South Press, 1997), 88.
92 Ibid.
94 Ibid.
demands fell far short of what would be requested in the “wave of democracy” hearings just months later: multi-party elections.

The Hearings on Foreign Assistance Legislation for Africa for the Fiscal Years 1992-93

It was the simple logic of Peterson’s cable that guided Assistant Secretary of State Cohen’s thinking process at the Congressional hearings on aid to Africa in the spring of 1991. The only difference was that now Cohen was speaking to a chorus of believers. At the outset he proclaimed, “Areas of historical international tension have diminished. The opportunity to promote the universal goals of peace, prosperity, democracy, and human rights has not been greater in living memory.”97 The idea that it was time to push democracy in Africa was supported both by the subcommittee and by those experts who testified before it. A subcommittee statement released with transcripts of the hearings clearly spells this out, saying, “The subcommittee believes that foreign assistance is an extension of U.S. foreign policy and should be provided not only for humanitarian purposes, but also to support the establishment and maintenance of political and economic systems in Africa which are consistent with U.S. notions of democracy and pluralism.”98 Notwithstanding this seeming coherence, the question of what exporting these notions to Africa meant would become a contentious subject of debate at the hearings.

During his testimony Nicholas Eberstadt, a Harvard University population studies scholar, echoed the others’ sentiments by emphasizing the importance of the opportunity at hand. Despite the collapse of communism and the victory in Iraq “difficulties still persist in Sub-Saharan Africa.”99 In a way, we hear in Eberstadt’s testimony, the feeling that it was as if—especially at this particular moment—it came as a surprise that this stubborn part of the world had held out, but now with this opportunity, things would change. Noting that aid could be both carrot and stick, Eberstadt added: “I think it’s clear

that the Soviet Union no longer represents anything of a threat to our interests in Africa. So we, now, in an almost unprecedented way, at least in post WWII history, in post war years, are free to assist those countries that are vigorously democratizing and to remove aid to those who are not."^{100}

The idea that the Soviets were out of the way in Africa was not an entirely new one at this time, but gained strength in American foreign policy circles even before the Berlin Wall fell late in 1989. Writing in the winter of 1988 in Foreign Affairs, political scientist John Marcum had argued that this was the first time since the end of World War that "there was reason to believe that Africa’s internal efforts might not be distracted by East-West confrontation."^{101} Marcum also articulated the Bush Administration’s ostensible foreign policy objective: the idea that now “Africa’s needs and issues might then at least compete for international consideration on their merits rather than on their relevance to a zero-sum cold war.”^{102}

This idea was the basis of a confusing Bush administration policy toward Africa. Before becoming President, candidate George Bush’s policy on Africa—though it included human rights—was predominantly concerned with neo-liberal economics.\(^{103}\) In an article he authored about the republican platform on Africa in the summer of 1988, candidate Bush emphasized economic growth, stating explicitly, “Our developmental assistance should focus on countries whose economic policies foster rather than stifle growth.”\(^{104}\) And, though he did mention support for human rights and open societies throughout the article, any mention of multi-partyism was avoided. Then, once elected, what the Washington Post called Bush’s “first foreign policy commitment” was to throw his support behind cold war ally Jonas Savimbi in Angola’s civil war.\(^{105}\) Then, two and a half years into his presidency, in the

\(^{102}\) Ibid.
\(^{104}\) Ibid., 15.
summer of 1991, Bush made the general comment that the United States wanted to keep the “faith with all oppressed peoples to promote democracy and freedom.” So, the Bush administration rhetoric toward Africa was highly contradictory until sometime in late 1991. By early 1992, Michael Chege—a Program Officer in Governance and International Affairs at the Ford Foundation in Harare—noted some coherence, writing that “resurgent democratic movements in Africa sensed a change in the Bush administration’s policy,” and that this change “surprised African despots and thrilled African democrats.”

Notwithstanding the political rhetoric, U.S. aid to Africa was in fact relatively modest. In 1991 the Bush Administration raised its aid to sub-Saharan Africa from $600 million to $800 million, but it is important to keep in mind here—as far as priorities are concerned—that this was still only about a third of what the U.S. was giving to Egypt at the time. Also as Chege pointed out, this amounted to a drop in the bucket, and, indeed, $800 million was “small compared to Africa’s humanitarian and developmental needs.” Moreover, although the Bush Administration’s policy on South Africa departed from that of the Reagan administration—as evidenced by pledges to work alongside Japan and Europe to end apartheid—the policy still amounted to “Africa last and least syndrome.” This meant the United States government did not back its democratic rhetoric about Africa with adequate fiscal support. For instance, in 1990, the United States Agency for International Development (USAID) gave Africa just over a half million dollars for democratic funding in comparison with $73 Million for Latin America and the

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106 Chege, “Remembering Africa,” 162.
107 Ibid., 146, 159.
108 Ibid., 158.
109 For example, In 1986 the Comprehensive Anti-Apartheid Act was adopted by Congress despite President Reagan’s veto. Marcum, “A Continent Adrift,” 175; Chege, “Remembering Africa,”160.
Caribbean. Then in 1991, the U.S. raised its allotment for “democratic infrastructure” for the entire continent to a still paltry $30 million.

In the early 1990s, Cold War-descended geopolitics still generally rules U.S. foreign policy in Africa and pushing democratic values in Africa was not yet a central goal. For example, the U.S. still needed Mobutu to keep Savimbi’s UNITA movement supplied, for a time still relied on Siad Barre in Somalia, and needed Moi in Kenya for a number of geopolitical reasons in the early 1990s. These more pragmatic factors led Bush administration officials to advocate for aid to Kenya using the argument that Kenya’s superficial democratic changes were deeper and more profound. One telling disagreement between Assistant Secretary Cohen and Representative Wolpe serves as an example of superficial changes in legal formalities posing as democratic change in order to mask a geopolitical relationship. Cohen, arguing for aid to Kenya, remarked that “they’ve made modest progress in the human rights arena, eliminated queuing, and restored the secret ballot; they’ve restored the independence of the judiciary, and eliminated expulsion of people from KANU.” Congressman Wolpe, unfazed by the argument the executive branch had provided in order to justify staying close to Moi answered: “I see us repeating the same kind of tragedy in Kenya where because of very short term calculation of American interests, we are in the end compromising our very long term interests by being seen in the eyes of the population as aiding and abetting repression.”

So the discussions on giving aid hinged on a number of factors: there was a consensus that the Cold War’s end meant something new and different for Africa, that America’s power was great, and that—along with this—the Bush administration still wanted to reward its friends even if their efforts at

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110 Ibid.
112 Ibid., 159.
113 Herman Cohen, US. House. March 13, 1991 64. KANU was, and is, the only legal political party in Kenya, and therefore expulsion from KANU meant expulsion from politics all together.
114 Ibid.
democracy were, at best, chimerical. Nonetheless, this idea about a “wave” of democracy sweeping through Africa was widely agreed upon.

This metaphor, which was used by Congress, administration officials, and policy experts alike, had a certain ideological homogeneity. This “wave” of democracy, in terms of Africa, was a one-size-fits-all idea. It had begun in some African states—these examples were almost always tiny states—and would surely spread to every corner of the continent. Sometimes it was mentioned that this spread would be akin to what was happening in Eastern Europe. Furthermore, countries or leaders that may have been viewed, for one reason or another, as untrustworthy by the U.S.—like Mobutu for example—were now given the benefit of the doubt. Despite their shortcomings in the past, it was thought, they would not avoid this “wave.” The wave was also thought of as inexorable—and sometimes driven by a vague notion that “the people” of African states propelled it.

A year before the Congressional hearing on aid to Africa Political scientist Dankwart Rustow, writing in Foreign Affairs, advanced this idea of the inexorability of this wave of democracy thought to be spreading throughout the world at the time. All that was needed, wrote Rustow, was a democratic crack in the edifice of repression and from there the path was irrevocable. He wrote:

> Once a government offers its citizens half free elections with a limited choice of candidates, the ensuing election campaign is sure to expand the previous agenda of public debate. Once the press is allowed even minimal freedom to report and compete for readership enterprising journalists are sure to explore any latent issues of popular discontent and weak spots of government performance.”

During the subcommittee hearings, nearly a year later, Assistant Secretary of State Cohen’s viewpoint echoed Rustow’s as he spoke about a “sweep of multi-partyism that represents the single most significant phenomenon since decolonization three decades ago,” and he continued, “Today in

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Africa domestic debate is lively and less controlled or indeed controllable.”116 Also, in referring to the increase in Bush administration funding for Africa, Cohen said it sent a clear message, “that despite what is happening in Eastern Europe, we will not forget our Africa friends.”117 Cohen emphasized two central ideas about this wave of democracy: that it will come from “the people” (presumably not the people who were currently in power with some exceptions) and that it had already begun with small African states:

The Africans have increasingly insisted on greater participation in their political systems they want and deserve democracy just as much as anyone else. They are succeeding in creating democracies in places that had not appeared promising a short time ago. Namibia is just one example. In addition to establishing democratic societies in the Gambia, Senegal, Botswana, and Mauritius within the last year, Benin, Mozambique, Cape Verde, Sao Tome and Principe and Gabon have made enormous progress toward democracy.118

In fact a sense of the inevitability of the change that was coming was so strong that states long known for brutal repression of human rights were mentioned, on and off throughout the hearings, as places of hope. Zaire, Malawi, and even Nigeria, it was thought, might well come into line after the current block of burgeoning democracies—all very small countries—made it to the promised land. At the outset of the hearings the subcommittee itself recognized “the progress toward multi-party democracy in Benin, Cape Verde, Gabon, Sao Tome and Principe, Uganda, Zambia, and Sierra Leone”—not exactly a list of large, or particularly influential, African states. 119

Amid these generalities, buttressed by examples of smaller countries democratizing, was the not-so-exact distinction between who was democratizing and who was not. This realization comes to light in two articles written by experts in Foreign Policy and Foreign Affairs at the same time, about nine months after the subcommittee hearings. Kenyan Michael Chege who was then working at the Ford Foundation in Harare, wrote that for the first time in their independent histories that twelve African

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nations were “at some stage or another in their evolution to multi-party politics.”

Carol Lancaster, a visiting fellow at Georgetown’s Institute for International Economics, writing in Foreign Policy, claimed that “nearly three fourths of the 47 countries south of the Sahara are in various stages of political liberalization.” In keeping with the idea that the small and less influential African states would lead this wave of democratization, Chege wrote that, in 1991, five states held their first multi-party elections and in Benin, Cape Verde, and Sao Tome and Principe, the opposition had even won. Lancaster, on the other hand, questioned whether Benin’s transition could be best characterized as “autocracy to democracy” or “northern elite to southern elite.” Furthermore, Chege wrote that a number of countries including Burkina Faso, the Central African Republic, Guinea Bissau, Kenya, Madagascar, Mauritania, Rwanda, and Sierra Leone had “each adapted new constitutions or moved to legalize opposition parties.” Lancaster, by contrast, wrote that—among others—Kenya was a “noticeable holdout when it came to democracy.” Even though she did not agree on Kenya, Lancaster’s tone, her mood for African democracy if you will, was much like Cohen’s and Chege’s, and that of the subcommittee. She also used a high minded tone of inevitability when describing the continent:

The news today is democracy. In one after another of Sub-Saharan Africa’s decade’s old one party autocracies Presidents have agreed to release political prisoners, liberalize controls on the media, legalize opposition parties, re-draft constitutions, and hold elections.

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122 Chege, Remembering Africa, 148.
126 Ibid., 148.
So, we can see that the analysis of these two well-respected scholars—who wrote at approximately the same time, was far from agreed-upon. At the same time, however, they seem both to optimistically emphasize that a democratic trend was quickly spreading.

**Africa and Eastern Europe**

The intermittent mentions of Eastern Europe throughout this dialogue on democratization in Africa help to explain the ideological roots of this rhetorical optimism. This paradigm that has seemed both to overlook blemishes, and over-assume democratization, had its ideological underpinnings in the fall of the Berlin Wall. This wave, it seemed, was coming—at least in part—from Eastern Europe. In 1990 a *New York Times* letter to the editor by Martin Kilson, and Clement Cottingham, political science professors at Harvard and Rutgers respectively, the two criticized the intransigence of the Moi government based on the change in Eastern Europe. They wrote, “With the winds of political change blowing through Eastern European Communist regimes and bringing a resurgence of participatory politics and civil rights, we find it unthinkable that the repression of political rights in African authoritarian states will go unchallenged by the international community.”

So the fall of communism not only placed pressure on African states, but also placed the two regions in a collective unit of analysis. This happened despite the advice of experts—both then and later—who testified that these two regions were much too different to lump together in a conversation about coming into history or democratization. For example, even though the eminent Africanist political scientist Crawford Young chose post-communist societies and African states for collective analysis, he admitted that “post-communist societies share their own set of problems emerging from

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their communist heritage and that the African postcolonial state represents a singular historical personality.”

Even before the hearings, experts were pointing out these differences. Stephen Brent, the special assistant in the Africa Bureau for USAID, noted that—unlike the countries of the former Soviet Union—many African states had been working toward economic reform for several years. In addition, unlike many of the former Soviet states, the economic reforms in Africa have been administered by the same governments that previously had followed statist policies—governments that were under the thumb of the International Monetary Fund and the World Bank in ways that the former Soviet states were not. This was because African states, with their high dependency on external aid, had little leverage.

**Africa Coming into History**

Ambassador Hempstone, who initially pushed for multi-party democracy ahead of the U.S. government’s curve on democratization in Africa, would end up having reservations about this march toward democracy in Africa. He argued that African states were not only different from the former Soviet states, but indeed globally unique. Hempstone later reflected that the parallels between nascent freedoms in Eastern Europe and the supposed limited future of Africa’s one party systems “ignored the vast cultural and political chasm separating the two continents.” In an answer to Peterson’s historic cable, Hempstone emphasized that democracy “had evolved in Northern Europe and North America out of a set of historical and economic circumstances to meet the aspirations of its people.” At least the Eastern Europeans, argued Hempstone, had been exposed to the French Revolution and other Western

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130 Ibid.
132 Ibid.
intellectual currents so that these nations were better prepared for democracy than Africa. Africa, on the other hand, had a “pre-colonial history of authoritarianism” and no concept of “loyal opposition” such that “political dissent was too frequently equated with sedition.” Furthermore, Hempstone wrote, “Because multi-party democracy had worked well in the West does not mean it will flourish in Africa.”

Hempstone was careful to point out that this did not mean that the U.S. should not try to promote democracy—it should simply keep in mind that “a reasonable degree of freedom can still exist in a one party system, and furthermore, while African elites are partial inheritors of Western political thought, the majority of Africans still dance to the compelling and better understood beat of a more ancient tribal drum.” Ironically Hempstone was in fact making two arguments favored by authoritarian leaders in Kenya at the time: the idea that African ethnicity and multi-partyism do not mix, and the idea that freedoms associated with a liberal democracy can exist in a one party system.

Hempstone alluded to a critical question that was being asked in the U.S. foreign policy community in the early 1990s: Is Africa ready for democracy? And, if so, what is “democracy” in Africa? This query, which embodied an updated version of modernization theory, concerned itself with whether or not Africa was ready to “come into” history. Attendant questions that arose were: Is Africa behind or somehow different? And, does it have the necessary pre-conditions for democracy in place? Although some opinion leaders were more confident than others, all seemed to believe—despite agreeing that Africa did not meet many of the necessary pre-conditions for democracy—that this form of government would eventually win out.

\[^{133}\] Ibid.
\[^{134}\] Ibid.
\[^{135}\] Ibid.
The debt to modernization theory surfaced especially clearly in an article Rustow wrote in *Foreign Affairs* in 1990 where he articulated the correlation between the advent of democratic societies and the establishment of territorial integrity. Northern and Western European states, he asserted, had established their territorial boundaries from the 13th to 17th centuries and their political systems then underwent a gradual change from “monarchic to aristocratic to democratic” governance. The descent into fascism by the likes of Italy and Germany could then be attributed to the fact that both nations had not achieved territorial integrity until the mid-nineteenth century. Finally, Africa, Rustow asserted, was still a region with a “scarcity of clear territorial-national identities” and the colonial boundaries had created few states with “linguistic unity or even linguistic majorities.” Rustow went on to assert that the new democracies of the world needed to end corruption and gain control of the military in order to make way for democracy. Rustow’s points, taken together, draw a picture of an Africa where it would be difficult—to say the least—for democracy to take hold. Yet, as with many other opinion leaders at this time, these obstacles did not confound his optimism. He was, after all, the expert whose high-minded words claimed that the world was then (in 1990) safer for democracy than it had ever been.

During the Congressional hearings a debate between Randall Robinson, Executive Director of TransAfrica, and Nicholas Eberstadt, a Harvard population studies scholar, aptly illustrated the idea that Africa—like other nations the U.S. had been instrumental in helping to succeed over the years—would modernize. Eberstadt first argued that a *Marshall Plan for Africa* was needed. Africa, Robinson retorted, was a very different place than Western Europe, a place that had “suffered 500 years of slavery and colonialism,” and he reminded Eberstadt that at independence the entire continent had a

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137 Ibid.
138 Ibid.
139 Ibid., 91.
mere 39 universities whereas Boston had over 100. Eberstadt, seemingly unfazed by Robinson’s logic, retorted that if comparing Africa with Western Europe did not do, then South Korea would work. The U.S. decision to cut aid to South Korea in the early 1960s had led to a more export orientated economy and therefore to the South Korean economic miracle, and “the rest,” Eberstadt commented, “was history.” The idea here with both the Marshall Plan and the South Korean economic miracle was that there were formulas to follow in order to achieve a modern neo-liberal economy and a modern democracy—sometimes you gave money and sometimes you took it away, but the results were always the same: America could pull the strings correctly to engineer a first world economy. And here, African nations simply needed to be plugged into the equation.

Eberstadt’s historical frames of reference for Africa again stressed this idea that, at any moment, African states would be catapulted forward into the history of the free world. This was peculiar considering the comprehensive changes that needed to take place in African states in order for even a tenuous form of democracy to take hold, or, for that matter, a neo-liberal economy. Curiously though, many commentators patiently listed all the changes that would need to take place—and along with this—kept a kind of stubborn optimism alive. Stephen Brent, the official from USAID, wrote that many “crucial micro-level changes that viable market based systems require” were needed in African states. These included: “reduction and rationalization of the role of state owned enterprises, deregulation of the private sector, encouragement of private investment, revision of investment codes, reform of the banking sector, and the discovery of affordable ways to deliver social services.”

Two things are immediately notable about Brent’s list. First it is accompanied by the ubiquitous optimism of the moment, as later in the article he stated, “A wave of political unrest and challenges to

142 Ibid.
143 Brent, “Aiding Africa,” 121.
one-party rule have hit a number of African countries.”144 The other salient aspect of his commentary was that none of his suggested economic changes—it could be argued—would be any easier to implement in a multi-party system, and, in fact, the opposite may be true. Brent also made a list of changes in governance: African states needed to “broaden political participation, abandon their futile attempts to manage everything, curb pervasive corruption and favoritism, and concentrate their resources on development.”145

What is notable here is that Brent does not address any of the arguments the leaders of African states would make for keeping their power. In other words there was no transnational continuity to the arguments about democracy. For example, Brent neglected the idea that democracy makes for a dangerous and volatile state, or that it makes economic liberalization more difficult. Also, Brent failed to address the dangerous reality of an all-or-nothing political contest: the fact that candidates do not know how to lose. And finally, he did not address ethnicity: the idea that following through on government reforms—like broadening political participation—would irrevocably open up a situation that will allow for ethnicity and violence to come to the fore.

Carol Lancaster, whose optimism has already been noted, (“The news today is democracy”) also listed a number of preconditions that African states must meet for the development of democracy. The rather ambitious list included: “widespread literacy, a high level of per capita income, a sizeable middle class, a vibrant and organized civil society, strong public institutions independent of one another, nationally based political parties with differentiated programs, and a political culture of tolerance, debate, and compromise.”146 Along with this exhaustive list, Lancaster made an interesting statement at the end of her article: the idea that her preconditions were going to have to happen after the

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144 Ibid., 138.
145 Ibid., 137.
146 Lancaster, “Democracy in Africa,” 152
implementation of democracy in African states, as these changes will—in her words—have to “follow rather than precede political change in the region.”

This idea that democracy is simple to implement cheapens it. If democracy is something that can be implemented anywhere at any time, what, really, does it consist of? No matter the answer to this question it is clear that at that time opinion leaders would rather not worry so much about these details when the more important thing, it seemed, was to articulate this spread of a political system they had identified as being very similar to their own, a political system that assured that African states would join history.

This was not all that opinion leaders were avoiding. Influential policy experts, both inside and outside of Congress, had also tended to avoid any discussion of ethnicity, often referred to as “tribalism,” and how this might play a role in the implementation of democratic processes. This is important because the autocracy-keeps-a-lid-on-the-ethnic-power-keg argument is one used not only by Moi, but also the leadership in late apartheid South Africa.

The way in which Chege deals with ethnicity is a good example of the contradictory logic surrounding the advocacy for the implementation of democracy in Africa. He first argued that “tribalism” is something that African leaders have used to keep power, then he claimed that the “myth” of tribalism had “achieved rapid currency among Western donors, journalists, and diplomats.” Finally, he made an about face and stated that “tribalism” really is an issue because governments have long suppressed it and because “the political and constitutional institutions congruent with ethnic pluralism are not found in strong centralized states.”

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147 Ibid., 157.
148 Chege, “Remembering Africa,” 150.
149 Ibid., 151.
Finally, Chege, with these contradictions weighed, speculated on what an African democracy might look like. It would be less about imitating the West and more about reversing the “presidential centralism” that has caused political decay on the continent. Chege also addressed the way in which one could confirm whether or not African states had a democracy; in this society, he wrote, there would be “scrupulous observation of individual rights, and the rule of law, safeguards for minorities, and separation of political powers.”

Chege alluded to a central theme which the subcommittee on Africa would focus on: human rights. Chairman Mervyn Dynamally mentions very clearly at the outset of the hearings “I want to state emphatically our concern that U.S. foreign assistance to those regimes with poor human rights practices will not be looked on favorably.” Human rights here equal democracy, and this statement can be seen as a kind of thread that holds the hearings together. Congressman Wolpe, for example, argued forcefully that the International Military Education and Training Program (IMET) offices for military training should be shut down in those countries, like Kenya, Malawi, and Somalia, which did not respect human rights. Wolpe, in responding to objections from colleagues to this went on to articulate this “new major thrust in the area of democratization” in which Congress was now taking part. He argued, first, that if the U.S. was going to reward democratizing countries then it also had to punish those that were not democratizing. And, not trusting the administration’s ability to tell the difference between the two, Wolpe said, “We’ve got to stop supporting regimes like Somalia, Sudan, and Liberia because of their brutalizing and ultimately destabilizing activities.” Robinson, of TransAfrica agreed with Wolpe

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150 Ibid., 152.
151 Ibid., 151.
asserting that increased aid should be given to Benin, Botswana, Namibia, and aid should be taken away from Kenya, Malawi, and Zaire because they had failed in terms of civil liberties and human rights.155

The Cases of Malawi, Zambia, Kenya, and Zaire

In these cases the debate around aid became a curious amalgam of this new approach as articulated by Congressman Wolpe, a Bush administration tendency to overlook human rights violators based on geopolitics, and—for lack of a better term—ignorance. The particularly contentious debates around aid for Malawi, Zambia, Kenya, and Zaire painted a picture of a confused American foreign policy—one that relied on the spread of democracy as its default, but often found itself off track, misinformed, and having not fully made the much articulated connection between foreign aid dollars and steps toward the implementation of a democratic system. All four of these cases, though each of them is distinctive, serve as good examples of this confusion and illustrate the tension between a moralistic and pragmatic foreign policy ideology.

The debate on aid to Malawi centered on a proposed amendment by Congressman Wolpe to terminate economic and military assistance, as well as sales of defense articles and services, because of a number of ongoing human rights violations.156 The language of the amendment first commended Malawi’s efforts to accommodate some 800,000 Mozambican refugees, but went on to point out that President Hastings Kamuzu Banda’s rule has been marked by human rights abuses including, “political imprisonment and abuses of human rights, torture, unfair trials, and deaths in detention.”157 The amendment also mentioned that freedom of the press and political organization outside Banda’s party was prohibited.158 After the amendment was read, Dan Burton, a Republican from Indiana, observed, “The Malawian army is one of the most disciplined armies in Africa, and has never been accused of

158 Ibid.
human rights violations of any sort, and has performed splendidly in civil emergencies." Wolpe agreed with Burton on the disposition of the army, but added that this was “precisely why it has been such an effective force for the repression of the Malawian people.” Burton then claimed he was not aware of this and wanted documentation; Wolpe shot back that Human Rights Watch had just put out a major study confirming the perniciousness of Banda’s army against the Malawian people and would make it available to Burton. Then Amo Houghton, a Republican from New York, said that he would vote against the amendment because he understood it not to be factual. The amendment had stated that Malawi had 80 to 100 political prisoners whereas Houghton claimed Malawi now held “less than five.” After Houghton’s comment the amendment was promptly voted on—and narrowly passed.

Both a lack of understanding and lack of care were on exhibit here. One could hardly say that the members of Congress would be equally ignorant about the Egyptian, Russian, or Israeli armed forces in the way in which they were confused about the basic human rights history of Banda’s army. But there is a strong possibility that Houghton was not ignorant at all and was simply fabricating facts to support a position. Either way, Houghton’s comment, which ended the proceedings, was one that—in a committee that might have been more attentive—would have warranted a response. Indeed he, like Burton, had also gone against the very wording of the amendment.

Two questions arise here. First, why would any Congressperson support Banda? And, second, why not respond to Houghton’s assertion about political prisoners? The answer to the former, it seems, is that partisanship played a role in what Burton and Houghton had to say; they were simply intending to help the Bush Administration maintain good relations with brutal leaders for geopolitical reasons—this time it was ostensibly the Mozambican refugees. Here geo-politics came before democratization.

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160 Ibid.
161 Ibid.
As far as the answer to the latter question, it appears that the committee simply wanted to move on with the business of the day. This is an example of how peripheral African foreign policy was in Congress; the knowledge and motivation to effect change on the continent was, at best, incomplete and fragmentary.

Either way the main idea here is that, although democracy was the overall theme of the debate on aid to Africa at this time—it certainly took a back seat, from time to time, to other concerns. This was the case with Kenneth Kaunda’s Zambia. In one of the questions for the record submitted to Assistant Secretary of State Cohen, Dan Burton wrote, “President Kaunda of Zambia went to Baghdad and paraded in the streets with Saddam Hussein. He also was very critical of our actions in the gulf. He also referred to calls for democracy as ‘a return to stone age barbarism.’ Why does the State Department want to provide him with aid?” The answer from the State Department illustrated how important it was to work with the IMF and the World Bank—something Kaunda did well. So, even though he walked the streets of Baghdad with Hussein—Kaunda had stuck with these international banking institutions through food riots in Lusaka. Here economic liberalization seems to have been regarded as more important than political liberalization.

Besides playing ball with the World Bank and IMF, according to the State Department, Kaunda also had “responded to opposition calls for political liberalization with comprehensive reforms that have transformed Zambia into a nascent democracy with multi-party elections for parliament and the presidency scheduled for this year.” The State Department also claimed that Kaunda had gone to Baghdad to persuade Hussein to withdraw from Kuwait. Two phenomena are noteworthy here: first the idea that getting in line with structural adjustment was seen as a sign that a particular leader would also get in line with political liberalization absent of any concrete changes—indeed the elections had only

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165 Ibid.
166 Ibid.
been scheduled at this time—and also the idea that a willingness to set dates for democratization, at least in the eyes of the administration, was enough to override any objectionable friends one might have—even shortly after a war against them.

Kenya was the quintessential example of the administration choosing strategic geopolitical concerns over political liberalization in its foreign policy. Since independence, Kenya had always been an African favorite of Western nations. This status was owed, in part, to Kenya’s reputation as a safari destination, and also because Kenya seemed in Ambassador Hempstone’s words, “an island of relative tranquility in a sea of chaos and violence.” As Jane Perlez would write in October of 1991 in the New York Times, Kenya had, up until recently, been perceived as a “refreshing exception” in Africa. Though the government had never been perfect, the economy and its people’s political freedoms seemed—since independence—to be ahead of the rest of the continent. Moreover, since independence Hempstone observed, Kenya’s two presidents had “preserved the peace, provided stability, economic opportunity, and at least a modicum of choice under civilian governments.”

But the effects of this “wave” of democracy were changing the public dialogue, and this could be seen in the media. For example, an article in the New York Times published shortly before the hearings began opened by stating that Kenya was “one of the few” African states south of the Sahara that had refused to allow multi-party politics even though autocrats like Mobutu and Kaunda had allowed the advent of opposition parties. This stark reversal from Kenya-as-exception to Kenya-as-pariah had much to do with the conduct of President Moi. Indeed, he had recently been imprisoning

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167 Hempstone, Rogue Ambassador, 89.
169 Ibid.
170 Hempstone, Rogue Ambassador, 89.
dissidents, preventing the formation of opposition parties, and generally crushing dissent. Hempstone wrote that Moi was certainly no Thomas Jefferson but neither was he a Caligula.\textsuperscript{172}

It was against this backdrop, then, that Assistant Secretary of State Cohen argued vigorously to keep aid flowing to Kenya despite little democratic progress. Congressman Wolpe, sensing that strategic rather than democratic aims were guiding Bush administration policy, told Cohen that he was sad to hear “the trade off we made to get the Libyans safe harbor.”\textsuperscript{173} This reference to the 350 Libyan refugees the United States had relocated to Zaire, and subsequently to Kenya, after they had been armed and trained by the U.S. CIA in a failed effort to overthrow Colonel Muammar Ghaddafi illustrated the ways that the goal of African democratization would take a backseat to what the U.S. regarded as far more important foreign policy objectives. Cohen in effect reinforced Wolpe’s critique by defending aid to Kenya in relationship to Kenya’s recent helpfulness: the country had allowed access to airfields and ports during Operation Desert Storm, helped with the evacuation of American personnel from Somalia and Sudan in January of 1991, and helped with the delivery of humanitarian aid to the Sudan. Wolpe then lamented that this short term strategy, while neglecting long term interests, like human rights, would cause America to be seen as “aiding and abetting” repression in the eyes of many Kenyans.\textsuperscript{174} It was agreed upon by those at the hearings that the changes that Moi had made were democratic window dressing. The elimination of queue voting, the elimination of expulsion from KANU, and new rules about the tenure of judges, were merely cosmetic. Randall Robinson, the executive director of TransAfrica called this Bush Administration policy “inconsistent and ambivalent.”\textsuperscript{175} The changes Moi

had made, however insubstantial, did give Cohen some talking points with which to argue as he labeled Moi’s democratic looking maneuvers “modest improvements” in human rights.176

Human rights groups, it should be noted, stood firmly on Wolpe’s side. Holly T. Burkhalter of Africa Watch stated that the “good news” was that it looked like Moi would respond to Congressional pressure while the “bad news” was that the steps that he had taken thus far were all cosmetic, and she cited prominent Kenyan politicians like Kenneth Matiba, Charles Rubia, and Raila Odinga who were still in jail as evidence of this.177 Randall Robinson of TransAfrica was less optimistic stating, “First of all there have been no improvements in Kenya at all. People are still being picked up for simple expressions of political views in Kenya on a routine basis.”178

So the idea of a wave of democracy sweeping through not only Africa, but the world, in the early 1990s—this era that “surprised African despots and thrilled African democrats” no doubt came up against the entrenched habits of America’s cold war authoritarian allies.179 What is important here is how quickly some leaders learned this new aid-for-overtures-toward-democracy game. Mobutu, for one, had reacted quickly. He had first announced the end of his single party state on April 24, 1990, and since—according to Dan Burton’s Congressional testimony—had legalized multiple political parties, allowed freedom of the press, and had announced that multi-party elections would be held.180 These changes and proposed changes notwithstanding, Burton was still skeptical of Mobutu’s motives—and this came out in a telling exchange with Congressman Wolpe. After Wolpe explained a portion of his amendment that “urges the creation of a politically neutral transition government with full authority for administering the country prior to national elections,” Burton was incredulous. The exchange went as follows:

179 Chege, “Remembering Africa,” 159.
Burton: Would you explain to me, using the U.S. as an example, how we could get a politically neutral transition government?

Wolpe: I think it may well take Mr. Mobutu being willing to really accept the full participation of all of the opposition parties in that government in a way that they feel it is credible, that they feel is a legitimate opportunity to have a free and fair election.

Burton: So you are talking about an amalgamation of all the warring factions, in essence, outside of Mobutu's government to sit down and form a neutral government?

Wolpe: I am talking about the creation of a mechanism that is viewed as impartial and legitimate by the parties that would be contesting in the election.

Burton: I am not sure in this world you are ever going to find that, but I suppose it is a laudable objective.\footnote{Ibid.}

The illogicity here speaks to the feeling of the moment. The idea that Africa’s most famous kleptocrat would give up power to warring—or at least opposing—factions in a “politically neutral government” that could “exercise effective authority” throughout Zaire would have, under any previous circumstances, sounded ludicrous. But this idea was not born in a vacuum. It came rather as the most ambitious assertion of a number of lofty assertions about the ability to bring democracy to a continent with little history of it, based on a hubris that came from winning the Cold War, and the perceived changes that were purportedly sweeping throughout the African continent at this moment in the early 1990s. The ubiquity of the wave—in other words—meant it could be applied even to the most dictatorial regimes.
Chapter 3

Limiting Executive Power and Democratization: The Arguments Surrounding a New Political System in Kenya

Increasingly isolated internationally, unable to deal with grave economic difficulties assailing the country and faced by an increasingly determined opposition something was bound to crack. For a week KANU dithered and dallied, doing intricate steps—a combination of rhetoric, tough talking and pleading, and then finally the monolith caved in. On December 3rd Kenya went multi-party.

-Nairobi Law Monthly December, 1991.182

Fellow Kenyans: Today is the second Madaraka Day since the amendment of section 2(A) of our constitution to introduce multi-party politics. Looking back we truly have good reasons to thank almighty God for steering us through a turbulent time. At the height of multiparty electioneering last year, Kenyans were sharply divided along party lines. Indeed most of our energy last year was directed towards nonproductive political activities. It is therefore not surprising that our economic activity has dropped significantly.

-President Daniel arap Moi during a Madaraka Day speech June 1, 1993183

Just a year after Kenyan independence, in 1964, then Kenyan African Democratic Union (KADU) chairman Daniel arap Moi claimed that if Kenya was to advance that the new nation needed “a strong and effective opposition.”184 Yet very quickly he reversed course. As Vice President and then especially as President, he would systematically repress opposition. Then, some twenty seven years later, in

184 “Historical Perspective: From Moi’s Speeches,” Nairobi Law Monthly no. 23 (April/May 1990): 44.

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December of 1991, Moi would reluctantly order Parliament to repeal section 2 (A) of the Kenyan constitution to allow for pluralism in Kenyan politics, making Moi’s party, KANU, no longer the only legal political party in Kenya. For the opposition, who consisted mainly of former government ministers, prominent lawyers, and other various elites, this was thought to be a breakthrough moment. The nearly two year battle to achieve multi-party democracy had been won. But Moi did not concede to multi-partyism out of some vague altruistic notion of effective opposition; his hand, was instead, forced by the international donor community. Nonetheless, during the nearly two year debate on the merits of a multi-party system, Moi was forced to define democracy and multi-partyism. While in turn the opposition, which consisted of a disparate group of elites, many of whom formerly held high positions in the government, did the same.

Historians David William Cohen and E.S. Atieno Odhiambo, writing in their study of the murder of Kenya’s foreign minister, Robert Ouko and knowledge production on Africa, have identified a set of “recurrent interpretive frameworks within academic and non-academic literatures” that serve to “restrict the range and possibilities of analysis and interpretation.” One of these frameworks, coined “internal versus external,” refers to the tendency of knowledge producers to oversimplify Africa’s processes of crisis and change by focusing too heavily on whether these processes are the products of internal or external forces.

This analysis of the debates around Kenyan multi-partyism in the early 1990s examines ideas that situate themselves between these poles, and ideas that move beyond them. From the regime’s point of view, questions around democracy were never quite separate from this internal/external dynamic because the regime needed to continually frame multi-partyism as a foreign ideology. For the various opposition voices, however, the debate moved beyond the question of the origins of democracy

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186 Ibid.
and focused on the ways in which democracy could be best utilized to alleviate the ills of a people facing an autocratic government. In other words the opposition did not focus on where democracy had “come from.” The externality of democracy, then, was both emphasized and disregarded, and while some of the debate is confined within Cohen and Odhiambo’s framework, the majority of the opposition had moved beyond this ideological straightjacket altogether.

But the debates around democracy did not simply involve the implementation of a foreign concept in Kenya, nor did Kenyans call for a replica of multi-partyism from the West. Instead Kenyans, facing an increasingly oppressive autocrat in President Moi, decided to utilize democratic notions and language from the West as pragmatic solutions to their present predicament. In the process these notions were transformed and abridged to meet the needs of a populace who was experiencing an erosion of their everyday freedoms: the freedom of the press; the freedom of political speech; and the freedom to vote for politicians of their choosing. Therefore, Kenyans did not “import” multi-party democracy in the early 1990s as much as they used the language of multi-partyism to express their unhappiness with their own exclusion from power, and their unhappiness with the Moi regime. The regime was relying more and more on political detention, and its harassment of media outlets had been stepped up. Therefore, an examination of the debates around multi-party democracy in Kenya in the early 1990s reveals that Kenyans used the language of multi-partyism to confront and resist these new forms of oppression they were facing.

During the two years preceding Kenya’s repeal of article 2(A) of the constitution the opposition and the government articulated their positions on the issue of multi-party democracy—but these polemics were about much more than the simple legalization of political parties. These arguments sought to define and redefine the colonial encounter, the meaning and exigencies of “tribalism” in Kenya, and the proper limits of executive power.
Government arguments, when taken together, displayed the continuity of an autocratic regime in peril. That is to say there was a consistent line of reasoning, and a certain virulence, no matter who was speaking. A small number of positions were repeated by the President’s supporters: “tribalism” in Kenya meant that the introduction of multi-party politics would plunge the nation into chaos; economic development—which was the most important task for Kenya—would be inhibited by the introduction of multi-party politics; and the implementation of this form of government was part of a pernicious neo-colonial plot to control Kenya from the West. After the legalization of multi-party politics these arguments changed very little save for the fact that there had now been “proof” of their accuracy in the form of Kenya’s violent 1992 elections and lack of economic growth.

In contrast, the arguments for multi-party politics from the opposition underwent a profound change with the repeal of section 2(A). From the spring of 1990 when Anglican clergyman Henry Okullo first mentioned legalizing multi-partyism, until its inception in December of 1991, opposition arguments for new parties contained within them a set of common assumptions. First, “tribalism” was something that existed in Kenya but had little to do with the question of multi-party politics. Next arguing for the multi-party system also meant arguing for the human rights of those who had been jailed in its defense. And, finally, there was the idea of the multi-party system as a panacea—something that would cure what ailed Kenya—something that would be a solution to the flagging economy as well as a check against the increasing power of the presidency.

After the repeal of section 2(A), the arguments for multi-party politics changed considerably. No doubt much of this transformation was owed to the way Moi skillfully maintained his power in the new multi-party environment. He proved successful in controlling the public dialogue and was able to reshape the notions of democratization to his liking. Thus, the calls for democracy from the opposition became much more overtly about the abuses of executive power. Moreover, “tribalism” was recast by
the opposition as something legitimate, as an issue that needed to be dealt with under this new system. Perhaps, it was thought, it even deserved special legal considerations. It was not irrelevant like it was argued to be in the many rebuttals against Moi before the implementation of the multi-party system.

It is clear that we can see how arguments both for and against multi-party democracy were often delivered in coded language. For the opposition the issue centered on the deficiencies of a nation run by an autocrat; sometimes this meant highlighting the effects of Kenya’s sluggish economy, and other times its dismal human rights record. More than any kind of coherent political philosophy talking and writing about multi-party democracy became a way to speak out against these deficiencies without actually having to say that Moi must be overthrown. For the Moi government the arguments against the implementation of multi-party politics centered on how it was necessary for Kenya to keep a one party system in order to build a modern economy, save itself from the chaotic fate of its African neighbors, and to uphold what it thought of as its own cherished record of peace.

Throughout the debate on multi-party politics in Kenya in the early 1990s, President Moi utilized a strategy of tarnishing the multi-party system by equating it with neo-colonialism. For Moi and his party, the Kenyan African National Union (KANU), the multi-party system was another imposition from the outside, a move that resembled the oppression associated with the colonial encounter. Moi’s vocabulary of neo-colonialism was well honed long before the opposition took up the issue of multi-partyism in early 1990. Moi had used this rhetoric, for instance, in response to a 1987 Amnesty International report which had criticized his government’s human rights record. Speaking to a group of Kenyan youth in that year Moi said, “We are constantly subjected to lengthy lectures on the virtues of the freedoms of press and expression and yet it is the same virtues that are engraved in our constitution. We have listened with extreme patience, to patronizing lectures on democratic values.”

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Suffice it to say that the Kenyan government had its own version of freedoms of the press and expression, and these would become talking points that Moi would argue repeatedly for the next five years.

In this speech, Moi had mentioned two other points that would become common rhetoric in the multi-party debate that would soon commence. The first was the idea that the main goal of his government was to keep the peace in Kenya, and the other was that his government was one for “all the people.” The latter assertion had been a veiled reference to the commonly articulated belief in the Moi government that it succeeded at keeping most of the people happy. The citizens who spoke out against the government were branded as criminals who wished to cause chaos and destroy the serenity and prosperity that—in an African sense—were unique to Kenya. This peace, according to the government, was unique because there was war and ethnic strife that surrounded Kenya. This assertion was usually followed by a few examples—in this case Uganda and the Sudan.

Although Kenya, by African standards, had had an exceptional history of peace and stability circumstances began to change in the late 1980s. Historian David Throup and political scientist Charles Hornsby have asserted that four “critical events” had brought discontent with the Kenyan government to a tipping point: the fall of communism in Eastern Europe, the regime’s rigging of the 1988 national and party elections, the murder of government minister Robert Ouko in February of 1990, and finally, the decision by the Western donor community to withhold international aid in November of 1991. And though it was not a critical event in terms of its historical agency, the Kennedy delegation’s visit to Nairobi in 1989 showcased the main touchtone themes of the multiparty debate to come.

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188 Ibid.
189 Ibid.
The Kennedy Visit

In late March of 1989 a delegation led by Ethel Kennedy came to present the 1988 Robert F. Kennedy Human rights award to Kenyan lawyer, Gibson Kamau Kuria. This was an event that, in effect, pitted the ideals of Western democracy against the government. Kuria had been imprisoned for defending Kenyan opposition leaders in court. When he was released from jail his passport remained in government hands. On September 21, 1988, he learned that he had won the award, but the Kenyan government still would not return his passport. In his place another Kenyan lawyer, Paul Muite, had gone to accept the award. And, at this time, a delegation from the Robert F. Kennedy Center for Human Rights had chosen to come to Nairobi and present the award to Kuria in person.

These were the uneasy circumstances that led to a visit by the Kennedy delegation—a disquiet that is palpable in the pictures from the delegation’s meeting with President Moi. One thing was for certain: the uneasiness of the meeting, as well as the subsequent comments from both sides about the meeting, served as an example how these two opposing sides felt about each other. Shortly after the meeting the verbal fireworks began in earnest. Apparently, Ethel Kennedy personally asked Moi to give Kuria his passport back—a request that displeased Moi. Then, Kerry Kennedy, daughter of Ethel and Robert Kennedy who was the executive director of the Robert F Kennedy Center for Human Rights, made a speech at the All Saints Cathedral in Nairobi in which she went to great lengths to articulate the risks to a democracy. Not coincidentally these “risks” served as a blow by blow description of Moi’s Kenya, and his response to Kuria being given the Kennedy Human Rights Award. Democracy was threatened, she said, if “a lawyer is afraid of representing individuals [who are] deemed unpopular clients, when there is no independent judiciary, when the press is censored, when the right to travel

192 Muite too paid a price for accepting the award in Kuria’s place. Upon his return from Washington he too had his passport confiscated by the government. “Uproar Over the Kennedys Human Rights Visit,” Nairobi Law Monthly, no. 15 (March/April 1989): 15.
abroad is curtailed, when religious leaders are silenced, and when ‘constructive’ non-violent opposition is not allowed.”194 Here we can see that Kennedy’s speech was not an attempt to highlight the finer points of any democratic philosophy or even to define it in U.S. terms, but instead it was an effort to target the Moi regime, to “use” democratic rhetoric to give weight to an argument that centered on the abuse of executive power.

Kuria, the recipient of the award, spoke after Kerry Kennedy and, though his tone was not quite so pointed, he too took aim at the Moi government. Kuria spoke of “a limit as to what fellow human beings acting through such institutions as the state” may do to a citizen. Kuria challenged the idea of an “African” democracy stressing a universal form of human rights and, presumably in a reference to Moi (a devout Christian) argued that no person could attack human rights and still follow Christianity. The loss of human rights was important, Kuria asserted, in a Kenya where “in the 1950s much blood was shed and many sacrifices were made so man could live in dignity.”195 Kuria continued on with a revival of classical history when he said, “My understanding of Greek and Roman history and institutions tells me that the changes which this country has effected in the institutions it inherited at independence are such that the latter have in essence disappeared and that unless we restore them, Kenya may suffer the same fate that befell these two states.”196

Kuria’s comments show a re-imagining of Kenya’s past. Nevertheless Kuria’s reference to Kenya’s democratic-golden-age-that-never-was is telling. His hyperbolic use of Greece and Rome, a state and empire that lasted hundreds, and over a thousand years respectively, notwithstanding, what Kuria was really communicating was the fact that there had been a noticeable abridging of human rights in Kenya—and specifically under that Moi government. His evocation of classical history also was a way

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195 Ibid., 18.
196 Ibid.
to display his level of erudition, adding evidence to one explanatory paradigm in this debate: this was
about the wrong elites being in power.

Moi wasted no time in responding to the speakers at All Saints Cathedral. In an address to a
high school in his home base in the Rift Valley town of Nakuru, he argued that Kenya did not make it
through colonial rule to be told how to run its affairs by foreigners. He spoke specifically to Kerry
Kennedy when he said, “Who was she to question the decisions made by our Parliament?” After all,
Moi commented, she had been born after Kenya’s independence. This gendered and ageist comment
reveals the Moi version of “democracy” to be a kind of oligarchic rule of male elders. Moreover, in
choosing to evoke the struggle against colonialism Moi also had put forth the view that the experience
of it gave a person, or group of people, a sort of privileged knowledge about the definition and limits of
oppression. He was essentially saying that colonialism was an intolerable oppression and it was not to
be placed in the same category of his policies in the early 1990s.

Not surprisingly, KANU representatives had similar things to say. Dr. Joseph Karanja, who was a
Member of Parliament and held the post of Leader of Government Business, said that Moi had done a
good job defending the government’s human rights record as Moi was focused on upholding the rule of
law. He then called on the American Embassy “to tell citizens visiting this country the truth: that
violations of human rights are non-existent in Kenya.” The government had been facing internal
pressure as a result of the fraudulent national and party elections of 1988. And therefore, one way to
look at Karanja’s rhetoric is within the realm of simple propaganda: these are outrageous falsehoods
that belie the truth about an autocratic regime which has been insulted by the West in a post-colonial
world. But, looking deeper, this is an articulation of the definition of human rights by the Moi

198 Ibid.
199 Throup and Hornsby, Multi-party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System
in the 1992 Election, 2.
government as rights that will be respected unless the opposition threatens the power of the executive. The coded language that the Moi regime used when this happened was that the rule of law had been threatened. In fact Moi responded to the Kennedy visit by stating that his cardinal task was to protect the lives and property of the masses of Kenyans, and if someone was intent on creating trouble then they needed to be restrained using legal means.200

The Beginnings of the Multi-party Debate

On New Year’s Day of 1990, Reverend Tim Njoya presented the first public challenge to KANU’s authority in the form of a sermon at St. Andrews Presbyterian Church in Nairobi. He argued that KANU had lost its connection to the people and that the Moi regime could soon experience a fate similar to those of recently deposed Eastern European dictators like Romania’s Nicolai Ceausescu. Although Njoya did not mention a word about multi-partyism, the fact that he was not arrested for his unprecedented criticism of the government made the church a place from which dissent could be articulated.201 The opening lines of the multi-party debate would not be spoken until four months later when Bishop Henry Okullu from the Maseno South Diocese of the Church of the Province of Kenya (CPK) stated that “only multi-party democracy would generate full accountability and transparency.”202 Tellingly, the debate was not initiated by politicians. The church had been one of the only institutions that had not been subject to a government crackdown, and as a result of this relative independence, it had become the place where some criticism could take place without fear of repercussions from the government.203

202 Ibid., 58.
203 Ibid.
Between Reverend Njoya’s New Year’s Day sermon and Okullu’s famous first mention of multi-party democracy an event that would become critical to the multi-party debate took place: the death of Foreign Minister Dr. Robert Ouko. On February sixteenth Ouko was found shot dead, his body badly burned, near his home in rural Western Kenya, and suspicions pointed toward the government. Ouko had had strong connections with the West. Only days earlier he had met privately with U.S. Secretary of State James Baker at the annual Washington D.C. prayer breakfast—a privilege that Moi had been denied. Ouko was well liked by both Margaret Thatcher and George H.W. Bush, and respected internationally. Just before his death he had assembled a critical set of documents which supposedly were evidence of massive corruption within the Kenyan government. And, in his last hours, he had prepared the documents to be delivered somewhere—possibly to Moi, the IMF or the World Bank, or to the press. Nevertheless the point that Cohen and Odhiambo have made in their study of the murder is that “Ouko sought the reversal of the state of things, whether it was his own rehabilitation into Moi’s inner circle, the re-establishment of Kenya’s credit with the international financial community and development leaders, a reform of the then thickly corrupted regime of development, access to international capital markets, or the transformation of his Western Kenya into a central player in the Kenyan economy.”

Although Ouko’s murder and Kenyan debates around multi-partyism were ostensibly unrelated the two developments would intersect again and again in the months and years, that followed his death. For many in the opposition the ineffectual government investigation illustrated the excesses of Moi’s power. Nearly eight months after his death two lawyers, Wachira Maina and Chris Mburu would publish

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204 Ibid.
206 Ibid., 11.
207 Ibid., 10.
208 Ibid., 12.
an article in the *Nairobi Law Monthly* stating that, “When the government denied complicity in the Ouko murder this dovetailed with the multi-party issue.” They defined democracy as a political system “founded on rigorous debate and the ardent search for the truth,” and they supposed that a multi-party system might be more accountable in the investigation than the Moi regime had been.

This example perfectly illustrates the point of this study. Maina and Mburu were clearly disgusted with what they believed to be a government cover-up in the Ouko death. But instead of suggesting a new commission to investigate the murder, or a trustworthy person to look at the case anew, they called for an *entirely new* form of government. Multi-partyism then, for these authors, was not a foreign ideology that Kenyans needed years to grow into, not something they could only begin to understand once they had built a solid middle class, and certainly not an attempt at blackmail by Western aid donors. Instead it was a solution to the government corruption that had crossed the threshold of what was acceptable in their day to day lives.

This was the same corruption that Reverend Okullu chose, just two months later, to rail against when he fired the “opening salvo” in the multi-party debate. In a press statement released at the end of April he remarked that Kenyans could not discuss their political future because KANU was not open to discussion. The solution to this, he said, was to remove the clause in the constitution that had made Kenya a one party state and to impose a two-term limit on the Kenyan presidency. The latter was needed because “power corrupts even a person with the best will in the world.” This move by Okullu provoked a rhetorical mobilization by both sides. From a nascent opposition a series of press statements by lawyers and clergymen argued for a multi-party system, while Moi’s supporters, in turn, argued in favor of keeping the status quo intact.

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210 Ibid., 7,8.
It should also be noted that certain church officials stood with Moi. For example, Bishops Alexander Muge of the Anglican Church of the Province of Kenya (CPK) in Eldoret and Lawi Imathiu of the Methodist Church of Kenya supported the system and stated that multi-party democracy would lead to “tribalism,” but maintained that—with the implementation of a series of strong checks and balances—democracy could be nurtured within the existing system.\(^{212}\) Not surprisingly, the Kenyan Parliament, whose members were consistently in agreement with Moi, stood largely in the President’s camp.

In contrast, advocates of multi-party democracy argued that, for many reasons, the time had come for change. Tribalism, they claimed, already existed and had nothing to do with the system of government that a state chooses. Moreover, changes in Eastern Europe had shown that multi-party politics could work. And finally, freedom of expression was not accepted within KANU, and the Kenyans who had been expelled from KANU had been disenfranchised.\(^{213}\) Lastly, Kenyans, it was argued, could not elect leaders of their choice, and the Members of Parliament were loyal to KANU rather than their constituencies.\(^{214}\)

Joseph Kamotho, KANU’s secretary general, was quick to respond, saying that these politicians and lawyers were all claiming they spoke for the masses who, he reasoned, likely did not know the technical implications of the differences inherent in the newly proposed system.\(^{215}\) He argued, in effect, that Kenyans were intellectually incapable of proper participation in a multi-party system. Whereas, he commented, the queue voting system—a practice that had been put in place by KANU where voters would simply stand in front of the portrait of the person they chose to vote for—suited citizens much better. According to Kamotho, in a multi-party system many Kenyans would not even know who they

\(^{212}\) Ibid.
\(^{213}\) Ibid.
\(^{214}\) Ibid.
\(^{215}\) Ibid.
would be voting for.\textsuperscript{216} Kamotho’s argument for a distinctive “African” form of democracy, a form that set itself apart because it was simpler, would be subject to allegations of racism by the opposition.

Charles Rubia and Kenneth Matiba, who were both Kikuyu and experienced politicians who had been ministers in Moi’s cabinet, led the multi-party challenge.\textsuperscript{217} Rubia, who had been the first African mayor of Nairobi, held a seat in the Kenyan Parliament from 1968-1988, and was a cabinet minister under Moi from 1979-1983.\textsuperscript{218} Known as one of the most independent Members of Parliament, he came out against KANU to defend the secret ballot in 1986, and subsequently, in 1988 he lost in the elections when his primary was rigged.\textsuperscript{219} Matiba was the chair of Kenyan Breweries before he won a seat in Parliament in 1979, and in 1983 would serve as Minister of Transport and Communication under Moi. In 1988 he was blatantly cheated out of his local party position and resigned from Parliament in protest.\textsuperscript{220}

After the two received legal advice on exactly what they could say without being detained, they called a press conference. The occasion was well attended, well publicized, and unlike the words of a few clergymen, this act threatened the government. They articulated their goals: the repeal of the 1982 amendment to the constitution that made Kenya a one party state; the dissolution of Parliament; and

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\textsuperscript{216} Ibid.
\textsuperscript{217} The Kikuyu are Kenya’s largest ethnic group and historically had been the most politically powerful. During Kenyatta’s presidency this ethnic group came to dominate business, civil service, many of the professions and politics. \textsuperscript{217} David W. Throup and Charles Hornsby, \textit{Multi-party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Election} (Ohio University Press: Athens, 1998), 26.
\textsuperscript{220} Ibid.
\end{flushright}
the holding of new elections free of rigging where Kenyans could vote for candidates of any political party.221

Matiba and Rubia’s bold attempt to introduce multi-party politics into the Kenyan political debate was also a direct challenge to Moi’s power. Indeed, a re-reading of their demands reveals a series of talking points that were singularly aimed at limiting executive power. They wanted to expose an authoritarian regime to free and fair elections and dissolve the Parliament that was doing the bidding of that regime. In other words, what Rubia and Matiba were saying was that Moi needed to go. They also knew that they had to be especially careful of what they said, as any small verbal misstep could have meant detention. Forming any political party, or group of more than ten people for virtually any purpose, was prohibited under the Constitution and violating these statutes meant incarceration.222

A deeper examination of Matiba and Rubia’s arguments reveals that the introduction of multi-party politics was inextricably linked to their perception of the failures within the Moi government. Whenever they spoke about multi-party politics they were speaking not of an abstract set of guidelines for some imported system of government, but instead of a set of concrete policies, mostly having to do with checks on power, which would benefit Kenyans—in particular themselves—in concrete ways. These were policies that would keep Kenyans out of detention for anti-government speech and policies that would limit corruption in the Kenyan economy. They even turned around the government’s vitriolic attacks on them which claimed that they were agents funded by a foreign government to overthrow Moi as proof that there was no real freedom of expression in Kenya. This meant, in their words, the Kenyan one-party state had “failed the acid test” of freedom of expression.223

222 Ibid.
Matiba and Rubia countered the government’s argument that they were receiving foreign funding with the assertion that the Kenyan people were intellectually capable of participation in a multi-party democracy. In an article in the *Nairobi Law Monthly*, they asked, “Why do some leaders imagine that Kenyans cannot think for themselves and that they have to be bribed to accept ideas or appreciate things? Those leaders grossly underestimate the intelligence of Kenyans.”224

The paradox here is that in arguing for the ability of ordinary Kenyans to accept multi-party democracy the voice of the “people” was absent. In fact, though we do not truly know what ordinary Kenyans were thinking, the one thing that can be assumed, according to a KANU Review Committee which had traveled the country listening to citizen’s complaints about government, was that they were dissatisfied with the Moi regime.225 Whether they wanted multi-partyism and an entirely different electoral process is another issue altogether. But the fact remains that Matiba and Rubia had taken it upon themselves to speak for the masses of Kenyans who, it could be assumed, would have liked a less corrupt government which was more responsive to their needs, one that helped alleviate poverty, and one that would not crack down so hard when they took to the streets. But Rubia and Matiba were two members of the Kikuyu elite who had been jettisoned from the circles of power, and their crusade for multi-partyism could also be read as an effort to get back into leadership. From that point of view, their speaking for the common person was just another means to this end.

Rubia and Matiba, as the best known multi-party advocates and having been designated by the regime and its supporters as the chief leaders of the opposition, had been given the privilege of forming the opposition’s central multi-party argument—a pragmatic polemic that spoke both for multi-party democracy and against the Moi regime. But the spectrum of democratic ideas in Kenya at the time was

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224 Ibid.
more wide ranging, and the Nairobi Law Monthly became a vehicle to express views that were substantially more theoretical.

**Media and the Multiparty Debate**

*The Nairobi Law Monthly* was one of three publications brave enough to give voice to the various views of the opposition during the nearly two-year-long multi-party debate from 1990 to 1992. The 1980s were difficult for the Kenyan media, but by the end of the decade these three publications managed to achieve a measure of freedom. According to Pius Nyamora, who edited *Society*, another of the three, and authored a thesis on the Kenyan media, there were two critical events wherein “the alternative press facilitated political change and [a] free press.” The first was the coverage of storied politician Oginga Odinga’s announcement of the formation of the National Development Party (NDP) in February of 1991. Odinga was a leader in Kenya’s struggle for independence, Kenya’s first Vice President, and a long time enemy of Moi. He had been placed under arrest both by Kenyatta and, after the 1982 coup attempt, by Moi. In 1990, the mainstream press had caved to government demands not to cover his announcement while the before-mentioned three publications gave it extensive coverage. The second defining moment was the coverage of Odinga’s announcement of the formation of the Forum for the Restoration of Democracy in Kenya (FORD) approximately five months later.

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230 Ibid.
Attorney Gitobu Imanyara started the *Nairobi Law Monthly* shortly after the 1982 coup attempt by junior Kenyan air force officers.\(^{231}\) He wanted to support human rights by giving a voice to those who the government had labeled plotters or suspects.\(^{232}\) The *Nairobi Law Monthly* was originally a professional journal for lawyers, but during the multi-party democracy debate it became a publication where articles on politics became more common—and also a place where clergy, professors, and other professionals were allowed a voice.\(^{233}\) Finally, during the height of the debate, government officials were also allowed to publish their views in a kind of point and counterpoint format where they were often challenged by authors outside the government.

In March of 1990 a plainclothes police officer had shown up at Imanyara’s office, presented himself as a security official, and demanded the last two issues of the *Nairobi Law Monthly*. Imanyara noted wryly that the visitor “was not prepared to buy them.”\(^{234}\) When Imanyara refused the officer’s request the man left. The editor had “no doubt” that the officer would be coming back, and wrote a passionate one page letter—which served as the epigram to chapter one—in support of democracy. In the editorial Imanyara had produced his own definition of the “rule of law” based on the Kenyan constitution. Many of the principles he referred to that were guaranteed in the Kenyan constitution were similar to Western versions of democracy— for example, the choice of one’s political party. Also, the idea that the spread of democracy elsewhere in the world at the time was an impetus for change in Kenya was not all that different from how many American politicians saw the situation.

Looking a bit deeper, though, what is striking here is that Imanyara used the words “restoring my beloved democracy” when he described the task of the opposition. This call for “restoration” implies


\(^{232}\) Ibid.

\(^{233}\) Ibid., 5.

an assumption that a desirable type of democracy had existed at some time after independence and had been lost. It also assumes that his “beloved democracy” had only one party, which had been sufficient until a certain point in time. Imanyara is likely referring to Moi’s establishment of nearly complete control over both party and government by the end of the 1980s. Imanyara also framed attempts at democracy in terms of the colonial experience. Here the victory in the struggle against colonialism becomes a factor in the rejection of a society where laws are blatantly disregarded by the executive.

Moi had chosen to incorporate the experience of British colonialism into his rhetoric, but for different reasons. He wanted to suggest that his methods of keeping control were not nearly as draconian as the opposition made them seem. And, moreover, he wanted to make clear that Kenyans did not defeat the British so they could have the West pull the strings of their own political system. Imanyara, on the other hand, used essentially the opposite logic: the idea that Moi’s abridgement of freedoms needed to be fought precisely because they resembled the tools of the British. Shortly after writing the short opinion piece Imanyara was placed in detention. Then, weeks later, copies of the magazine in which his editorial appeared were seized by the government when they hit newsstands.

The Moi government did not just respond with repression, but also with a concerted effort at a coherent and responsive rhetoric: when multi-party advocates spoke the government responded in kind, and when the opposition brought up new talking points the government would specifically address them. For instance, in a speech two months after Imanyara’s arrest, Moi—who it must be said exhibited a certain bluntness in Swahili that he did not in English—again focused on the experience of colonialism: “Those who keep singing about this multi-party garbage did not fight for freedom, knowing its

236Ibid., 70.
importance, if you want to know neo-colonialism this is it.” Democracy, according to Moi, was about asking citizens what they wanted whereas this multi-party version was more about Western blackmail and Kenyan “tribalism.” Then in an interesting gesture he singled out Matiba and Rubia. These two, in his words, had been traveling abroad to tarnish Kenya, and had been de-emphasizing their Kikuyu ethnicity. Moi commented on this saying, “We are all Africans all over the African continent—and I have said never pretend not to be yourself—if you are Onyango you are Onyango.”

Moi’s comment is both telling and contradictory. And with it he cleverly brought ethnicity into the debate. Seeking in effect to divide the opposition, he asserted that Rubia and Matiba’s campaign for multi-party democracy was really just a cover for a way to allow their ethnic group, the Kikuyu, back to the apex of power. In other words, Moi was saying that the two opposition leaders were using the language of democracy to promote ethnic power, cloaking their ethnic partisanship in multi-party altruism. Moi’s comment also simultaneously managed to inflame a different set of ethnic concerns. The choice of the Luo name Onyango was no accident, since it was bound to raise the spectre of Luo political ambitions in the notoriously ethnically fractious Kenyan political culture. Thus, as he would over and over, Moi managed simultaneously to suggest that multi-party democracy would accentuate “tribalism” while at the same time he was able to effectively inject ethnic antagonisms into the debate.

The statement “If you are Onyango” was illustrative of Moi’s contradictory position on “tribalism.” Throughout the two year multi-party debate one of Moi’s main arguments against the new system was that parties would be constituted, and voter patterns would be established, along ethnic lines. Paradoxically, this was also the way KANU was run. And, even more intriguing, was the fact that both the government and the opposition could be said to agree on this one idea: that in order for multi-party democracy to be an effective, cohesive force in Kenyan society, and truly, in order for it to be any

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238. Ibid. This is a name associated with the Luo ethnic group.
more effective than KANU had been, ethnicity would have to be de-emphasized. That is to say that political parties needed to become issue based, and not synonymous with ethnic groups. The difference of opinion on this issue, at least ostensibly, had to do with time: the government said over and over that multi-party democracy would work when Kenya was ready—when its people had moved beyond ethnic identifications. While, the opposition insisted both that ethnicity was already a factor and could hardly get any worse in a new system, and that Kenyans were ready to put aside ethnic differences.

Later in the same speech, for example, using language that might have come from the mouths of British colonial officials in the 1950s, Moi argued that multi-party democracy would flourish in Kenya when “the citizens are completely united, when we will have a cohesive society, when public opinion will develop.” But, for Moi, this time had not yet come because, “when you go to Maasai land then talking means a club.” With comments like this, and the “Onyango” comment, it is clear that not only did Moi believe that Kenya was an ethnic society first and a country second, but also that he had chosen to perpetuate this schema because it served to support his position. He was essentially arguing that he understood Kenya better than both the opposition—who wanted to de-emphasize ethnic affinities—and the Americans who he claimed did not understand Kenyan culture. Moi commented on the ignorance of Westerners: “Just as outsiders/Westerners can’t understand Africans, I cannot understand American society.” Moi wanted to convey the idea that he knew how to run Kenya because he understood it in ways that others did not. These “others,” whether it was the Kenyan opposition or the West, simply wanted chaos—something he was going to great lengths to guard against, and something synonymous with the recent histories of the surrounding African states. He emphasized this by ending the speech with an admonishment of U.S. ambassador Smith Hempstone for “sowing the seeds of discord” and

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239 Ibid.  
240 Ibid.  
241 Ibid.
“stirring up the Kenyan citizens,” activities that would not be permitted because, in Moi’s words, “we want peace.”

Discussing Democracy in the *Nairobi Law Monthly*

Imanyara’s *Nairobi Law Monthly* published articles about democracy which came from a number of angles; some were theoretical, while others were pragmatic. This may have been a way for the publication to dilute some of the speech within its pages that called for a direct end to the regime. Nonetheless, the periodical gave a nice cross section of the debates from voices outside the government about democracy. Two examples were published in the spring of 1990 in the *Nairobi Law Monthly*. Human rights advocate and lawyer Kibutha Kibwana argued that an engaged middle class was essential for democracy, while Reverend Gilbert Emonyi who argued that Members of Parliament should represent all of Kenya as opposed to their home districts.

Kibwana placed what was happening in Kenya within a worldwide context. According to his logic, if Kenya did not begin to democratize, it would be passed by. There was more advanced infrastructure in Eastern Europe and Western aid dollars were limited so, he argued, it would behoove Kenya to embrace change. “Africa,” he wrote, “will not be allowed to be an island.” For Kibwana, like for those in the U.S. Congress, there was thought to be a wave of democracy sweeping through Africa. Furthermore, the experience of South Africa, argued Kibwana, had shown that “governments don’t have unlimited resources for oppressing their citizens.” And democracy, he asserted, was coming because Africa’s middle classes would demand it.

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242 Ibid.
244 Ibid., 15, 17
245 Ibid., 15
This view of the driving force behind democracy would set Kibwana apart from the field of commentators on both sides in Kenya, and in the United States. Each voice claimed a different timeline for the implementation of democracy. The Moi government was arguing that democracy would come when the Kenyan people were “evolved” enough to handle it, and, depending on the KANU official who was speaking, the timetable varied. Matiba and Rubia had said that democracy would come when the people—and no doubt their own circle of elites—were fed up with KANU’s repression of speech, habit of political detentions, and appetite for corruption. The U.S. Congress, for its part, saw the spread of democracy to Kenya as imminent because it was the best form of government for the Kenyan people and for the Kenyan economy—and, no doubt, because it was an American product. But Kibwana is the first to mention that middle class Africans, not a foreign ideology or a corrupt government, would be the driving force behind change.246

Kibwana also knew that middle classes do not generally spring up overnight, and hence he articulated a vision of what could be reasonably called multi-partyism in stages.247 For a Western-style democracy to come into being “requisite economic and cultural conditions” needed to exist. This meant that nations would need “unrestrained economic development such that a national bourgeoisie develops” and also a “large and conscious” middle class. A society, Kibwana argued, needed to be carefully weaned off of a one-party system during an “intermediate stage” wherein “explicit authoritarianism is shunned and de-emphasized, and individuals are allowed a high degree of rights in a one party system.”248 During this intermediate stage “a liberal democracy is possible” but this rests on

246 In a 1999 article in the Journal of Political Economy Harvard Economist Robert J. Barro found, in a study of 100 countries from 1965 to 1995, that an increased standard of living led to an increase in democracy. He also asserted that some African states were ahead of this curve; that is to say that countries like Benin, the Central African Republic, Guinea-Bissau, Malawi, Mali, Niger, and Zambia had “democracy that [was] well ahead of economic development will not last.” Robert J Barro, “Determinants of Democracy,” Journal of Political Economy vol. 107, S6 (December 1999): S158, S179.
247 Ibid.
248 Ibid.,16
the amount of tolerance that the political leadership is able to tolerate. If they can allow for some political pluralism during this stage then the society would be ready for “neo-multi-partyism.”

Kibwana’s position on the issue of the Kenyan people’s readiness for democracy confounded the binary between the arguments of the Kenyan government and those of the opposition. He took a position where the growth of a middle class would transcend “tribalism.” The multi-party system would arrive with a populace that would become less ethnically focussed. And, unlike the Moi government, he did not concentrate on ethnic rivalry as the main inhibiting factor for multi-party democracy; he instead focused on economic status. The idea that the fate of Kenyan, and African, democracy rested with a nascent middle class also went against Rubia and Matiba’s immediate calls for a new system. And, in fact, Kibwana’s argument could also be read as a simple intellectual stall tactic for the government: a less direct way than invoking “tribalism” to say that Africans, and in this case Kenyans, were not really ready for democracy. Moreover, when he wrote about the need for freedom in a one party system he was implicitly saying that freedom did not exist in Moi’s one party system; this was a theoretical and safe way to talk about oppression.

Reverend Gilbert Emonyi, writing in the same issue of the Nairobi Law Monthly, argued that it was time for a different system of government in Kenya. According to him, Kenyans had not necessarily been unhappy with a one-party state until changes were made without consulting the citizenry. For Emonyi the implementation of the queue voting system and the suspensions and expulsions of KANU members were issues that crossed the line: these modifications led Kenyans to believe that they no longer had a say in the workings of their government. Implicitly, Emonyi is also saying that the one-party system under Kenyatta, and subsequently under Moi, had been working. This went against what

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249 Ibid.
251 Ibid.
he articulated as the main reason for the existence of Kenyan political parties: to overthrow the colonial government and begin majority rule. In his mind the Kenya of 1990 simply needed a “government that could coordinate development of the land.”\textsuperscript{252}

This is not to say, however, that Emonyi did not advocate a representative form of government. In fact, in the article, he outlined a rather exceptional idea for one. Every constituency would elect one person who would have “Kenya’s best interests at heart.”\textsuperscript{253} These elected officials would not represent their respective districts but instead were to be concerned with “overall national development.” Every elected official would receive funds to travel throughout Kenya in order to supervise development and rectify a process that had been profoundly uneven.\textsuperscript{254} This argument shows the extent to which Emonyi was concerned with the persistence of the negative effects of ethnic difference in Kenya. His proposed system was a rather circuitous route to circumvent “tribalism.” The argument implicitly makes the connection between “tribalism” and direct representation in a democracy. Read another way, it argues that Kenyans are too ethnically orientated for a geographically representative form of government. Moreover, the argument asserts, like many of the government’s arguments, that a distinct “African” form of democracy is necessary for Kenyans.

On the surface this argument is about an attempt at a new form of government, an attempt to redress the historical inequities in relation to the ways that the colonial government, and subsequent ethnic patronage networks, played a part in the country’s uneven development. The argument also takes for granted the idea that politicians would have all of “Kenya’s best interests” at heart. What is implicit here is the general perception that Kenyan politicians, increasingly in the late 1980s and early 1990s, did not have Kenya’s future—outside of their own economic interests and patronage networks—in mind. Moreover, “uneven development” in Emonyi’s argument was a euphemism for the corruption,

\textsuperscript{252} Ibid.
\textsuperscript{253} Ibid.
\textsuperscript{254} Ibid., 39.
nepotism, and favoritism that formed along ethnic lines in the Kenyan political system. He was also, in effect, saying that the problem of ethnic patronage was exacerbated by political parties, and this put him in a distinct position in terms of the “tribalism” debate. The government was arguing that multi-party politics would lead to an increase in “tribalism,” while the majority of the opposition was arguing that it would help alleviate it. Here Emonyi’s philosophy usurps both sides of this argument: he was essentially saying that the very function of the political party, no matter how many a nation chooses to have, served to strengthen ethnic patronage networks that were responsible for Kenya’s spotty development. The inference here is that political competition, whether it was within KANU or between two political parties, was wasteful. The concomitant idea was that Kenyans needed to develop first before any political system could be instituted—the idea that they needed to “catch up” to history.

The Government Responds

The government consistently made the argument that its one-party system was better suited for development because it not only fostered stability, but also because it was somehow a uniquely African form of government. In April of 1990, the same month in which Okullu launched the multi-party debate, Vice President George Saitoti gave an interview in which he boasted that Kenya’s growth rate had not been less than a robust five percent in the last five years, and he remarked that per capita income was growing in Kenya despite its decline in Africa for “a number of years.” And the multiparty campaign, Saitoti asserted, was bound to cause civil unrest and with it “not much growth could take place in an atmosphere of economic strife.” Saitoti also responded to multi-party advocates’ references to Eastern Europe: these nations, he said, had had the one party system forced on them after WWII—and it was no wonder why they were getting rid of a system that the citizens of these countries had never wanted. He insisted instead that one party systems in Africa had come about because of the citizen’s

256 Ibid.
wishes; they were the result of nationalist movements born of the people and directed at the total emancipation from colonialism. In making the argument that the one-party system was unique to Africa Saitoti took the opportunity to speak for the “people” of Kenya. Interestingly, he defended the much-maligned queue voting system in the same way. He said that “the people” liked the system because they wanted to be able to say “look here we voted for so and so and we expressed our own view.”

Kirugi Mukindia, Moi’s Assistant Minister of Energy, followed up on Saitoti’s arguments re-stating the indigenous nature of the one-party system in an article published in the Nairobi Law Review. “Kenyans,” he wrote “should stick with African socialism which is rooted in our cultural traditions and is closest to our past indigenous governments.” He noted, that both “multi-party capitalist systems” and “monolithic communist systems” were products of Western Europe and shared a critical deficiency: elected candidates were always handpicked by a few powerful people at the top. The United Kingdom, according to Mukindia, was a quintessential example of this; it was a place where a few “power brokers” from the labor and conservative parties chose candidates for the elections. Whereas in Kenya, he argued, citizens could choose their candidate directly.

Mukindia’s argument is valuable for a number of reasons. First he made the claim that a parliamentary democracy, where members of Parliament elect the prime minister, somehow gave citizens less of a say in who represents them. He did not mention that, in this type of government, members of parliament are elected directly. Also, although he was right in supposing that KANU’s one party state gave citizens a direct say in which candidate was chosen, he neglected to mention something that was one of the opposition’s main objections: the reality that the pool of candidates in Kenya were chosen by a few powerful people in KANU. And, moreover, with the increasing expulsions from KANU

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257 Ibid.
259 Ibid.
one of the opposition’s major problems that Mukindia did not address was the fact that this led to citizen’s inability to elect officials of their choice.

**Debates Around “Tribalism”**

The one recurring issue that consistently arose alongside multi-partyism was “tribalism.” In the April/May 1990 issue of the *Nairobi Law Monthly* KANU district chairman Mark Too cited “tribalism” as the reason that multi-partyism would fail.\(^{260}\) Too wrote that the “tribe” was central to “most” of Africa’s civil strife causing conflict in Uganda, Nigeria, Rwanda, Eritrea, the Sudan, Somalia, and Liberia. Too evoked a vision of tribalism that was very much alive saying that these conflicts were “contemporary situations and not happenings of 100 years ago.” Near the end of the article, like all government commentators, Too mentioned that Kenya would someday overcome tribalism, but until that happened, he said, Kenyans needed “to avoid dancing to foreign and neo-colonialist tunes.”\(^{261}\)

This statement bore a poignant resemblance to one of U.S. ambassador Smith Hempstone’s in that both quotations share in the profoundly prejudiced notion that Kenyans, as people, are incapable of political change because their cultures are in effect too “primitive.” Moreover, the list of the conflicts that Too referred to also warrant some critique. In each of these conflicts that nebulous term “ethnicity” or “tribalism” was positioned as the sole or central reason for trouble when, in reality, these situations were much more complex. A substantial scholarship has demonstrated how the ethnic groups that exist in Kenya (and elsewhere in Africa) today are not the deeply rooted and exclusive “tribes” that they are often held to be in the popular imagination but have in effect been remade and remade themselves in the context of colonialism and post-colonialism.\(^{262}\) Yet it was that popular


\(^{261}\) ibid.

\(^{262}\) For example, see Charles H. Ambler, *Kenyan Communities in the Age of Imperialism: The Central Region in the Late Nineteenth Century* (New Haven: Yale University Press, 1988). Also this point is argued by anthropologist Villia
imagination that Too’s argument spoke to—whatever scholars may argue. Since independence, and even before, Kenyans have tended to hold to the contradictory view that on the one hand their “tribal” affiliations represent the source of individual and community progress and patronage while at the same time a strong, perhaps even authoritarian, national state is a necessary check on ethnic power—what in effect defines the nation. Too’s argument had another vulnerability: it assumed that Kenya had similarities to its neighboring states even though Kenya, since independence, had long thought of itself, and been thought of, as an African exception.

In the same issue of the *Nairobi Law Monthly* two commentators responded to Mark Too’s argument. Gitobu Imanyara claimed that multi-party Democracy could be put into place without the devolution to tribally based parties writing, “Kenyans rejected tribally based parties in the pre-independence elections and will do so again.”263 Kiraitu Murungi, who was a judge in the high court in Kenya, agreed. Multi-partyism, he wrote, would not divide Kenyans along “tribal, racial, or religious” lines any more than they already were divided under the single party KANU system.264

Murungi went on to argue for a version of democracy that placed human rights at its center and he asserted that Kenyans are not fundamentally different from democratic citizens anywhere else in the world.265 According to him, Africans had been subject to racism throughout history. Starting in ancient Greece and continuing through the periods of slavery and colonialism, and this discourse had always been used to oppress Africans. And, he argued, this same essentialism was now being used by KANU to support the status quo.

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265 Ibid., 51.
Murungi identified an “either you are with us or you are against us” kind of argument. In his words, a kind of concomitant “African cultural patriotism” meant that if one chose to defy KANU that meant one was a traitor to African culture. Murungi argued that African culture was not so monolithic. Kenyans, he wrote, had adopted a plethora of Western ideas and consumer goods including “clothes, cars, watches, and Christianity.” This kind of hybridity belied KANU’s argument that it was quintessentially African. After all, he pointed out, KANU utilized political parties, soldiers, policemen, and jails and none of these were traditionally African.

Finally, Murungi argued that multi-party democracy “should be learned from and improved upon in Kenya,” and with this statement he set himself apart from other commentators in two ways. First he was implicitly saying that the same version of democracy practiced in the West would not necessarily be a perfect fit for Kenyans. And, second, his was the lone voice in the debate which said that Kenyans may be able to improve on democracy. In a way this argument took Kenyans out of a modernization type of mentality and away from the idea that the nation was “not there yet.” Finally, this line of thinking supposed that Kenyans could take democracy beyond where it had gone in the West—a notion that had been absent from either side of the debate.

The Saba Saba Riots

Until July 1990 the issue of multi-partyism had been mainly debated in reasonably polite terms among intellectuals and politicians. With the arrest of Imanyara and the confiscation of his magazine, however, the Moi regime appeared to be taking steps to cut off discussions even in the limited forums where it had been permitted. Until this point, “the people” had been invoked often enough in the debate but they had not really spoken. This changed with the events that would become known as the

266 Ibid.
267 Ibid.
268 Ibid.


_Saba Saba_ riots. The opening remarks of the multi-party debate had been made by Njoya in early 1990; then both sides argued back and forth throughout the spring; and finally, Imanyara was arrested and issues of his magazine confiscated. In July many of the “people,” who up until now had been spoken for but were yet to speak, would come out and be heard.

On July third, just three days before a multi-party rally scheduled at the Kamukunji Stadium in Nairobi was to take place, Matiba and Rubia were detained along with Luo leader Raila Odinga, who was the son of Oginga Odinga.269 Ironically, they had been taken into custody by way of an old colonial regulation which had often been used to detain people without charges by the British. Three days later, without these leaders present, crowds gathered at Kamukunji grounds, and then were subsequently dispersed by riot police with tear gas. Three days of rioting ensued in Nairobi’s poorer areas, and violence reigned throughout Kikuyuland. Twenty were left dead and over one thousand arrested.270

The so-called _Saba Saba_ riots shook the government: multi-partyism was no longer the project of a few elites; and whether the rioters were supporting multi-partyism per se or simply fed up with their government, it did not matter. According to the commentary of the opposition, these rioters showed both the government and the opposition that they were profoundly dissatisfied with the status quo. Henceforth they were used to justify a government crackdown.

The riots had fit nicely into the argument that multi-party politics equaled tribalism which, in turn, led to chaos. Unsurprisingly, the government seized on this and once again took aim at the

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269 Odinga had had a recent meeting with Rubia and Matiba, and the government deemed this coalition of convenience threatening to its power because it meant that the two largest ethnic groups in Kenya, the Luo and the Kikuyu, were aligning against the president. Throup and Hornsby, *Multi-party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Election*, 65.

270 Kikuyuland refers to the areas populated by the Kikuyu ethnic group the largest, and, especially before Moi, the most powerful ethnic group in Kenya. As mentioned both Matiba and Rubia are Kikuyu. . David W. Throup and Charles Hornsby, *Multi-party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Election*, 66.
opposition. On July 20th, during a speech given at Kiganjo Police Training College, Moi reiterated the link between peace and development and between multi-partyism and chaos. The opposition, he said, did not truly want more political parties; they wanted to overthrow the government. And, again, Moi emphasized the idea that Kenyans were not ready for multi-party democracy, but he noted that they would be when “Kenya becomes a complete nation.”

Along with these established arguments Moi also made two new assertions. He endeavored to link multi-party democracy advocates to the West by reminding the audience that, “It is never legal for any citizen of Kenya, educated or not, to collaborate with any foreign nation.” Moi was likely referring to Kuria’s escape from the riots to the U.S. embassy, but more importantly this argument had continuity with earlier arguments about the framing of multi-party democracy as a foreign phenomenon, brought by outside agitators, that would not work in Africa.

In the Kiganjo speech Moi articulated his human rights policy clearly for the first time. His government, he said, observed the “human rights of the majority.” He continued: “Is it human rights when one person disturbs all the citizens? For that person only? Forgetting children and all the other people, 22 million of them?” So human rights for the majority were central to Moi’s idea of a democracy. This was the notion that the leader embodied the people, and knew their wishes and needs. Also, democracy, the way Moi saw it, was what most people wanted, and this was a variable he claimed to know and understand. In a speech two months before the Saba Saba riots, Moi waxed magnanimous, and illustrated his understanding of democracy:

272 Ibid.
273 Ibid.
274 Ibid.
I do not coerce anybody in this country. I ask the citizens what they want and fulfill their wishes, not forcing them. I even laughed when this Matiba said: we want immediate dissolution of the Parliament. Doesn’t he demonstrate that he is the real dictator?"  

Painting advocates for multi-party democracy as traitors who wanted nothing but instability in Kenya would continue to be the party line of the government while pressure against the regime began to come from all corners of Kenyan civil society.  

After the Saba Saba riots Moi came under increasing criticism from the religious establishment in Kenya. The traditionally reserved, and pro-Moi, Catholic Church joined Anglican leaders in a call for greater political freedoms. The Anglican Church of the Province of Kenya (CPK) presented a memo to the KANU Review Committee calling for immediate elections by secret ballot, new committees in Parliament to investigate corruption and abuse of power, and a two-term limit for the president. The church also called for a “national conference” to consider “the constitutional reinstatement of a multi-party system.” What is interesting here is that, though the church did mention multi-party democracy in a separate statement, each concern in the memorandum that was sent to KANU had to do with the abuse of executive power.  

The KANU Review Committee was originally organized to deal with problems in the electoral system and the party’s disciplinary machinery, but it became a lightning rod for criticism of Moi’s government. The committee had been inundated with calls for a Presidential term limit. One writer at the Weekly Review stated that, “For some reason there seems to be the belief that a limited term of presidential tenure is a cardinal step toward democratization.” This commentator’s pro-government leanings aside, the idea here was that suggestions to the Review Committee had revealed a profound  

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277 Ibid.  
dissatisfaction with the government. There were calls for the resignation of the entire government, the
dissolution of Parliament, the creation of a post of prime minister, the reinstatement of tenure for high
court judges, and a re-examination of detentions without charges. In the minds of Kenyans, these
were not abstract or theoretical notions. Instead these were solutions to the immediate problems
created by the Moi government, and democratic language became a way to talk about solutions to
these problems.

Wachira Maina and Chris Mburu, two Kenyan lawyers and co-columnists in the *Nairobi Law
Monthly* took this point further. A month after the Review Committee suggestions had gone public they
wrote, “The central question in a democracy is how to organize state institutions so that corrupt or
incompetent rulers can be stopped from doing too much harm.” In the same article they cited Matiba
and Rubia’s assertion that the troubled economy bore KANU’s signature. They also suggested, being
careful not to name names, that dissent was fundamentally different in an autocracy than in a
democracy. In the former system, they argued, government uses propaganda to truncate citizen
demands, while in the latter opposing views are welcomed.

With their editor incarcerated and their magazine pulled from vendors by police, perhaps the
version of democracy that Maina and Mburu chose to write about was unsurprising. Again, we see here
that the corrupt and autocratic regime helped to define democracy. Their version did not emphasize a
rule by the people, but instead the various defenses against tyranny. The economy had not been ruined
because “the people” had been circumvented in the political process, but instead it was ruined because
it was run by a group of elites—specifically the wrong elites.

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280 Ibid.
282 Ibid.
Here the definition of democracy that comes through is not so much the idea of rule by the people, but rule by the correct people. This idea is connected to a two-pronged definition of democracy that links freedom in a market economy to political freedom. This link is essentially the same type of democracy that the Bush administration and Ambassador Hempstone were arguing for. Furthermore, much of the time specific arguments for democracy that centered on specific problems within Kenya, like corruption or unlawful incarceration, were sometimes married to more universal notions of democracy. This was the case in this article as the authors suggested that constraints on executive power were not inherently European or African, but instead universal.283

“The people,” at this point, had come to the forefront of the multi-party debate. “The people,” of course, in the sense that they became a rhetorical device: a way that elites could talk about their own wishes by using the masses as a conduit. “The people’s” voices had most certainly been heard during Saba Saba, but it was unclear what exactly those voices might have said. Moi would insist that the rioters were hooligans who spoke for violence and disorder. Unsurprisingly, the opposition linked the riots to the need for greater democracy. Some argued that the rioters were voicing demands for political change, while others argued that a democratic regime was necessary to avoid such unrest. In the bigger picture, the trend continued: the rioters did not speak, they were spoken for.

Some public figures involved in the debate did in fact speculate as to what the rioters may have wanted. In a response to Saba Saba, Reverend John Kitonga of the Anglican Church of the Province of Kenya (CPK) asked the President to address “the problem of abject poverty that characterizes the lives of a large section of the Kenyan people.”284 The multi-party slogans, he suggested, were just a cover and the real dissatisfaction could be found in the dismal state of the people’s material conditions.285

283 Ibid.
284 Ibid., 15.
285 Ibid.
This argument can be read in two different ways. First, assuming that the rioters did not have any ideas about the general tenets of democracy would be ludicrous. At the very least they would have been able to agree with an argument that united the opposition: that democracy was many things, but certainly not what many Kenyans had become accustomed to under Moi. But, while in one way this argument underestimates the intelligence of ordinary Kenyans, in another it could be seen as advice to Moi. In other words Reverend Kitonga could have been saying to Moi that—to the people who burned and looted property for three days—democracy did not mean having the chance to vote for a new political party with a new slogan, but instead that their dismal conditions would improve. The people would get the former nearly a year and a half after the Saba Saba riots, but not before a protracted struggle between the government and the opposition.

Moi seized on the Saba Saba riots in order to emphasize two aspects of the opposition’s movement for multi-party democracy: the idea that multi-partyism meant instability and the idea that the movement was a plot hatched by foreign conspirators. These foreigners, then, were funding Kenyan opposition figures in an attempt to bring down the government. The latter assertion Moi often linked to colonialism and foreign interference.

In a speech four months after the Saba Saba riots Moi suggested that the way that the West was using aid dollars in order to push for political liberalization amounted to a game of political chess. A game, he claimed, he knew well, “It is not necessary that I should be told do this, do that. Those days are gone for me because I know what is meant by colonialism. I fought, I struggled to be free,” he asserted. Furthermore, Moi apparently viewed the new aid-dollars-for-democracy paradigm as a dishonest and insulting Western trick. He argued that Western donors had needed to allocate aid money to Eastern Europe and therefore had less money for Africa. And, instead of being upfront with

287 Ibid.
African governments about the reality of the situation, Western donors had decided to demand multi-party democracy so they would have an excuse when aid levels were reduced. In the speech Moi positioned himself as a seasoned veteran in the fight against Western subterfuge. Some American newspapers, Moi stated, had questioned his place in a rapidly changing and democratizing African continent, and had claimed that he belonged to a version of “the old political thought.” Moi agreed with this assertion, and said that its truthfulness rested on the fact that, unlike the new generation, he was familiar with old colonial tricks.

On the Road to a Multi-Party System July 1990 – August 1991

Mere weeks before the Saba Saba riots commenced Moi announced that a commission would be set up to explore the electoral and disciplinary issues within KANU, but in the end this commission would become much more than that. From July until October of 1990 the KANU Review Commission traveled the country to listen to citizens’ ideas for reform, and it found a sharply dissatisfied populous. Then, in December of 1990, the commission presented its findings to the special KANU Delegates’ conference. After hearing a string of denunciations of the findings from KANU party speakers, Moi surprised those present and ruled that the recommendations would all be accepted. Henceforth queue voting was banned, an anti-corruption tribunal to investigate government graft was put into place, expulsions from KANU were outlawed, and the tenure of High Court judges restored. These appeared to be victories for the opposition; but, less than a month later, the government had found ways to work around these reforms, and ways to minimize what were supposed to be changes that weakened government power.

288 Ibid.
289 Ibid.
291 Ibid.
These circumventions emboldened the opposition and “a groundswell of voices in support of multi-party politics developed” by early 1991.\textsuperscript{292} Then, one year after the murder of Robert Ouko, Oginga Odinga announced the formation of a political party, the NDP, on February 13, 1991.\textsuperscript{293} Although the government refused to recognize the party in March, and Odinga would be arrested in May, the floodgates of multi-partyism had opened.\textsuperscript{294} In May of that same year Lawyer Paul Muite and Bishop Henry Okullu persuaded Oginga Odinga to launch the Forum for the Restoration of Democracy (FORD). This was to be an umbrella organization, not a political party which would have been illegal, for all individuals and groups interested in repealing section 2(A) of the constitution—the clause that in 1982 had made Kenya a legal single party state.\textsuperscript{295} On July 4th of 1991, nearly a year after \textit{Saba Saba} and the detentions of Matiba and Rubia, Oginga Odinga announced the formation of FORD. By August FORD was declared an illegal organization, and by September Moi said that FORD’s followers would be “crushed like rats.”\textsuperscript{296}

During this politically tumultuous summer, which was capped by the birth of FORD, the view from Washington was changing. In June, U.S. Ambassador Hempstone published an article in the \textit{Nairobi Law Monthly} which reiterated some of what had been the Bush administration’s positions—positions that were evolving. Hempstone made the connection between human rights and the economy, writing, “It’s not just about getting people out of prison...people who are not free cannot

\begin{footnotes}
\item[292] Ibid., 69.
\item[293] Ibid.
\item[294] Ibid.
\item[295] Ibid., 76.
\end{footnotes}
compete effectively in a free world market. He went on to say, “It is African leaders who’ve noted, it is the coin of freedom that pays for prosperity.”

Washington championed the idea that it would take an infusion of money to get multi-party democracy off the ground. Hempstone went on to write that the U.S. had found its own experience of multi-party democracy to be “the greatest guarantor of a stable government that is responsive to the needs and wishes of the people,” but, he noted, the U.S. government was not prescribing multi-party democracy for Kenya at this time. In Hempstone’s words “a multi-party red herring” was distracting the country from focusing on real political change. What the U.S. government was looking for in Kenya, instead, was “a government that acts openly and is open to change, that rejuvenates itself periodically through free and fair elections and is not hobbled by nepotism and corruption.

From this diplomatic language we can see that the U.S. government made the distinction between multi-party democracy and “free and fair elections.” At this time the latter seems to have been enough. Curiously this turnabout was articulated by Hempstone who just months earlier had arguably been the Bush Administration’s most ardent supporter of the exportation of democracy. What was even more strange was that Hempstone’s argument was really very similar to the one made by the Kenyan government: the main idea was that a tolerable degree of freedom could exist in a one-party system. Clearly though the U.S. was not happy with the regime’s abuses of power: the unconstitutional detention of dissidents; the nepotism; and other corruption. These things, for the moment, were more important to Washington than multi-party elections.

At the same time the U.S. government was pulling back, voices from the opposition began to sound both bolder and more pragmatic. As momentum for multi-party democracy gathered, sketching

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298 Ibid.
299 Ibid.
out exactly what it would look like became a task of increasing importance. In the Nairobi Law Monthly, Lawyer Kiraitu Murungi examined two subjects that supposedly posed barriers to multi-party democracy: “tribalism” and the economy. According to Murungi “tribalism” needed to be defined before it could be used to defend a one-party state, and its very existence was in question. After a century of capitalism, colonialism, and neo-colonialism, he asserted, very few “tribes” could be said to exist in their pure form, reflecting in some respects the historical scholarship on the “invention” of tribalism.300 “Tribalism” instead had become a way for African elites to “advance their own personal and economic goals while pretending to act on behalf of their own tribes.”301 Much of the civic strife in Africa, then, was not related to something innate, but instead was the product of “intra-elite political struggles.”302

Murungi also dealt with the question of the economy, asking if multi-party democracy could flourish in a place with a low level of development. Admittedly, Kenya did not have a large middle class, and the concomitant “developed class interests” often seen as essential for a strong multi-party democracy. He argued, however, that Kenyans did have differentiated interests around which political parties could be formed. Groups of people, like fisherman, farmers, or traders did have a common set of interests, and therefore could provide the citizen participation required by multi-partyism.303

But, as Murungi was careful to point out, multi-party advocates were not simply “robots” mindlessly importing a Western political agenda. They had experienced oppression and had chosen to use the “language and vocabulary of multi-party democracy” from the West to fight for their own freedom. Assuming that Western donor countries were imposing their will on Africans was “an insult to

301 Ibid.
302 Ibid.
303 Ibid., 44.
the intelligence of all of those committed Africans who had been killed, injured, detained, or imprisoned in their attempts to establish multi-party democracy in Africa.”

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So, only a little over a year after the first call for multi-party democracy was heard the idea that this institution belonged to, and needed to be specifically tailored for, Kenyans had come to the fore. Moi’s crackdown had succeeded in helping the Kenyan opposition to think of multi-party democracy differently. Throughout the year that had passed the struggle for multi-partyism, and the arguments around the nuanced changes that would have to be made to make it “Kenyan,” had allowed this political system to become a sort of collective identity, and a point of unity, for the opposition. Also, as evidenced by Murungi’s “insult to African’s” quote, the language of the multi-party struggle was beginning to mirror that of the struggle against British colonialism.

When FORD was announced in August of 1991 the opposition, feeling like it was closer and closer to the realization of multi-party democracy, again brought its rhetoric to bear on the Moi government. It likened the regime’s methods to those of the British colonial authorities. At the same time, talking about multi-party democracy also became a way to talk about everything else that was wrong with Kenya. Multi-party democracy became, at least rhetorically, a panacea. Yet, an ideological tension arose between two different ways of looking at the origins of multi-party democracy. For some it was a system that had a historical precedent and therefore was something that needed to be revived. While others, like Murungi, emphasized that multi-partyism would be a new hybrid form of government—a grouping of Western ideas that could be used and transformed by Kenyans as needed.

The very name FORD—the Forum for the Restoration of Democracy—assumed that a desirable form of democracy had existed in Kenya and needed revival. Moreover, the philosophy of FORD positioned multi-party democracy as a system that could solve problems that were outside of the

[304] Ibid., 45.
singular act of the establishment of additional political parties. During the press conference in which FORD was first publically conceived, the organization’s leaders insisted that the group had been formed to “fight for the restoration of democracy and human rights in Kenya.” FORD would stand for a diverse group of issues: the eradication of corruption; the repeal of a law used to imprison dissidents; the resuscitation of the electoral process; the establishment of good governance; public accountability; the rule of law; social justice; and the establishment of a term limit on the presidency.

FORD put forth a vision of multi-party democracy as a cure-all, but within these statements of ubiquitous utility other, less obvious, wishes of the new organization could be glimpsed. The vision of multi-party democracy which FORD presented was a democracy, or a change within democratic institutions, that would curtail the power of the executive. Here the idea of “democracy” located itself somewhere along a continuum. At one end is the structural solution: the idea that the system of government needed serious reform. At the other pole was perhaps the less complicated idea that the people who ran the system needed to be ousted.

During a KANU government council meeting in September 1991 the Moi regime responded to the growing opposition with its own rhetoric. KANU secretary general Joseph Kamotho once again advanced the claim that Kenyan society was not yet homogenous enough for a new system of government, and that the opposition had only meant to cause disorder. In his words multi-party advocates were “preaching that they will water the tree of freedom with blood.” Finally, evoking the specter of disorder, Kamotho asserted that development and unemployment could not be tackled if the country was plunged into chaos.

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306 Ibid.
308 Ibid.
With the opposition growing more bold, in October, Law Professor Anyang’ Nyong’o responded to Kamotho’s argument by comparing the Moi regime to that of the Nazis. Nyong’o attacked the government’s “either one-partyism or chaos” argument. This rationale reminded Nyong’o of something Joseph Goebbels had said: “a lie repeated becomes the truth.” Nyong’o went on to take apart the notion of “tribalism” making an argument that was not all that different from other commentators who were in opposition to the government: the British had invented tribes; Kenyans had fought against the British as a nation—not as ethnic groups—and won; and, finally, that the whole idea of “tribalism” amounted to a racial insult to Kenyans.

The opposition now had a certain brashness that had come about with the announcement of FORD, and in this manner Nyong’o took his argument a step further. He asserted that tribalism in Kenya stretched back further than Moi, and was also fostered by the country’s only other president, Jomo Kenyatta. Ethnic animosity, Nyong’o claimed, was due to “30 years of political domination by KANU.”

Moreover, Nyong’o surmised, KANU was much like the former colonial power in that it utilized a divide and conquer strategy, making it clear that the only way that Kenyans could express themselves was along tribal lines. Furthermore, Nyong’o argued that the election results at independence in 1963 had proved that Kenyans did not always vote along “tribal” lines—KANU had won 72 seats, KADU 32, and the African People’s Party 8.

Consequently, the solution, he wrote, was multi-party democracy—the panacea for the authoritarian state. He suggested that when multi-party advocates had begun to speak out that any number of problems had begun to be solved. Roads started to get repaired. Magazines had begun to publish honest and fair critiques of public policies. And, finally, the government started to realize that

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310 Ibid.
311 Ibid.
the populace had grown tired of its corruption and poor human rights record. Nyong’o’s version of multi-party democracy was a cure-all. He placed this system at the center of a vibrant civil society—a society with a free press, and a government that is responsive to the needs of its people whether it means repairing roads or simply allowing criticism.

**Multi-party Democracy Realized**

By November of 1991 KANU faced unprecedented pressure. The economy was in tatters; inflation and unemployment continued to grow along with support for an ever more outspoken opposition. John Troon, an investigator from Scotland Yard hired by the government to investigate the Ouko murder, named two of Moi’s close associates—Nicholas Biwott and Hezekiah Oyugi—as his principle suspects. Imanyara—having been imprisoned, tortured, and released—openly called for Moi to step down in the November edition of the *Nairobi Law Monthly* writing that, “in civilized and democratic societies any leader will resign from holding public office when the ruler loses trust in the ability to make correct judgment.” Imanyara, in what became a theme, took it upon himself to speak for “the people” when he wrote that the majority of Kenyans shared his opinion, but were silenced by the threat of government reprisals. In that same issue of the *Nairobi Law Monthly* Murungi called on Kenyans to “develop and implement their own political agenda,” but, he reasoned, this could not happen without help from the West. He called on Western donor nations to stop payments of all foreign aid to prevent another African cataclysm like what had recently been happening in Zaire, Liberia, and Somalia. This “threat of chaos” argument, though it came from the opposition, sounded eerily

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312 Ibid.
314 Ibid., 82.
316 Ibid.
similar to polemics spoken by Moi. This argument carries with it the assumption that Africans are somehow different—a dangerous assumption that, it is worth noting, the opposition quite often argued against.

On November 25th and 26th of 1991 Kenya’s Western donors met in Paris, and, in a decision that shocked the Kenyan government the donors decided to suspend aid for six months. Biwott and Oyugi were arrested for involvement in Ouko’s murder that same day. At this point the Kenyan government’s hand was forced. Throup and Hornsby wrote that “President Moi reluctantly decided that he had no option but to make a dramatic gesture.” Then, on December 2nd, Moi called a special KANU delegates’ conference. After hours of speakers, many of whom argued against the adoption of multi-partyism, Moi announced that he intended to repeal section 2(A) of the Constitution, and the delegates all agreed. In the final conference resolution the government made it clear that this political change was happening against its will. It mentioned that foreign countries were giving democracy advocates money, that these advocates were simply out to cause chaos, and that foreign nations should respect Kenya’s sovereignty.

It is difficult to write about the word democracy in Kenya in the early 1990s because the term had been appropriated, and defined and re-defined, by both sides. In retrospect, “democracy” had become a very slippery term. Indeed, Moi himself technically made the move to multi-party democracy, but it is hard to argue with the fact that he did not do this out of any deep ideological commitment to a better society, but instead to keep his authoritarian hold on power. These were circumstances substantially defined by political expediency and the regime acted accordingly. But in the minds of Moi

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319 Ibid., 84.
320 Ibid.
321 Ibid., 87.
322 Ibid.
and many of his most ardent supporters, there was this idea that they had brought democracy to Kenya, and not only with the multi-party announcement, but also with the implementation of the suggestions of the Review Committee months earlier. Also, on another level, Moi and his supporters had always believed that their system was a version of democracy that had been good enough for Kenya. This was a version in which the leader embodied the wishes of the people, protected the human rights of the many, kept—at least by an African standard—exceptional calm and stability, and focused on growing the economy.

So, on the second day of December in 1991 Kenyans would come face to face with a variation of multi-party democracy which they had not exactly agitated for, but would subsequently be subject to. With the repeal of 2(A) the letter of the law had been changed, but it became apparent almost immediately that the government was making every effort to consolidate and strengthen its position and the position of KANU. This sweeping change inspired by international blackmail or attention to democracy, depending on which side one took, had an immediate effect on arguments for democracy in Kenya. For the opposition this change was not enough. While the government for its part, chose to highlight rumors about foreign money pouring into their opponents’ coffers. Imanyara perhaps summed up the opposition’s frustrations, as well as the challenge that lay ahead, when he wrote, “all that has happened, and this should not be underplayed, is that KANU has accepted the principle of political pluralism.”

Rumors about the foreign money were rampant and came from all corners of the government. KANU’s Secretary General, Joseph Kamotho, claimed that the magazines Society and Finance had received part of an alleged 100 million dollars that the U.S. had earmarked for opposition parties

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Moreover, Assistant Minister of Transport and Communication Francis Mutwol claimed that foreigners had paid 60 Million Shillings to FORD. These accusations, no matter their truthfulness, had various meanings. One view is that the accusations were another way of saying that Kenyans were not ready for multi-party democracy; another way of saying that they could not do it themselves—that they needed help from the outside. Additionally, these arguments positioned “democracy” as a foreign ideology, as the façade of a foreign campaign to control Kenya.

Imanyara wrote that quickly the issue was no longer simply multi-partyism, and there were many reasons for this. Moi was already talking about KANU being in power for 100 years; he had called on the civil service to show bias in favor of KANU; the party had maintained control of the Kenyan Broadcasting Corporation; and military commanders were now being invited to KANU functions. Imanyara bluntly wrote, “It was no time to celebrate,” and we can see how the central issue for the opposition became more and more about executive power, and the way the regime was going to be able to keep hold of personal freedoms in this new system.

Moi’s agile perseverance made the title of the cover story in the December issue of Nairobi Law Monthly seem ironic: “Multi-partyism: Finally There.” The story made mention of the legal anomalies in the government’s labyrinthine system designed to limit political organizations. The Societies Act gave the registrar wide ranging powers to refuse the registration of any group it chose, and the Public Order Act effectively criminalized any public meeting that the government disapproved of. And, in the face of these challenges, one author in the Nairobi Law Monthly admitted that the struggle for multi-party democracy had served as the label for a struggle that had meant many things. What was needed, this

325 Minister Cited on Foreign Funding Nairobi KTN Television in English. December 9, 1991.
328 Ibid.
writer suggested, was “a re-vamping of civil society,” and a “commitment to those values that make multi-party democracy a desirable form of government.”\textsuperscript{329} Those values included neutrality in government organizations such as the civil service, the police, and the armed forces.\textsuperscript{330}

Hence, the realization that steps would have to be taken to ensure the transition to a meaningful new form of government was just starting to set in. Kenyan lawyer Edward Muriithi wrote that an intermediate stage had become necessary.\textsuperscript{331} The government and the opposition, he wrote, needed to work together to avoid conflict during this period of transition. Keeping with a well-established theme, Muriithi felt that the problem of executive power still had not been resolved. His solution was something yet to be mentioned in the debate: constitutional government. He wrote:

In the sense and to the extent that multi-partyism provides an institution, the opposition (needs to provide) the final sanction or check against unjustifiable conduct or unconstitutional government then it is the ultimate safeguard against arbitrariness in government and therefore the ultimate guarantee of constitutional government.\textsuperscript{332} Multi-partyism, he wrote, was the infrastructure of a constitutional government. Constitutionalism meant there were limits placed on government to insure that power was used for the common good.\textsuperscript{333}

The references to a constitutional government may have been predictable considering that the opposition faced a crafty President, but a re-examination of “tribalism” proved less predictable. Muriithi wrote extensively about how a “vicious” circle of “tribalism” would have to be carefully considered during the implementation of multi-partyism. Oddly, his argument followed virtually the same reasoning that had belonged—until now—solely to the Moi regime. Ethnic differences had led to a grossly uneven distribution of socio-economic and political privileges, and this had led to a society where those in privileged ethnic groups oppressed less privileged groups. Muriithi offered solutions.

\textsuperscript{329} Ibid., 17.
\textsuperscript{330} Ibid.
\textsuperscript{332} Ibid.
\textsuperscript{333} Ibid.
He suggested that Kenyans should be organized into civil interest groups with the aim of the “improvement of the economic performance of public institutions, the promotion of national unity, and the democratization of the Kenyan government.” In order to avoid these organizations degenerating into tribal associations their ethnic diversity would be legislated from the start. Also to avoid these organizations turning into “mass pressure groups,” each would only be allowed one thousand people.

The realities of multi-partyism were less experimental than Muriithi had proposed, and less effective as an avenue to power than many of the elites in the opposition had hoped. In the year between the declaration of multi-partyism in December of 1991 and the general election on December 29, 1992 four substantial opposition parties came into being. In February of 1992 Oginga Odinga announced that he would be FORD’s presidential candidate, and almost immediately the party fragmented into Kikuyu and Luo varieties. Throughout 1992 new opposition parties were plagued by incompetence and unrealistic expectations and “despite every opportunity to unite and face the common foe (they) remained deeply divided.”

American Ambassador Smith Hempstone, who had stayed on through the elections even though George H.W. Bush had lost the 1992 election, wrote in his autobiography that he had warned opposition leaders that they needed to unite around a single presidential candidate. Hempstone remembers paraphrasing Ben Franklin telling opposition leaders that “if they did not hang together they would hang separately.” Hempstone’s comment was not only prescient, but it also revealed that his definition of democracy was very much wedded to a U.S.-style two party system.

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334 Ibid., 34.
335 Ibid.
337 Ibid., 3.
338 Ibid.
339 Smith Hempstone, Rogue Ambassador: An African Memoir, 262
The opposition also had to face harassment from police and government forces before and during the elections. And, when the voting had finished, Moi and KANU had again come out victorious. The newly independent Kenyan Daily Nation gave the election a grade of “C minus pass.” Hempstone wrote that Moi used “every dirty trick in the book” and the international community had approved. He concluded that, “second class democracy, it seemed, was good enough for Africa.” From the beginning the elections were manipulated by KANU, and international observers could not stop the “substantial electoral malpractice.” KANU and Moi would hold power until the millennium, and the President was also able to claim certain continuity in his assertion about the drawbacks of multi-partyism.

During a Madaraka Day speech in June of 1993 Moi triumphantly stated that “Kenyans had made their choice” and now all citizens must concentrate on what the “electioneering” had distracted them from: the economy. Kenya, he said, would become an advanced economy because of the “peace and stability” Kenyans continued to enjoy. He noted with dismay that, “Certain publications have continued to fan tribal hatred among various communities as well as bring into disrepute our cherished institutions.” It was these publications that he claimed had become “vehicles of suspicion and tribal animosity.”

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342 Ibid.
344 Moi Addresses Nation on Madaraka Day,” Nairobi Broadcasting Corporation Network in English, June 1, 1993.
345 Ibid.
346 Ibid.
As for Kenya, it had done so well with the implementation of multi-partyism that Moi was proud to announce that Kenyans were now serving as election officials in Cambodia.\textsuperscript{347} Moi’s ability to stay in power through this cataclysmic change, and to keep the upper hand in the debate surrounding democracy, are both facts filled with irony. Indeed, the “tribalism” that he had railed against, became one of the central strategies in his election campaign. And it became the proverbial nail in the opposition’s coffin. However, if the debates around democracy in Kenya in the early 1990s are examined with autocracy as the theme, there is a strong continuity. Multi-party advocates wanted freedom of political speech, freedom of the press, and they wanted an end executive domination. The system they argued that could effect these changes was multi-partyism. Talking about multi-party politics, then, was a way that Kenyans expressed exasperation with the current system—as system they saw as not only ineffective as with the failure to properly investigate the Ouko murder, but also a system that was now incarcerating those who spoke out against it. And, therefore, in order to remedy this government malfeasance no less than a new system of government was called for. The opposition did not necessarily believe that multi-party democracy would be Kenya’s panacea, nor did it wholeheartedly believe that ethnic differences could be so easily overcome with multi-partyism. But the desire for an end to the corruption and intolerance of the Moi state was so great that it gave birth to these passionate arguments for political pluralism.

\textsuperscript{347} Ibid.
The 2007 election was, again, about the abuses of executive power. In 1991 the opposition was worried about getting rid of a dictator and multi-partyism seemed to be the answer; in 2007 the opposition wanted to get rid of a system that placed too much power in the Presidency. In the race the incumbent president and Mwai Kibaki of the recently formed Party of National Unity (PNU) apparently defeated Luo politician Raila Odinga of the Orange Democratic Movement (ODM). Though the ODM won the parliamentary vote comfortably, Kibaki was declared the president by a small margin amid allegations of fraud. The announcement of Kibaki’s victory “triggered widespread civil conflict and political order subsequently broke down.”348 Supporters of both candidates attacked each other and the violence—in most areas—took on a distinctly ethnic character excepting urban areas.349 In the eastern Rift Valley, homes of Kikuyu settlers were targeted and nearly 1,500 were killed and 250,000 displaced.350 Finally in 2008 the election dispute was settled by the formation of a government of national unity which consisted of a coalition arrangement with Kibaki as President and Odinga as Prime Minister.351

Kibaki’s retention of power was seen by many as an affront to democracy. In fact, he had appointed 19 of the 22 electoral commissioners to Kenya’s Election Board (ECK) and only two days before the election he appointed five new high court justices to an “already partisan bench.”352 For

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349 Ibid.
352 Ibid., 17.
many commentators in Kenya, the election and subsequent violence in late 2007 and early 2008 brought the very existence of democracy into question. The rhetoric was different from the early 1990s. Ethnicity became a widely-agreed-upon impediment to democracy, and commentators in both Nairobi and Washington talked about constitutionalism and other reforms the way they had spoken about multi-partyism in 1992—as a guard against the problems brought by a powerful executive. Moreover, the fight for multi-partyism which succeeded in 1992 became known as the “Second Liberation” a mantle to which various groups would lay claim in the aftermath of this flawed 2007 election.

**Kenyan Politics 1992-2007: Facts and Background**

Moi’s re-election in 1992 was seen as a failure of multi-partyism and also a demonstration of “the primacy of individuals and ethnicity over policy, ideology, and class.” But there was good news: by 1994 Kenya was a very different place than it had been in 1989. The campaign for multi-partyism had “broadened political and social freedoms in Kenya significantly and empowered a lively and controversial press.” Moreover, the 1997 and 2002 elections showed a promising pattern of improvement. Though the 1997 election was associated with violence it was still less corrupt than the first multi-party election in 1992. The 1997 election was preceded by a series of “mini constitutional reforms” and presided over by an enlarged electoral commission. Maybe most surprisingly Moi was not able to nominate the 12 unelected members to the National Assembly which had been customary. These seats were now distributed as a reflection of the number of seats that each party won in the election. This led to a parliament in which the numbers of representatives of KANU and the opposition

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354 Ibid., 592.
were virtually even. The Kenyan legislature had teeth for the first time, and it proved to be a check on executive power.  

Overseen by “a sophisticated cadre of 24,000 election monitors,” the 2002 election was the best expression of the will of the Kenyan voters in the country’s history. The harassment of opposition candidates was non-existent, and Mwai Kibaki was able to defeat Moi’s handpicked successor Uhuru Kenyatta. Kibaki came to power largely as a result of a “pan ethnic” coalition with Raila Odinga, but this political alliance would prove to be short lived as Kibaki chose to concentrate power within the hands of a small number of his own Kikuyu elite.  

Initially Kibaki was very popular but not long into his presidency a concatenation of events chipped away at his administration’s credibility. His leadership style was very different from Moi’s; instead of micromanaging, Kibaki delegated power to his ministers and largely stayed out of the way. Because of this, various factions began to form in his government. There was a group led by Odinga, another group of young Kikuyu businessmen, a group led by leaders of the two parties that made up the PNU, and an “unwieldy cabinet” of 24 members which Kibaki could not control.  

Changing the constitution was seen by many Kenyans as a way to curb executive power and attempts at reform began in 2000—two years before Kibaki became president. In that year the Constitution of Kenya Review Commission (CKRC) produced a draft that provided for a strong prime minister, proportional representation in parliament, and devolution of federal power to subnational units. Though Moi suppressed this initiative, a pre-election agreement between Kibaki and Raila

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356 Ibid.
357 Ibid.
358 Ibid.
360 Ibid.
Odinga in 2002 called for a new constitution with a strong prime minister within 100 days of Kibaki taking power.\textsuperscript{362} Once elected, Kibaki reneged on his commitment; but this did not stop efforts to design a new constitution. In 2005 the government put the so called “Wako” draft up for a national referendum. The draft, which had been amended in Parliament to Kibaki’s liking, did not provide for a strong premiership and its plan for devolution was less ambitious than previous drafts. The Kenyan electorate, believing that the document would not lead to a significant diffusion of power, rejected it as 58\% voted against it. The failure of this constitution “reshaped the contours of Kenya’s coalition politics and laid the groundwork for the alliances that would compete in the 2007 elections—and then fight in its aftermath.”\textsuperscript{363}

The Democratic Rhetoric

As the 2007 election approached, much as in 1991, the opposition focused on the problem of executive power. Odinga argued, “We must get an independent electoral commission, reduce the powers of the President, and get affirmative action to increase the number of women and youth in the Parliament before we get to the elections.”\textsuperscript{364} Odinga was worried about the likelihood of a fair election given Kibaki’s assertion of presidential power. But also, more subtly, he alluded to another aspect of the democratic process: the idea that elections and multi-partyism do not in themselves constitute democracy. An objective election board, he argued, was essential. Odinga believed that an independent parliament and an independent election commission were both necessary because they would “create a level playing ground for candidates gunning for the presidency.”\textsuperscript{365}

\textsuperscript{362} Ibid., 91.
\textsuperscript{363} Ibid., 92.
As during the Moi years, the government kept rhetorical pressure on the opposition. Security minister John Michuki singled out Odinga’s ODM party saying, “Even if you’re among those who brought the Second Liberation that does not give you the ticket to break the law. The Second Liberation was about enforcing the rule of law which had been discarded by the previous government.” So, not only was there a kind of political currency associated with the fight for multi-partyism in 1992, but more important its definition was being used polemically. According to the security minister this moment was not so much about political pluralism, or a denunciation of authoritarianism, but about the rule of law. This was a decidedly new definition conveniently useful to the Kibaki regime. Indeed in 1991 Moi had defined his position by saying he was upholding the rule of law.

The Anglican Church of the Province of Kenya (CPK), which had been vocal in advocating multi-party democracy in the early 1990s, also weighed in. The Advocacy and Communications Committee called for “a spirit of dialogue and negotiations” between the government and the opposition in the run up to the election. The committee released a statement which said, “We are concerned that most Kenyans are being preoccupied with party politics every day, especially concerning the presidency, to the detriment of the country’s development agenda.” Once again, as in 1991, the idea that multi-party democracy had a negative effect on development had come to the fore along with the idea that multi-party democracy was not a form of government that would help the economy, but would needlessly inhibit it. Here there is an important reality tied to the absence of ideological politics: the notion that, for voters, an election result could be good or bad, but not necessarily different. This idea stands in opposition to the notion, prominent in the U.S. government both in 1991 and 2007, that a free market economy and a liberal democracy go together. Here the church is arguing that the latter impedes the former.

366 Ibid.
367 Ibid.
368 Ibid.
On the fourth of July 2007, just five months before the elections, U.S. Ambassador Michael Rannenburger outlined American policy in Kenya. When asked by a reporter how a 231 year old country could improve on democracy, he answered:

We started with the Declaration of Independence, which had high ideals. But we did not fully respect those ideals. We got our independence, but slavery continued and it took us to a civil war. Even after the war it took us another 100 years to put in place civil rights that respected minority blacks. Even today, there are issues with corruption; high level corruption. No democracy is ever perfect. You always try to improve by allowing people to exercise their will through elections.369

Rannenburger’s comment suggested that imperfect elections were satisfactory for Kenya. They were also presented as something that might help with all of Kenya’s problems. His rhetoric also displayed re-imagining of the U.S. past to mirror the problems that Kenya is having with the media, the inclusion of women, and problems with minority rights. In certain key respects the Ambassador’s comments echoed the claims of President Moi in the early 1990s, that Kenya was not yet sufficiently mature for full democracy.

He went on to say that Kenya had four problems: tribalism, gender inequity, corruption, and insecurity. “But if Kenyans persist,” he asserted, “they will deal with these problems. It will not happen tomorrow. Democracy takes time. Democracy is a process not a silver bullet.”370 This statement served as a reminder of how much the democratic rhetoric from the U.S. had changed since 1992.

Hempstone—at least early on in the multi-party debate—and many in Congress, held that democracy was a silver bullet, and judging by the actions of the Paris Donors, this feeling was widespread. Rannenburger called the Paris moment a time when “we stepped in to bring multi-party democracy.” This was different, he said, than the U.S. role in 2007 as the U.S. wanted to make sure the elections were “transparent and credible.” This time around the government was “completely neutral when it comes to candidates, But we are not neutral when it comes to the process...We just want to see an open

370 Ibid.
process,” he said. The inference here was that the U.S. and other donors imposed multi-party democracy on Kenya in 1991 in order to oust Moi, a statement—no doubt—the former President and Kalenjin Leader would have agreed with. And in fact, the open process the U.S. desired would be the subject to a familiar critique from a familiar figure: Daniel arap Moi. He, along with longtime political partner Nicholas Biwott, endeavored to strengthen KANU in the Rift Valley. He reiterated that the future of the Kalenjin community was connected with KANU, and labeled Odinga’s Orange Democratic Movement a tribal organization that was out to cause confusion and engender hatred. Sounding eerily similar to the Moi of 15 years prior he argued, “ODM has caused political confusion among Kenyans for the last 18 months and it is only through KANU that peace and economic prosperity can be attained.”

Charles Rubia, who had become one of the heroes of the Second Liberation, was not pleased with Moi’s resurgence. Speaking at a meeting of the Kenyan People’s Convention, Rubia said, “Many of us spent years fighting against KANU’s dictatorship in the past and feel betrayed by Mr. Daniel Moi’s return to center stage.” He then urged Kenyans to remember those who had suffered in the struggle for pluralism in 1992, and recounted the events which had happened 17 years earlier. “Many Kenyans died during the first Saba Saba day in 1990,” he recalled. “We were arrested, tortured, detained and otherwise victimized for what we considered to be in the best interests of our people and country.”

Much as in 1991 when the specter of colonialism had been evoked to give weight to arguments for multi-party democracy, so was the struggle for pluralism in 1991 evoked to argue for fairness in the 2007 elections. Indeed when read out of context, Rubia’s comment could be mistaken for a description of the struggle against British colonialism. Although his aversion to Moi was unchanged, there was a

371 Ibid.
374 Ibid.
critical difference in Rubia’s rhetoric in 2007: he too now warned of “tribalism” saying that “national leaders should do everything possible to reduce tribal tensions and divisions.”

The Chairman of the Kenyan Human Rights Commission, Maina Kiai, similarly warned, “We as Kenyans don’t vote on issues, we vote on ethnic grounds.” He continued warning, “We have not had the conscious approach to accepting that negative ethnicity is a problem.” Consequently, this viewpoint that was noticeably absent from the opposition’s rhetorical vocabulary before the advent of multi-partyism, was now commonly agreed upon. This is not to say, however, that the idea that political parties needed to become ideological did not surface before the 2007 elections. Government minister, and Odinga supporter, Charity Ngilu addressed the people of Kenya before the election: “Stop saying you will not vote for Raila because he’s not from your community. Please take him as a Kenyan and a nationalist who is poised to be the next President.”

Then on December 27, 2007 Ngilu’s as well as many Kenyan’s hopes for a de-emphasis on ethnicity were dashed with the most violent election in Kenya’s history. In response many African political commentators began to question the prospects for democracy on the continent. Similar to the situation in Kenya Robert Mugabe of Zimbabwe also had multi-partyism and elections forced on him. Just days after the Kenyan election and subsequent violence, Masimba Biriwasha of the Zimbabwe Guardian wrote, “Clearly in Africa the idea of multi-party political participation, elections and free market economies is not sufficient to build a sustainable democracy. What is required is an institutional overhaul that will help enrich and broaden democracy in the continent.” This “institutional overhaul” it was now becoming apparent to many, would need to succeed in forcing the winners of elections to be

375 Ibid.
377 Ibid.
subject to checks on power from other branches of government. Biriwasha honed in on the negative side of elections. “The mask of democracy,” he wrote “which Africa has experienced in the last two decades characterized by competitive, periodic, inclusive and definitive elections has not served the public good.”

In the same article Reverend Jose Belo Chipenda, the General Secretary of the All Africa Conference of Churches (AACC) was quoted as saying that a Western style democracy “places people into artificial antagonistic boxes, turns friends into enemies, and aims at arousing unnecessary competition.” After the Kenyan election debacle of 2007 Western democracy was seen as unfavorable in the eyes of many African commentators. And Biriwasha argued that Africans needed to take a serious look at their own traditions for political development and make that a part of a Western style system.

Other commentators were less optimistic about the prospects for democracy in Africa. Rich Mkhondo wrote in South Africa’s The Star that the violence in Kenya called the process of multi-party democracy into question “in an African context where ethnic loyalties are strong.” Mkhondo also argued that economic growth could keep a multi-party system from devolving into chaos. He argued that economic growth would lead to more widespread education and “less ignorance” and therefore a de-emphasis on ethnic differences. In other words, like Moi had argued years earlier, maybe Africans were not ready for democracy. A similar argument was being made by long-serving Ugandan President Yoweri Museveni and German President Horst Kohler when they met just days after the Kenyan violence to discuss the issue of political unrest in Kenyan and Chad. They agreed that the reason for the conflict

380 Ibid.
381 Ibid.
382 Ibid.
384 Ibid.
was the existence of groups of unemployed men “who became violent at the slightest provocation.”

The solution to this, they surmised, was domestic industrialization and free trade with the West. Said another way: a liberal democracy needs a prosperous free market economy in order to survive and political competition disrupts order.

As a solution to the problem of the contested and violent election new coalition government, with Kibaki as President and Odinga as Prime Minister, was formed. The debate then centered on whether this new coalition was considered democratic. Kenyan Deputy Prime Minister Musalia Mudavadi saw the coalition government as type of evolution that perfected multi-party democracy. He argued that the coalition was good for the continent, saying, “The political evolution for Africa [has gone] from one party state, to military coups and where there was no distinction between the state and the ruling party to now a new fashion of multi-party democracy which offers an end to the winner-takes-all aspect of politics.” For Mudavadi the new coalition government represented “true multi-party democracy” and signified part of the growth of democracy in Africa. Not surprisingly Mudavadi’s philosophy was buttressed by the fact that his party won an election where they were accused of massive voter fraud. Likewise, it is also unsurprising that the loser of the election, Odinga, was decidedly opposed to the classification of the new coalition government as democracy. Instead he called the result of the election “a threat to the inherent right of popular sovereignty granted to the people in which the ballot decides.” Odinga went on to say that Morgan Tsvangirai, who himself was in a similar situation in Zimbabwe, should also not “surrender his quest for democracy.” Whether the coalition government represented the evolution or miscarriage of democracy is not as important as the

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386 Ibid.
389 Ibid.
fact that political philosophies, as in the early 1990s, were tethered to real life events according to who won and who lost.

The U.S. Congressional Hearings

Both the U.S. House and Senate held hearings in the days following Kenya’s tumultuous election. Absent any high minded rhetoric about a wave of democracy that had been heard seventeen years earlier, the hearings took on a more sober and calculating mood. Members of the Senate and House wrestled with the importance of democracy against the backdrop of Kenya’s new important position in the so-called war on terror. House subcommittee chairman Donald M. Payne, a Democrat from New Jersey, opened the hearings with the remarks, “It was not long ago that the people of Kenya demonstrated that democracy works in Africa.” And he cited what was commonly referred to as Kenya’s fairest election in 2002. Payne’s comment situates itself a long way from those unflinchingly optimistic statements about a wave of democracy that echoed in the halls of Congress in 1991.

Furthermore there was a kind of lack of ownership that the U.S. took in these messy elections, a distance that U.S. politicians were sure to articulate. In 1991, Congress wished to spread its own form of an enlightened democracy; in 2008 Kenyans owned their own turbulent system and they needed to fix it themselves. Payne went on to argue, saying that the violence should be defined as a “political conflict with ethnic overtones” and urged Kenyan political leaders to “address the systematic problems that exist within their political structures.” Indeed their political system, according to the Congressional hearings in 1991 had been the work of the U.S. Indeed in Congressional hearings participants used the pronoun “we” to talk about who was spreading democracy in African, and specifically, Kenya. Moreover, the euphemistic description of the conflict as “political with ethnic overtones” is worth some

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391 Ibid.
analysis. It is astonishing that a more exact description was not presented in any of the hearings. The problem was that political parties had drawn support based almost solely on ethnic identification. But, strangely, the problem was never discussed as connected with political parties or a problem with multipartyism. The inference is that the problem was with the Kenyan culture.

Both the notion of democracy and the U.S.’s relationship with Kenya had become more complicated by 2008. James C. Swan, Deputy Assistant Secretary for Africa Affairs, articulated as much in his opening statement:

First I want to underscore that the United States has important interests in Kenya. These include promoting democracy and good governance, supporting Kenya’s economic development and improved health for its people, and maintaining its role as a stable partner and contributor to peace and security in the region and beyond, including areas of counterterrorism.392

In the U.S.’s Kenya policy, democracy was no longer at the center, no longer the crucial and inevitable prerequisite for catching up with history. Now it had become part of a more complicated collage, and with this, its definition had become more malleable. Swan alluded to what would become a coalition arrangement in Kenya calling for parties to reach an agreement on “equitable power sharing” that would allow for more meaningful constitutional, land, and electoral reforms to take place.393

At the same time the Kenyan violence had brought with it the realization that long term, broad based changes needed to take place in Kenya in order to avoid another election catastrophe. Swan argued:

We believe the way forward would include elements of stopping the violence, reconciliation among the parties and among the communities, a power sharing arrangement to address the immediate tensions in the aftermath of the election and, fourth efforts to address much more fundamental, long-term tensions than we see now. And this included a need for constitutional reform. It includes a need for electoral reform. It includes a need for land reform and redressing some inequities or perceived inequities among different communities in the country.394

392 Ibid., 7.
393 Ibid.
But in a telling statement Swan noted, “the specific formula for moving ahead on these issues, however, we very much think needs to be in the hands of Kenyans.”\textsuperscript{395} Being in the “hands of Kenyans” also meant that the U.S. did not want to seem culpable in the violence. It had forced multi-party democracy on Kenya in 1991, and this—no matter how directly—had brought violence. Swan’s formulation was illustrative: Washington had taken a stance that was very different from 1991 when, as an influential member of the group of international donors who met in Paris, it chose to cut off all aid in order to micromanage democracy in Kenya. Now the U.S. wanted the Kenyans to fix their own broken system. When the system was forced on Moi it was American, when it broke in 2007 it was Kenyan.

That is not to say, however, that a hands off approach was favored by all involved in the hearings. Joel Barkan, a Senior Associate at the Center for Strategic and International Studies and a political scientist, had many concrete recommendations for the U.S. government. He pushed for the U.S. to offer technical assistance with Kenya’s complicated constitutional issues and also with the re-establishment and reworking of the electoral commission and various electoral procedures.\textsuperscript{396} He proposed asset freezes and travel bans for hardliners as well as interventions to curb ethnic animosity such as blocking radio station signals and text messages that promoted hate speech.\textsuperscript{397}

Njonki Ndungu, a former member of the Kenyan parliament, appeared before the House committee and identified a number of long term problems and attendant solutions to Kenya’s predicament. She suggested many changes: a new commission to rectify gerrymandering; new elections in 24 to 36 months; changes in parliament so it properly represented women and minorities; constitutional changes and executive power reforms; land re-distribution and reform; and help to curb

\textsuperscript{395} Ibid.
\textsuperscript{397} Ibid., 8.
unemployment. When Ndungu’s recommendations are juxtaposed against the rhetoric in U.S. policy-making circles in 1991 a few important comparisons emerge. The concentration of power in the executive was still an issue, one that was not solved in the wake of the advent of multi-party democracy. If anything, Ndungu argued a “winner takes all” system had led to greater ethnic polarization. Moreover constitutional issues like gerrymandering, land reform, and representation for minorities were issues that were never mentioned in the early 1990s because there existed a kind of myopia of the moment stemming from the excitement about the spread of democracy worldwide. When opposition leaders were being imprisoned and presses being shut down Kenyans tended not to focus on the long term roots of these problems, but rather they found concrete ways to oppose the regime whether it meant public rallies, press denunciations, or writing treatises on democracy. Additionally, as often happens in the histories of struggle, one group’s agitation for rights and privileges has a way of subsuming another’s. In this case issues surrounding equity for women and the poor were largely absent from the so-called Second Liberation, but were highlighted in the aftermath of 2007.

Human rights advocate Kiai also focused on the issue of executive power in his appearance before Congress. He argued that an interim government would need to be put in place that would “inspire confidence in Kenya’s electoral process.” According to Kiai, the most important thing that the U.S. could do was to put pressure on the Kenyan leadership to “treat the mediation with the utmost seriousness.” Kiai was frank about the lack of democratic progress in Kenya; and along with this he articulated an idea that was common in Congress in 1991: the notion that Kenya was behind the U.S. in history. “In a sense,” he said “We are at our own civil war moment that the U.S. was at in 1861.”

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400 Ibid.
401 Ibid., 84.
went on to say that, “just as that Civil War was pivotal in establishing and solidifying the democratic credentials of the United States, this moment for us could lead us to much greater heights, if properly handled both domestically and internationally, and hopefully also avoid the civil war element that the U.S. went through.” But interestingly, though Kiai utilized the rhetoric of modernization theory, he also insisted that Kenya’s democratic endpoint would not necessary match that of the U.S. He insisted, also, that there needed to be an end to the “winner take all, first past the post system.” Furthermore, he made it clear that the problem in Kenya had nothing to do with a lack of democratic infrastructure, as he noted that Kenyans would not “be starting from scratch” and that “a lot of the documents and commission reports and task forces on all of this, and drafts of constitutional documents are there.”

With all this preparation, and the seemingly comprehensive understanding of democracy that existed in Kenya, Chairman Payne asked Kiai what had gone wrong. This fragile democracy, Payne observed, had been doing fine in 2002. “The executive,” Kiai answered “had started reducing democratic space” and by 2004 the reform agenda had been scrapped. Government raids on media outlets began, the government also made attempts to de-register some non-profit organizations and had begun to attack the Kenyan Commission on Human Rights. “And again as you know,” Kiai lamented “the world is more concerned with elections; and I think that elections show democracy. And as we have always said, that really the mark of a democracy is what happens between elections, rather than elections themselves. I think that has been forgotten by most people in the world.”

The irony here is that Kiai’s argument is almost exactly opposite of the one that he and other members of the so-called Second Liberation made in the early 1990s. The process of multi-partyism, that is the opportunity to form political parties and participate in elections, was widely regarded by the

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402 Ibid.
403 Ibid., 86.
404 Ibid.
405 Ibid., 97.
406 Ibid., 98.
Kenyan opposition then as the main route to democracy in Kenya. The “real” mark of democracy for many Kenyans in 1992 was elections and later they found out that “what happened in between” was more important. So here we can see in both 1991 and 2007 ideas about democracy were always rooted in the political exigencies of the moment, always driven by authoritarianism, and malleable based on what was needed to oppose its oppressive whims.

**Conclusion**

Studies of the nascent democracies in Africa have been undertaken predominantly by political scientists who have analyzed quantitative data in order to determine the effectiveness of the implementation of democratic forms of government and how democratization correlates with economic growth and with civil liberties. Generally, these studies have tried to answer the question of how best to transition to democracy, and how to measure the effectiveness of that transition. I have attempted, in contrast, to examine the ideas about “democracy” in influential policy-making circles in the U.S., as well as among opposition and government politicians and opinion leaders in Kenya. In the United States in the early 1990s democracy was seen as something so infectious that it would proliferate by itself. Policy makers saw it as something that was a generic product coming from a place that had specialized in its manufacture—at a time when American power, and concomitantly, faith in democracy, were at their apogee.

In Kenya ideas about democracy were more complex. Democracy was not something Kenyans had “imported,” but rather something that they built, piecemeal, from the ground up. Democracy, for those in the Kenyan opposition, was defined by an encounter with authoritarianism and the freedoms abridged by it: the freedom of speech, of the press, the freedom to travel freely, the freedom to choose one’s own political party, and one’s own candidate. Hence, these infringements not only defined democracy but placed democratic advocates in the new pantheon of its heroes—heroes who enjoyed
the same kind of respect and admiration as the Mau Mau fighters had decades before despite the vast differences between these two instances of struggle. And democracy was also something that Kenyans imagined, in retrospect, that they had had in the early years of independence. This in fact was part of another debate about democracy’s African bona fides—its authenticity. For the opposition the Moi regime represented the violation of a Kenyan tradition of relative political freedom. For those in power, democracy was an imported ideology, essentially unAfrican, or at least inappropriate to current African conditions.

Moreover debates around multi-party democracy in the late 1980s and early 1990s, in the context of an increasingly repressive regime, shed light on other aspects of Kenyan society. Multi-partyism was said to be able to aid the building of better roads just as it was said to be able to help get falsely imprisoned Kenyans out of jail. Talking about multi-partyism was also an indirect way of criticizing Moi’s regime. The government rebutted these claims that a multi-party system was good for Kenya on two counts: first, it would cause ethnic chaos, and second it would hurt the economy by promoting disorder. So the debate surrounding multi-party democracy in Kenya became a mirror that reflected back the contentiousness and diversity of opinion which Kenyans brought to questions about their economy and their ethnic diversity.

Unsurprisingly those in power always argued that Kenya was too ethnically diverse for multi-party democracy while those in the opposition always argued the opposite. Likewise, those in the government always argued that the Kenyan economy would be hurt by political pluralism while those in the opposition nearly always argued that political pluralism would provide a much needed check on executive power and corruption, and therefore help the economy.

Because Kenyan’s notions of democracy were so strongly correlated with their position relative to power it becomes hard to tease out the difference between opportunism and ideology. Though this
difficulty can never fully be resolved, I return to the words of Gitobu Imanyara, editor of the Nairobi Law Monthly in order to address this problem. In the full knowledge that the police who had just visited would soon return, he wrote:

What moved Nelson Mandela 27 years ago to offer his life for the achievement of the basic right to human dignity is the same spirit that moved that lone Chinese student in Tiananmen Square to hold still armored tanks for a time long enough for the world to appreciate the universality of the yearning for freedom. It is the same spirit that moves men and women everywhere in the world to say loudly and clearly that they are ready and willing at all times to offer the final sacrifice for their cause of liberty and freedom: their own lives.\(^{407}\)

Knowing his situation Imanyara’s words are hardly those of an opportunist. Thomas Jefferson, reflecting on the imperative for occasional rebellious protest in a democracy, famously wrote, “The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.”\(^{408}\) Jefferson had written this famous dictum from the safety of Paris—an ocean away from Shay’s rebellion. Two centuries later Imanyara would say essentially the same thing, but his words were hastily written between visits from the police.

And in this way Imanyara’s bold words help to illuminate a critical aspect of the debates around democracy in Kenya in the early 1990s. For Imanyara, like Mandela and the anonymous Chinese student before him, democracy did not “come” from somewhere else. It had not “spread” from the United States or other Western democracies like the U.S. policy makers so reverently believed in 1991—and indeed believe today. Instead there was something universal about it. And for Imanyara and the rest of the Kenyan opposition, who risked imprisonment in order to publically discuss democracy, this was not something that was a foreign ideology. Instead popular notions of democracy were something that Kenyans had forged for themselves in the crucible that was Moi’s Kenya.


\(^{408}\) Erik A. Brunn and Jay Crosby, Our Nation’s Archive: The History of the United States in Documents, (New York: Black Dog and Leventhal, 1999), 167.
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Curriculum Vitae

Cullen Haskins was born in La Crosse, WI, and graduated from Onalaska High School in 1997. He received a bachelor’s of science in history from the University of Wisconsin at La Crosse in 2004. He entered the master’s program in history at UTEP in the fall of 2009. He served as research assistant to the President of the African Studies Association Dr. Charles Ambler from the fall of 2009 through the fall of 2010. At the 2010 African Studies Association Annual meeting he presented a paper entitled, “African Immigrant Professionals: On the Periphery of Diaspora.” In 2011 he was awarded the “Outstanding Graduate Student in History,” from UTEP’s history department.