

## **Beyond Election Campaign Rhetoric: Challenges Facing The National Rainbow Coalition (NARC)**

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### **Introduction**

The desire to present a united opposition common front against the authoritarian KANU regime has remained a burning flame in the hearts of many Kenyans since the resurrection of multipartism in 1991. The quest for opposition unity in 1992 and 1997 general elections however, crumbled in the face of deeply entrenched ethnic polarization, and greed for power by the opposition big Whigs.

After the 1997 election debacle, the spirit of unity resurfaced, this time apparently with more vigour and determination. This renewed impetus for unity drew inspiration from the realization that KANU was not the choice of the majority of Kenyans, yet it continued to rule, courtesy of fragmentation in the opposition, and its access to state resources and machinery. For example, in 1992 and 1997, Moi 'won' the presidential elections, despite obtaining a paltry 36% and 40.5% of the votes, respectively. As fate would have it, the post-1997 opposition unity bid found a soul mate in the split within the ruling party, KANU. The result of these mutually reinforcing developments was the creation of the National Rainbow Coalition (NARC) in October 2002 which went ahead to hand KANU its first electoral defeat since its formation in 1960.

Against this background, the paper examines the challenges facing NARC, the first ever coalition government in Kenya's eventful post-colonial history. The paper begins by providing a conceptual framework for understanding coalition politics. It proceeds with a deep and incisive surgery of the actual process of coalition building that paved way for the emergence of NARC. These two sections provide background information and support for the subsequent discussion on the challenges facing NARC, which forms the gist of this paper.

### **Politics of Coalition Building: A Conceptual Framework**

The term coalition can be understood as an alliance between dynamic entities, co-operating in joint action, while preserving

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individual identity and self interests. Coalition governments are those that are formed jointly by more than one political party. There are no general rules or specific patterns about the number of political parties that can enter into a coalition. In Germany, for example, coalitions rarely, if ever, consist of more than two parties (at least if Christian Democratic (CDU) and the CSU are considered as one party). In Belgium on the other hand, with separate Dutch-language and French-Language parties for each political group, coalitions of six parties are quite common.

The concept and practice of coalition building has been extensively studied in political science by scholars such as Riker (1962), Axelrod (1970), De swaan (1973), Dodd (1974), Rapoport & Weg (1986), Austin-Smith & Banks (1988), Garratt, et al (2001) and Endersby (2001). The running thread through all these studies is that coalitions are ideally formed after the elections, when the strength of each party is known. There could be informal reproachments prior to the elections, but the final coalition deal is usually sealed after the elections. This is what happens in many democratic countries, such as Germany, France, India, Israel, Benelux, Turkey and Italy, where coalition of political parties is normal occurrence.

The available literature identifies two circumstances, which could necessitate the formation of a coalition government. First, is a situation in which no one political party on its own has a sufficient majority to run a government. This normally occurs in countries where there are many political parties with significant following and hence, none of them is able to secure a comfortable majority of the seats in parliament or national assembly. Under the circumstances, it becomes imperative that several parties come together to form a viable government.

In Germany, for example, it is rare for either the CDU/CSU or the Social Democratic Party (SDP) to win a majority of the seats on their own. They therefore, seek the support of one of the smaller parties to form a coalition. Helmut Kohl's CDU governed for years in coalition with the Free Democratic Party (FDP), while Gerhard Schroeder's SPD is currently ruling in coalition with the Green Party. Whenever a coalition breaks up in Germany, a confidence vote has to be held. Interestingly, only once has an incumbent lost a confidence vote. This is because the smaller parties always support the government in the hope of securing a new coalition with them.



Similarly, in Israel, with its dozen political parties, the centre-right Likud Party usually forms coalition with far-right and orthodox parties, while the Labour Party allies itself with more leftist and pacifist parties. In both Germany and Israel, grand coalitions of the two large parties sometimes occur, although this is rare as the larger parties prefer to associate with the smaller ones.

The second circumstance identified as warranting the formation of coalitions, is during difficult times and crisis such as war. In this case, coalitions are formed to give the government a high degree of national acceptability and diminish internal political strife. To these two, we can add the circumstance that coalitions can also be necessitated by extreme polarization of the society on the basis of religion, ideology, or ethnic identity. Coalition building then serves as a balancing act to neutralize the polarization and facilitate consensus building.

It is therefore possible to construct a pre-election coalition and a post election coalition models. The advantage of the former model is that it enables the coalition to evolve a common election strategy, harmonise their manifestos, make the electioneering process violence free, and design a common post-election action plan. It also enables the coalition to gain from economies of scale. This is because, when parties come together they are likely to increase their vote tally above what their individual support could have totaled, if they had faced the elections as separate entities.

In most cases, the leader of the strongest party involved heads a coalition government. This is crucial for the stability of a coalition. Perhaps, it is one of the reasons why post-election coalitions are more prevalent than pre-election coalition pacts. The latter has the potential of creating a situation in which the coalition leader ends up with minority seats in parliament. Such a scenario would inevitably breed instability in the coalition government as the larger group rightly seeks to have a larger share in the cabinet, and a greater say in governmental affairs.

Alastair Endersby (2001) raises the question of whether coalition governments are preferable to government by a single political party. He presents an interesting debate about the strengths and weaknesses of a coalition government, whether built on a pre-

election or a post-election model. First, coalition governments are presented as more democratic since they represent a much broader spectrum of public opinion than government by one party. The counter argument is that coalition government can actually be less democratic as the balance of power is inevitably held by the small parties who barter their support for concessions from the main groups within the coalition and sometimes impose their policies upon the majority. It is possible to view the role of religious parties in Israel and the Greens in Germany in this light. The incessant demand for constitutional reforms by the Liberal Democrats in the U.K as their price for coalition support in a future hang parliament is a further demonstration of this point.

Secondly, coalition governments are said to create a more honest and dynamic political system, which provides voters with a clear choice at election time. The existence of multiplicity of parties gives the voter a more honest choice and brings differences of opinion out into the open for debate. It is also easier for existing parties to split, and new ones to spring up as new political issues emerge which divide public opinion. Despite all this, the parties still have a chance of sharing political power. However, coalition governments can also be less transparent, particularly when built on the post-election model. During elections, parties present election manifestos on the basis of which they are elected or rejected. Coalition formation not only commit partner parties into unrealistic policies expressed by ambitious parties during elections, but sometimes render manifestos irrelevant since they are usually modified during the back-room negotiations that precede post-election coalition building. According to Endersby (2001), this undermines accountability since voters cannot expect individual parties in a coalition to deliver upon their particular manifesto promises.

Thirdly, coalitions are viewed as providing good governments because it involves the incorporation of a variety of opinions in the decision-making process. Policies under these arrangements are usually debated thoroughly within the government before they are implemented. Otherwise, those whose opinions are not sought are likely to rebel and render the coalition unworkable. On the contrary however, coalitions may also give rise to bad governments due to inability to take a long-term view. A unifying ideology is sometimes necessary for the government to navigate through turbulent political



and economic waters. This is usually lacking in coalitions, as parties come together for convenience rather than on the basis of shared values and ideology.

Finally, coalitions are said to provide administrative continuity. This is important to ensure that parties do not remain in government or opposition for long periods. Continuity also prevents the development of an adversarial political culture and promotes a more consensual political culture, which allows for gradual and constructive shift of policy between administrations, whenever change occurs. On the other hand, coalition governments are also known to be very unstable, often collapsing and reforming at frequent intervals. This greatly impairs the government's ability to undertake reforms. Italy provides a good example of the fragility of coalition governments. Since 1945, Italy has had an average of more than one government annually.

### **Background to the Emergence of NARC**

The genesis of NARC can be traced to two independent, but mutually reinforcing developments on Kenya's political terrain in the run up to the 2002 general elections. First, there was the fall out in the ruling party, Kenya African National Union (KANU). Secondly, there was the successful galvanization of opposition forces. The fall out in KANU itself was a direct consequence of an earlier decision to merge the party with the second largest opposition party then, National Democratic Party (NDP). The NDP had emerged third behind KANU and Democratic Party (DP) in both the presidential polls, and in terms of seats secured in parliament during the 1997 general elections.

This merger, which was solemnized on 18<sup>th</sup> March 2002, laid the foundation for the fallout in two significant ways. First, the craftily designed formula for sharing seats in the new party outfit sidelined long-time KANU stalwarts, including Prof. George Saitoti and Joseph Kamotho who had been the party Vice-Chairman and Secretary General respectively for thirteen years.

Prof. Saitoti who was then the country's vice-president had his position of vice-chairman split into four. Unfortunately, none of the four new vice-chairmen slots was reserved for him. His mixed Maasai-Kikuyu parentage and lack of a solid political base, rendered

him irrelevant in the tribal arithmetic and succession game plan of the party's prime movers. The four vice-chairmen seats were instead reserved for point men of larger ethnic communities, namely Uhuru Kenyatta (Kikuyu), Stephen Kalonzo Musyoka (Kamba), Musalia Mudavadi (Luhya) and Noah Katana Ngala (Mijikenda). Kamotho's position of secretary general was taken over by the NDP leader, Raila Odinga (Luo) as part of the merger deal. This way, the merger helped to transform some of the party's loyalists, to its ardent critics. Although Prof. Saitoti maintained a quite public relations attitude after the merger, owing to his position as the country's vice-president, Kamotho and other loyalist turned critics, minced no words in voicing their opposition to the new developments in the party.

Secondly, the merger injected into the party some typical opposition radicalism that later translated into an open defiance to the party chairman, Daniel Arap Moi, whose word had always remained law. It all began when president Moi, initially using chronies, but later unmasked himself to declare Uhuru Kenyatta as his preferred successor. To many observers, Uhuru was just a 41-year-old political novice, sneaked into parliament in October, 2001 and then into the cabinet, long after failing to win the Gatundu South parliamentary seat in the 1997 elections. His only asset was his biological relation with the country's founding father, Jomo Kenyatta, who was his father.

Moi pegged his choice of Uhuru Kenyatta on a generational tag, emphasizing the need to infuse the vibrancy of youth into national leadership. However, experience from elsewhere show that age in itself is not an asset in national leadership. In Brazil for example, the youthful, Fernando Collor de Mello was elected in 1989, only to mess up the economy by institutionalizing corruption, subsequently forcing parliament to impeach him in September, 1992. Therefore, opponents of the Uhuru-for-president campaign saw the "Uhuru project" as an attempt to entrench dynasties in national leadership. They also regarded it as a smart calculation by Moi to rule from the backstage as had been done by Fulgencio Batista who ruled Cuba directly and indirectly through puppet presidents from 1934 until Fidel Castro took over in 1959.

Against this background, five key KANU operatives, Katana Ngala, Musalia Mudavadi, Kalonzo Musyoka, Raila Odinga and Prof. Saitoti



declared their interest to be nominated as KANU's presidential candidate. Sensing the president's determination to push his preferred candidate through the window or the door, the five teamed up with other loyalties-turn-critics within KANU, together with the entire former NDP outfit, to create the Rainbow Alliance. The immediate agenda of the Alliance was to push for democratic party nomination, and to stop imposition of an unpopular candidate on the party. Ngala and Mudavadi succumbed to Moi's threats and intimidation of those opposed to his choice, decamped from the Alliance, dropped their presidential bids, and threw their weight behind the president's choice, Uhuru Kenyatta. Those who stuck with the Rainbow Alliance paid heavy prices. Saitoti lost his vice-president portfolio, as did cabinet ministers, William Ole Ntimama and Joseph Kamotho, and several assistant ministers allied to the Alliance.

As the KANU boat rocked itself from within, the opposition unity, which had remained a mirage in the 1992, and 1997 general elections, was nicely taking shape. The three main opposition parties, DP of Mwai Kibaki, Ford-Kenya of Wamalwa Kijana and the National Party of Kenya (NPK) of Charity Ngilu, linked up with ten other smaller opposition parties to create a common electoral platform known as the National Alliance Party of Kenya (NAK). NAK named Kibaki as its presidential candidate, with Wamalwa and Ngilu as Vice-president and prime minister designates respectively. Three other political parties, FORD-People of Simeon Nyachae, Labour Party of Kenya led by Kennedy Kiliku and SAFINA of Paul Muite, also signed an electoral pact and created a common front, The People's Coalition. The coalition named Simeon Nyachae as its presidential candidate.

Meanwhile, the polarization in the ruling party reached its zenith on 13<sup>th</sup> October 2002, when Rainbow Alliance members announced their boycott of the KANU nominations scheduled for the next day, and resigned from the government. Consequently, KANU delegates met to endorse Uhuru Kenyatta as the party's presidential candidate at the Moi sports complex, Kasarani on the 14<sup>th</sup> October, 2002. On the same day, the Rainbow Alliance pulled one of the largest crowds ever seen in the country's history at Uhuru park grounds, where the Rainbow Alliance formerly transformed itself into the Liberal Democratic Party (LDP). Early, in the morning of 14<sup>th</sup> October, the Rainbow Alliance, now LDP entered into a coalition with the People's

Coalition to form Rainbow Coalition. In a carefully choreographed sequence of events the Rainbow Coalition and the NAK created a grand coalition known as the National Rainbow Coalition (NARC). Later, as the details of the new opposition outfit were being fine-tuned, the People's Coalition of Nyachae pulled out of NARC, crying foul over the power sharing formula. The final memorandum of understanding that endorsed Kibaki as NARC's presidential candidate, as well as the post-election power-sharing deal was signed between LDP and NAK as equal partners at the Hotel-Intercontinental, Nairobi. Was there such a memorandum?

### **Challenges Facing the NARC Government**

Every government that sweeps the incumbent regime from power through popular mandate usually faces a number of challenges. These challenges include how to consolidate state power, fulfill election campaign pledges, and retain public confidence, trust and good will. Whether these issues are eventually addressed or not, obviously vary from one political party to the other. Generally, where the new leadership has sufficient political good will to address these issues, the guiding philosophy has always been the need to outdo the previous regime by institutionalizing mechanisms for addressing real or perceived shortcomings of the dethroned regime.

The NARC government is no exception. Infact the challenges facing NARC are even more daunting, at least for four reasons. First, unlike most coalitions, which are usually formed after the elections, the NARC government is formed by a coalition that was built before the elections. It is little wonder that the issue of whether the pre-election pact has been honored after the elections assumed such importance in post-election debates. The LDP wing of the coalition has cried foul that the memorandum of understanding on the basis of which the coalition was formed has not been honored.

Secondly, some of the positions negotiated in the NARC pre-election pact were not yet entrenched in the constitution. The coalition hoped to create them through the constitutional review, which was already underway. This required mutual trust and commitment by all the parties, and a post-election appeal to Kenyans to accommodate the "new seats" in the review process. The post-election scenario however, demonstrates that either some signatories to the pre-election pact were not committed to it, or changed their position after achieving their goals through the coalition. As one



cabinet minister allied to the NAK wing of NARC has pointed out, their side had proposed an executive prime minister with the previous regime in mind. Now that the KANU regime is out (and power is in their hands), there is no need for creating such a position. However, it should be noted that even if the NARC as a unit had agreed in principle to create the said office, other stake-holders in the review process could have ganged up to frustrate their effort.

A similar scenario occurred in Mauritius in 1983, when three political parties, Mouvement Socialiste Mouricien (MSM) of Jagnauth, Parti Mauricien Social Democrate (PMSD) of Sir Gaetan Duval, and Mauricien Labour Party (MLP) of Dr. Seewoosagur Ramgoolam, entered into a pre-election coalition. At the time of the elections, there was a draft legislation proposing the transformation of Mauritius into a republic, and hence the creation of the office of the president. The Alliance therefore proposed Ramgoolam as president, Jagnauth as prime minister and Duval as deputy prime minister. However, although the alliance won the elections, the proposed legislation was defeated and hence the office of president was not created. But due to the strong commitment and determination by the coalition signatories, they lobbied for Ramgoolam to be appointed as governor-general while Jagnauth and Duval became the premier and deputy premier respectively.

In sharp contrast to the Mauritius experience, the memorandum of understanding on the basis of which NARC was founded appeared to have been discarded as soon as the election results were announced. LDP MPs have repeatedly echoed their displeasure at the way the president has made public appointments, including the cabinet. Even if there was no binding agreement made between the coalition partners prior to the formation of NARC, which is an impractical presupposition, the principle of fairness does not seem to be in play in several respects. First, although LDP has about 68 as compared to NAK's 60 MPs in a 222-member parliament, it has fewer cabinet positions, are also less colorful.<sup>1</sup> NAK members hold most of the influential cabinet positions such as Internal Security and National Defense, Justice and Constitutional Affairs, Local Government, Finance and Agriculture. Secondly, LDP has completely been shut out of the kitchen cabinet and therefore has no influence at all in important decision-making at the informal kitchen cabinet level. Thirdly, sensitive civil service appointments

have been reserved to those loyal to the NAK faction, whether publicly acclaimed as corrupt or above the retirement age.

Unfortunately, the Memorandum of Understanding (M.O.U) agreed upon by the coalition prior to the elections has never been made public. This makes it difficult to verify the claims by the LDP regarding it. It must be noted however, that NARC as a ruling coalition, found these expression of dissent serious enough to warrant a meeting of all its MPs with a view to solving them. This became more urgent when dissatisfied LDP MPs teamed up with the opposition to pass the Finance Bill against the wishes of the government. There was therefore, need for NARC to put its house in order before the Anti-corruption and Economic crimes bill, which was key for aid resumption suffered the same fate. The bill was due for discussion, when the meeting was convened.

Thirdly, NARC is a coalition of political parties with divergent ideological orientation and personality mismatch. On the extreme end are those previously conservative politicians whose fawning loyalty helped to sustain the KANU regime. On the other extreme end are typical opposition radicals who have no soft spot for the previous regime and those associated with it. In between these two extremes are many different shades of politicians. Some of the people brought together by the coalition have never had any kind word for each other. Even those who have remained in the opposition since its renaissance in 1991 had deep personality differences which, coupled with ethnic polarization of Kenyan politics, undermined previous opposition unity bids in 1992 and 1997. Whether and how these wounds were going to be healed fast enough to sustain the coalition remained on the lips of many political analysts. So far, it seems that the wounds are far from being healed as demonstrated by frequent verbal exchanges between members of the two NARC wings.

The non-implementation of the MOU confirms the view that Kenyan politics is not driven by ideological commitments. The coalition was not built on any clear ideological foundation. It was a grouping of unlike minds whose personal interests and political ambitions converged on the need to remove KANU from power. As a renegade group, LDP's main agenda may not have been so much to capture state power but to ensure that president Moi, his handpicked



successor, Uhuru Kenyatta and the ruling party KANU are humiliated at the polls. They also hoped to occupy a more prominent position than KANU in the post election scenario. NAK on the other hand was driven by the desire to obtain power. Both sides therefore hoped to ride on each other's backs through the coalition to achieve their mission. None of the parties was driven by any clear ideology in negotiating the MOU.

Fourthly, NARC resulted from a multiple coalition. As explained earlier, it started not as a coalition of political parties, but as a grand coalition of two already existing coalitions, namely NAK with 13 affiliate parties and the Rainbow Coalition with four parties. After the withdrawal of Ford-P, Safina and LPK from unity talks, the only Rainbow Coalition affiliated party, which pressed on with opposition unity, was LDP. The final pact was therefore sealed between NAK, which was an alliance of parties, and LDP, which was a single formidable political party.

Interestingly, NAK and LDP entered into the pre-election pact as equal partners, undertaking to share power on a 50-50 basis after the elections. This may appear to have been unfair to the NAK as it elevated the LDP not only above the individual parties constituting NAK, but actually made one party an equivalent of 13 parties. However, the election results revealed that in fact, LDP alone was much stronger than the entire NAK. Indeed, it secured more parliamentary seats than NAK. Ironically, the NARC government had a NAK president and NAK vice-president. Unfortunately, the vice-president, Kijana Wamalwa, died on August 23, 2003, creating the greatest nightmare for the coalition's survival. The LDP viewed this as an opportunity for power balancing by appointing one of them as vice president. Ford-K, which was headed by Wamalwa, from the Luhya community voiced their desire to have the vice presidential post back. In a delicate act of balancing, president Kibaki appointed, Moody Awori, who is both a Luhya and a member of the LDP, arguably to silence the LDP wing and retain the Luhya support.

Legally, a member of parliament cannot belong to more than one political party, and therefore in the eyes of the law, both NAK and

<sup>1</sup> Actual figures are difficult to determine because some MPs joined NARC directly without support for either LDP or NAK.

LDP are non-parliamentary political parties. The Kenyan constitution provides that the executive powers be exercised by the president assisted by the cabinet, and that both the president and the cabinet must first and foremost, be parliamentarians. This therefore makes the MOU unconstitutional and legally unenforceable, because it requires that power be shared equally among non-parliamentary political parties.

The foregoing discussion notwithstanding, the non-implementation of the MOU should not be misconstrued to imply that the coalition was completely unworkable nor that the MOU was totally unenforceable. It simply reflects lack of political morality and dishonesty especially on the part of the NAK wing of the ruling NARC. Although the constitution has no express provision for some of the positions negotiated in the MOU, Section 16 of the Constitution empowers the president to determine the structure and composition of his government. The president could have interpreted it favorably, use it to create the positions of Prime Minister and his deputy, and appoint those designated to occupy these positions by the MOU (all of whom are legally and technically in only one party- the ruling NARC), as a sign of political good will.

Finally, Kenya has never had a coalition government before and hence NARC as a ruling coalition is a major political experiment whose success or failure would greatly influence the future of coalition building in Kenya. The challenges in this regard are two fold. First, it must maintain internal party discipline by institutionalizing mechanisms for handling internal dissent. Secondly, it must strive to maintain the unity of the coalition. Although the coalition is likely to endure up to 2007, it may leave bitter memories that could make it extremely difficult for pre-election pacts to be agreed upon in future, for fear that they would not be honored.

Besides these structural problems, NARC has a number of challenges to deal with. First, is the urgent need to restore the public's confidence in the government and its institutions. NARC took over at a time when public confidence and trust in the government, its institutions and agencies had reached its lowest ebb. Over the years, the KANU government had continuously undermined the institutions of governance including the judiciary,



executive and the legislature. Noble doctrines like separation of powers and rule of law were greatly assaulted. The institution of the presidency became so strong that the judiciary and the legislature merely served as a tool for taming dissident, and a rubberstamp for legitimizing its will respectively.

Local authorities continued to be subordinated to the central government, and like other government institutions become inefficient and non responsive to local needs. The police force which was expected to maintain law and order, operated like uniformed gangs terrorizing innocent people while protecting and aiding criminals. Under the circumstances, victims of crimes failed to, or were reluctant to report crimes to the police because they believed that the police would not take the necessary action. As already alluded to, the judiciary was largely compromised and became an accomplice in criminal injustice. Further more, public service could not be easily attained without greasing the elbows of public servants.

The net result of all this was loss of confidence by the public on these institutions. This loss of confidence is reflected in the wide spread occurrence of what is erroneously referred to as *mob justice*, but whose correct label would be mob injustice. This involves the masses taking law into their own hands to cause bodily harm or even kill an alleged offender. Surely, there can be no better way of demonstrating loss of faith in the police and the judicial system than this. The threat and subsequent attempt by the civil society to take over the constitutional review process in the run up to the 1997 general elections was yet another indication of loss of confidence in the legislature, and its ability to steer the process. In their view the legislature was not legitimately constituted, since it was a product of the rigged 1992 elections.

Against this background, the need to restore public confidence becomes more urgent. In this regard, there is need to motivate civil servants and restore their self-confidence. The civil servants need to be given a new direction of where NARC wishes to go and how they can contribute to the new vision. This requires that visionary people be appointed to top leadership positions in the public service. Unfortunately, the NARC government opted to recycle old guards and use public offices to reward loyal retirees. The head of the civil service itself is past the retirement age but enjoys the support of

the prime moves of the NARC regime. This trend discourages younger and more enthusiastic civil servants who are denied the chance to rise up the ladder. It further makes the new regime a continuation of the past regime, rather than an agent for change.

The other major challenge, which NARC has to grapple with, is how to resuscitate the economy. NARC inherited an economy that was registering negative growth. This poor economic performance was largely a result of years of economic mismanagement as the KANU regime thrived on appetite for conspicuous consumption, and love for economically unviable grandiose public projects. Such projects include the construction of Eldoret International Airport instead of upgrading the nearby Kisumu Airport and the purchase of a presidential jet at a time when the economy was in the doldrums.

The starting point in jumpstarting the economy is to restore investor confidence by improving security and reducing the cost of doing businesses in the country. Simultaneously, the government must limit its role to that of creating enabling environment, while promoting and supporting the private sector which is expected to play a pivotal role in achieving economic turn around. The NARC economic blue print, Economic Recovery Strategy for Wealth and Employment Creation launched in June, 2003, proposes measures to achieve this objective. It draws from the NARC campaign manifesto, the post-election Action plan and the Poverty Reduction Strategy Paper (PRSP). It is only through economic recovery that 500,000 annual increments in job opportunities pledged by NARC during the elections can be fulfilled.

The NARC government also has to deal firmly with corruption, which has been deeply engraved, in every facet of the society. Indeed, "corruption has crippled the Kenyan economy. Official corruption has gone on for years without any attempts to prosecute those implicated" (Mute, et al, 2002: 329). Given this assertion, it is little wonder that the NARC government took off with a concerted effort to fight corruption and economic crimes. These efforts are reflected in the enactment of the Anti-Corruption and Economic Crimes Act and The Public Officers Ethics Act as well as the purge on corrupt judicial officers.

A commission of inquiry has also been set up to investigate the Goldenberg scandal, which epitomized corruption in the country.



Kenya lost billions of shillings in the scam through dubious compensation for alleged gold exports. Similarly, irregularly allocated government tenders have also been cancelled, while the bizarre release of Kshs. 4.5 billion in special treasury bonds to well-connected contractors to settle questionable pending bills in the run up to the 2002 elections, is also being investigated. The investigations have also been launched on the irregularly awarded government tenders and contracts through which the government was fleeced of billions of shillings.

However, the fight against corruption and economic crimes can only be fought and won by a government, which has rid itself of corrupt individuals. Evidence so far shows that there are corrupt elements even within the NARC cabinet. For example, the former Minister for Local Government, Emanuel Karisa Maitha (now deceased) found himself at the centre of a storm for corruption and abuse of office. Maitha is said to have corruptly ordered the award of Kshs. 45 million insurance tender to Invesco Insurance Company owned by a NARC politician, against the decision of the Nairobi City Council's technical committee on tender. The committee had recommended the tender be awarded to Consolidated Insurance (**East Africa Standard, September, 8, 2003:3**).

Similarly, the Minister for Finance, David Mwiraria found his hands soiled with corruption allegations over tender awards for the Anglo-leasing company through which the Kenya government lost colossal sums of money. Other cabinet ministers already adversely mentioned in graft related cases include John Michuki (Transport and Communications), Dr. Mukhisa Kituyi (Trade and Industry), Prof. Anyang' Nyong'o (Planning and National Development), Chirao Ali Mwakwere (formerly of Labor but now in Foreign Affairs), and Dr. Chris Murungaru (Office of the President). This number is obviously alarming considering the short time that the NARC government has been in power. The silence of the NARC leadership over these allegations portray the government as wining and dining with corruption.

The NARC government also faces the challenge of keeping and fulfilling all the election pledges it made to Kenyans. It is only by fulfilling its pledges that the party may be able to maintain its euphoric popularity and public support and confidence. Indeed,

as we have argued elsewhere, the previous government had deviated from its campaign promises (13<sup>th</sup> January 1998: 16-17). As a result, the public no longer trusted the government. The NARC government must therefore avoid this mistake because it could erode public confidence and trust. In any case, good governance requires that the government fulfils its obligations to the people. This is the minimum that is entailed in a social contract that the government and the people enter into at election time.

Among the pledges include a speedy conclusion of the Constitutional Review Process, free primary school education, zero tolerance on corruption, revival of the economy, creation of 500,000 jobs annually and improved infrastructure. The party had a good start in fulfilling the pledges by declaring primary education free in January 2003 and employing additional primary school teachers in August 2003. It has also intensified the fight against corruption as explained earlier, improved security through intensified 24 hours police patrols and made sketchy progress at infrastructural development through road repairs.

Although the constitutional review process did not begin as early as promised, it has non-the less kicked off. The review process in particular poses a great challenge not least because these are many vested interests. These interests are to be found in government, the constitutional review commissioners and the civil society, among other groups. The interests are so strong that if not checked they could derail the process. It is particularly important that the government does not interfere with key provisions of the draft constitution. The issue of devolution of power and creation of the office of prime minister has drawn considerable attention, with the latter splitting the NARC parliamentarians right down the middle. On the one hand are LDP allied legislatures who favour an executive premier, and on the other hand are the NAK MPs who route for a non-executive premier, with some calling for its removal all together.

The feeling of most Kenyans is that the over concentration of power in the presidency was the cause of abuse of power by the previous regime. Historically, the institution of presidency has accumulated too much powers. When Kenya became independent in 1963, the executive power was shared between a non-executive governor-general and an executive prime minister. These two offices were combined in 1964 when Kenya became a republic to create the



Office of the President. From the very beginning therefore, the office of the president was two offices in one. In addition, more powers continued to be amassed by the presidency through several constitutional amendments. The result was the emergence of a demy-god president with powers over life and death. This is why Kenyans needed the dispersion of these powers through the re-introduction of the office of prime minister. It appears that the NAK wing of the NARC, by virtue of being at the centre of power, is unwilling to have the powers of the president reduced. It is in this context that one would want to view the grisly murder of a refined political scientist, Dr. Crispin Odhiambo Mbai, who was the chairman of the Devolution Technical Committee of the constitutional review conference dealing with the thorny subject of devolution of power. This particular clause has the potential of tearing the alliance apart if not properly handled by NARC.

Creation of 500,000 jobs too is far from being realized. It is particularly undermined by the recycling of people past retirement age, instead of giving new opportunities to fresh university graduates and the many unemployed Kenyan youths. Furthermore, the decision by the International Monetary Fund (IMF) to peg aid resumption to reduction in the size of the civil service could also undermine this objective.

Generally, NARC does not seem to have the capacity and the political will to fulfill some of the pledges it made to the electorate, particularly completion of the constitutional review and commitment to fight corruption. It has also not succeeded in restoring public confidence in the government and governmental institutions, although in comparative terms it has done much better than the KANU regime in trying to fulfill the election pledges on free education among others.

### **Conclusion**

While coalition building is a common phenomenon in many parts of the world, it is a completely new, unprecedented political idea still struggling to find a place in Kenya's political space. Basically, coalition building proceeds along two major paths. The first one is the pre-election coalition model, which involves cementing a pact prior to the elections. It requires mutual trust and commitment, particularly where the parties involved decide to create a common electoral platform. It is therefore less common and less stable. The

second one is the post-election model, which is entered into after the elections, in response to the political equation produced by the elections. It is much more common and relatively durable.

The formation of NARC proceeded along the rugged path of pre-election coalition model. Indeed, NARC resulted from a multiple pre-poll coalitions in which NAK, an alliance of a dozen or so political parties entered into a pact with LDP, a single formidable political party. NAK and LDP undertook to share power on a 50-50 basis after winning the elections. On the surface, it would appear that this undertaking was unfair to the NAK. However the election results justified it, since LDP managed to secure more seats than all the NAK affiliate parties.

As soon as election results were announced, NARC began by putting its wrong leg in front, and this was bound to cause friction between the coalition partners. First, both the president and the vice-president were from NAK, despite the fact that LDP had more parliamentarians than NAK, and therefore a senior partner in the coalition. The vice-president later died after only eight months in office, and was replaced by an LDP functionary not necessarily to appease the LDP, but to retain the Luhya support while neutralizing the more visible LDP leaders.

Secondly, rather than compensate LDP with plum cabinet slots for missing out in the top two seats, the distribution of cabinet posts was lopsided. The NAK faction took the most colorful ministerial portfolios such as Finance, Justice and Constitutional Affairs, Internal Security and Provincial Administration, and Local Government. The LDP was also locked out of the kitchen cabinet and hence could not influence major decisions such as the appointment of senior civil servants. Once again, the LDP was short-circuited in the sharing of posts. The reaction from the LDP quarters reflected dissatisfaction and feelings of betrayal.

Thirdly, some of the positions negotiated during the coalition talks had actually not been entrenched into the constitution. The expectation was that after the elections, NARC would push for their creation, through the on-going constitutional review. However, the NAK faction began to send signals indicating unwillingness to facilitate or lobby for the creation of posts such as premiership. Yet, the Memorandum of Understanding said to have been signed



before polls had stated that the post would be given to a senior LDP politician. In effect, NAK appears to have entered into the alliance as a marriage of convenience to enable it secure power. Once this objective was attained, they not only discarded the memorandum of understanding but also made frantic effort to weaken LDP and reduce its influence in national politics.

Besides these structural problems, the coalition has found itself in the thick of several challenges. First, maintaining the coalition, at least up to the 2007 seems to be a tall order. It is barely nine months since NARC took over, yet the noise in the coalition is so loud, that its survival hangs on the balance unless there is change of tact by the NAK wing towards more civilized politics. Secondly, NARC has to take deliberate effort to restore public confidence in governmental institutions. This is crucial since the KANU regime had made Kenyans to loose faith in structures of governance.

Thirdly, the fight on corruption must be sustained and invigorated. It must not spare any sacred cows. Already measures have been put in place to this effect, but cabinet ministers and senior civil servants whose names feature in corrupt deals should face the law. Fourthly, there is urgent need to revamp the economy as a means of creating the 500,000 jobs annually pledged by the coalition during elections. Finally, NARC must strive to fulfill its election pledges in order to continue enjoying public good will. The move to make primary education free is a good gesture but a lot still has to be done with respect to the other pledges made.

Evidently, these are not insurmountable challenges. The starting point would be for NARC to mend its internal fences and work as one team. This need not necessary involve dissolving the affiliate parties. It simply requires mutual respect and trust among the constituent parties. Most of these problems reflect lack of a governance culture. Once NARC institutionalizes good governance, it would be able to do in the shortest time possible, what KANU failed to do in the longest time possible.

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## **The Second Muafaka: A Ceasefire or Conflict Resolution?<sup>1</sup>**

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### **Introduction**

Since later part of the colonial era in Zanzibar, multi-party elections have been closely associated with grassroots communal tensions and political violence. The four colonial era elections held from 1957 to 1963, with the aim of deciding who would rule Zanzibar after the British departed, had the following notable features: large scale evictions from farms of people thought to belong to the Afro-Shirazi Party (ASP) by landlords who supported the Zanzibar Nationalist Party (ZNP); boycotts of businesses by supporters of ASP because their owners were presumed to support ZNP; deadly riots; extensive political mobilization along ethnic/racial lines; and the inability of the losing party to accept the results. After a thirty-one year hiatus in political party competition following the Zanzibar Revolution of 1964 suffocated partisan confrontations, the pre-independence pattern of rising tensions and sporadic violent confrontations was again reproduced with the re-introduction of multi-party elections in 1995.

The October 1995 elections in Zanzibar were tense with both domestic and international observers disputing its validity. In this election CCM's Salmin Amour was declared the President of Zanzibar with an official margin of victory of only 1,565 votes or just 0.2%, but CUF refused to concede defeat or to recognize Amour as the President, thereby throwing the islands into a violent political impasse lasting from the end of the 1995 elections until March 2001, five months after the second multi-party general elections were held in October 2000. The political violence associated with the second generation of multi-party elections followed a general pattern where CCM supporters were harassed in Pemba with CUF supporters encountering difficulties in Unguja. For example, soon after the 1995 elections some high profile CCM members were physically assaulted in Pemba and others had their property destroyed. In response, CUF members, including elected officials,

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