

Quotations

"If the citizens neglect their Duty and place unprincipled men in office, the government will soon be corrupted; laws will be made, not for the public good so much as for the selfish or local purposes; corrupt or incompetent men will be appointed to execute the Laws; public revenues will be squandered on unworthy men; and the rights of the citizen will be violated or disregarded". Noah Webster - (1758-1843) American patriot and scholar, author of the 1806 edition of the dictionary that bears his name, the first dictionary of American English usage.

"We are creating a nation of ten billionaires and twenty million beggars" - a statement attributed to J.M. Kariuki, who was a Kenyan patriot murdered in.....and whose murderers have never been arrested or brought to justice.

"Today, Kenya is ranked among the 10 most unequal countries in the world and the most unequal in East Africa For every shilling a poor Kenyan earns, a rich Kenyan earns 56 shillings!" Foreword to SID report, " Pulling Apart :Facts and Figures on Inequality in Kenya, p. iii., 2004, Nairobi. The Foreword is signed by Hon (Prof) Anyang Nyong'o, Minister of Planning and National Development, Government of Kenya, and Bo Goransson, Ambassador, Embassy of Sweden in Kenya, Swedish Embassy in Nairobi.

"It is clear that the main players within NAK and LDP (factions of the ruling Governing Party NARC) are upper class fellows, united by class interests. Matters that affect the poor majority like landlessness, a new constitution, resettlement of ethnic clashes victims and other such do not rank highly in their list of priorities", Mr. Kalembe Ndile, Kibwezi MP, quoted in the Sunday Standard, p. 14, Intelligence section, 9 January 2005.

Chapter 1.

Liberal Democracy and the Emergence of a Constitutionally Failed State in Kenya¹.

by

Abdalla Bujra

It will be useful to begin discussing the question of Democracy in Africa with the famous statement from the book of one of the most distinguished African political scientist, Professor Claude Ake. “Is democracy feasible in Africa? This raises another question: what is democracy? However, it will not be useful to select one type of democracy and focus on its feasibility for there are several democracies vying for preferment in a struggle whose outcome is as yet uncertain. For this reason it is more useful to start with the complex sociology of the democracy movement in Africa”². We will discuss the sociology of the democracy movement later, but the intention of this chapter is to point out prevailing and deadly confusion in the discourse on Democracy and Governance in Kenya. Some of the confusion is deliberate and ideological – from both the so-called international/donor community as well as from internal social forces, in and outside the incumbent ruling group; and some of the confusion is the result of sheer ignorance on the meanings and implications of the terms or concepts of “democracy”. “transition” and the double-edged objective of “good governance”. We therefore have to start by clarifying these three concepts and to ask ourselves some basic questions about democracy and governance in Kenya.

We will also argue in this introduction that (a) there are many reasons why Kenya cannot develop a full liberal democracy and that at best it will remain at the level of practicing a minimal liberal democracy focusing on multi-party elections; (b) this form and level of liberal democracy is suitable to and benefits both the donor community and the Kenyan elite, since it excludes the masses of the Kenyan people: this is why it is being advocated strongly by these two groups; (c) good governance has a double edged function – mainly to ensure that foreign investors and large corporation conduct business quickly and efficiently in

¹ The views expressed in the Introduction are those of Abdalla Bujra and do not in anyway represent the views of the Steering Committee, the Researchers who wrote the six chapters or those of ACEG & DPMF. Abdalla Bujra takes full responsibility for his views.

² .Ake, Claude “The Feasibility of Democracy in Africa”, p..127, Reprinted in 2003, Dakar, CODESRIA Book. Professor Claude Ake, a Nigerian, died in a plane crash in November 1996. His death robbed Africa of one of her most distinguished political scientist, democrat and social commentator.

Kenya as well as to ensure that these investors and foreign companies get their maximum profit without having to share it with local elite through corruption. And one third of good governance³ – political governance – is for the benefit of an important section of the elite, especially the faction which is outside state power. This faction of the elite cannot function properly in a system of bureaucratic anarchy and corruption but needs a more efficient and transparent management of the state in order for them to effectively compete for power; and (d) finally, we will argue that this minimum liberal democracy, good governance and the economic system, has not only excluded the masses politically, exploited them economically and created a highly unequal society, but this situation has consequently produced serious tension and insecurity in society and that the leadership of the working people (urban and rural) are beginning to ask for serious social transformation in their favour. Through new political parties that are likely to emerge, they will struggle hard against the minimalist democracy protecting the propertied class and will advocate for social democracy in order to acquire their economic rights and bring about a level of equity in society – social and economic equity as well as cultural diversity and nationhood.

Evolution and Types of Democracies

Briefly, there are three types of “democracies” all of which are historical processes which started in different parts of Europe and at different periods. During these periods, the different European areas were undergoing various levels and forms of industrialisations under different socio-economic, political and cultural conditions.

We start with *Liberal Democracy* which was the earliest and is the oldest of democracies. It became important towards the end of the 17th century, and stabilised first in Britain and France and later in Germany. These countries were most successful in the long transition from Feudalism, Mercantilism to Industrialism. The class which successfully drove this long transition was the Bourgeoisie which by the end of the 19th century had become the most powerful and politically dominant class. “The European bourgeoisie knew that their interest demanded rejection of the idea of *democracy as popular power* (the original Athenian idea),

³ The other two parts of good governance are economic governance and cooperate governance – these aim at stabilizing the economy, making it efficient and creating favourable conditions for investors especially FDI – by the individuals, institutions or multi-national corporations (MNC)

and that was precisely what they did. Eventually, they succeeded in replacing democracy with liberal democracy”⁴

This transition saw many forms of struggles in Europe between the different classes emerging at the time (landless peasants, urban working classes and various stratas of the middle class) but the Bourgeoisies (the economically dominant class containing the “captains of industry”) emerged the winners and with them emerged Liberal democracy. The essential objective of liberal democracy is the protection of “property rights” (with all its ramifications), a focus on the individual and not the collective, and replacing the sovereignty of the people with the sovereignty of the law. Liberal democracy which, through manipulation and exercise of power, ensures the sustainability of economic and political domination of society by this powerful class of the bourgeoisie; it also ensures the individual rights of the growing middle class – a class which played and has continued to play a critical role in running the state structures, the military and the educational system of the countries with liberal democracies and dominated by the propertied (bourgeoisie) class. The US developed a slightly different version of liberal democracy especially after the defeat of the British and after the Civil War. The essential point to note here is that liberal democracy became fully fledged as a product of industrialism and industrialised societies of Western Europe and as democracy which favours the dominant bourgeois class which was the main advocate of this form of democracy. An important dimension in the economic history and evolution of the European countries and the US, which had and still have the most entrenched liberal democracy, was colonialism – direct and indirect. These countries expanded and deepened their industrialisation and economic growth with considerable help from resources forcefully extracted from their colonies. Economic growth was also helped by the *outward migration* of their surplus population (Britain, France and Germany) to Australia/NZ, Canada, and US), while the US and Canada benefited from *inward immigration* of skilled and non-skilled immigrants mainly from Europe, Africa and China. Industrialisation and economic growth in these countries was successful because of the exploitation of their own resources and those of other countries. Liberal democracy became institutionalized in Europe and the US after they had achieved advanced growth and economic development. Economic growth and democracy did not go hand in hand i.e. simultaneously, but developed sequentially. On the other hand, Africa is being asked to develop liberal democracy and economic growth simultaneously and without

⁴ . Ibid;

the benefit of an industrialization process and wealth extracted from colonies, but with the disadvantage of a high level of its resources being continuously extracted by an unequal global economic system and with history, cultures and social organizations very different from those of Europe and North America which gave rise to liberal democracy. Where is the logic in what Africa is being asked to do?

Liberal democracy had its ups and down in both Western Europe and the US, but has emerged as the dominant form of democracy (after the two World Wars) – especially in the 70s – and triumphantly after the fall of the Soviet Union – 1990 onwards. But throughout its history, and in all the countries where it became fully established, liberal democracy buttressed economic, political and social inequalities, and systematically excluded the masses from participation through manipulation. And the suffering of the poor – both in Europe and the US – in the past and the present are well documented (see Charles Dickens’s writings and those of Marx, Engels and many others – on the conditions of the past and the present suffering and exploitation of workers and poor people). The majority of the population in these countries were thus being exploited and marginalised from both the economic and political arenas and relegated to lower positions in society. Their reaction, towards the end of the 19th century, was to organise themselves into various unions and reformist civil society organisation which struggled *unsuccessfully* to reform liberal democracy so that it becomes economically and politically inclusive.

The unions and the reformist civil society groups became thus the initiators of the second type of democracy – *social democracy* – which advocated inclusiveness, participatory democracy and a strong socio-economic safety net for the majority of population – the working class (industrial and agricultural workers), poor, unemployed, and exploited child labour (which at the time existed in Europe while in the US it was mainly slave labour and after the so-called emancipation, black and immigrant labour). The *social democratic movements* struggled hard against the bourgeoisie and their liberal democracy but were defeated in Britain, France and Germany. However towards the end of the 19th century, social democracy began to take roots in the Scandinavian countries – especially Denmark and Sweden and later Norway – which were late to industrialise. They were the NICs (Newly Industrialised Countries) of Europe at the time. The struggle between liberal and social democracy continued throughout Europe and North America (US and Canada) in the 18th, 19th, 20th and even in the early part of the 21st century. However liberal democracy

continuously triumphed over social democracy in all the European and North American countries by making small and often symbolic reforms to mute the demands of the working class and the poor, such as the reforms towards a welfare state after WW II (a War which was fought mainly by the working classes who were the majority in the lower ranks of the military). The evolution of the class structure in Europe and North America because of major technological development and the rise of the so-called white collar workers, particularly after WWII, also explains the triumph of liberal democracy over social democracy. The struggle between the two democracies also explains the differences in the *forms* of liberal democracies being practiced in various European and North American countries (eg. Social market of the Germans, the Third Way of Labour Party Britain, Italian proportional representation etc and the differences between Canadian democracy and that of the US). These differences arise because of the different histories and culture of the countries concerned and the specific configurations of the struggle between the two democracies (and sometime the struggle against fascism).

However Social democracy continued to survive in the Scandinavian countries, until recently (1970 onwards). The attack on trade unions and the social welfare system developed after WWII by the Thatcher and Regan's governments in the 70s and 80s weakened the core of social democratic movements throughout Europe and North America. The triumph of the West following the collapse of the Soviet Union saw the emergence of the US as the sole superpower militarily and economically which hastened the deepening of the European Union as an integrated economic block driven by Germany, France and Britain. The EU's economy is now set to rival and even overtake the US economy within the next two decades. This triumphalism of the combined leading liberal democracies in North America and the EU, seriously affected the Scandinavian countries – the bastion of social democracy – by weakening the social democratic system in Scandinavia and moving it towards liberal democracy by slowly dismantling the welfare system.

It is, therefore, not an accident that it is in the 1990s (the period of real Western triumphalism) that saw the beginning of a serious coordinated Western political drive to export liberal democracy to Africa and the rest of the World – mainly through economic pressure by the donor community but more recently through military occupation of countries in order to impose “democracy” (Iraq and Afghanistan and perhaps soon Iran and Zimbabwe being on the US and British agenda for a militarily enforced liberal democracy!).

It is thus important to note here that (a) there is a big difference between *liberal democracy* and *social democracy* and (b) that liberal democracy historically evolved and deepened with the industrialisation of European and North American societies (including the settler countries of Australia, and New Zealand). The economic growth was largely buttressed by direct and indirect extraction of wealth from the colonies.

The third form of democracy - *socialist democracy* - started in Russia after WWI, expanded in Eastern Europe and Asia (China and Vietnam) after WW II and then collapsed in Europe only in 1990. Socialist democracy continues triumphantly in Asia – in China and Vietnam – because of the strong role of the state in influencing and guiding their socialist market economy.

Socialist democracy was established in Russia and China after prolonged civil wars between the bourgeoisie ruling elites and the working and peasant classes. Despite military interference by Western countries to support the ruling classes in both Russia and China, the working classes and peasants movements succeeded in removing the ruling oligarchies in these countries and successfully established what they called socialist states. These states were controlled by the Communist parties, parties which considered themselves as representing the working classes and the peasants. During and after the WW II, Socialism spread in Eastern European countries mainly through its imposition by Russian military force. It had very weak social base in these countries and was therefore maintained by strong dictatorial bureaucracies backed by the military. In China and Vietnam, the communist parties had very strong support amongst the majority peasant class as and the small urban working class.

The communist parties' Socialist democracy initiated an economic and political system which was fundamentally against the bourgeoisie class and its system of property ownership as it existed in liberal democracies. It thus nationalised all means of production (including land) putting the entire economy of these socialist countries in the hands of the states to be managed by the “vanguard” of the party – essentially bureaucrats - on behalf of the working class and the peasants. The political system was also monopolised and run by the same communist party and its vanguard under a system of internal one party democracy, on behalf of the working class and the peasants. The fundamental purpose of the socialist system was

and still is to stop the bourgeoisie from controlling the economies and therefore the political system of the countries (through liberal democracy), and thus to stop the economic exploitation of the working classes and the peasants. The bourgeoisie of liberal democracies felt highly threatened by the emergence of socialist democracies which movement was expanding in Europe and Asia, and which aimed and worked for expansion throughout the World. Hence the struggle between the capitalist liberal democratic countries and socialist Russia after WW I and the emergence and intensification of this struggle in the form of the cold war after WW II. This struggle pitted the Western countries as one block and the Eastern socialist countries (of Eastern Europe, Soviet Union, China and Vietnam) as another block. The Vietnam War was part of this struggle. Part but not the whole history of this struggle is now well known. However, throughout this struggle, there was intensive propaganda by both sides to win the “hearts and minds” of people in the Third World. History and what was really happening inside both blocks was highly distorted by both sides. We still need an objective analysis of the internal workings of the socialist system in order to assess its value from our perspective – not the perspectives of the triumphant West who were against the system. And the collapse of socialist democracy in Europe and not in Asia, needs a better explanation than that offered so far. But the triumph of the Chinese and later the Vietnamese in consolidating *socialist democracy*, and the more recent success of the Malaysian in consolidating *social democracy*, are experiences and good examples which Africans need to carefully study in order to find out what is applicable and useful to Africa.

The cold war seriously affected Africa – positively by helping the triumph of nationalism and the achievement of independence, and negatively by the support of African oppressive regimes by both sides (West and East), and thus inhibiting the development of both socialist and social democracies or even the emergence of elementary liberal democracy in African countries. And the struggle of the African people for their own form of democracy and equitable economic development, has been silenced, distorted and channelled into a path that does not allow for any form of alternative development except for the imposed and confused path described by the slogans of “democracy”, “good governance” “economic growth” - a path which has deepened and extended poverty as well as exploitation of our resources.

In the 1960s there were beliefs and real political attempts by some of our leaders to develop African alternatives to both Capitalism and Communism. The history of these attempts is important but needs not detain us here. All these attempts failed and the reasons for their

failure are complex but are important for us to understand. They include internal political instability, state imposed elite parties top-down with no links to the people, were unable to cope with on-going globalisation, external pressure and interventions etc. The end result was the direct intervention (in the 1980s) of the WB/IMF to manage African economies; and since the nineties, the “international community collective” has intervened forcefully to manage the development of our political system (liberal democracy) and the ideology of neo-liberalism to underpin it. Thus unlike the 1960s and 70s, our leaders today not only fail to mention social and socialist democracy, as potential alternatives (even in an adapted form), but most of them actually believe the neo-liberal ideology that there are no alternatives for our countries except liberal democracy (the End of History philosophy!).

To sum up we have tried, very briefly, to define and contextualise the evolution of the three main types of democracies – two of which are rarely mentioned as potential and possible alternative forms of democracies for African countries. Indeed, liberal democracy evolved in countries which had developed a bourgeoisie class and were industrialising rapidly on the backs of exploiting their workers and peasants (including children) and the resources (natural and human) of the colonies. Social democracy developed in small countries precisely in order to avoid the weaknesses of liberal democracy and to provide a strong safety net for the majority. And socialist democracy has been most successful in the rural/peasant based societies of China and Vietnam and survived the onslaught of Western military, economic and political wars. Yet while social and socialist democracies, *could be relevant to the African conditions*, it is ironic that the donor community and our own elite never mention them but are busy pushing liberal democracy, a democracy which is least relevant to the African condition. The other two types of democracies (social and socialist) are hardly mentioned in the conditionalities, nor in the vast array of so-called research and knowledge produced for Africa by the donor research institutions (WB, IMF, EU, OECD and respective national institutions of donor countries). Nor indeed by our own ruling elite or those CSOs (factions of the elite) advocating democratic reforms. The reason for this, one assumes, is either ignorance, that it is not politically correct to mention social and socialist democracies, or that our leaders actually believe that there is no alternative to liberal democracy!

We have also tried to show the fundamental differences in these three types of democracies and the extent to which Africa is now being pushed into a historical trap of having to accept an imposed elementary form of liberal democracy and denied the intellectual and political

space to think of, let alone develop, an alternative form of a democratic political system and culture and an equitable form of economic growth.

The “New liberal Imperialism” and liberal democracy.

Why are the Western countries, combined as one group and often referred to as the international or donor community, pushing for liberal democracy especially in Africa and more recently in the Middle East? The reason is to be found in the recently (post Soviet collapse) developed philosophy called “the new liberal imperialism” and its strategy of intervention, militarily if necessary, to bring about what the West considers as “a peaceful world order” to those regions and countries which, in their perception, cause instability and anarchy. A peaceful world order as defined by the West is of course necessary for the spread of an economic order (globalisation – new markets etc) dominated by the West.

This new philosophy emerged as part of Western triumphalism after the defeat of communism (socialist democracy) in Europe. This triumphalism did not stop at verbal gloating but developed into a global strategy of bringing Western shaped “peaceful and orderly world”. The first phase of this strategy was to consolidate the victory in Eastern Europe and at the same time to initiate major economic and political changes in Africa, Middle East and Latin America. This strategy was candidly explained by one of its early proponent, Senior British Diplomat Robert Cooper.⁵ Cooper describes the new strategy as follows:-

“The challenge of the post modern world (after the collapse of the Soviet Union) is to get used to the idea of double standards. Among ourselves, we operate on the basis of laws and open cooperative security. But when dealing with more old-fashioned kinds of states outside the post-modern continent of Europe, we need to revert to the rougher methods of an earlier era - force, pre-emptive attack, deception, whatever is necessary to deal with those who still live in the nineteenth century world of every state for itself. Among ourselves, we keep the law but when we are operating in the jungle, we must also use the laws of the jungle. In the prolonged period of peace in Europe, there has been a temptation

⁵ Robert Cooper ‘s essay on “the postmodern state” see Observer Worldview <<http://www.observer.co.uk/worldview>>. Robert Cooper is a Senior British diplomat who helped to shape British Prime Minister Tony Blair’s calls for a new internationalism and a new doctrine of humanitarian intervention which would place limits on state sovereignty.

to neglect our defences, both physical and psychological. This represents one of the great dangers of the post-modern state.”

“What is needed then is a new kind of imperialism, one acceptable to a world of human rights and cosmopolitan values. We can already discern its outline: an imperialism which, like all imperialism, aims to bring order and organization but which rests today on the voluntary principle”.

“Postmodern imperialism takes two forms. First there is the voluntary imperialism of the global economy. This is operated by an international consortium through International Financial Institutions such as the IMF and the World Bank- it is characteristic of the new imperialism that is multilateral. These institutions provide help to states wishing to find their way back into the global economy and into the virtuous circle of investment and prosperity. In return they make demands which, they hope address the political and economic failures that have contributed to the original need for assistance. Aid theology today increasingly emphasizes governance. If states wish to benefit, they must open themselves up to the interference international organizations and foreign states and, for different reasons, the postmodern world has also opened itself up”.

“The second form of postmodern imperialism” ... is military intervention to bring what Cooper calls “an orderly world” (meaning intervention in weak states).”A world in which the efficient and well governed export stability and liberty, and which is open for investment and growth- all of this seems eminent desirable.

It is therefore important for us to understand this new philosophy and its strategy in order to see that the pushing of liberal democracy on Kenya, and Africa as a whole, is not an isolated humanitarian issue, voluntarily decided by Kenyans and Africans. It is part of the global policies of the West and comes with all the Western paraphernalia – including so-called international NGOs. Kenya cannot simply decide on its own to decline to implement liberal democracy, or change it from the Western standard model, or decide on an alternative type of democracy. This is the situation in which Kenya finds itself in that it cannot de-link from the WB, IMF, EU or the international NGOs. Liberal democracy is part of the WB/IMF conditionalities, it is part of the foreign policies of the US, Britain, the EU and the G8 and we are now part of their turf on which they are forcefully implementing their strategy of “the new liberal imperialism” of which liberal democracy is only one part - (upende, usipende)

There are however difficulties in the implementation of this strategy – especially what President Bush calls “spreading democracy”.

Firstly it is argued that in principle it is not possible to transfer political institutions across nations which have different historical experiences and different civilisations and cultures. The “civilising mission” of the colonial powers in the 19th century aimed at precisely transferring some institutions from British, French and Portuguese societies on to African societies. According to the colonisers, the idea behind their mission was not only to bring about civilisational and social change in African societies, but also to bring about “development”. The colonial project succeeded only in extracting Africa’s resources at great cost to African lives, leaving behind oppressive colonial states and disrupting traditional African societies and cultures. This is hardly a record of success. They thus failed to bring about a better civilisation than what Africa had. Economically it brought about underdevelopment, poverty and devastation.

And now in the first decade of the 21st century, in which Africans find themselves poorer than they were in the mid-20th century, the new form of civilising mission is “spreading democracy” not only in Africa, but also in Iraq, Afghanistan, the Middle East and the rest of the Third World. But the idea of “spreading democracy” i.e. liberal democracy from Europe and North America to Africa, as if one was exporting cars or computers, is unlikely to work – indeed it is not working! This view is held by many African as well as European and American scholars. According to Eric Hobsbawm *“The wars in Iraq and Afghanistan are but one part of a supposedly universal effort to create world order by “spreading democracy”. This idea is not merely quixotic – it is dangerous. The rhetoric implies that democracy is applicable in a standardised (western) form, that it can succeed everywhere, that it can remedy today’s transnational dilemmas, and that it can bring peace, rather than sow disorder. It cannot”*. This is a delusion.⁶ Many serious Africans agree with this view.

The second argument which makes the spread of democracy difficult is the fact that democracy often does not govern, in important ways, those countries claiming impeccable democratic credentials – the US and Britain for example. Hobsbawm again points out that

⁶ .Eric Hobsbawm “Delusion about Democracy” CounterPunch, <http://www.counterpunch.org>. The quote is from an edited version of an article that first appeared in the journal Foreign Policy. Eric Hobsbawm is professor Emeritus of economic and social history of the University of London at Birkbeck.

“The effort to spread democracy is also dangerous in a more indirect way: it conveys to those who do not enjoy this form of government the illusion that it actually governs those who do. But does it. We now know something about how the actual decisions to go to war in Iraq were taken in at least two states of unquestionable democratic bona fides: the US and the UK. Other than creating complex problems of deceit and concealment, electoral democracy and representative assemblies had little to do with the process. Decisions were taken among small groups of people in private, not very different from the way they would have been taken in non-democratic countries”.....He adds that “ it is not electoral democracy that necessarily ensures effective freedom of the press, citizen’s rights and an independent judiciary”⁷

And Professor Mazrui, in his own style, puts this issue more bluntly: “If the Roman Empire two millennia ago left a legacy of the Rule of Law, can the new American Empire of today leave behind a legacy of global democracy?” And Mazrui’s answer to his question is that “Such dreams appear hollow in the present atmosphere of detention without trial in America, a Patriot Act which legitimises extensive surveillance of citizens, a “Big Brother” who is prepared to interrogate libraries secretly about which books citizens read, a readiness to engage in pre-emptive and preventive war on others with little respect for international law”⁸.

Finally it is important to point out strongly that, culture and history apart, the internal conditions of most African countries (South Africa being a possible exception) – donot allow for the liberal democracy to emerge and develop – even with the help from outside. These conditions are (a) the low level of production and the absence of a strong industrialisation process, (b) the absence of a real and strong indigenous bourgeoisie class, and (c) the fact that the deepening of globalisation is in fact preventing these conditions from emerging. As pointed out earlier when discussing the emergence of liberal democracy in Europe and North America, these conditions are absolutely essential for liberal democracy to emerge and develop in African countries.

Thus, African and Asian scholars have always had their doubts about the feasibility of liberal democracy in African countries. In Asia, a newly published report of the National

⁷ Ibid.

⁸ . Mazrui, Ali, “Towards Democratising the World?: American Policy and Africa’s Experience”, paper presented in a conference on “Africa in the 21st Century”, in May 2003, at MIT, Cambridge, USA.

Intelligence Council the “centre of strategic thinking” inside the U.S intelligence community states that in Asia, “present and future leaders are agnostic on the issue of democracy and are more interested in developing what they perceive to be the most effective model of governance”.⁹

In Africa, the late Claude Ake, argued that “the democracy movement in Africa is being moved in the direction of a simple liberal democracy of multi-party electoral competition. The pressure to move in this direction will remain strong. But this is not the democracy that is most relevant to the social realities of contemporary Africa”¹⁰.

Similarly Professor Anyang Nyong’o points out that “With the background of authoritarianism, highly centralised power, constitutions which still presuppose the existence of the one-party regime, elites with the one-party culture still largely in charge of state apparatus, local government structures which have over the years atrophied, a culture of low level political participation, economies which are still largely agricultural and peasant-dominated and an international environment that has marginalised Africa, the institutionalisation of democracy is indeed a gargantuan task”.....”These observations are, however, made to underline the objective conditions within which democracy is to be institutionalised, hence the possibilities and limits of building democratic governance whatever the subjective factors may be.”¹¹

And finally a more concrete and practical example of the campaign to “spread democracy” in African countries implementing liberal democracies, is the experience of a large number of East Africans (and many other Africans), whose human rights are suspended (individuals detained arbitrarily, some tortured, some deported to unknown countries, others shipped to the US for trial – all done secretly) because of their religion, the way they dress, the way they look, because of their names and because of their skin colour! This is happening in countries where the American Anti-Terrorism Act is being implemented – in some countries without the approval by the country’s Parliament! Many believe this American anti-

⁹ .Fred Kaplan, on the NIC report “Mapping the Global Future: Report of the National Intelligence Council 2020 Project”, January 2005, see <http://state.msn.com/id/2112697/> and http://www.cia.gov/niv/NIC_2020_project.html

¹⁰.Ake, Claude, “The Feasibility of Democracy in Africa” CODESRIA Book Series,p.185; Dakar, Reprinted in 2003.

¹¹ Nyong’o, Anyang, P. “The Study of African Politics: A Critical Appreciation of a Heritage”, p.93, 2002, Nairobi, Heinrich Boll Foundation, Regional Office for East Africa and the Horn of Africa.

Terrorism act not only pushes back whatever little democratic achievements in the form of minimal liberal democracy, but that it encourages the African states to use it against its opponents in the way they used to do during the one-party era. Amnesty International in its recently published report (March 2005), gives details of extensive violations including arbitrary arrest, incommunicado detention without charge, torture and harassment of family members .. during anti-terrorism operations in Kenya since 2002” (Pambazuka News 200, March 2005. Also see <http://news.amnesty.org/index/ENGAFR320032005>)

The feasibility of democracy (particularly liberal democracy) in Africa in general and Kenya in particular, is being contested. While the donor community and the small African elite are pushing hard for the maintenance and continuity of this form of democracy, others argue strongly that despite these efforts, only a minimalist liberal democracy is being practiced in Kenya and other so-called democratic African countries. This minimalist democracy focussing on multi-party election has reached its limit and has dangerously created antipathy amongst the masses against the continuous sloganeering about the virtues of democracy. This situation has its own dynamics and is likely to lead to increased tension and internal conflicts – and possibly struggles for serious social, economic and political transformation to be managed by the citizens themselves and not by the donors.

What therefore is the minimalist liberal democracy being practiced in Kenya? How is it linked to good governance?; And who benefits from the propagation and practice of this form of governance? And is Kenya transiting ? And if so to where?

To answer these we question we now need to briefly look at Kenya’s *long duree* and its present political economy.

Kenya’s long duree and its present Political Economy

(i) The state in Kenya

(i.i) The Initial Conditions at Independence

Kenya’s real colonial history and experience is not well known particularly amongst the younger generation of Kenyans. This is not the place to discuss this real history of Kenya.

What we need to know are the consequences of that history and experience – what Kenya inherited has direct relevance to the present Kenyan situation and the existing tension and conflicts in Kenyan society over the question of democracy.

The first issue we need to look at in order to know, understand and explain the present situation, is the character of the state in Kenya today. This state was inherited *intact* and *in toto* at independence from the colonial Governor. In the view of many people the present Kenyan state – and most African states – is simply an expanded form of the colonial state which we inherited in 1962 – institutions, laws, culture etc. and since 1962, the independent state did not reform what it inherited in order to bring about social transformation, but it refined the various instruments and institutions at its disposal in order to maintain the ruling elite in power and to allow it space for extensive rent seeking activities without accountability.

According to Professor Mafeje, a distinguished South African scholar “The colonial state, as the term signifies, was a creation of the colonial powers for their purposes. As such, it exhibits specific characteristics that are not found in the metropolitan state. These are (i) an imposition from outside, i.e. ready-made and extrinsic to the society in which it exists; (ii) a contrivance meant to administer not citizens but colonial peoples or natives, i.e. to administer not subjects but objects; (iii) not accountable to those who are administered but to itself and ultimately to the metropolitan power; (iv) arbitrary use of power and lack of transparency; (v) highly extractive, especially with regard to the peasants; and (vi) disregard of all civil liberties in the colony.

Firstly Kenya did not have a pre-colonial prototypical state model to which the present day Kenya state could refer to if it undertakes a process of reforming and democratise itself. It only has the colonial state as a model and this could not inspire any form of democratisation reforms.

The colonial state was thus inherited unchanged by the independence government. Slowly the colonial administration and its security apparatus was expanded to try to maintain effective control of the whole territory of Kenya.

In Kenya, the British essentially handed over power to a faction of the dominant group in KANU which soon was taken over by a faction of an ethnic group from the Central province. It is believed by many that this was the faction that mainly sided with the British during the Mau Mau war. Given the large number of British settlers in Kenya at the time of independence, the British Government had to ensure that the people who took over power in Kenya at independence would be their allies rather than their enemies and that the new Kenya government would ensure the safety and continued economic role of both British settlers and industrial capital. Hence the philosophy of “suffering without bitterness” promulgated by the first President of Kenya.

The group which took over power in Kenya at independence, had several major issues on its agenda, most important of which were:-

1. To consolidate its power by centralising power and authority (absorbing KADU, discarding the federal constitution agreed at Lancaster House and giving almost total power to the Kanu President). By controlling the Presidency, the power of the ruling faction was extended throughout the political and administrative system of the country;
2. Facilitating, through the use of state power and institutions, an accumulation process favoured to particular circles of individuals of certain groups – hence the emergence of GEMA – Gikuyu, Embu and Meru Association formed in the 1960s. Forty years later Koigi Wa Wamwere described GEMA’s real purpose was “to champion ethnic political hegemony of the Kikuyu elite. GEMA is an ethnic outfit of the rich and powerful Gikuyu, Embu and Meru organised for the acquisition and protection of wealth and power and to ward off criticism for ethnic rule, corruption and other misdeeds, not with argument, but with ethnic cohesion, propaganda, intimidation and even war”¹². And in May 2005, under the NARC government a new association was started which was described as a reincarnation of GEMA. The new association is called MEGA “Leaders yesterday condemned the formation of a welfare society for the Mt.Kenya Region youth, described it as outdate and retrogressive. They said the

¹² .Koigi Wa Wamwere, Ethnic Chauvinism, in the Daily Nation , 17 May 2005.

MEGA Initiative was an attempt at reincarnating the defunct Gikuyu Embu Meru association (Gema) and would drive a wedge among people”.¹³

3. The strengthening of power of these favoured groups in the administrative structure and public sector. This led not only to the extension of authoritarianism throughout the country, ethnic domination of state institution and to internal colonialism of several parts of the country considered (by the ruling elite) as backward, difficult or potential secessionists – the North East, the Coast, and the Pastoral regions of the north and west of Kenya.
4. The exclusion of radical elements – those who thought and were capable of acting – against the direction the country was taking (concentration of power to a small group, authoritarianism in the state machinery and institutions, enhancing accumulation to particular groups, exclusion of other ethnic groups, and total neglect of the poor – from whatever ethnic group.) Hence the imprisonment, exclusion and total abandonment of Bildad Kagia, mysterious disappearance of J.M.Kariuki, Pio Gama Pinto and the marginalisation, arrest and imprisonment of Oginga Odinga etc. These names are mentioned as examples of the many persons amongst the older generation who had suffered, marginalised and excluded from the political process because of what their radical beliefs as defined by the government. However the struggle has been continuous and a new generation of younger radicals emerged in the 80s and 90s most of whom fled to Neighbouring countries, Europe and North America, while others were incarcerated in Nyayo House and the prisons. The list is thus long.
5. The corporal’s rebellions in Kenya, Tanganyika and Uganda in 1964 (12 January) was put down by the British. But the revolution in Zanzibar in 1964 was perceived as posing a major threat (to the West) which attracted the attention of both the British and Americans. The region thus immediately became important in the on going East/West cold war and Kenya in particular assumed a strategic importance to the West in the context of the cold war. The British and Americans thought that the Zanzibar revolution might turn Zanzibar into the Cuba of Africa – and might export socialist revolution (and socialist democracy – see above) to the region and further down to southern Africa. Kenya and Tanganyika (Kenyatta and Nyerere) at the instigation of the British and Americans, played an important role in making Zanzibar accept union with mainland Tanganyika (to become Tanzania) and thereby

¹³ .Nation Team, Welfare group a Gema front, claim leaders, Daily Nation, May 23, 2005.

control and eventually distort the Zanzibar revolution¹⁴. And the fundamental objective of the British/American action was to retain the neo-colonial states in the region and to prevent them shifting toward social or socialist democracy.

Shivji supports this interpretation and provides evidence from recently released papers of the British Public Records Office. “The Zanzibar revolution of 1964 And the army mutinies in all the three East African countries threatened to derail nationalism in this part of the world. The extent of the influence and intervention of the former colonial power, Britain, in these events can only be appreciated now when we have the opportunity to peruse diplomatic papers of the sixties and seventies recently opened in the Public Records Office. Relatively independent nationalist like Nyerere found it extremely difficult to keep the colonial at bay. Embarrassing though it may have been, Nyerere had to call in British troops to quell his riotous soldiers”

And in an “undiplomatically frank” letter to Harold Wilson, the then British Prime Minister, Nyerere writes:

“These are only a few of the reasons why we cannot be expected to be confident of American non-interference in our affairs as British feel in relation to her own country. For the whole of this past year we have been subjected to pressures from the United States – and from Britain too before the change of Government – in relation to events in this country, particularly in relation to pos-revolution period in Zanzibar”.

And Shivji adds that “ Kenyatta had thrown in his lot with the West while Obote was struggling with his Kingdoms”.²²

6. Zanzibar did not become the Cuba of Africa but Kenya became the darling of the West. Kenya thus began to play an important regional role as early as 1963 and has continued to play this role to the present. Hence its role in suppressing radicalism (the struggle for social or socialist democracy) in Kenya since independence (and which continues to the present), its role in resolving conflict in the region (strongly assisted

¹⁴ Babu Abdul R.M., Babu Salma, and Amrit Wilson (2002). *The Future That Works: Selected Writings of A.M. Babu*. Africa World Press: Trenton, NJ. Babu’s papers give a clear picture of the Zanzibar Revolution and the interventions of the Americans and British to change the direction of the revolution away from its stated objectives.

²² .Shivji, Issa in an Editorial in “Pambazuka News 200” on Thursday 31st March 2005. See Also Amrit WilsIn on’s edited book on Abdul Rahman Babu’s Pepers on the Zanzibar Revolution.

behind the scene by the donor community), and its participation in the American “war on terrorism”.

In June 2005 four US Congressmen visited Kenya during which they wrote a letter to President Kibaki stating that Kenya is America’s key ally “in the global war on terror”. “Kenya was an ally of ours against terrorism even before the fateful date of September 11, 2001”. They described Kenya as the “anchor of the East African counter-terrorism initiative”. The Congressmen praised Kenya’s effort to bring peace and stability to the East African region particularly the role played by the country in finding a lasting solution to the conflicts in Sudan and Somalia.¹⁵

This strong role played by Kenya in advancing Western strategic interest has earned Kenya particular importance with the West and it has thus become a Western defined model African country. Hence the forceful external imposition of liberal democracy and good governance which the West believes will bring about peace and stability and economic growth in Kenya and the sub-region.

Given these initial conditions of the post-independent Kenyan state, Professor Mafeje argues that the basic characteristics of the colonial state he described earlier “*could be said of the neo-colonial African state*” - for example the present Kenyan state. “*First, it (the state) was inherited ready-made from the departing colonial powers and remained extrinsic to the African Society, despite change of personnel. Second, its bureaucracy maintained the same arrogance as the colonial bureaucracy and has it fixed in its mind that it is administering not subjects but objects. Third, it is accountable to itself and the president for life (an equivalent of the colonial power in the metropolis). Fourth, it excels in arbitrary use of power and does not believe in transparency. Fifth, it is highly extractive, especially with regard to peasant producer-- but unlike the colonial state, it has no sense of accumulation or of changing ill-gotten state revenues in to productive capital. Sixth, it is characterised by authoritarianism and callous disregard for civil liberties. If we consider such deviation's as rampant corruption among state official, bureaucratic inefficiency, and economic mismanagement, we can legitimately reach the conclusion that the neo-colonial African state is a degenerate derivative or poor reproduction of the colonial state. This is nothing less*

¹⁵. Otieno, Derek, Kenya praised as US ally in war on terror, Daily Nation, p.18, June, 2005. The four Congressmen were two Republicans and two Democrats. “All are leaders or key members of various US Government committees”.

than an African tragedy. Given the fact that Africa has no prototypical state model, then the question that has to be answered is whether or not the neo-colonial state in Africa can be democratised?''.

Could the neo-colonial or post-colonial Kenyan state have been democratised given that the Kenyan government, inherited the colonial state, in its totality in 1962?

Given the initial conditions at independence and what has happened since then, we can clearly assert that the faction of the political elite which took over power in Kenya from the colonialist, discredibly failed to initiate policies which would eventually lead to the fulfilment of the nationalist goals for wanting independence – namely nation building, eradication of disease, ignorance and poverty. The nation building project was the first casualty because it was replaced by ethnicity as a primary unit for both mobilising political support and for using public resources to improve, in the ethnic areas of those in power, the infrastructure, economic investment, education, and health services. All socio-economic indicators at district level show great differences between districts and provinces. The faction of the political elite which dominate political power, ensured that its area received the most public resources at the expense of other areas. Hence the existence of historically neglected areas within the country. And the list of failure after abandoning the nation building project is long. As for eradicating disease, ignorance, and poverty and raising the living standard of all Kenyans - the record speaks for itself. A very small middle class has emerged and also a very rich faction of it has also emerged; but the wealth diverted to this strata of Kenya society was and still is at the expense of wide spread poverty throughout the country: the majority of Kenyans today are poorer than they were at the time of independence. The record with regards to the health sector is just as bad. As for education, I am not so sure that our educational system has removed ignorance in Kenya even though there are now more people who are literate than before.

The African middle class in general (and the rich and ruling faction of this class generally referred to as the *elite*) which took over power after independence has been described in very unfavourable terms by that Pan Africanist fighter and great intellectual Franz Fanon.

The national middle class which takes over power at the end of the colonial regime is an underdeveloped middle class. It has practically no economic power, and in any case it is in no way commensurate with the bourgeoisie of the mother

country which it hopes to replace. In its narcissism, the national middle class is easily convinced that it can advantageously replace the middle class of the mother country. But that same independence which literally drives it into a corner will give rise within its ranks to catastrophic reactions, and will oblige it to send out frenzied appeals for help to the former mother country¹⁶

(i.ii) The Kenyan state since independence

But this was a description of the middle class in the early sixties. How does this elite/middle class behave today, forty five years later? Here is an insight from a practitioner and insider in the political system of an African country – Ethiopia’s Prime Minister Meles Zinawi:...

He says:

African states have been given names such as neopatrimonial, prebendial, vampire and various other exotic names. The underlying fact is that African states are systems of patronage and are closely associated with rent-seeking activities. Their external relationship is designed to generate funds that oil this network of patronage. Their trading system is designed to collect revenue to oil the system. Much of the productive activity is mired in a system of irrational licenses and protection that is designed to augment the possibilities of rent collection. Much of the private sector in the continent is an active and central element of this network of patronage and rent-seeking activity¹⁷.

Thus both Fanon and Zenawi do not have kind words on the African elite. Given Zenawi’s description of the elite, it is not surprising that the elite would find it difficult to democratise, the state, even partially, that they would consider any *political radicalism* or demand by workers and the poor for economic rights and full participation in the political process – not just voting - a threat to their interest and possible survival, and would therefore react strongly using undemocratic old colonial laws and security forces to suppress such demands.

Is Kenya’s ruling elite any better? Could they have democratized the state since 1962? In our view the answer is that they did not democratize the state and are unlikely to do so voluntarily without significant pressure from below.

¹⁶ Fanon, Frantz (1963) *The Wretched of the Earth*. Page 149 (English version)

¹⁷ “Prime Minister Meles Zenawi’s Speech at NEPAD Symposium.” 27 May 2002, Addis Ababa. Published in the Ethiopian Herald, Addis Ababa, 2nd June 2002.

As indicated above, there emerged, right from the early sixties, a self centred, ethnically biased, rent seeking and ostentatious elite whose sole aim was and is to get to power and keep it for as long as possible as a means of accumulation through the use of the state. According to Professor Walter Oyugi “The corporatist aspirations of the state elites and their reliance on patron-client political ties was largely responsible for the transformation of the Kenya regime to an authoritarian state, where *“relationship of loyalty and dependence pervade a formal political and administrative system, and officials occupy bureaucratic positions less to perform public services, their ostensible purpose, than to acquire wealth and status.”*¹⁸ And Professor Anyang Nyong’o puts it more bluntly that *“the attitude that the elite have towards state power, (is) the belief that it must first and foremost be used for personal gain in terms of wealth, prestige and social status rather than in the service of some ideal or public good”*¹⁹

Another reason for the difficulties of implementing liberal democracy in Kenya, is the demise of the mass nationalist political parties and the emergence of ethnicity as a mobilising ideology. The immediate dominance of the Kenya’s state (at independence) by a faction of the ethnic group from the central province, led to the substitution of ethnicity as an ideology for maintaining loyalty and support within the ruling ethnic faction and the use of the ideology for mobilising wider support within the large ethnic group. It also led to the consolidation of the faction’s position within the state system and within the ruling political party KANU. Several very anti-democratic processes began to develop as early as the mid-sixties. Firstly KANU which had become the sole political party began to separate from the masses and became an elite ruling party. It was seen mainly as a vehicle for the elite to get to power rather than a political party which will fight for the interest of the masses who supported it during the struggle from colonialism to independence. The party soon became an arm of the state and thus degenerated into an instrument of control in partnership with the state which carried the physical oppression.

Ethnic ideology soon began to rapidly spread in the state system, and the extension of the state’s influence into the private sector. The ideology was thus slowly legitimised and soon became respectable. And by the time the majority of Kenyans had the opportunity to turn

¹⁸ .Oyugi, Walter O. “The Politics of Transition in Kenya: From KANU to NARC”,p.20, 2003, Heinrich Bowl Foundation, Nairobi.

¹⁹ .Ibid.

against KANU, they did so massively in 2002. However by this time the degeneration of political parties into essentially fronts for ethnic groups had become very advanced. The alternative to KANU was thus not one major party but a coalition of parties which called itself NARC. And since 2002, this coalition has been riddled with internal factional struggles for power – factions which are ethnic based political parties. NARC, like KANU, is not in touch with the masses and its factions derive some support from small mini-factions within their respective communities. NARC was voted to power mainly as a protest vote against KANU rather than because it had a distinct alternative programme which appealed to the people²⁰.

Clearly the degeneration of political parties and the consolidation of ethnic ideology are anti-democratic development which will continue to block any serious progress towards democratic political culture and national identity – essential ingredients for the consolidation of even a minimum liberal democracy. Professor Anyang Nyong'o, who was once involved in attempts to resuscitate at least one political party (an attempt which failed), is familiar with this issue and has first hand experience on the role of political parties in Kenya. He has this to say on this issue of ethnicity and de-linking of political parties from the masses.

“Confronted with demands from diverse interests and expectations, and lacking coherent ideologies in the post-independence period that could bind the diverse social forces together in a political party, the nationalists moved fast to use the state administrative machinery to consolidate political power. In many cases the political party became an extension of the state, a state party. Political parties ceased to be mass movements and became instruments of political control rather than mobilizers of members of society for popular participation”. And again “Like their counterpart nationalist parties, recently established political parties have not been mass movements: weak in organization, single-issue oriented and not ideological. They have been elite-dominated, top-down in mobilizing supporters, largely urban-based and with little or no elaborate programs and policies for their projects in assuming state power. ..They have continued to implement more or less the same policies as their predecessors and have been very heavily subjected to World Bank and IMF-initiated structural adjustment programs (SAPs), without offering any of their own models for economic growth and renewal. Faced with pressures or challenges from the electorate, they have

²⁰ See the surveys conducted by both The Standard (published on 18/2/05) and Nation newspaper published on 31/12/04 on how the NARC government is perceived by the people in Kenya.

resorted to "gate keeping" tactics reminiscent of the authoritarian regimes they purport to have replaced. ²¹

(ii) Kenya's economy

The Global Context

Many thoughtful, experienced and well informed African and non-African scholars (economists and others) as well as policy makers, have expressed serious reservations on the benefits of the present global/international economy to Third World countries in general and Africa in particular. Kenya's economy is typical of most African economies embedded in the global economy. Given the way Kenya's economy is being managed, particularly when it implements WB/IMF economic strategies (the so called macro-economic environment) and specific policies laid out for Kenya, will it achieve the comparative and competitive advantage to achieve high economic growth and to gain from the global economy rather than being a country of extraction by the powerful economic movers and actors of the global economy? And in the likely event of achieving this goal, will liberal democracy which Kenya's ruling elite and the donor community are implementing, bring about broad economic equity through a meaningful social-welfare net to the majority of Kenyans?

In our view Kenya is unlikely to achieve sustainable high economic growth while presently embedded in the global system, unless it drastically change its economic strategies and policies.

What is wrong with the global economy and the deepening of globalisation? Stiglitz¹⁹ argues that American-style capitalism is in serious trouble in that the American economy itself is on a long -term path of decline, that it has systemic corruption and scandals, and that it is not suitable for developing countries. While our governments are fighting hard with the WTO over agricultural subsidies in Europe and America and on the unfair Trade Rules, they are at the same time implementing the Washington Consensus policies which the WB/IMF are imposing on them. "The policies of capital market liberalisation that IMF pushed – and the US Treasury continues to push – contributed to instability of developing countries; even the

²¹ Ibid, p.90 & 91.

¹⁹.Stiglitz, Joseph, "The Roaring Nineties", 2004, Penguin Books

IMF has finally recognised this”. But these same policies are still being pushed and implemented in Kenya!

What is wrong with the global economy and globalisation? For an ordinary Kenyan, everything is wrong given the present form of the global economy, its globalisation process and the embedded status of Kenya in it!

Stiglitz raises some important issues starkly and correctly. “American style capitalism raises for Europe, Asia and Latin America (Africa is not even mentioned – but I am adding it) the fundamental question, *what kind of market economy do they want to create?*. Is it capitalism American style? Or is it capitalism with a more human face, gentler, more humane capitalism? A Swedish-style capitalism?(read social Democracy!). In a world of globalisation, do we all have to march to the same drum? What is the scope for diversity?”

“In Latin America, there is a gradual awakening to the fact that the kind of capitalism that they were sold – namely the Washington consensus – may have been the kind of capitalism that the US Treasury preached, but it was not the kind that the US itself practiced.””the Latin Americans are gradually realising that while they have *thought* that the reforms were leading them to converge to the kind of market economy found in the US, they were in fact not doing so. They were being forced to adopt a form of the market economy that might have been some conservative’s dream, but did not comport to the reality of any successful democratic country”.²⁰

Hernando De Soto describes the impact of globalisation on Latin America more graphically. “On at least four occasions since their independence from Spain in the 1820s they (the Latin American countries) have tried to become part of global capitalism and failed. They restructured their debts, stabilised their economies by controlling inflation, liberalised trade, privatised government assets (selling their railroads to the British for example), undertook debt equity swaps and overhauled their tax systems. At the consumer level, the Latin Americans imported all sorts of goods, from English tweed suits and Church shoes to Model T Fords; they learned English and French by listening to the radio or records; they danced the Charleston and the Lambeth Walk, and chewed Chiclets gum. But they never produced

²⁰. Ibid, p.342-3.

much live capital”.. “We may now all be benefiting from the communications revolution ..Nevertheless, only twenty-five of the worlds two hundred countries provide capital in sufficient quantity to benefit fully from the division of labour in expanded global markets. The lifeblood of capitalism is not the Internet or fast-food franchise. It is *capital*.

“Yet only the Western nations and small conclaves of wealthy people in developing and former communist nations have the capacity to produce and use capital efficiently. Capitalism is viewed outside the West with increasing hostility, as an apartheid regime most cannot enter. There is a growing sense, even amongst the elite, that if they have to depend solely and forever on the kindness of outside capital, they will never be productive players in the global capitalist game”²¹

There are also many African and Asian critics of the present global economy. Amongst the most eloquent African critics is Thandika Mkandawire who has exposed the grave danger and detrimental impact of the SAPs on African countries. Some of his criticism have even reluctantly acknowledged by the WB/IMF but these Institutions have not changed their policies. Indeed now under the Bush economic policies (the WB is be headed by the neo-conservative Wolfowitz) it is likely to pursue even more vigorously detrimental policies towards the developing world – especially Africa the weakest continent but with the wealthiest resources available for continuous exploitation.

I have given this background to the global economy and its negative impact particularly on African countries – Kenya being one of the embedded African countries in this unfair and unjust global economy. But the unfairness of the global economy negatively affects the economy of Kenya as whole in terms of its potential for fast growth. More importantly it deepens inequality in Kenya and thus its negative impact affects the poor more deeply than the rich, some of the latter actually benefit from this situation.

But the important issue to note here is that liberal democracy and good governance aim at deepening the present status of Kenya in the global economy and to make it ever more attractive to outside investor and at the same time constrain Kenya from exploiting and

²¹ . De Soto, Hernando, “The Mystery of Capital: Why Capitalism Triumphs in the West and Fails everywhere Else” 2001, Black Swan, London.

developing its capital – such as the dead capital (in De Soto's term) which is abundant throughout the country.

We will now briefly look at the domestic arena – the Kenya economy itself – and at the end ask ourselves whether there are possibilities of changing and extracting Kenya's economy from this historical trap we find ourselves in.

The Domestic Context

Kenya's colonial economy was a highly protected capitalist economy - private ownership and "open" but restricted market. It was also largely based on settler dominated agriculture mainly for export and located mainly in Kenya's highlands and Rift Valley. Consumer based manufacturing industry began to develop towards the end of the colonial period – around the 1950s. Broadly and in outline, this was the economy inherited by the independent Kenya government. It maintained this economy but at the same time began to open it for direct foreign investment, mainly from Europe. Hence the consequent growth of the industrial and service sectors and the concomitant growth of the urban areas and urban population. During the first two decades 1960 to 1980, the state played an important role in the management of the economy through a large public sector, restrictive licensing, manpower and monetary policies. The state also played an important role in facilitating the emergence and growth of a small but powerful rich section of the elite.

During the first two decades, Kenya's economy like those of many other African countries, grew at a healthy rate. Despite the many imperfections and shortcomings of the economy during this period, there was considerable improvements in social indicators (household incomes, health, education, life expectancy, overall mortality rates etc). However some have argued that this growth of the 60s & 70s was a "bubble-growth" and not sustainable. Thus, by the late 1970s, Kenya and many other African countries had acquired large external debts. This and other factors led to serious deterioration of Kenya's economy as well as those of many other African countries. This situation led to the intervention of the WB and IMF which initiated the now famous Structural Adjustment Programmes. From the 1980s to the present, Kenya's economy has essentially been managed by the WB and IMF through remote and sometime not so remote control. What has happened since then is now familiar to many people – growth went down to negative figures (-0.2% in 2000), and development socio-economic indicators have worsened during this period of SAP. "The rapid decline in HDI

(Human Development Indicators) in the last five years in particular is a cause for worry”.²² During the last two year (2002-2004) Kenya’s economy is said to have grown by about 2% annually. This is good news. However like Ghana in the 80s and Uganda in the 90s, the growth rate of these WB miracle countries was short lived and unsustainable. Without being a pessimist, Kenya’s growth is likely to reach a peak and start declining, within a decade. There are many reasons for the decline and lack of economic growth of Kenya’s economy, both internal and external. The internal reasons are what Duncan Okello calls “rigged development” – the government favouring the development of specific highland crops for export at the expense of livestock and other crops consumed within the country”. However these export crops are very much dependent on the very highly volatile prices of external markets – which have been deteriorating continuously. There are of course many other internal reasons which are causing lower economic growth and blocking higher growth rate. There are also two major external reason for the low economic growth of Kenya. Firstly the burden of our debt to foreign countries and Banks. Secondly the international trade rules and distorted economic links with the developed industrialised world. But the impact of the developed world on Africa in general and Kenya specifically goes much deeper. Professor Anyang Nyong’o recently described historical and current underdevelopment of our countries by Europe:

“We must recognize that Africa's relationship with Europe changed significantly with slavery and the slave trade, empire-building and colonialism. This history is recent and it still affects our relationships today, shaping the nature of trade, debt, aid, the discourses on Economic Partnership Agreements and even this present discourse.

*This history forms the bedrock of Europe's underdevelopment of Africa, something that still goes on in the open pillaging of the Congo and the massive transfer of value from Africa to Europe through debt servicing and tied aid.”*²³

Corruption and Growth: the Donor’s “dance of make-believe”²⁴

There are of course more immediate and current reasons why Kenya’s economy is likely to remain at this low level of growth, despite recent optimistic claims. But no serious discussion

²² .Okello, Duncan, Chapter . . . , p. . . . of this book

²³ Nyong’o, Anyang Peter, “UK’s Gordon Brown visit key for vital engagement”, The Standard, January 13, 2005, p.13. Professor Nyong’o is Kenya’s Minister of Economic Planning of the NARC Government.

²⁴ .Borrowed from the title of Michael Holman’s article “The donors are in Nairobi for their dance of make-believe”, The Standard, p.13, April 11, 2005.

takes place in the country concerning these serious obstacles to Kenya's economic growth. Indeed our attention is constantly being diverted to false and propagandistic debate and discussion particularly on the issue of corruption.

One of the main argument of the donor community is that "corruption" (big corruption of senior officials etc and not the Ksh100/- given to low level officials - traffic police etc) is the main cause of slow and even negative growth rates in Kenya. Daily and untiringly the donors shout very loudly and often undiplomatically on this issue. This is an ingenious argument since there are many economies with similar levels of corruptions and which have achieved very high rates of growth – China, India, Chili etc. Big corruption is wrong, immoral and should be stopped by vigorous and strong methods. But the louder the donors shout over corruption, the more suspicious we become that this is an attempt at diverting Kenyan attention from the real issues facing Kenya's economy – particularly issues linked to the structural unfairness of the global economy, of increasing poverty, inequality and the issue of re-distribution, and the serious limitations of liberal democracy. And since our vocal elite and politicians (especially those out of power and waiting in the wings – for the next election) also shout as loudly focusing attention on the same issue, we become even more suspicious that there is a common interest in using the issue of corruption as a "whipping boy" in order to divert people's attention from the other more serious problems facing Kenya. In a light hearted but apt comment on the "consultative group" meeting (held in Nairobi 11 April 2005), Mr. Bindra writes:-

"Donor talks to focus on corruption..... Is no one tired of this charade? Year after year, we troop before the donors like abject mendicants asking for "development assistance" (alms, to you and me). Year after year the donors tick us off and point out our various shortcomings. Year after year large sums are promised and smaller sums delivered. Year after year we squander most of what we are given....How much longer do we intend to carry on with this failed model of master and supplicant? When an act of futility is repeated incessantly, it must be because it is in the interest of both parties. So see you here at same time next year when the headline will no doubt repeat itself"²⁵

However, on a more serious note, a well informed Michael Holman (former Africa Editor of the London Financial Times) argues, that the consultative meeting is a donor's "dance of make believe" – to hoodwink the public is a strong term, but essentially to divert attention from real issues. The pre-meeting huff and puff of the UN Agencies in Kenya, the

²⁵ .Bindra, "Where every day is April Fool's day", Sunday Nation, April 10, 2005

Commonwealth and the numerous international NGOs about the negative impact of corruption is shunted aside to make way for the real “big-boys” – the World Bank and the IMF. “Their (WB/IMF) eve-of-conference pirouettes have already sent a clear message: whatever anti-graft activists may think about government’s anti-corruption efforts, Kenya will not be cut adrift”.

“So why do the donors duck away from this unique opportunity to tackle graft? The truth is, they do not have the stomach for a fight. They do not believe it is ultimately in their interests to have a showdown with the barons of corruption”²⁶.

There are several reasons for this stand of the UN and the donor community.

First the UN. According to Holman “The UN impact on Kenya has little to do with its programme and everything to do with their huge presence in Nairobi”. In 1998 (according to the Financial Times calculations), the combined direct and indirect benefits of the UN agencies to Kenya, amounted to more than USD350 million or 19% of Kenya’s exports, or equivalent to 3% of GNP. Given this level of UN contribution to Kenya, the UN should have a significant leverage over Kenya government actions. “In fact, it makes the international community jumpy and neurotic at the thought of doing – or saying – anything that might disturb a mutually-convenient arrangement”

There are other similarly important reasons weighing in the donors mind in not wanting to upset this arrangement. The donors see Kenya as a regional “island of stability” from which a large number of international organisations, NGOs and multi-national companies operate. There are also the military agreements Kenya has signed with both the US and the UK which have become important since the American launched their War of Terror. The British in particular have two important reasons for not wanting to destabilize Kenya. It might jeopardize its multi-million dollar investment in Kenya, and secondly it does not want some of the 30,000 Kenyan Asians holding British Passports to leave Kenya suddenly as happened in Uganda.

As predicted by Bindra and Holman, the “Consultative” Meeting between the donors and the Kenya Government (led by the President) which took place in Nairobi, on 11/12 April 2005, came out with the same check list and demands by the donors (these are essentially a repetition of those made in previous years). First the soothing statement that that this was a “truly consultative meeting”. “It is not one which people came from abroad to tell this government what to do” said Makhtar Diop, the World Bank Country Director for Kenya.

²⁶.Michael Holman, Ibid.

This contradicts an earlier statement which said that “We discussed important policy reforms and agenda for Kenya and which should be implemented as a way of enabling Kenya access the funds that have been pledged”.²⁷ And of course the check list and demand were made and announced in the same breadth. According to The Standard report, the government agreed to fast track the implementation of a five point strategy that should pave the way for the promised budgetary support. The strategy includes:-

First “ the enactment of legislation to establish a legislative platform on which to anchor the war on corruption”

Secondly a “vigorous enforcement of anti-corruption laws through investigation of corruption offences and economic crimes, as well as recovery of corruptly acquired property”

Third “identification and sealing of loopholes through institution of effective public sector management controls”

Fourthly “national public education aimed at stigmatizing corruption and inducing behavioural change”

Fifth: Implementing macro-economic and structural reforms to reduce the incidence and demand for corruption by scaling down the role of the public sector and bureaucracy”.²⁸

It is to be noted that all these “strategies” focus on corruption, including “inducing behavioural change” amongst Kenyans! It seems that everything else in Kenya is perfect - the rest of the economy, governance and democracy, security of Kenyans, welfare, poverty etc. – are not worth discussing at this meeting.

So why does the British Ambassador to Kenya (and other Western Ambassadors), the WB/IMF, shout incessantly about corruption and threatening Kenya government with suspension, withdrawals of aid, loans , grants etc? Is it just a “charade” as Bindra calls it or simply a “dance of make-believe” as Holman describes it (the two amount to the same)? Charade or a make-believe dance, the reason behind this smokescreen is to divert attention from the real agenda of the donor community – to maintain the economic, political and cultural status quo in Kenya. From the point of view of the donors, Kenya has achieved the ultimate – namely a change of government through multi-party election – in which the factions of the elite have changed places without the collapse of the state or economy and that the majority of poor Kenyans, have been effectively kept in their trodden place.

²⁷ .The Standard, p.1. April 13, 2005

²⁸ . Ibid , p.4, April 13, 2005

The Kenya government economic policies, in the past, but more so since the undemocratic implementation of the SAP (starting in mid 80s), as well as Kenya's disadvantaged position in the global economy, have both led to what Okello describes as *"the socio-economic profile of Kenya is marked by acute inequalities in regional, gender, income and class terms"*²⁹ The recent SID Report has graphically shown the vast gap of socio-economic inequality in Kenyan society.

"Recent statistics for Kenya show that income is heavily skewed in favour of the rich and against the poor. The country's top 10% households control 42% of the total income while the bottom 10% control less than 1% (see Table 2.1 and Figure 2.1). This means that for every 76 cents earned by the bottom poor 10% the top rich 10% earn about Kshs 42. Or put it another way, for every one shilling earned by the poorest 10% households, the richest 10% earn more than Kshs56."

"Likewise, for 86 cents spent by the bottom 10% poor the top rich 10% rich spend about Kshs 44. This means that for every shilling spent by the poorest 10% in Kenya, the richest 10% spend about Kshs. 52 It is also significant that the 8th, 9th and 10th income groups account for about 70% of the income and expenditure."

"Available estimates of the gini coefficient for Kenya show that inequality has been increasing in the country particularly between 1994 and 1999"

*"Kenya ranks amongst the top ten most unequal countries in the world and the fifth in Africa"*³⁰.

There are three reasons why Kenya's economic growth is unlikely to reach the desired goal of 7% and unlikely to be sustainable whatever level it reaches. Firstly it is the WB/IMF policies which have deepened very serious inequalities found in Kenya today. With this level of inequality and poverty (continuously increasing) this can not be a sound bases for serious and sustainable economic growth. Secondly, and as cogently argued by Stiglitz, De Soto, Mkandawire and others, as long as Kenya is pursuing policies of capital liberalization as demanded by IMF, this is likely to lead to instability, which will inhabit any level of growth. Thirdly, as long as the present globalisation process deepens and Kenya is abiding by its rules, any economic growth will be small and short level. Lack of economic growth,

²⁹ Ibid;

³⁰ "Pulling Apart: Facts and Figures in Inequality in Kenya", p.5,6 & 7,2004, SID Report, Nairobi

according to the donor's own logic, is likely to increase present insecurity and instability which in turn will discourage investors. Such condition will therefore inhibit the development of liberal democracy in Kenya, let alone real democracy for all.

Kenya's Economy: New Direction

The policies of the capital market liberalization being pushed by the IMF and the American version of capitalism being exported by the US through the globalisation process, have very serious flaws not only for the American society itself, but for the rest of the world and especially Africa. According to Stiglitz, American society, as a result of its form of capitalism, has “deep-seated problems, the huge inequality, the large numbers of people in prison, the anxiety and insecurity that are felt by so many, including the millions without health insurance, the seeming unconcern about the deterioration of the environment.” And he suggests, and we agree with this suggestion, that “Other countries may decide to have an economic and social system that pays more attention to these and other dimensions of society, and hence may choose a variant of the market economy that differs from that which is currently in fashion in the United States. In doing so, they should know that other countries, with these variants of the market economy, have been able to achieve societies with less inequality, greater security, better health and education, especially for the poor”³¹.

In managing Kenya's economy, it is therefore incumbent upon us that we should be concerned with the plight of the poor. It is a moral obligation, one that has been recognized by every religion and political ideology.

What therefore should be the new direction of Kenya's economy which will bring it sustainable economic growth and social justice at the same time?

It is important to get away from the technical prism of the WB/IMF and the neo-liberal ideology behind it which places Kenya's economy exclusively at the service of investors - mainly from outside but also the few of our own - so that these investors can extract as much profit as possible from the economy. And the more Kenya's economy grows the more profit the investors make. But Kenya's economy belongs to Kenyans even in a globalised world. Its impact on the majority of Kenyans is devastating (as it is now) but that this impact can be made beneficial to the majority of Kenyans who are the producers (with their brawns and minds) for the money capital of investors. This will necessitate a change of direction for Kenya's economy. If this change of direction is not done now, it will be done later but after considerable pressure and suffering from and by the people. Kenya's

³¹ Stiglitz, Joseph, p.xv.

economy needs to be compassionate for those who make it grow - the poor middle class, the workers, and the peasants (youth and older workers), the old and the disadvantaged groups.

What then should be the new direction that Kenya's economy should take? In our view, no one should dictate the exact policies to the Kenya Government (as the WB/IMF and the bilateral donors) are doing now. Kenya Government policies should be guided by basic principles of social and economic justice - concern for the productive efforts of the workers and peasants, the poor, the elderly and the disabled. Here we can only point to broad strategies pursued by other governments which have been able to have fast economic growth as well reduce poverty and provide a strong social-welfare network for all its people. These strategies have been pursued by India, China, Vietnam, to a large extent Malaysia and until recently, the Scandinavian countries. And the strategies are:

1. A strong role of the government in prioritizing economic sectors for development by Government and local capital; and here we are not talking WB language of the “capable state”, but we are talking of a “developmental interventionist state”;
2. Government should have a significant control of the financial institutions, through which it can guide investments in areas of the economy which are both productive and beneficial to the people but which are usually of no interest to the outside investors because their profits are either low or take too long to realize; yet these are areas which are essential for the expansion of the economy – especially over the long period;
3. Government should be extremely active in pursuing technological policies through research, innovation, adaptation/adoption and importation of appropriate skills and technologies from other developing countries; it must learn how other developing countries have been able to achieve high levels of technological development which drove economic expansion – for example by India, Malaysia, Korea, Brazil, Cuba etc. These countries have been very busy in the technological arena while we were asleep!
4. Allow for a significant role in the economy for collective activities which are non-governmental - especially well run cooperatives and other types of collective activities; encourage and provide capital, skills, and other know-how to these collectives as well as to SMEs initiated and run by individuals etc.
5. Most important the Government through its power - using various instruments - should create a strong welfare system to benefit all Kenyans - a largely free, fair, representative and efficient health, education, unemployment benefit and pension schemes;
6. Re-examine our existing trade, financial, technological, educational, and cultural linkages with the traditional northern countries who are drivers of the global system; national interest of Kenya to become the motive behind all these linkages and relations. In particular we need to develop strong south-south relations in all

these field, not simply to balance those existing relations with the north, but more importantly to (a) establish creative and beneficial links with those countries with which we can establish mutual benefit - in west and east Asia, in the Middle East, and in Latin-America; (b) to learn from the hard lessons that some of these countries have learnt from the WB/IMF policies which they adopted and which ended in disasters such as Indonesia, Argentina to mention only the latest countries which come to mind. Just as important we need to learn from other countries that have avoided such disasters such as Malaysia, India and Brazil.

These are some of the strategies which Kenya needs to look at carefully. And Kenya has the necessary capacity - in terms of intellectual, human and resource capacities to pursue these strategies and to work out specific policies which in the end are likely to bring it higher rates of economic growth, social justice and security and stability in the country. Most important it will avoid the possibility of a future disaster which southern countries (especially African) pursuing WB/IMF policies tend to experience. Unlike Argentina and Indonesia, such disasters tend to have more serious consequences in African countries.

If the present Kenyan economy continues as it is, it will deepen poverty, deepens socio-economic class inequalities, breeds more individual billionaires even during periods of low economic growth. These Kenyan socio-economic realities, which benefit the few in Kenya and foreigners outside because of their capital, have and are likely to lead to two consequences. First it has created considerable tension, insecurity and conflict in the country. This issue is noted by Professor Wangari Maathai. In making her acceptance speech of the 2004 Noble Peace Prize, she noted that *“there can be no peace without equitable development”*. She added that *“we are sharing resources in a very inequitable way. We have parts of the world (read Kenya) that are very deprived and parts of the world (read Kenya) that are very rich. And this is partly the reason why we have conflicts”*.³² Secondly the continuation of the present Kenya’s economy is most likely to force the poor to demand for serious social transformation and a democracy which will bring equity and economic and social justice for all. Minimal liberal democracy presently being practiced in Kenya and which supports the present Economic structure of Kenya, has reached its limits. It has not dealt with the participation of the majority in the civil liberties nor has it dealt with the distributive issue in the economy. Predictably, if this situation continues, it will eventually force the poor majority to support leaders and possibly new political parties which are likely

³² M.J. Gitau “How politics breed gross inequalities”, Daily Nation, p.9, January 4, 2005.

to bring about real social transformation and social democracy. However this can only come about through a long and difficult struggle.

(iii) **Minimalist liberal democracy and good governance**

We have argued earlier that liberal democracy emerged and developed in countries which were industrialising in Europe and the US. That individualism is a fundamental organising principle of societies in these countries while the market is the principle organising arena for exchange of labour, capital and most interactions between individuals and groups.

Hence transplanting liberal democracy to African countries and societies, naturally faces serious social, cultural and political difficulties. African countries or rather societies, are not industrialised and therefore have not gone through the long processes of capitalist and industrial development which societies in Europe and North America went through. Additionally, in Europe economic development was far advanced when liberal democracy was effectively institutionalised – democracy came after economic development. In Africa, on the other hand the two processes are expected to take place simultaneously and in countries which are underdeveloped, poor, largely agricultural economies and consisting of heterogeneously ethnic based societies with a very rudimentary class structure which is in its early formation phase.

“There can be no serious grounds for attempting to compare the political situation in Africa and the struggles of the people for political rights, with what is taking place in the West. This is an unrealistic analogy. It is not that African societies are structurally non-democratic, but rather that their colonial and post-colonial histories, have, by and large, been histories of non-democratic authoritarian rule”....”Democratic values are expressed differently by different societies and the process of developing democratic institutions often takes different routes in different societies”³³

Hence the institution of liberal democracy as it is practiced in Europe and North America, is unlikely to take roots in the present conditions of African societies and countries.

³³ .Salih, M.A. Mohamed, “African Democracies and African Politics”,p.3, 2001, Pluto Press, London.

Democracy has intrinsic value for all people. The African people, and Kenyans in particular, have fought for democracy since the colonial period and in various forms and intensity during the independence period – right to the present. But the democracy the majority of Kenyans want is democracy for all – not just for the few privileged elite. On the other hand, the international or donor community, and a fraction of the Kenyan elite are forcefully supporting the institutionalisation of liberal democracy in Kenya. Granted that institutionalisation of any form of democracy anywhere takes a long time, is liberal democracy likely to take root in Kenya? Indeed what form of democracy has emerged in Kenya – even if we start very late – 1992 – and ignore the struggles for real democracy of the Kenya people since 1962?

Scholars agree that what we have in Kenya (and in Africa in general) is essentially a “minimalist liberal democracy”. This form of democracy is supported by the donor community, the section of the business groups (which are against the anarchy of rent seeking interventionist accumulating politicians and bureaucrats), and the a fraction of the elite (including some civil society groups) which have been left out of state power. “Minimalist democracy” excludes the participation of the masses in the political (except in voting – see below) and economic arenas as well as relegating them culturally and socially to the lowest status in society.

Two important assumptions underpin minimalist liberal democracy (in short form *minimal democracy*). Firstly that “*structural adjustment (programme of the WB/IMF) is conducive to democratisation; secondly that economic liberalisation and democratisation are mutually related and reinforcing processes*”.³⁴ However experience in most African countries since the early 1980s when the SAPs were introduced, indicates a very different picture: a) Kenya encountered serious difficulties in its attempts to implement simultaneously economic and political liberalisation as prescribed by the WB and IMF - “*the two processes are frequently contradictory and the harbingers of complex political conflicts and social tensions that may ultimately threaten the survival of democracy*”³⁵; (b) that the Kenyan economy did not grow but stagnated and consequently, as indicated earlier, the Kenyan people suffered serious deepening of poverty and setback in their health, education, life expectancy etc. Indeed the

³⁴ .Abrahamsen, Rita “Disciplining Democracy: Development Discourse and Good Governance in Africa”, p.86, 2000, Zed Books, London.

³⁵ Ibid, p.86.

democracy movement of civil society organisations is rooted in the protest against these negative socio-economic developments brought about by structural adjustment. While the elite leading these CSOs were demanding a minimalist liberal democracy, the masses wanted a far reaching social transformation at the core of which is the demand for redistribution. Needless to say the leadership of the democracy movement was strongly supported by the donor community which marginalised the role of the masses and suppressed its demand for redistribution.

Claude Ake expresses this point more clearly *“It is well to remember that there are really two intertwined democracy movements in Africa. One is the popular movement which is concerned with a ‘second independence’ from the elite. It is about empowerment to avoid political oppression and to promote economic well-being, and it is more concerned with concrete rights and the social upliftment of the poor and the culturally deprived”*³⁶

Minimal democracy as is practiced in Kenya focuses exclusively on multi-party elections and the mechanism surrounding elections – observers, “free and fair” voting, etc. This unprecedented attention given to competitive elections is supposed to include the “majority” of the population and thus giving the election and therefore its results (especially if there is a change of government) legitimacy of “popular participation”. But as we know in Kenya this whole exercise is manipulated by the elite to the extent that voting becomes a farce. People are bribed and cajoled to take part on the basis of ethnic loyalty, for an individual rather than for a programme, and then forgotten once they have voted. This very familiar process to us, is general in many African countries, and it is very well describe by Claude Ake in the case of Nigeria. *“ The African who is slated for democracy is typically a rural dweller who lives in a society that is still predominantly communal (read Kenya’s Wanjiku). She is a subsistence farmer, absorbed in toiling to eke out a precarious existence. She has virtually no access to safe drinking water, health services and sanitary facilities and she is illiterate or only marginally literate. What does democratization mean in this setting and for this person? As we have already seen, what is on offer by way of democratization is multi-party elections.*

For the political elite who are the effective competitors for power, she is only part of a gesture. They are set on gaining power with her cooperation if possible and without it if necessary. What democratic elections really mean for her is that she is set up to be hunted down, captured and

³⁶ Ake, Claude; Ibid,159.

harnessed in the interest of someone else, a veritable ordeal. To be sure, this ordeal may be sweetened by allurements, material inducements which underline the contempt and devalorization of the voter. If the allurement is token, the ordeal of harassment is real. She has to be mobilized, herded through voter's registration, placed in protective custody, so she is unavailable to the other hunters looking for her, and produced to demonstrate the candidate's popular standing and finally guided through voting before being discarded. Her being sought after is not a mark of democratic incorporation but rather alienation; it is not a mark of power, but one of powerlessness, and her relevance is a gesture."³⁷

The multi-party competitive elections, which uses and then discards Wanjiku and her urban counterpart worker (Odengo), serve several other important functions;

- (a) principally, and this is what interests both the donors and the elite, is the peaceful change of government ;"*the superiority of democracy as a system of governance is thus seen to arise not from its ability to produce equality, but from its capacity to affect a peaceful and bloodless change from one government to another*";³⁸
- (b) the circulation of the elite – those who are out of power are always hopeful that they will get there through voting;
- (c) the elections legitimises the status quo of the regime and the inequalities which exists in the country; thus a key practical effect of minimal democracy/good governance is that it allows for the continuation of oligarchy under a different name;

The extreme focus on multi-party elections and issue of corruption, covers up the enormous power of the donor community and the international global economic system and by implication the limited power of the ruling elite and the limited sovereignty of the country. On this issue it is important to clarify the impact of globalisation on democracy and sovereignty. Rita Abrahamsen, expresses this point well: "*The degree of control exerted by donors and creditors, and especially the Bretton Woods institutions, in these new democracies poses a challenge to key features of liberal democracy...thus .. issues of vital importance to domestic constituencies are frequently decided by centres of power located outside the nation-state and by organisations and agencies that are not subject to democratic control by citizens.*"³⁹

³⁷. Ake, Calude,p169-170.

³⁸ Abrahamsen, Rita, Ibid,p.140.

³⁹ .Abrahmsen, Rita, Ibid,p. 145-146.

The “good governance” democracy is essentially minimal liberal democracy with all its shortcoming. In fact two important parts of good governance cover economic and corporate governance. The function of these two parts of good governance is to establish a stable and supportive economic and legal environment which is expected to reduce anarchy in Kenya’s economic activities due to the uncontrolled intervention of politicians and bueareacrats in the conduct of the economic activities, corruption, rent seeking, acquiring land and property illegitimately. Consequently such an improved environment is expected to encourage more investment in the country’s economy from both the local business groups as well as DFI. Thus good governance is essentially an instrument to open up Kenya’s economy to systematised extraction of profit from local and foreign predator investors. It is not intended for the masses to participate effectively in the political system.

To sum up, we have argued that (a) liberal democracy cannot be fully implemented in Kenya and that what has emerged from all the efforts of the elite and donor community in imposing good governance democracy and economic liberalisation, is the minimal democracy which is anti-poor in several ways (i) it is fundamentally against a distributive economic strategy and policies for the non-propertied classes but is in favour of accumulation policies for the minority propertied class – the elite in Kenya; (ii) it is against a strong social welfare network for the poor - network which will cover health, education, shelter, food etc; (iii) it is against the fundamental rights of workers and peasants to use collective association to bargain for a fare emolument for their labour and other rights; (iv) it is against the active and full participation of the poor in the political process and decisions making, and has substituted this system for an system of active manipulation of the poor in the political process; (v) it is a gains devolution of power but for a strong centralised state power structure to be used by the ruling elite.

(b) this minimalist democracy serves the interest of both the international community and the local elite.

Finally contrary to the claims of Liberal Democracy and its versions of minimalist democracy as practiced in Kenya, it has failed to up-lift the living standard of the majority of Kenyan people. On the contrary, we believe that it has created serious problems for the ordinary Kenyan by deepening poverty and reducing the little socio-economic advancement Kenyans had achieved during the first two decades since independence. The result is widespread conflict, insecurity and serious tension in the body politics of the county.

Is Kenya transiting from this brief period of minimalist democracy? If so where is it heading to?

As indicated earlier minimal democracy /good governance has essentially reached its limits. It has led to conflicts, insecurity and tensions throughout the country. Apart from potential class conflict there are in fact on going armed conflicts amongst the Kenyan people. For example to mention the well known conflicts there is the violence of the Mungiki organization, ethnic cleansing over land in the coast and rift valley, conflict amongst pastoralists in the Pokot area, in Moyale, amongst the Masai and Kikuyu in rift valley, in the Tana River, in the North East etc. Then there is the enormous insecurity in the villages of Central Province and Rift Valley, and in the urban centres particularly in Nairobi – highway robberies etc. The deep insecurity in the country at large – in both rural and urban areas – has led to the privatization of security in the country, especially in the urban centers. There has been a veritable increase and growth of private companies catering mainly for the middle class and the elite. These companies now guard almost every house and apartment where people from these classes live. It will not be an exaggeration to say that the security of the better off urban areas is now largely in the hands of the private companies. And in the poor areas the local vigilantes and criminal gangs have essentially taken over. Many of the poor areas of the urban centres are “no go” areas at night because both criminal gangs as well as vigilante gangs use violence against each other and against innocent individual who happens to cross their way. The police no longer seem to be in effective control in both the poor and the well off areas of the cities and towns. While increase in crime and violence in the urban areas is associated with inequality and deep poverty, and the vigilante amongst the poor is a reaction to the uncontrolled criminality and lack of police protection, what is the justification for privatizing security in the urban areas thus enabling many companies to make money without responsibility or accountability? Is this part of economic liberalization and democratisation – the state abandoning its responsibility to provide security to its people and letting profiteers make money from the citizens by playing on their fears? And in reality the private security companies do not provide effective security! A list of those who own these private companies which at night effectively control a large part of Kenya’s urban centers, will be interesting and revealing. Could the owners be a section of the elite in power or in previous government – including members of the security forces who have now become entrepreneurs? To whom are these companies accountable? And do they really provide

security? Against petty break-ins and small time thieves – perhaps they are effective. But against well armed and professional criminals, the security guards are not as effective despite the high monthly cover charges. Ultimately, these private security companies are there to make money. Providing security is incidental!

The recent survey by the Nation Group (published by the Daily Nation on 31st December 2004) shows that insecurity is not only increasing but is the most important issue which concerns the people surveyed⁴⁰. Yet Kenya has a well trained armed forces, the GSU, and a large well trained police force. Despite this power at the disposal of the state, insecurity is widespread throughout the country. And the government spends considerable resources of the GDP on the security forces. Yet in reality it cannot provide security to its own people.

Wide spread insecurity, in any country, is an indication of the effectiveness of the state and lack of responsibility for a large section of its citizen. This situation has serious political implications in that it indicates that the governing elite in power since independence, have been more concerned with protecting themselves and with accumulation of wealth, even if it is at the cost of widespread violence, criminality and insecurity amongst the citizens. And the clear message to the majority of Kenyans is that minimal democracy/good governance and economic liberalization, contrary to loud claims by the elite and the donors, has not provided peace and security to them – in urban and rural areas.

What is the dynamics of this situation in which Kenyan find themselves insecure and vulnerable wherever they are – in the cities, in the villages, in pastoral areas and on the roads - despite the fact that now Kenya enjoys minimal democracy? The prognosis is that conflicts, criminality and insecurity is likely to increase. Consequently, and given the present record, the government will be less and less able to deal with the situation thus leading to the expansion of privatization of security. More people will be killed from conflicts and criminality while at the same time more companies will be making money from the insecurity of the people. Therefore there is a real danger that the state will effectively be reduced to providing security only to the elite and to those in the higher echelons of government services living in specific urban areas while the private sector plays on the fears of the citizens by charging them for security which they do not effectively provide. This will essentially amount to a *state withdrawal!* The state will thus become more and more dysfunctional

⁴⁰ Those surveyed, 40% named security as top of the list of 10 main things that had got worse under the NARC Government. Nation Group Survey, published in Daily Nation, 31 December 2004.

abandoning its basic constitutional duties such as providing security etc to the majority of Kenyans. This scenario is possible but a total collapse is most unlikely for several reasons. Firstly given the important role Kenya is playing in the region, and also as a regional model, it is in the interest of the Kenyan elite and the international community to prevent such development by all means available possibly including military intervention! And the alternative –strong oppressive authoritarianism in the name of maintaining law and order, is also unlikely. It will imply a total failure of all efforts and claims of the international community with abandonment of the arrangement which allows different factions of the elite circulating in power. But how do we characterise the evolving state in Kenya?

Failed State - a Prelude to Social Transformation?

Can the Kenyan state be characterized as “*a constitutionally failed state*”? A failed state is different from a collapsed state. I have argued above that the dynamics of the present situation in Kenya is leading to a situation of *state withdrawal* and a *dysfunctional state* but is unlikely to lead to a *state collapse* as explained earlier. However a *state withdrawal* essentially means that the state has failed to perform its primary and essential constitutional functions for the majority of its people. Consequently the state would have created potentially explosive situation which could lead to a possible social transformation or possibly to its collapse – depending on the specific condition of the country. In our view the conditions in Kenya are leading to a long struggle for social transformation.

Nevertheless the question is important and needs to be asked. Is the state in Kenya failing to perform its constitutional duties to the majority of its people? Or is it already a failed state?

Henry Liu, characterizes failed states as follows:

“The failure to provide security for all citizens is the first sign of a failed state, as is the use of state violence on its own citizens. So is a larger prison population or one that is racially or ethnically disproportioned. An economic infrastructure that failed to deliver income or wealth equitably is another sign of a failed state, measurable with the Ginni coefficient on income inequality. The absence of a universal health-care system is another sign, as is a dysfunctional public educational system primarily reserved only for poor children. An excess of per capita national debt is also a sign of failed statehood, as is pervasiveness of corruption

and fraud in government and business. Hunger and food shortage for the poor while food surplus persists in the economy is another sign of failed statehood. Failed states often have a very rich minority that takes advantage of the failed system with the blessing of the state”.⁴¹ Add to the above characterization is a critical feature of heavy dependence on external aid, grants and loans. Clearly these features fit precisely the Kenya state today. But, unlike Somalia which is a collapsed state, Kenya has powerful military and security institutions which keeps the political and bureaucratic institutions functioning for the benefit and maintenance of the elite but which does not fulfil its constitutional and moral obligations for the majority of its people. It is thus a failed state because it has not fulfilled the basic and fundamental functions required by its people and has all the signs of a failed state described by Henry Liu in the above quote.

But a failed state need not lead to a collapsed state, since some powerful developed countries exhibit clear “failed state syndrome”. As argued above, the Kenyan state is unlikely to be allowed by both the elite and the donor community to deteriorate to the point of collapse. However because the state in Kenya has failed to provide the essentials for its people, it has created the necessary conditions for its poor majority to struggle for major social transformation from the present liberal democratic induced socio-economic situation (failed state conditions), to a more equitable and participatory social democracy which focuses on redistributive economic development policies. This depends if the elite are willing to commit “class suicide” by using state for the interest of the majority and if the ideologue in the neo-liberal donor community claiming to guide Kenya’s development, will tolerate such struggle by the masses to develop peacefully and successfully, without their use of various effective methods of interventions.

The pressure which the masses are likely to start exerting on the Kenyan elite in power is likely to be through the emergence of new or reconstituted mass based political parties with serious programmes for social transformation, and a new leadership emerging from below including some from a faction of the dissatisfied but committed middle class. The beginning of such changes will herald a long struggle for a programme of redistribution through enforcement of economic rights, full participation in the political institutions, provision of social and cultural rights of all groups in Kenya and the resumption of real *nation building*

⁴¹ .Liu, Henry C.K. “World Order, Failed States and Terrorism”, Feb 3, 2005.

http://atimes.com/atimes/Global_Economy/GB03Dj01.html

Henry Liu is Chairman of the New York-based Liu Investment Group

project which was abandoned in the early sixties. The concrete, realistic and implementable recommendations at the end of this book cover the kind of social transformation needed in Kenya and which is likely to lead towards democratic governance rather than the present empty rhetoric of “good governance”. The ultimate aim is to replace minimal democracy with a real and inclusive social democracy. This is a vision which some distinguished African scholars hold and think as realistic and realisable.

According to Archie Mafeje, “... *there is a case to be made for social democracy in Africa. In practice this would mean, over and above the civil liberties ushered by liberal democracy, that citizens by virtue of belonging would be entitled to decent livelihood and access to productive resources. The latter need not be construed as private property in the bourgeois sense. The producers should have the right to choose between different forms of social organisation for production*”.⁴²

Professor Claude Ake also has a similar vision. “*The democracy which the masses and peasants and human rights activists demand is markedly different. It is essentially a social democracy with emphasis on concrete rights and concrete equality; it presupposes substantial investment in the upliftment and the empowerment of ordinary people. Those who are demanding this kind of democracy are the social base of the democracy movement; they are the ones who are demonstrating and taking bullets to bring down dictators in Kenya*” and other countries. And again “*If and when the democracy movement in Africa starts to move in this direction (social democracy) serious contradictions will be engaged, for the ideological climate in the world today, as well as the interests of those who currently have power in Africa, is hostile to social democracy. Eventually, the democracy movement will in all probability split on class lines and the contest between the two classes will be long and bitter*”.⁴³

And finally, Professor Anyang Nyong’o sees the future in the following terms “*All revolutions have been led and executed by men and women of conviction and devotion. Africa (read Kenya) cannot be an exception. Otherwise the process of social and economic decay, a process that marks our present history, may as well mark the future as we see it being made today. This is the relevance of the politics of vision, politics of proper organisation and productive ideas, and not the mere mouthing of good governance and other phrases that may soon become hackneyed as they lose meaning and relevance in our daily lives*”⁴⁴

⁴² .Mafeje, Archie, p.87, Ibid.

⁴³ Ake, Claude, P.136, Ibid.

⁴⁴ .Nyong’o, Anyang,P., p.102, Ibid.

To conclude, it is our view that (a) the present entrenched anti-democratic state in Kenya is essentially run by an elite whose rent seeking accumulation and authoritarian culture runs deep; (b) that the economy which has many internal difficulties inhibiting rapid growth while externally it is in the grip of a very powerful extractive global economy is unlikely to reach the 7% annual growth needed to meet the MDG. And in the improbable event that this goal is reached, the inequality and poverty in Kenya are unlikely to be eased and the poor might not wait until the year 2015. Hence the political and economic environment in Kenya is clearly hostile and inauspicious for consolidating minimal liberal democracy. Indeed, we have argued that minimal liberal democracy it has reached its limit, after creating serious conflicts, insecurity and tension in the country. The state in Kenya has failed in performing its constitutional function to the majority of its citizen and has essentially become a constitutionally failed state. This situation might lead (if it has not already started) the majority of Kenyans to begin a process of demanding serious social transformation towards a devolved social democracy – a demand which will entail a long struggle, possibly a class struggle.

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