

Authoritarian leaders and multiparty elections in Africa: how foreign donors help to keep Kenya's Daniel arap Moi in power

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ABSTRACT *This article argues that prior accounts of Moi and KANU's re-election in Kenya's 1992 and 1997 polls overemphasise divisions within the opposition and underestimate the role of international actors. Drawing on interviews with central players and internal donor documents, the author demonstrates that aid donors played a central part not only in initially advancing the cause of multipartyism but subsequently also, on several occasions, actively impeding further democratisation. Donors twice knowingly endorsed unfair elections (including suppressing evidence of their illegitimacy) and repeatedly undermined domestic efforts to secure far-reaching political reforms, which were a prerequisite for an opposition victory and a full transition to democracy. In the face of anti-regime popular mobilisation, donors' primary concern appeared to be the avoidance of any path that could lead to a breakdown of the political and economic order, even if this meant legitimising and prolonging the regime's authoritarian rule.*

Most authoritarian regimes in Africa held multiparty elections in the 1990s. Despite widespread opposition, a number of former dictators—including Daniel arap Moi of Kenya, Gnassingbe Eyadéma of Togo and Paul Biya of Cameroon—have won these elections and continue to rule their countries. How does one explain this? Few would argue that these leaders are widely popular. More plausible accounts usually cite divisions within the newly legalised opposition, and elections that fall short of international standards of free and fair play.

This article examines this common explanation of Moi's and his party's repeated re-election and demonstrates it to be only partly satisfactory. I then present an under-examined element: the international dimension. I point to a gap in the democratisation literature, which tends to ignore the role of aid donors in the process, while assuming that their contribution—if any—is wholly positive. Indeed, the role of donors in Kenya's transition process is almost uniformly presented as a facilitative one. After all, donor conditionality forced Moi to allow multipartyism in 1991 and donors provided encouragement to opposition parties.

Drawing from interviews with central players and internal donor documents, I

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argue that donors played a second, less publicised role. After opposition parties were legalised, donors repeatedly discouraged measures that could have led to more comprehensive democratisation. They did this by knowingly endorsing unfair elections (including suppressing evidence of their illegitimacy) and subverting domestic efforts to secure far-reaching reforms. In the face of anti-regime popular mobilisation, donors' primary concern appeared to be the avoidance of any path that could lead to a breakdown of the political and economic order, even if this meant legitimising and prolonging the regime's authoritarian rule.

Background

Kenya has been under some form of authoritarianism since the onset of colonial rule. After independence from Britain in 1963, President Jomo Kenyatta centralised power and introduced a *de facto* one-party state, ruled by the Kenya African National Union (KANU). His successor, Daniel arap Moi, accelerated the concentration of executive power and, in 1982, enshrined KANU in the constitution as the sole political party.

All along, the Kenyan government received and was buoyed by strong (and growing) assistance from Western countries, especially the UK and the USA. However, after the end of the Cold War many aid donors rapidly reduced their support for authoritarian rulers in Africa. On 26 November 1991, at their Consultative Group meeting in Paris, donors collectively decided to suspend new aid to Kenya—amounting to \$350 million—until corruption had been curbed and the political system liberalised. Within weeks, Moi amended the constitution to legalise the formation of opposition parties.

Since then Moi and KANU have been re-elected on two occasions. In December 1992 Moi was returned to the presidency with 37% of the popular vote, which was more than the number polled by any of the seven other candidates. KANU obtained a majority in parliament (100 out of 188 elected seats), despite only receiving 30% of the parliamentary votes cast, made possible by the first-past-the-post system and variations in the size of constituencies. In the December 1997 poll Moi was re-elected with a slightly higher plurality (40%) than in 1992, but a mere four-seat majority in parliament.

Part of the reason Moi and KANU won both elections was that they engineered and benefited from grossly unjust conditions during the campaign and fraudulent practices related to the count. For instance, Moi hand-picked the members of the electoral commission and constituencies had been designed to maximise KANU representation in parliament. If the apportionment had been according to population, KANU would probably have lost its majority in 1992 and won only 87 out of 200 parliamentary seats in 1997.¹ In addition, powerful local officials, chiefs and civil servants were loyal to KANU. Moi personally warned civil servants that those who supported the opposition would lose their jobs.²

Certain electoral rules were enacted with the sole purpose of favouring Moi. For example, parliament amended the constitution in August 1992 to require the winning presidential candidate to obtain at least 25% of the popular vote in at least five of the country's eight provinces. Given the factionalising of the opposition into clear ethno-regional bases of support, Moi appeared to be the only one

able to meet this condition, even if he did not obtain the most votes nationally (this proved unnecessary, since official results gave Moi a plurality of the popular vote both times). The same bill prohibited the formation of coalition governments, which by then appeared to be the only way for the opposition to defeat KANU. Moreover, it specified that the president would appoint a cabinet from his party, regardless of the number of seats it held in parliament.

Irregularities in voter registration also favoured the incumbent regime. In both 1992 and 1997 between 500 000 and 3 000 000 potential voters (out of 10–11 million) were not issued the required identification cards in time to register. This disproportionately disenfranchised members of certain ethnic groups and people who had only recently attained voting age, who were expected to support the opposition.³

Media coverage of electoral campaigns was highly partial. In 1992 state-controlled radio and television monopolised broadcasting and clearly favoured KANU. Independent newspaper editors were sometimes subjected to intimidation and practised self-censorship. In 1997 the government media grew even more biased as the election became imminent.⁴ Opposition presses were severely harassed and some, such as *Society*, ceased publication as a result.

KANU used state and fraudulently obtained funds to secure voter support, including for bribes in cash and food. In 1992 it spent an estimated \$60 million on vote-buying alone.⁵ Additional funds were obtained through an increase in the monetary supply, stolen from the National Social Security Fund and donated from the private fortunes of KANU officials and clients. Similar practices, though fewer, occurred in 1997.

Moreover, the opposition's freedom of assembly was severely restricted. In 1992 and 1997 the opposition parties, but never KANU, were routinely denied permission to meet and had their rallies broken up by security forces. Chiefs, who are appointed by the government and have wide-ranging local powers, often prevented opposition MPs from addressing their constituents. In 1992 all opposition candidates in 17 constituencies were physically prevented from presenting their registration papers, allowing KANU candidates to run 'unopposed'. Campaign harassment was also common in 1997.

Pre-electoral ethnic cleansing also benefited KANU. Before the 1992 elections militias attacked members of ethnic groups associated with the opposition, especially the Kikuyu, in several KANU-dominated areas, mainly in the Rift Valley. Although it was not the case, the government tried to characterise this as reciprocal and spontaneous 'tribal clashes'. Influential cabinet ministers openly advocated the expulsion of non-autochthonous ethnicities from the 'KANU Zone'. There is evidence that government officials supplied weapons and paid attackers per house burned and person killed, and that KANU leaders trained militias in special camps. Over 1500 people died and an estimated 300 000 were left homeless.⁶ As they were unable to register or vote, they were effectively disenfranchised.

A few months before the 1997 elections, a similar wave of ethnic violence erupted on the coast. Once again, organised, unidentified armed people attacked members and the property of ethnic groups not indigenous to the largely pro-KANU region. Indirect links were subsequently traced to the government. About

70–100 people died, perhaps twice that many, and a large number were injured. The threat of further violence displaced—and disenfranchised—between 10 000 and 200 000 people.⁷

Finally, outright fraud improved Moi's share of the popular vote and KANU's parliamentary results. On election day in 1992, fairly widespread electoral fraud was committed. Statistical evidence (such as turnouts exceeding 100%) and eyewitness accounts both point to systematic rigging in key constituencies. A detailed analysis concludes that KANU would have lost 15–20 of its seats had it not interfered with the results, costing it its majority (though not its plurality).⁸ In 1997 there was significant election day and post-election rigging in at least 10 swing constituencies. The (illegal) extension of voting by one day provided additional time to carry out fraudulent measures.

Moi's and KANU's re-election was greatly favoured by all these measures. Far from being isolated cases, these factors point to a grand strategy for ensuring KANU's victory. From their experience five years earlier, Moi and KANU knew in 1997 that they could get away with a blatantly uneven playing field and some cheating, without the donors raising more than *pro forma* objections. Nonetheless, almost all accounts—as we shall now see—argue that greater opposition unity would have been sufficient to win.

The splintered opposition

In late 1991 once the constitution was amended to permit multipartyism, the main pressure group, the Forum for the Restoration of Democracy (FORD), transformed itself into a political party, at which time it enjoyed tremendous domestic and international support. Its unity was only ephemeral, however, as FORD fractured along personal, ethnic and generational lines, unable to agree on who would be the presidential candidate. Two parties emerged: FORD-Asili, led by Kenneth Matiba, and FORD-Kenya, headed by Oginga Odinga.⁹ In December 1991 Moi's minister of health and former vice-president Mwai Kibaki left the government to form his own Democratic Party (DP). These three major presidential candidates, as well as four minor ones, ran against Moi in the 1992 elections. In 1997 15 people vied for the presidency, of which five were true contenders.

The central question is whether it was possible for the opposition to win the elections in spite of the egregious government practices. Some authors are sceptical that such elections are meaningful at all.¹⁰ Yet, in a large number of Kenyan constituencies, a significant amount of electoral competition did take place. Virtually all academics and political commentators inside and outside Kenya believe that, notwithstanding the unfair playing field, the inability of FORD and the opposition more generally to remain united cost it the control of parliament and the presidency in 1992.¹¹ Similarly, the common understanding of the 1997 elections was that, as one Kenya-watcher stated: 'It is axiomatic that, had the opposition been able to unite behind a single presidential candidate, or more realistically if the Kikuyu–Luo blocs had been able to forge a united front, Moi would have lost'.¹² Arguing that an opposition victory was possible attributes the responsibility for Moi's and KANU's re-election to Kenyans themselves—to their

tribalism and immature opposition politicians.

Why did the opposition splinter into a number of competing factions? The responsibility lies mainly with the leadership. The senior opposition activists came to see each other more as competitors than partners. Opposition leaders often spent more time attacking each other than KANU. The extremely high stakes led to a climate of distrust among them.¹³ Every candidate desired the presidency—where power is highly concentrated—for himself and none would settle for the vice-presidency or the promise of a ministerial appointment that could be rescinded at any time. No opposition leader wanted to subordinate his career to another's, even if the likely result was KANU's re-election. Moreover, the use of a tribal discourse to secure candidates' ethnic power base transformed personal rivalries into ethnic ones and simultaneously rendered it almost impossible to gain support among other ethnic groups.

In 1992 all attempts to unite the opposition behind a single figure failed, whether they were led by politicians, by activist Wangari Maathai, by church leaders or more discreetly by bilateral donors (notably US ambassador Smith Hempstone). Nonetheless, FORD unity would probably not have been sufficient to secure a victory. Opposition votes are not automatically transferable from one opposition candidate to another; often, remaining with Moi and KANU would seem less of a risk than domination by a large ethnic group. If Odinga had been selected as presidential candidate of a united FORD, a large number of Kikuyu supporters of FORD would have voted for Kibaki and the DP instead. Similarly, a Matiba-led FORD would have alienated many non-Kikuyu supporters, while splitting the Kikuyu vote with the DP.¹⁴

Under these circumstances only a completely unified opposition, with a joint FORD/DP slate, might have carried the presidency in 1992. Such a coalition was highly improbable since, from the beginning, there had been no co-operation between the two parties. The DP kept a certain distance from FORD and it never took a radical anti-KANU position.¹⁵ Kibaki wanted to be president and would not have endorsed anyone else, while FORD would never let a man who had only recently left KANU lead their ground-breaking pro-democracy movement.

In the 1992 parliamentary poll, the two FORDs obtained 31 seats each, while the DP won in 23 constituencies, compared with KANU's 100 (three small parties won one seat each). Most battles for seats were fought between KANU and a regionally dominant party—in all but 40 seats, the victorious candidate garnered more than half the vote.¹⁶ Only in 10 or so constituencies did the opposition clearly split the parliamentary vote, handing the seat to the KANU candidate.¹⁷ These 10 swing seats would not have been sufficient to deprive KANU of its parliamentary majority because the president enjoyed the constitutional prerogative of nominating a further 12 MPs from his own party. Moreover, similarly to the presidential competition, if the opposition had united, many voters might have chosen KANU if their favourite candidate did not run, allowing for a KANU majority anyway. Even if KANU had been reduced to a plurality, constitutional clauses prohibited the opposition from forming a coalition government and specified that the president's party would form the government, reducing the victory to a psychological or symbolic one.

The question of opposition unity might be a moot one: had KANU been at risk

of losing control of parliament or the presidency, it commanded the means to rig even more to ensure that it not be defeated. David Throup and Charles Hornsby convincingly argue that in 1992 there was no way that KANU would have allowed itself to lose, *no matter what*.¹⁸ For Moi and his allies, too much was at stake: property, livelihood, even lives. Indeed, there were no provisions for a run-off, had no presidential candidate met the 25%-in-five-provinces requirement. And there would have been no handover to an opposition victor. Had KANU been defeated, there might even have been a military coup or a 'self-coup' of the Latin American variety.

The events preceding the 1997 elections were remarkably similar to the ones five years earlier. For a brief while it seemed possible that the main opposition parties would jointly back a compromise presidential candidate, Charity Kaluki Ngilu of the Social Democratic Party (SDP), a political outsider. Although no hard evidence to the contrary has surfaced, it is not self-evident that a single opposition candidate would have defeated Moi. An unknown number of voters would have voted for KANU had their first choice candidate not run. Many might not have voted for a woman. (Only a run-off between the top two candidates would clarify voter preferences.) Moreover, it is possible and indeed likely that, as in 1992, the KANU government was prepared to take any steps necessary to win. Ngilu's colleagues feared that she would be assassinated rather than be allowed to win.¹⁹ However, no drastic measures were required, since the parties were unable to reach a lasting agreement. No party came close to KANU's share of the seats: KANU won 107; DP, 39; NDP, 21; FORD-Kenya, 17; SDP, 19; and smaller parties, nine. The opposition did not even attempt to co-ordinate strategically in order to prevent Moi from obtaining 25% in the required minimum five provinces.

In sum, there is some truth to the accusation that intra-opposition rivalry was to blame for KANU's re-election. Nonetheless, as we have seen, there is substantial reason to doubt that a unified FORD—or even a FORD/DP joint slate (however unlikely)—would have won in 1992. Likewise, a (highly improbable) electoral alliance among opposition parties for a single presidential candidate in 1997 would probably have failed as well. Had unity nonetheless resulted, there is the unproven but very credible allegation that KANU was prepared to use whatever means necessary to secure its victory. An opposition deeply divided on personality and ethnic lines certainly made KANU's task easier. Moreover, it shifted donor attention away from the government's extreme abuses. For instance, because international observers believed that an opposition victory was theoretically possible, they adopted a lower standard for free-and-fair elections.²⁰

Donor behaviour

The literature on democratic transitions concentrates almost exclusively on their domestic aspects and overlooks the donors' role, which is of particular relevance in sub-Saharan Africa. There are a few partial exceptions, such as Whitehead and Pridham, as well as some recent work on post-Communist Europe.²¹ However, they focus more on the international context (structure) than on international actors. Moreover, accounts of democracy promotion tend to ignore the sometimes

anti-democratic effects of donor intervention.

After political liberalisation began in Kenya in the early 1990s, donors did not promote wide-ranging reform, preferring to focus on the rapid holding of elections. From 1992 onwards donors as a whole actually discouraged measures that could have led to more comprehensive democratisation. They did this by endorsing blatantly unfair polls and subverting domestic efforts to secure wide-ranging reforms. Below, I examine two distinct time periods over the last decade when such behaviour occurred.

1. Political liberalisation and the 1992 elections

The Moi regime legalised opposition parties in December 1991, in large part because of the donors' suspension of financial assistance. As 1992 progressed it became increasingly evident that any multiparty elections would be severely flawed. Indeed, Moi had repealed only the single-party provision of the constitution, leaving in place and at his disposal the entire repressive state apparatus. Donors were aware of the problem: in May, the local representatives of nine donor countries delivered a feeble joint *démarche* to Moi, expressing their 'deep concern' on this matter.²² An electoral boycott movement emerged on three separate occasions between June 1992 and January 1993. Each time donors played a role in quickly ending it without the Moi regime making more than minimal concessions.

First, on 10 June 1992 FORD, the DP and two smaller parties called for a boycott of voter registration, with the support of religious leaders, in an attempt to force the government to even the playing field. Bilateral donors strongly opposed this position. US ambassador Hempstone, who had been of great assistance and inspiration to the reformers, especially FORD, which felt indebted to him, actively pressured opposition and church leaders to end the boycott. On 2 July, after the churches withdrew their support for the boycott, the opposition parties capitulated. KANU made a couple of only very minor concessions.

Second, by the last month of the campaign, the abuses had been such that free-and-fair elections were no longer possible. A week before the polls, the three main opposition parties jointly threatened to boycott the elections. Church leaders condemned the move, as did the foreign observers and the US ambassador, expressing a common feeling that it was better to lose and be represented in parliament than not be represented at all. The idea of a boycott was quickly dropped.²³

Third, when the three main opposition party leaders publicly rejected the election results, it was donor and church pressure that convinced them to take their seats in parliament and contest the results through the judicial system.²⁴ Kibaki's legal challenge was eventually dismissed on a technicality and, out of 40 petitions, only one led to a re-run in a constituency where the KANU candidate had been declared the winner.²⁵

Ambassador Hempstone later admitted that his actions might have been wrong. In hindsight, he felt the US observers should have withdrawn and the embassy should have called for the elections to be cancelled. Barring that, after the results were announced, the USA should have declared the elections to be a fraud,

supported the boycott of parliament and called for fresh elections, but Hempstone was held back by a fear of civil war.²⁶ Such an occurrence was improbable, although the continuing 'ethnic clashes' created a climate of distrust and instability.

Donors had spent a total of about \$2.1 million on the 1992 elections and were determined to see them take place, even under grossly sub-optimal conditions.²⁷ US Assistant Secretary of State Herman Cohen had insisted that the elections be held without delay.²⁸ They were not necessarily seeking Moi's defeat; most would have been content for Moi to remain in power, as long as it was through free-and-fair multiparty elections. Still, many donors hoped that an opposition victory would improve economic management.

Bilateral donors did not lack evidence of systematic pre-electoral irregularities and election-day rigging. A few days after the elections, the Commonwealth Observer Group, for instance, issued a press release that expressed their concern with the 'lack of real commitment on the part of the Government to the process of multi-party democracy'.²⁹ Nevertheless, the Commonwealth observers lauded the 'giant step on the road to multi-party democracy'.³⁰ International observers and donors endorsed the poll, whose procedural 'success', they felt, outweighed the blatant unfairness of the campaign. Domestic monitors' reports contradicted the international observers, stating that the elections were overall clearly far from free and fair.³¹ However, they were only released months later and received negligible international attention.

After the 1992 elections, donors greatly reduced their pressure for political change, placing much more importance on stability and economic reform than on democracy. Before long, Moi took a few macroeconomic measures that pleased donors and made some (not particularly credible) promises for future compliance, while paying only lip service to the issue of improved political liberalisation. Against the opposition's wishes, most donors resumed balance-of-payment support and new aid, though often at a lower level and channelling a significant proportion through NGOs rather than the government.³² Kenya's creditors also rescheduled \$700 million in outstanding debt, on whose service the government had defaulted for the first time.

2. The 1997 reforms and elections

There were no true domestic political advances between the 1992 elections and November 1997. The government neither made nor allowed any steps in the pursuit of democratisation, other than holding by-elections as required.³³ The government also backslid on some aspects of the political liberalisation. Among other things, it harassed opposition party activists, arrested dozens of opposition MPs, passed new legislation to silence the press, closed opposition magazines, charged journalists with sedition for reporting anti-government stories, and increased its pressure on critical NGOs. Nevertheless, during this period, there were important changes outside the political mainstream, including the growth of a culture of resistance and human rights.³⁴

The movement for comprehensive constitutional reform was given a new impetus in 1997, with the founding of the National Convention Executive

Council (NCEC), a coalition of civic organisations, church groups and reformist opposition politicians. Faced with complete governmental intransigence, mass demonstrations became the NCEC's main means of applying pressure, held under the theme of 'No reforms, no elections'. The size of the mobilisations increasingly alarmed KANU, while the violence that took place at them shocked the bilateral donors, returning donor attention from economic reform to domestic politics. For example, at the 7 July demonstrations, held in 56 cities and towns, an estimated 20–25 people died. On 8 August at least 40 people were killed at NCEC protests.³⁵ Significantly, the Western media highlighted the government's first use of force and the police's brutality against pro-democracy demonstrators.³⁶

At the end of July 1997 the IMF suspended lending, including a structural adjustment loan worth \$220 million, citing poor economic governance and corruption. Mentions of accountability and good governance were widely interpreted as expressing dissatisfaction with political governance as well. The World Bank, bilateral donors and the European Union followed suit. The total amount of frozen aid surpassed \$400 million—\$50 million more than was suspended in 1991. The donors explicitly urged the government to meet the opposition.³⁷

Moi made limited concessions that did little to satisfy domestic opponents. Mass demonstrations continued to incur the use of deadly violence by the state, which increasingly unnerved donors and many NCEC members, notably representatives of churches. The government portrayed the demonstrators as 'undisciplined, poor, and out of control', succeeding in igniting a fear of 'the crowd' in the minds of both donors and opposition parties.³⁸

During this period the tenuous alliance between the NCEC, the churches and some opposition parties fell apart. In August 1997 after the NCEC passed 'radical' resolutions to form a constituent assembly and act as a parallel parliament if minimum reforms were not enacted, many MPs involved with the NCEC left the organisation. Along with other 'moderate' opposition colleagues, they joined with a number of KANU 'moderate' MPs to form the Inter-Parties' Parliamentary Group. The IPPG, as it was known, negotiated some minimal reforms that would allow the elections to go ahead with Moi's blessing and the tacit support of most KANU hardliners.³⁹

The bilateral donors responded enthusiastically, especially the four largest ones—Germany, the USA, the UK and Japan.⁴⁰ Their local representatives, who met regularly to co-ordinate within the Donors' Democracy Development Group, quickly threw their weight behind this initiative, applauding the agreement as an 'old-fashioned compromise'.⁴¹ Some, such as the Dutch embassy, allegedly threatened to cut off the NCEC's funding if it did not support the IPPG.⁴²

In early November 1997, after many delays, the parliament enacted two reform laws whose measures fell short of what had been agreed on.⁴³ Additional reform bills and guidelines on the implementation of the new laws could not be presented, because Moi abruptly dissolved parliament on 10 November to set in motion the process for elections, deliberately timing it so that parts of the IPPG agreements were not in place for the December 1997 elections.⁴⁴ The amendments amounted to mainly cosmetic changes, without altering KANU's fundamental advantage, and depended on the government's dubious will to implement

them after the elections, which proceeded as scheduled. One long-time observer of Kenyan politics (and former USAID governance advisor in East Africa) concluded that: 'Donor pressure ... should, in retrospect, have extended to fashioning broader multiparty agreement on reforming the rules of the game, and perhaps to electing a constituent assembly to draft a new constitution'.⁴⁵

An internal donor final report named eight constituencies where the poll could not be considered valid and stated that 'the irregularities in the poll and count were so great as to invalidate the elections in these particular constituencies and, consequently, the legitimacy of the overall KANU majority in the National Assembly'.⁴⁶ In the publicly released version, donors deleted this sentence and the report's entire conclusion.⁴⁷ Thus, at the behest of Canada, France, the USA and especially the UK, donors chose not to reveal that, according to the calculations of their own joint observation team, the opposition should have won 106–108 seats to KANU's 102–104.⁴⁸ In other words, *donors deliberately suppressed evidence that KANU had not legitimately won a majority in parliament.*

Some donors, such as the EU and—surprisingly enough, given their lack of prior interest—the Japanese, issued more critical statements. However, on the whole, foreign diplomats expressed a feeling that the 1997 elections were better than the 1992 ones and thus constituted 'a step in the right direction', cautioning critics against wanting too much, too quickly.⁴⁹ The main American elections consultant was instructed by her USAID/Nairobi superiors to 'tone down' her report, so that the USAID mission would not have its funding reduced by Congress (which, they felt, did not understand the importance of their support to Kenyan NGOs).⁵⁰ Although she did state that 'the polls were not free and fair', her report fell short of declaring the elections unacceptable, also invoking improvement over the 1992 elections.⁵¹

As they had done after the 1992 elections, donors endorsed the results and only went through the motions of publicly raising objections to the electoral process, in spite of very detailed and critical internal reports. They demonstrated no sympathy when several opposition leaders initially demanded a re-run of the 1997 presidential elections.⁵² Raila Odinga (NDP) and Michael Kijana Wamalwa (FORD-Kenya) subsequently withdrew their objections, after Moi convinced them to co-operate with KANU. Mwai Kibaki (DP) was left to contest the result of the presidential election in court but, as in 1993 his petition was eventually rejected on a technicality.

A few weeks after the elections, the London Club of donors agreed to reschedule arrears in debt repayment totalling \$560 million.⁵³ As in the period following the 1992 elections, donors focused more on economic than political reform. Once again, they were motivated in large part by the fear of instability and retained aid, though at lower levels, mainly because of economic issues.⁵⁴

Conclusion

Donors as a whole demonstrated a distinct lack of vision and understanding regarding what was required for a democratic transition in Kenya. They overly emphasised elections (and election day), at the expense of campaign conditions and the other components of democracy. In both 1992 and 1997 donors strongly

supported minimal reforms to the constitution before the elections which had little effect on the fairness of the elections, but permitted the polls to proceed in spite of KANU's tremendously unfair advantage.

Bilateral donors expressed only mild concern over the unfairness of the playing field during the 1992 and 1997 election campaigns. After the votes were tabulated, donors did not publicly reveal their findings on the illegitimacy of the election results and chose instead to endorse KANU's victory. This electoral legitimisation allowed Moi to leave in place a significant repressive apparatus at the disposal of the executive and indefinitely postpone reforms that would have allowed a full transition to democracy.

Donors resumed aid after the 1992 and 1997 elections, in spite of the problematic nature of the polls and the government's demonstrably weak commitment to democracy. In neither case did the government meet the donors' prior political conditions. The Moi regime's economic reform strategy—if not actual results—won the support of donors, thus allowing the government to receive vital and urgently needed resources without making any significant political concessions.

Why were donors not more committed to political conditionality? Donors are frequently faced with a series of dilemmas when trying to use foreign aid to promote political and economic policy change in recipient countries, notably because donor objectives are often mutually incompatible and require trade-offs.⁵⁵ In Kenya, as in other countries, donors advocated a more democratic government, in part hoping it would lead to better economic governance. Yet they also feared instability that might accompany the transition to democracy, which would undermine economic reform. In the case of Kenya, donors proved particularly risk-averse in their prioritising of objectives.

The possibility of violence and upheaval incited donors to advocate accommodations that would restore order, at the expense of progressive change that could involve risks. Fearing instability, looking for quick results and avoiding more uncertain but farther-reaching reforms, donors actually forestalled more fundamental change. By refusing to apply—and even by preventing the application of—concrete pressure on the government, while cautiously rewarding it for modest achievements in economic governance, donors undermined domestic actors' efforts to secure further political reform and provided a disincentive to increase political liberalisation. Many donors worried that withholding economic support would cause a grave crisis (economic and political), which could lead to a far worse outcome than the current imperfect situation. For that reason they will probably not take any strong measures to promote further democratisation in the near future.

In some cases violence can help create an environment that is propitious for democratisation.⁵⁶ It is possible that the various boycott and mass action campaigns would have caused a relatively rapid collapse of Moi's regime. For example, if the mass demonstrations had continued unabated in 1997, Moi might have been overthrown like Marcos and more recently Estrada in the Philippines, Suharto in Indonesia, Milosevic in Yugoslavia or a number of Eastern European communist regimes—and with no further chaos. In Eastern Europe especially, popular mobilisation was celebrated as a manifestation of the strength of 'civil society'. However, in Kenya's case, memories of Somalia and Rwanda lingered.

The fear of the African mob and the sense that anything could happen (widespread violence, loss of life, damage to property, socialism) frightened Kenyan political elites and Western donors into ensuring that electoral procedures were followed, even if they were severely flawed.

Donors have yet to grasp the importance of fundamental political reform, without which—barring the ruling party's implosion—Moi and KANU cannot be defeated. If donors were to throw their weight more conclusively behind the domestic reform movement, Kenya might sooner have a transfer of power. They could also then vastly improve democracy's chances of survival through the strengthening of institutions and participation. This would nonetheless carry an indeterminate risk, since the outcome would not be certain. Ethnicised military and paramilitary forces would indeed be difficult to demobilise. Donors are also held back by a lack of clear alternatives to Moi's leadership, either in parliament or elsewhere. However, by not acting—worse, by endorsing grossly unfair results—donors facilitate the survival of Moi's regime.

The often active role played by aid donors in the democratisation process in Africa is deeply under-theorised. Existing accounts of Kenya's incomplete transition to democracy fail to explain President Moi's endurance fully, since—as I have demonstrated—neither the government's egregious abuses nor the splintering of the opposition completely account for the opposition's failure to win power. Indeed, an examination of the donors' role provides a much-needed piece of the puzzle. Not only is their intervention crucial in understanding the timing and trajectories of a number of African transitions to multipartyism, but it can also have significant anti-democratic effects. Either more involvement or less might therefore be preferable. As we have seen in the case of Kenya, a restrained degree of intervention can perpetuate autocratic rule while simultaneously providing legitimisation via multiparty elections. Greater scrutiny of donors' roles in democracy promotion elsewhere would provide important data on this phenomenon's generalisability. Such analysis would contribute to a better understanding of and open debate on the international component of political change.

Notes

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² M Githu, 'Kenya's opposition and the crisis of governance', *Issue: A Journal of Opinion*, 21 (1–2), 1993, p 30.

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- ⁴ F Holmquist & M Ford, 'Kenyan politics: toward a second transition?', *Africa Today*, 45 (2), 1998, p 247.
- ⁵ D Foeken & T Dietz, 'Of ethnicity, manipulation and observation: the 1992 and 1997 elections in Kenya', in J Abbink & G Hesselting (eds), *Election Observation and Democratization in Africa*, New York: St Martin's Press, 2000, p 135.
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- ⁸ Throup & Hornsby, *Multi-Party Politics in Kenya*, p 517.
- ⁹ The Kenya National Congress also emerged from the original FORD, as later did FORD-People, the National Development Party (NDP) and the Asili-Saba Saba movement.
- ¹⁰ Such as T Young, 'Elections and electoral politics in Africa', *Africa*, 63 (3), 1993.
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- ¹² Southall, 'Moi's flawed mandate', p 109. See similar statements in J S Steeves, 'The political evolution of Kenya: the 1997 elections and succession politics', *Journal of Commonwealth and Comparative Politics*, 37 (1), 1999, p 81; US Department of State, 'Kenya' in '1999 Country Reports on Human Rights Practices', Washington, US Department of State, 2000, at http://www.state.gov/www/global/human_rights/1999_hrp_report/kenya.html (accessed 28 July 2000), p 19.
- ¹³ J Klopp, 'Electoral despotism in Kenya: land, patronage, and resistance in the multi-party context', PhD dissertation, McGill University, 2001, p 120.
- ¹⁴ Throup & Hornsby, *Multi-Party Politics in Kenya*, pp 453–454.
- ¹⁵ K Kanyinga, 'Contestation over political space: the state and the demobilisation of opposition politics in Kenya', in A O Olukoshi (ed), *The Politics of Opposition in Contemporary Africa*, Uppsala, Sweden: Nordiska Afrikainstitutet, 1998, pp 62, 67.
- ¹⁶ Institute for Education in Democracy, *National Elections Data Book: Kenya, 1963–1997*, Nairobi: IED, 1997, p 226.
- ¹⁷ I calculated this figure from the Institute for Education in Democracy's *National Elections Data Book*. Geist ('Kenya's 1997 elections', p 1) suggests that the opposition would have won 21 more seats had they not run candidates against each other. Although I have not reviewed her data, I suspect that she assumes that votes would have been automatically transferred from one opposition party to another.
- ¹⁸ Throup & Hornsby, *Multi-Party Politics in Kenya*.
- ¹⁹ Author interview with Peter Anyang' Nyong'o, MP (SDP), Nakuru, 3 April 1998.
- ²⁰ G Geisler, 'Fair? What has fairness got to do with it? Vagaries of election observations and democratic standards', *Journal of Modern African Studies*, 31 (4), 1993, p 628.
- ²¹ L Whitehead, 'International aspects of democratization', in G O'Donnell, P C Schmitter & L Whitehead (eds), *Transitions from Authoritarian Rule: Comparative Perspectives*, Baltimore, MD: Johns Hopkins University Press, 1986; and G Pridham, 'The international dimension of democratic consolidation', in R Gunther, P N Diamandorous & H-J Puhle (eds), *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective*, Baltimore, MD: Johns Hopkins University Press, 1995.
- ²² S Hempstone, *Rogue Ambassador: An African Memoir*, Sewanee, TN: University of the South Press, 1997, p 273.
- ²³ Throup & Hornsby, *Multi-Party Politics in Kenya*, pp 413–414; and M Kiai, 'Commentary: a last chance for peaceful change in Kenya?', *Africa Today*, 45 (2), 1998, p 187.
- ²⁴ Throup & Hornsby, *Multi-Party Politics in Kenya*, p 525.

- ²⁵ Institute for Education in Democracy, *National Elections Data Book*, pp 291–304.
- ²⁶ Hempstone, *Rogue Ambassador*, pp 266–267, 272, 301–302, 309.
- ²⁷ Throup & Hornsby, *Multi-Party Politics in Kenya*, p 285.
- ²⁸ H J Cohen, 'US policy and current events in Kenya, Malawi and Somalia', Statement before the Subcommittee on Africa of the House Foreign Affairs Committee, Washington, DC, 19 June 1992, *US Department of State Dispatch*, 3 (26), 23 June 1992, p 520; and M wa Mutua, 'The troubled transition', *Africa Report*, 37 (5), 1992, p 37.
- ²⁹ Geisler, 'Fair?', p 626.
- ³⁰ Commonwealth Observer Group, *The Presidential, Parliamentary and Civic Elections in Kenya*, 29 December 1992, London: Commonwealth Secretariat, 1993, p 40.
- ³¹ Institute for Education in Democracy, *National Elections Data Book*, p 186. Three of the most critically inclined observer teams had either been refused accreditation by the government (the USA's Carter Center and National Democratic Institute) or had withdrawn in protest over the blatant unfairness of the run-up to the poll (the German team). Throup & Hornsby, *Multi-Party Politics in Kenya*, pp 274–275.
- ³² Some countries that were particularly concerned with democracy and human rights, notably the USA, Denmark and Germany, resumed aid gradually. The USA later eased pressure on Moi when the government co-operated with international military and humanitarian operations, such as the Great Lakes crisis (starting in 1994) and the Horn of Africa. M Cowen & M Ngunyi, 'Reconciling reforms within a chain of events: prelude to the 1992 and 1997 elections in Kenya', Nairobi, Series on Alternative Research in East Africa Trust, Helsinki: Institute of Development Studies, University of Helsinki, 1997, p 55. The UK was more reluctant to apply political conditionality and reportedly blocked European Union attempts to do so. Human Rights Watch, *Old Habits Die Hard: Rights Abuses Follow Renewed Foreign Aid Commitments*, New York: Human Rights Watch, July 1995.
- ³³ J W Harbeson, 'Guest editor's introduction: political crisis and renewal in Kenya—prospects for democratic consolidation', *Africa Today*, 45 (2), 1998, p 169.
- ³⁴ I am grateful to Willy Mutunga, Executive Director of the Kenya Human Rights Commission, for reminding me of this (personal communication, 20 May 2001).
- ³⁵ Cowen & Ngunyi, 'Reconciling reforms within a chain of events', pp 8, 21; Barkan & Ng'ethe, 'Kenya tries again', p 37.
- ³⁶ M N Munene, 'Kenya politics in transition, 1997', unpublished manuscript, nd [1998], pp 14–15.
- ³⁷ Barkan & Ng'ethe, 'Kenya tries again', p 37.
- ³⁸ Holmquist & Ford, 'Kenyan politics', p 243.
- ³⁹ The IPPG accords resemble the classic pact of democratisation literature, though with the anomaly of occurring *after* multiparty elections. However, because the result was less of a compromise (meeting in the middle) than a co-optation of the opposition that did not threaten the ruling party—witness the unusual support of the hardliners—and enabled a continuation of the political status quo, the IPPG did not truly constitute a pact in the terms of the literature. Indeed, after the elections, many IPPG stipulations were not implemented. See Centre for Law and Research International, *Extent of Implementation of the Inter Party Parliamentary Group Package*, Nairobi: CLARION, 2000. By dissipating the strong momentum for fundamental changes, it might even have undermined the possibility of more far-reaching reform. S N Ndegwa, 'The incomplete transition: the constitutional and electoral context in Kenya', *Africa Today*, 45 (2), 1998, pp 203, 209. Neither donors nor domestic actors subsequently pressured the government to implement the IPPG reforms.
- ⁴⁰ *East African* (Nairobi), 17 May 1998.
- ⁴¹ Author interview with Sally Healy, First Secretary (Political), British High Commission, Nairobi, 6 March 1998.
- ⁴² Author interview with Gibson Kamau Kuria, NCEC Co-Convenor, Nairobi, 14 May 1998. Several bilateral donors did subsequently end their support to the NCEC, including Denmark, the Netherlands, Sweden and the USA. Willy Mutunga, Executive Director, Kenya Human Rights Commission, personal communication, 20 May 2001.
- ⁴³ These legal and constitutional changes would, among other things, prohibit detention without trial; allow the opposition to nominate representatives to the electoral commission (nonetheless, still to be outnumbered by KANU ones); allow the holding of meetings, rallies and demonstrations without harassment; and ensure the impartiality of the public broadcast media. Larger questions, such as the powers of the executive, the revamping of the electoral system and the decentralisation of power, were to wait until after the elections, to be examined by a constitutional review commission. The new laws left intact key KANU advantages, including the 25%-in-five-provinces stipulation without the provision for a 50% national minimum (barring which a run-off would be held), the unfair electoral boundaries and the KANU-dominated partisan electoral commission.
- ⁴⁴ Mwagiru, 'Main currents', p 16; Ndegwa, 'The incomplete transition', p 205.
- ⁴⁵ J W Harbeson, 'Rethinking democratic transitions: lessons from eastern and southern Africa', in R

- Joseph (ed), *State, Conflict, and Democracy in Africa*, Boulder, CO: Lynne Rienner, 1999, p 51.
- ⁴⁶ Election Observation Centre, 'Kenya general elections 1997: final report for Donors' Democratic Development Group', Nairobi, January 1998, p i. It is reproduced in Tostensen *et al*, *Kenya's Hobbled Democracy Revisited*, pp 77–109.
- ⁴⁷ Donors' Democratic Development Group, *Final Report: Kenya General Elections 1997*, Nairobi: DDDG, January 1998.
- ⁴⁸ M Rutten, 'The Kenyan general elections of 1997: implementing a new model for international election observation in Africa', in J Abbink & G Hesselning (eds), *Election Observation and Democratization in Africa*, New York: St Martin's Press, 2000, p 307; *Economic Review* (Nairobi), 23 February 1998; and unattributable interview. The *Economic Review* article quotes a letter from British high commissioner Jeffrey James to the other members of the DDDG, in which he expresses his belief that the report had to be toned down before being released in order to avoid provoking the government. According to Rutten, the Dutch staff co-ordinator of the joint team, this was justified internally by the *sub judice* rule, arguing that donors should not prejudice a matter to be ruled on by Kenyan courts. Given the judiciary's lack of independence, it came as little surprise that the High Court took no action on any of the opposition challenges to KANU victories.
- ⁴⁹ The phrase 'a step in the right direction' was used by Sally Healy, First Secretary (Political), British High Commission, in an interview with the author, Nairobi, 6 March 1998. The High Commission's statement, released on 7 January 1998, described the elections as 'a further step in Kenya's development towards greater democracy', even if they did not meet 'normal democratic standards' (quoted in Foeken & Dietz, 'Of ethnicity, manipulation and observation', p 146). A Dutch scholar calls the expression 'one of the most worn-out metaphors' in the field of election observation. It implies that one cannot expect too much of elections in Africa, at least not yet. In general, such expressions of 'qualified support' are, he argues, an act of self-delusion and justification of the observers' actions and expenses, a 'form of damage control', epitomised by the 1997 Kenyan elections. The goal was to hold free-and-fair elections, which was not achieved; the goal was not simply to have better elections than in 1992. Elections, he correctly argues, have 'no real meaning' when basic individual rights are not respected and opposition parties, civil society and an independent judiciary are denied a legitimate role. J Abbink, 'Introduction: rethinking democratization and election observation', in Abbink & Hesselning, *Election Observation and Democratization in Africa*, pp 11–12.
- ⁵⁰ Author interview with Judith Geist, USAID consultant, Nairobi, 15 April 1998. Such political 'massaging' of the evaluations of observers is common. T Carothers, 'The observers observed', *Journal of Democracy*, 8 (3), 1997, p 29.
- ⁵¹ Geist, 'Kenya's 1997 elections', p 33.
- ⁵² R Ajulu, 'Kenya's democratic experiment: the 1997 elections', *Review of African Political Economy*, 25 (76), 1998, p 278.
- ⁵³ *Ibid*, p 285.
- ⁵⁴ As in 1992, different donors had different priorities and interests in avoiding upheaval in Kenya. Britain, for example, was the most threatened by the effects of local disruption. The Scandinavians and the Dutch had fewer interests and resources, but a greater concern for democratisation. The Japanese and the French placed a very low priority on democracy in their aid allocations. The Bretton Woods institutions emphasised a policy environment that would boost growth.
- ⁵⁵ S Brown, 'Donors' dilemmas in democratization: foreign aid and political reform in Africa', PhD dissertation, New York University, 2000.
- ⁵⁶ N Bermeo, 'Myths of moderation: confrontation and conflict during democratic transitions', *Comparative Politics*, 29 (3), 1997; and E J Wood, *Forging Democracy from Below: Insurgent Transitions in South Africa and El Salvador*, New York: Cambridge University Press, 2000.