

# **An Experiment with Optimism: The Case of Democracy in Kenya**

**A paper by**

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## 1) Introduction

Imagine this promotional epithet:

*Nestling in the cradle of mankind, Kenya has over 50 distinct communities speaking over 80 distinct dialects. It is a land of rich contrasts and diverse cultures. “Harambe” pulling together to extend a warm welcome to all those who visit Kenya, the “Garden of Eden”<sup>1</sup>*

When I read it after the many months of disquiet, I thought it was about another country. However, I noticed four things:

- Kenya claims humankind and its primordial stage.
- Kenyans speak dialects, (not languages).
- There is diversity steeped in contrasts,
- Kenya is open and welcoming to visitors

Except for the reference to language, the carrier of culture and history, the carrier of tradition, the repository of knowledge, idiom and reference, as a dialect, I agree with it. But to many of Kenyans, it has been distant for the last three or so months.

## 2) Kenya, my Country!

In regard to the recent event events, it is possible to talk about Kenya in three ways:

One can take an advocacy angle. And in it, one can be angry at the people of Kenya for condoning what is otherwise a miscarriage of what they had purportedly worked towards the democratization of Kenya. It is possible to postulate the effect of a reversal of national gains, of the making redundant the gains in advocacy and blood shed by people and groups of civil society actors, of their not seeing the façade of the two political sides (or better still, what is indeed one side with different players: Raila and Kibaki being

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<sup>1</sup> Taken from the *Karibu Magazine*, Kenya Airways

essentially the same people, intent on power, intent on doing business with the minds and wealth and land of Kenya.

On the other hand, one can rile at the placement of international negotiation and the problematics of negotiating for a new space in old homesteads. One can indeed be annoyed at the lack of exclusion of national (meaning Kenyan) people in the Kofi Anan led negotiation. In the same breath, one can be annoyed with the ruling political elite for stealing the country from its rightful owners: the peasants, the people who voted, the unemployed youth, the uncertain young people who have a future to think about...and truly rile in self-justified anger

On the third hand, one can talk about the more disturbing Ali Babaic (sic) thievery story that was relived in Kenya. Forty disconcerted thieves, speaking the same language and making fun of the people they steal from in the most lewd way, came to visit our country. And we went all over clapping, if not justifiably saying: it could have been worse! but by and large the voices of the man and woman in the street, the fellow struggling to reconstruct life, the voice of the civil society, like that of John the Baptism, is heard in the desert of want that has engulfed Kenya.

We have to be optimistic and positive as a country, we do not want to sow discord in even the most *reasonable* of circumstances. I mean really, what would you rather have, on the one hand a country steeped in sporadic chaos or on the other, a country stolen blind by a few with the majority being peace loving and mundane?

I am convinced that forty ministers will make it impossible to address poverty, they will collude (God help us if they ever stop fighting in public and nestling on each other in private) to draft a document to be called a constitution whose only value will be the protection of the rich and the retainance of status quo, they will amass more wealth, they will tailor make contracts for one another through bogus companies, they will keep the various communities talking about “our son” or “our daughter”, they will ensure that we do not lack for side shows, and the economy will improve for them, whereas the people,

the workers, those that live in houses and not homes, those that think about what to eat everyday, will be busy toiling away to meet the ever increasing tax and debt burden.

### **3) Untamed Awareness: the Case of Civic Education in Kenya**

For the last 15 years or so, the key components in civic education over the years have been

- Nationhood
- Democracy
- Governance
- Constitutionalism

Gender and human rights have been the host and later the cross cutting issues.

In the post vote casting period, the prevailing feeling that there was something the matter with the electoral process was a shared one. The announcement of disputed elections, the stepping up of security, the decrees against public meetings and demonstrations, the curfews in certain towns, the arming of militia, the ethnic targeted war, the displacement and dispossession of people was a case of a distorted and frustrated awareness. It was like trying to recapture and repossess “a dream deferred”

Many questions were asked: Why were our votes stolen? What do we do with the law that condones an irregularity? Where do we turn to? There was discontent. Then frustration, then the historical issues of land, wealth distribution, unrealized constitution, poverty, theft by agents of governance and the fact of Kibaki being the president, clouded their Kenyanness, and the people sought vengeance because they had proved, at least to themselves, that they were being taken for granted and hence were being made to suffer. And at this point, in pursuit of their rights by means both legal and non-legal, they abused with impunity the rights of their fellow Kenyans.

Is it necessary to tame awareness? No and Yes. No! because taming awareness is like tying a lion. You have to give it a new name, and if you do this, you have to emasculate it. If you think this is not necessary, ask Joy Adamson. Yes! Because awareness let lose gets distorted and recasts itself into authority. Moreover, in recasting itself, it develops a sharpness that obliterates the view, rights, consideration for the other. This to me was the case in Kenya. Homi babha, the scholar who interrogates “Otherness” would say that the people of Kenya “mislocated” the Other, there was no correlation between the “Other” and the suffering of the “one”. I mean, for a poor man of one ethnic extraction in Kibera to burn the house of a poor man from another ethnic extraction in the neighbourhood is folly beyond respite. They are both, to me, of the same tribe: the tribe of the poor!

We think that the problem is one of untamed awareness: From our findings, most of the violence was spurious and spontaneous ...and people, even people advancing the civil and human rights agenda, were caught up in ethnic blood letting: one ethnic group was touted as being the cause of the dispute and purported theft. In voter education, the voter’s cards were emphasized as the only weapon the citizens had in light of a despotic political class. People moved to ensure that their rights were not stolen at the vote. However, faced with blatant malpractices fueled by an incompetent and compromised ECK and fueled by the then and now infamous announcement of disputed results, people confused their rights with their responsibilities.

The tragic thing about the whole post election problem was that individuals of high moral and social regard took views so partisan, that it became implicit of a failed intelligentsia, not, I must say, a failed state. Kenya is not a failed state. Moreover, state failure must have standards, not generic but specific to history, circumstance, status, economy and civic responsiveness.

The violence in the various regions is believed, by some people, to have been pre-organised. This is a suspect area and it would be prudent to carry out an audit, a fact

finding to ascertain the facts. It is, indeed, possible that the violence was planned. But to me that prospect is low. We should not underestimate the anger of the poor, the wild potency of untamed awareness. By and large, I can say, violence in Kenya was not anticipated, and I ask the world to bear me witness. Indeed, in some of the constituencies, the Kikuyu people who were latter victimized for supporting Kibaki, voted overwhelmingly for ODM. A case in point is the Kuresoi constituency, which is predominantly Kikuyu. Cheboi of Kanu and hence PNU lost to Cheruiyot of ODM.

#### **4) The Case for Political Education**

Questions have been asked whether the concerted civic education was premised on the wrong diagnosis of the social milieu. This, I think, is an issue that should not arise.

It cannot be gainsaid that the work that has been done by the civil society over the years in Kenya has had monumental effect on the conduct of national business. The civil society was joined by opposition political parties to champion for constitutional and other pro democracy aspects.

The national civic awareness created a mass of people knowledgeable but unorganized, poverty having drawn each their own way. The link between poverty, bad governance and the failure that is called political parties, or rather the confusion, led to the present scenario: the greed for power by especially the ODM and PNU saw the legitimization of ethnic jingoism, the deliberate mixture of legitimate historical issues with the veneer of capitalistic quest for social control. That is where we lost it as a nation – everything else just fell into place as if by calculated plan.

The civil society did not have reflection towards the celebration of the awareness and the contextualization of the same in the socio-political context: indeed political education is more relevant today.

That is why civic education, in my considered view, should as a matter of urgency, be twined with political education. This kind of education will have three key elements

- The essence of genuine, ideology defined and meaningful participation political party by the people. The scenario today is indeed fluid, that the people, like the character Raskolnikov in Dostoevsky's *Crime and Punishment*, join them as a result of "ideas flying in the air" catch their political vagabond nature. The membership, believe and following of political parties needs to be based on some ideological persuasion, some resonance with their life and experiences.
- There should as well be a clear effort towards the setting up of accountability structures in political parties
- The third is a meaningful and legally enforceable engagement with political players especially on governance.

##### **5) Civil Society and Politics: The Pitfalls**

Indeed, the civil society has, especially in the last six years, donated a lot of its sons and daughters to compliment the political players. I hasten to add, that we no longer know who these so-called civil society people are. But this has been problem since the politicians have no obligation, and indeed their motive to join active politics is suspect.

The civil society is about making sure that the people and people groups are beneficiaries of governance processes, and the political class treats the people as fodder for their political cannon powder. And yet the social dilemma is that most people think that by joining politics, they would be able to influence policy – and indeed the constitution.

The present constitutional order creates a situation that removes the reform agenda from the political class and its trappings. It presupposes a state of personal improvement, of the glorification of power: Indeed, it is a constitution that the colonialists bequeathed upon Kenya to make it subservient to post-colonial interests. Politicians are thus despotic for one reason: if there is anything in their interest, they will all agree without even the thought that their agreement will deprive everybody else. The disagreements that the

world and its media have foregrounded (making Raila look good and Kibaki look evil) have been largely cosmetic: the Kibaki-Raila fall out is nothing but the drive towards equal ability to rob the country, to reward sycophancy and manage the process of tender awards.

It can be argued that ODM was by and large funded by the post Moi-era disaffected individuals who were thrust out of political limelight. These people were prime suspects for criminal proceedings but with the turning of the reform agenda to a theft agenda and coupled with the fact that common thieves in government did not have the moral ability to prosecute, these people wanted a come back to protect their wealth.

#### **6) Development Aid**

Any foreign government giving money to the Kenyan government, except in so far as it provides humanitarian aid, will have to contend with the fact that it is not money for development. It will be used for recurrent expenditure. The Kenyan people have one of the lowest GNP (about \$600 per annum). Indeed it is ranked in the last 25 countries by the UNDP, and with our MPS being some of the highest paid in the world, and worse still ministers being paid incredibly higher amounts, we are going to have a state that will see the increase in commodity prices, increase in poverty, increase in despondency etc.

The problem we have necessitates the development partners to be wary of increasing the debt burden of Kenyans by providing more funds to service a bloated, indeed, obese governance structure. As an international community we owe the people of Kenya the relieve they deserve. The fact of the Breton Woods institutions doubling funds in support of Kenya in recent years is worrying. We know as well that the donors in Kenya want to put a national facility to fund the government, called Kenya Joint Assistance Strategy - KJAS, and the worry is that it is based on the baseline of the Governance, Justice Law and Order Sector reforms (GJLOS), which is a project that failed – indeed towards the close of 2006, it was already a hardware shop.

## **7) Towards The Future: The Role Of Civil Society**

During the campaign and election period, CRECO and other civil society organizations worked to observe the elections. There were two main frameworks: the CRECO-HIVOS observation programme and in Kenya Domestic Observation Forum (KEDOF). The key observations were that the presidential elections were too flawed to be acceptable. After the elections, and amid the chaos, the National Civil Society Congress (NCSC) and Kenyans for Peace with Truth and Justice (KPTJ) have been working hard to ensure that the truth about the elections is told.

The future therefore of the civil society action consists of several things:

- Advocacy for comprehensive and people responsive constitutional reform. though this has been happening for years
- Development and implementation of a civil society integrity index to operationalise standards and to strengthen the credible voice of governance watchdogs in the country. CRECO for instance has started the implementation of the Civil Society of the Year Award (CSOYA)
- Meaningful engagement of political parties fro the development and or strengthening of governance within the parties
- Advocacy for policy and legal reform
- Continued engagement on, and the empowerment of people groups to, ensure decentralization of authority, power and resources
- Advocacy for reform and the capacity development of institutions of governance
- The location, mobilisation and articulation of an alternative voice of the people (outside the greed stricken structures of parliament, the judiciary and the presidency) that has impact on the national arena with a view to capturing and directing of national action.

The civil society has the role to continuously remind the great people of the great nation of Kenya that it is dangerous to experiment with hope. And secondly to be a key player in getting “hope” away from the diction of political leadership and accountability.

Thank you.