

**ASSESSING THE ROLE OF POLITICAL PARTIES
IN DEMOCRATIZATION IN KENYA: THE CASE
OF 2013 GENERAL ELECTIONS**

By

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“Nothing in the world will take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education alone will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent.

The slogan ‘press on!’ has solved and always will solve the problems of the human race.” (*Calvin Coolidge, adapted from the sun will be rising 2001*).

Towards a definition

This study is organized into two sections. Section A, introduces the study and delves into the expected role of political parties, functions and analyses the evolution and trends of parties in Kenya. Section B, examines the focus group and interviews gathered from the field as regards party behavior.

Okwudiba Nnoli views political parties as groups of people who share a common conception of why and how state power should be organized and used. He argues that they are concerned with the expression of preferences regarding the seizure and consolidation of state power and contesting control of the chief policy making offices of the Government (Nnoli 1986). These are associations formally organized with the explicit and declared purpose of acquiring and or maintaining legal control, either singly or in coalition or electoral competition with other similar

associations, over the personnel and the policy of the government of an actual or prospective sovereign state.

The major problem with Nnoli's conceptualization of political parties is that it assumes that a political party has a clear ideology and a vision to which all party members subscribe and adhere to. Such a definition would not be valid across the board because the Kenyan example is that of political parties that lack a binding ideology.

Brown E.B (1996) also contends that a political party is a "band of interested persons united by a common set of beliefs and desires for power." This is also contestable bearing in mind that members of a party need not share a common set of beliefs especially in those political systems like Kenya where political parties are regarded mainly as vehicles to Parliament or civic authority. Kenyan political system is characterized by party members switching their party loyalties during election or even after election, a good indication of the fact that party members need not share common set of beliefs.

Political parties have been defined as associations formally organized with the explicit and declared purpose of acquiring and/or maintaining political power. Joseph Schumpeter points out that political parties can acquire this political power either singly or in coalition with other parties. An example would be the case 2002 general elections where the National Rainbow Coalition (NARC) aggregated several parties to the coalition. Initially the parties had hoped to capture political power singly but found it necessary to join forces with other parties for purposes of enhancing their chances of capturing power and therefore being part of the Government (Dowse and Hughes 1972). This was to be repeated in 2013 general elections where two major coalitions, the Coalition for Reform and Democracy (Cord) and the Jubilee Alliance combined different parties to their respective coalitions.

To this extent, political parties can also be defined as, "organizations or associations of the political elite that these elites use to mobilize the public in their quest to capture and/or retain political power." This is because apart from providing labels under which the elites seek to

capture power, most of them are only active during elections and are often not about membership.

Functions of Political Parties

1) Integrative Function

Political parties act as unifying and stabilizing factors in the political process thereby enhancing national integration. They bring together sectional interests by broadening the range of interests they represent. Their function of aggregating interests often provides a safety valve in the sense that the diverse interests appear, at least, to be satisfied.

This function of political parties is evident in some of the conditionalities laid down before the registration of political parties in most polities. Political parties are looked upon to inculcate national values in place of communal or parochial values. The registration of political parties is thus most often hinged on such conditionalities as political parties not being confined to a part only of the country or even its officials representing the national character of that country.

Examples of cases in which political parties have played this role are prevalent in Africa's post-independence period. The Tanganyika African National Union (TANU) was very successful in institutionalizing new cultural values in the rural communities of mainland Tanzania although there still existed isolated cases in which familial and other communal ties provided the basis for organized activity among the peasants.

The integrative function of political parties in contemporary African countries is however contestable as new political parties are formed with ethnicity as their basis of mobilization.

2) Political Recruitment

Political Parties are known to provide the base on which the selection of the political leadership in whose hands power and decisions will in large measure reside. To this extent, they are the only legitimate avenue to political power in democratic political systems.

Allan Ball points out that political parties in discharging this function do create "political opportunity structures" for political leaders either as being the site for leadership training or even as the arena for weeding out the less capable.

In most representative liberal democracies, political parties play an integral part in the electoral process as all candidates in presidential, parliamentary and local government elections are required to be nominated by political parties (save for cases of “independents”). To this extent, political parties are a major recruitment agent into a country’s political system. Political parties provide the most important civilian route into political career.

3) Policy Function

Political parties also have the crucial function of formulating and executing policies within a political system. They can always act as the source of policy agenda for the Government. This policy function of the party also entails the drawing up of development plans. Political parties are both a consequence of a process of political change and a cause of further change by increasing a society’s capacity to cope with crises of integration, participation and distribution. Parties also mobilize and aggregate public opinion and communicate to the central government regarding diverse interests for which decisions are to be made.

4) Institutionalizing Democracy

Political parties, ideally, should be the mechanisms within which people become habituated to democratic norms and procedures. It is political parties that give substance to constitutional rules thereby enlarging the formal outcome of democracy. Parties offer the principal institutional means of organizing people’s participation in constructive and legitimate way. The stability of a modernizing political system depends on the strength of political parties. A party in turn is strong to the extent that it has institutionalized mass support.

5) Political Socialization

Political parties also act as agents of political socialization that entails individuals getting inducted into a society’s political culture. This role has got to do with the moulding of the people’s attitudes towards the political system. This often has an effect of attitudinal and behavioral changes within a society culminating to an arousing of a sense of public participation. This role/function of the party would thus entail the development and institutionalization of attitudes and beliefs towards a political system.

6) Legitimizing Function

In competitive political systems, each political party seeks to win maximum support during the elections. The winning party is however, only, conferred legitimacy by other political parties when the elections are accepted as free and fair.

7) Patronage Function

Political parties are known to promise patronage in return for electoral support. This always takes the form of a political party in power conferring benefits on its supporters to strengthen their hold on power. It is often rationalized that capturing power at the centre by a political party would enable their supporters gain different access to national resources. In Kenya patronage has taken the form of the ruling party/coalition of parties is using positions in the ministries, financial institutions and parastatals to advance their political interests of securing political support. The country has witnessed key administrators such as CEO's of parastatals and Permanent Secretaries to ministries perceived to be opposition leaving/ sacked from their positions. Regions supporting the ruling party are allocated more developmental resources than opposition parties' zones.

8) Conflict Management Function

The essence of politics on a day to day basis seems to be the management of conflict i.e. the ability of the political system to manage the kinds of demands that are made on it. Political parties, in spite of either ideological or societal clearances, can effectively manage potential conflicts through power sharing pacts.

Political parties are critical vehicles for democracy which enables for organized popular selection of representatives. Parties legitimize participatory engagement in which diverse social and economic interests aggregate. Political parties play a big role in the functioning of a political system. They are platforms in which ideas compete, crystallize and expressed in as far as the management of public affairs is concerned.

Parties therefore aim at, first, exercising power by winning political office, second, possession of formal and continuous organization at the local level which is characterized by ‘card carrying membership’ and a clear leadership structure and third, adoption of shared political beliefs and ideological identity.

Political Parties in Kenya: Issues and Trends

In any political system, political parties play a crucial role. In democratic states where periodic elections are conducted, political parties provide civilian route of acquiring power. They also provide an avenue for political mobilization of the citizens. It’s therefore crucial that democratic states provide a conducive environment for the development of political parties.

This research looks at the nature of political parties in Kenya up to 2013. The key questions that this study seeks to answer include, what factors explain the nature of political parties in Kenya in the period leading to the year 2013, what has been the role of political parties in enhancement of democracy in Kenya and finally whether the reform agenda aimed at institutionalization of political parties has in one way or the other improved the management and efficiency of political parties in Kenya.

Evidently the development of political parties in Kenya has witnessed both positive and negative impact in Kenya’s political system since independence. The central argument is that while there has been an increase in political parties in Kenya largely due to gains made in democratization process, their effectiveness in carrying out their mandate has been active and limited to the electioneering period. Ethnicity and state patronage has also affected the development of political parties in Kenya. While there has been political parties reforms in Kenya the success of such reforms is yet to manifest itself conclusively.

This part is organized into four sections. Section one looks at the historical nature of political parties in the period between independence up to 1990, section two examines the nature of political parties post 1990 to 2013, section three discusses the experience of the 2013 nomination exercise and the final section concludes the study.

Breaking Ground: The Origin of Party Politics in Kenya

The period between 1960-1963 was a land mark in the political history of Kenya. It was evident that colonial rule was in its last stages. The dying embers of colonial rule were evident. It was during this period that the Kenya National African Union (KANU) and Kenya African Democratic Union emerged (KADU). This period was characterized by the Lancaster house

conferences that paved the way for independence of Kenya. These parties mainly represented the agenda for independence and the need to provide a vehicle for membership into the Legislative Council (LEGCO) (Jonyo and Owuoche, 2004).

The point of divergence between KANU and KADU was the general feeling that KANU represented the larger ethnic groups, that is the Luo and Kikuyu, KADU therefore was seen as a force to counter that dominance. It was against this background that both parties and their representatives would differ greatly on the form of government, KADU preferred a federal system while KANU preferred a centralized political system. Although other fringe political parties existed but they did not make any significant impact, it was KADU and KANU that dominated politics during this period. This two party state system did not however last for long as KADU dissolved itself in November 1964 and joined KANU (Institute for Education in Democracy, 1998). During the brief period between independence and the dissolution of KADU, multi-partysm did not function meaningfully. The Kenyatta government did not take opposition role seriously and the opposition did not provide any form of serious checks and balance on the government. Instead politics was dominated by rivalries, cronyism and the idea of national unity against ethnic and regional loyalties (Ojwang, 1986).

Over time internal rivalries between Kenya's Vice President Jaramogi Oginga Odinga and president Jomo Kenyatta ultimately led to the latter quitting KANU and forming the Kenya Peoples Union (KPU) in 1966. However this defection was met by constitution amendments which in itself introduced a requirement for the KPU members to seek re-election. In the ensuing mini elections, president Kenyatta's government relied on propaganda and state machinery to intimidate opposition politicians. KPU lost in the mini elections except in Nyanza which was its stronghold. In 1969 KPU was proscribed and its leaders detained. Kenya thus continued as a *defacto* one party state (Institute for Education in Democracy, 1998). When Moi took over after the demise of Kenyatta not much changed until 1982 when through a constitutional amendment Act number 7 of 1982 Kenya became a *dejure* one party state.

In both Kenyatta's and a larger part of Moi's rule political parties were synonymous with the regime. There was no room for political party development outside the regime. Attempts to provide an alternative platform for electioneering process was met with brute force and intimidation. Political participation was thus enshrined in the ruling political party. Political careers were restricted to the philosophy of the ruling party. Both Moi and Kenyatta therefore

used political parties not as an instrument of political mobilization or free and fair elections but rather as a tool of regime consolidation and suppression of dissidents.

The Re-emergence of Political Pluralism In Kenya

KANU's dictatorial tendencies only served to fuel dissidents and a clamour for a change in political management in Kenya. In addition to this there was a new wave of democratization sweeping across Africa and other parts of the world, largely championed by the West. This was occasioned by the collapse of the Soviet Union and the end of the cold war (Nyinguro, 1999). This increased clamour for change was further given a boost by international pressure. In 1990 this demand culminated into the *saba saba* riots in Kenya. KANU and the Moi government were forced to recognise the inevitable and allow the formation of other parties in Kenya.

The repeal of section 2(A) of the constitution of Kenya in 1991 paved the way for multi-party politics in Kenya once more. This ended KANU's monopoly as the only political party in the country. Several parties emerged with a view to dislodging KANU from power. Many of these parties were based on ethnic or regional orientation. They lacked a solid ideology that could differentiate them. There was also absence of clear manifestos as a platform of governance. Indeed the key agenda was the removal of KANU and president Moi from power (Friedrich Ebert Stiftung, 2010). Only the Forum of Restoration of Democracy (FORD) emerged as a mass forum for mobilising support country wide. But this national appeal would diminish fast as leadership wrangles revolving around ethnicity emerged. Ultimately FORD split into FORD Kenya and FORD Asili. Other parties emerged including the Democratic Party splitting the opposition into many factions each not willing to concede leadership for a united opposition in the general elections to come.

In the 1992 elections, KANU won the popular vote but the opposition vote combined far outnumbered KANU's votes. In addition, there was increased feeling that the Electoral Commission of Kenya was a partisan institution which only acted on behalf of KANU. Political parties in Kenya continue to be dominated by ethnic orientation as opposed to national appeal. Financing of political parties especially the opposition parties depended on patronage by the party leader. Members of parliament in some instances contributed to the party kitty. However much of funding came from contenders of various seats during elections through nomination fees. KANU on the other hand enjoyed state largesse and support of the state machinery.

In 1997, Political Parties signed a deal that became known as the Inter-Parties Parliamentary Group Agreement (IPPG) that stipulated that parties that as stakeholders in elections had a right to nominate members to the Kenya Electoral Commission. As a result of this agreement just before the December 1997 general election, the then ruling Party KANU nominated Samuel Kivuitu to the commission while eleven other commissioners were nominated by Democratic Party, FORD-Kenya, FORD-People and FORD-Asili, the main stakeholders in that election. This agreement was necessitated by the realization that ECK was becoming a partisan arbiter in the elections. Ironically one of the beneficiary of the agreement, then Democratic Party leader Mwai Kibaki would in the run up to the 2007 elections ignore the agreement and single handedly appoint all the commissioners terming the agreement as a gentleman's agreement. This is a typical manifestation of how lack of institutionalization has affected political parties' growth in Kenya.

The year 2002 saw the first pre-election coalition of opposition parties in Kenya. The opposition having learnt from past mistakes came together under the flagship of the National Rainbow Coalition (NARC) and Mwai Kibaki as the flag bearer. The parties under the NARC umbrella included the Liberal Democratic Party (LDP), Democratic Party (DP), FORD Kenya and National Part of Kenya (NPK). The constitutional amendment barred Moi from contesting again and Uhuru Kenyatta would be KANU's flag bearer (Jonjo and Owuoche, 2004). That election saw KANU defeated and Kibaki become president. Perhaps the encouraging trend in 2007 was the two dominant parties fighting for the presidency. The political mobilisation was more national than ethnic. The desire to dislodge Kanu from power surpassed ethnic orientation and loyalty. However this was all lost after NARC came to power. The Kibaki regime saw political party discipline fall significantly as he unilaterally appointed ministers from opposition parties without consulting party leaders. Several parties emerged again largely due to increased democratic space.

In the 2007 elections, two dominant parties Orange Democratic Party (ODM) and Party of National Unity emerged. There was a general resentment towards president Kibaki seen more as a representation of the Kikuyu in Kenya and the failure to honour and implement the Memorandum of Understanding that swept him to power in 2002. The elections were polarising with both parties splitting the Kikuyu and Luo on ethnic basis. Kibaki was declared winner in controversial circumstances and most observers described the elections as a sham. The elections

were followed by an orgy of violence until a peace accord brokered by Kofi Anan saw both ODM and PNU enter into a power sharing arrangement that established Kenya's grand coalition government. An inquiry led by retired South African judge Johan Kriegler recommended a host of reforms in institutionalisation of political parties and other electoral institutions in Kenya (Kriegler Report, 2009). Part of those reforms included development of a new electoral body and the need to reform political parties in Kenya.

After the bungled 2007 elections, there was need for reform various institutions that managed elections in Kenya. Central to political parties was the introduction of the Political Parties Act 2011 and the formation of the Independent Electoral and Boundaries Commission (IEBC) to replace the much discredited ECK. The Political Parties Act of 2011 was meant to introduce funding, proper registration and better organisation and management of political parties (Political Parties Act 2011, 2011). There was a general feeling that it was necessary to bring in some order in the management of political parties in Kenya. Part of this problem was personalization of leadership, lack of fair recruitment and democratic internal nomination in political parties. Further, there was need to ensure that nomination exercise within political parties is fair and transparent and a dispute settlement mechanism is in place to resolve nomination related disputes. Part of the funding to political parties is intended for promotion of democracy, promoting participation of citizens and covering election expenses among others. In addition political parties have to conduct national recruitment while at the same time delink politicians from occupying leadership positions in the party.

The Election Act no 24 of 2011, was introduced to not only control behaviour of political parties but initiate stringent rules that allow for fair, free, accountable and transparent party nominations. Initially political parties were supposed to nominate candidates 45 days before the election but parliament introduced amendments that reduced the time limit due to inability of political parties to organize themselves. The Act further introduced a clause which put as a benchmark for nomination three months membership of a political party under whose umbrella a contestant is vying. Regardless, most of these laws were blatantly flouted by candidates and political parties. The IEBC did little to hold perpetrators accountable.

Failing the Test: The Fiasco of the 2013 Party Nominations

The nomination exercise for the 2013 elections were chaotic, disorganised and turned violent in many cases (Standard Newspaper, 2013). Both the Coalition for Reform and Democracy

(CORD) and the Jubilee coalition had to deal with multiple complaints from aspirants. The political parties under both coalitions were ill prepared to conduct nomination exercises. In Nyanza for instance there were claims of dictatorship and total disregard for people's participation in the primaries. In Siaya for instance Oburu Oginga was involved in a bitter contest with William Oduol for the governorship position. The ODM elections board ultimately cancelled the elections and instead nominated Cornell Rasanga one of the aspirants in the governors race. In Othaya constituency an aspirant Mary Wambui was denied nomination certificate regardless of the fact that she had been announced as the winner after the nomination exercise on The National Alliance(TNA) ticket.

Evidently, the nomination exercise was a failure on the part of the political parties. Not only were the political parties not well prepared, they lacked the organizational acumen to deal with disputes arising from the elections nor were they able to conduct meaningful elections. They also lacked logistical support to transport election materials on schedule. There were also claims of non payment of staff who were conducted the exercise. In some instances candidates who were preferred by political party leadership were handpicked thereby making a mockery of the nomination exercise.

The general election campaign period was relatively peaceful, with both CORD and the Jubilee coalition presenting their agenda to the electorate. Regardless of the fact that both coalitions released party manifestos, the underlying issue of the 2013 elections was the issue of the International Criminal Court(ICC) charges against President Uhuru Kenmyatta then candidate of the Jubilee coalition and his deputy William Ruto. Ethnic polarisation was evident and issues were largely thrown under the carpet as ethnic arithmetics lay center stage in election strategy. In public the the political class preached issues and their manifesto which carried a lot of ethnic undertones. This was the environment under which the election was conducted.

Conclusion

In reference to the questions posed by the study the following conclusions can be made. First, the nature of political parties in Kenya is still dominated by ethnicity and regionalisation. This is manifested in the membership and origin of political parties formed. Ethnicity was a major factor in the break up of FORD and the subsequent political parties. Election results in both the 1992 and 1997 showed political parties support was largely drawn from the ethnic areas

in which party leaders came from. This was reflected in support at parliamentary level. While in 2002 there was a semblance of national unity in the NARC coalition, the subsequent elections in 2007 and 2013 were more or less similar to 1992 and 2007. The reason for this trend could be attributed to the nature of the Kenyan state, resource allocation and the widely held belief that the closer your ethnic group is to power the better your chance of development. The state further hindered development of political parties especially in the period after independence and a larger part of the Moi regime. Funding has proved to be a major hindrance to political party development. When leaders of political parties fund them, they tend to have an overarching authority over the affairs of those political parties. This in itself undermines party democracy and limits free participation especially during party primaries.

Secondly the organizational structure of political parties in Kenya has hindered their role in enhancing democracy. Evidence of this can be drawn from the chaotic nomination during party primaries. Political parties in Kenya are most active during the electioneering period. They have not initiated internal mechanisms to initiate democratic ideals. They are still dominated by a cult like ideology as opposed to national ideology that can last for generations. Most political parties in Kenya coalesce around an ethnic personality popular in a particular region. This is what translates to coalition building. The manifestos only emerge in the electioneering period and are discarded soon after the end of the electioneering period. The political parties have had a mixture of outcomes to democracy. On one hand the rhetoric appears objective, well meaning, promoting fair competition and a commitment to inclusive governance but on the other hand parties show inability to live with their stated objectives. Handpicking of preferred candidates, weak internal dispute resolution mechanisms, inability to recruit and maintain membership, continued defections and failure to honour inter-party memorandum of understanding. However they have played a part providing a platform for aspirants in elections.

Finally, while there has been significant efforts to institutionalise political parties and introduce a semblance of order, a lot more needs to be done. Both the Political Parties Act of 2011 and the Elections Act of 2011 are examples of efforts to reform the political parties. Lack of enforcement especially when election offences are committed could be aggravating the problem. The IEBC and the judiciary need to be firmer in enforcing the rules of conducting elections and assist parties observe internal professionalism and prudent organisation of political parties.

Impediments to Party Governance in Kenya

Kenya re-established political pluralism in 1991 as a result of sustained agitation from internal and external forces. Earlier, it had functioned as a *de jure* one-party state since 1982 and a *de facto* one-party since 1969. This legalization of political parties has seen a remarkable growth in the number of political parties competing for power.

The widened political space in Kenya for political party activities has equally witnessed a number of challenges that continue to undermine effective party competition in Kenya. These include;

Ethnicity has been amongst the most dominant challenges in Kenya's political parties stemming from the belief that a community can only develop and get its share of the national cake by having one of its own at the presidency. This was cemented in both the Kenyatta's and Moi's KANU regimes who used their positions to reward their friends, mostly from their communities, by means of ministerial and other key positions in government, prime land and other properties and the most competitive business opportunities.

This reward system has taught the populace that development means a patronage of state resources veering in their direction only in the eventuality of gaining state leadership. This is what Celso Furtado termed ethnocratic capitalism.

However, this can also be traced back to the formation of the very first parties during the colonial era though these were specifically formed for the purpose of airing the grievances of those particular communities. In Murang'a, the Kenya Central Association was originally for Kikuyus, in Western Kenya, there was the North Kavirondo Central Association, in Ukambani, the Akamba Members Association, in Taita, Taita Hills Association and at the Coast, the Coast African Association. The ethnic struggles in political parties found their foothold in the formation of KANU in 1960 which then led to formation of KADU by Moi and Ronald Ngala due to their concern that KANU was dominated by only two major tribes, Luo and Kikuyu. KADU was a federation of the Kalenjin Political Alliance, the Maasai United front, the Kenya African People's Party, the Coast African Political Union and the Somali National Association. It is these regional and ethnic political parties that amalgamated to form KADU.

Thus right from the beginning, ethnic sentiments were present and have persisted among the political parties through the one party-state (KANU) by Kenyatta and Moi and onto the present

state where almost every community identifies with a particular party. Apart from these ethnic concerns, the major political parties, namely KANU and KADU also exhibited some ideological differences. While KANU advocated for a strong central and unitary state, KADU wanted a quasi-federal system of government. KADU's idea was that the minority tribes would control their own affairs in their respective regions while the central government would concern itself with defense, foreign affairs and finance. KANU perceived regionalism as a source of disunity.

This has negatively impacted nationalism in Kenya and instead created ethnic nationalism which has led to ethnic clashes witnessed in select areas every election year since 1992 with the culmination being the 2007 post-election violence. It has also undermined national identity among Kenyans as the ethnic reference and interests remains supreme.

Ideological Barrenness has also plagued the Kenyan political scene with unlikelihood of the situation changing. Political parties in Kenya are generally considered vehicles to power and consequently state resources and thus interested individuals find them interchangeable according to which is mostly likely to seize power. Though it existed in the immediate post-independence period, this trend has been largely seen from 1992 with the re-introduction of multi-partyism. The euphoria that accompanied the defeat of Moi's one-party principle was characterized by hurried formation of opposition parties without laying foundational guiding principles based in ideology.

This resulted in fragmented parties starting with Forum for the Restoration of Democracy (FORD) which broke up in less than a year into FORD-Asili and FORD-Kenya. In comparison with, for example, the USA where the ideological differences between the Democratic Party and the Republican Party are clear, Kenya has developed a culture where political parties are nothing more than formalities in their quest to amassing wealth through consolidation of state power. The citizenry are ignorant of the contents of the existing party's manifestos and party membership is irrelevant except to those vying for political seats.

Kenyan political parties also have to deal with **lack of funding**. Most political parties in Kenya represent the elite of their different ethnicities bringing in the aspect of exclusivism. Due to this and lack of ideology, they rarely draw registered membership beyond the bare minimum. This causes the issue of bankruptcy to rear its head. Corruption, mismanagement of funds and lack of

accountability add onto that thus further hindering parties from getting funding that would otherwise be forthcoming from organizations, especially international ones, propagating for democracy. The very nature of some parties hinders funding given that though their very existence is founded on democracy, they use the monies given to curb democracy by, for example, squashing the opposition.

Another challenge that is almost a given in Kenyan political parties is **personalization of political parties**. Here, an individual runs or is perceived by the public to run every aspect of the party to the extent that he/she is largely identified as the party personified. In a case where such an individual leaves the party, it dies or disintegrates even with rise of another leader. This is a strategy that seems to have been started and perfected by Moi with Kanu. Him, being a hands-on party leader, used it to achieve most of his goals in power and kept it alive, making it a household name, till he handed over to Uhuru Kenyatta in 2002. This has also been seen in other parties like FORD-Asili personified in Kenneth Matiba, NDP in Raila Odinga, DP in Kibaki, and SDP in Ngilu and SAFINA in Muite e.t.c. All these disintegrated in the cases where these individuals left for other parties or just lost interest.

Internal Power Struggles have been a major hindrance to the growth of political parties in Kenya. As stated before, parties are only used as vehicles to the Presidency and power. As such, individuals in the same political party may be eyeing the same seat leading to eventual break away by one of them to form another party. In cases where coalitions are formed to seize power, there are wrangles concerning who is most suitable as a presidential candidate. This was the case in KANU from its formation in 1960, FORD in 1992, Narc in 2002 and the power struggles that characterized ODM and PNU in preparation for 2007 General Elections. This has heavily interfered with national development due to efforts in garnering popularity and forming party alliances in between election years rather than dealing with responsibilities acquired with positions in Government e.g. implementation of the new constitution has taken a backseat to campaigns and politics of the day in preparation for next year's elections.

All these challenges can be said to stem from the basic problem of lack of ideologies which has curbed the formation of strong party structures, well-thought out policies and comprehensive manifestos. This handicap is then transmitted to the working of Government if the party takes over power with the effect of undermining national development. It also results in lack of

transparency and accountability thus reducing credibility with the citizenry. The coalition government formed after the 2007-2008 election crisis was the climax of elite accommodation in a power sharing deal.

The 2013 election was largely peaceful and there was a lot of hope that dissatisfied parties will use the court to arbitrate. In fact the leadership of all the parties had agreed to use the judicial mechanism to address any complains. It is against this background that CORD filled a court petition in the supreme court challenging the authenticity of the results. However this was dismissed and large volume of evidence was not admitted on technicality of being filled late. Although the idea of using the courts to arbitrate was indeed welcome and demonstrated respect for institutional arbitration, the outcome of the case has left a lot to be desired. Too early yet to candidly anticipate what this would imply for future elections but obviously it will impact negatively on voter turnout in areas that felt short changed in the elections. Moreover it may rekindle violence after such election outcomes.

Political parties have continued to agitate quite differently. CORD believes its victory was stolen, while Jubilee counters that they won fairly. Opinion is sharply divided and Kenyan's are polarized depending on what issues are at hand. With the 2013 elections and the coming in of a new government under the Jubilee alliance, it is time that will tell its contribution to democratization process in Kenya.

The following section provides the responses from focused group discussions, interviews conducted on the role of parties in consolidation of democracy in Kenya with respect to the 2013 general elections in Kenya.

SECTION B

Findings on Political Parties Assessment

The assessment of political parties looked at various issues relating to 2013 General Elections in Kenya. Aspirants from two key political parties (Jubilee and CORD) were interviewed on various issues relating to the elections. Key areas included; registration process, participation in electioneering, parties view on IEBC, participation of independent candidates and perceptions on

level of democracy in the country. These are important infrastructure that political parties rely for their operations.

In this study, a total of 20 respondents who vied for various political seats in the last elections were interviewed. A total of 10 of the respondents were from CORD and the other 10 from Jubilee. Of this interviewed, 20% of the respondents won the seats they vied for under Jubilee ticket while 40% of the respondents did the same under CORD ticket. The aspirants who never won the seats they vied for went into business as a way of livelihood be it under CORD or Jubilee.

The study covered Embakasi West, Makadara, Mavoko, West Mugirango, Dagoreti North, Kisumu Town West, Nyakach and Ruaraka. Even though Jubilee is sold across as the party for the youths, the respondents (under 40 years) were only 30% while CORD's respondents that were under 40 years were 80%. The study interviewed 10% female from Jubilee and 20% from CORD. Not only does this point towards lower women participation in political positions but is also understandable given the rough campaign procedures during general elections. All those interviewed had a minimum of college education.

Registration Process

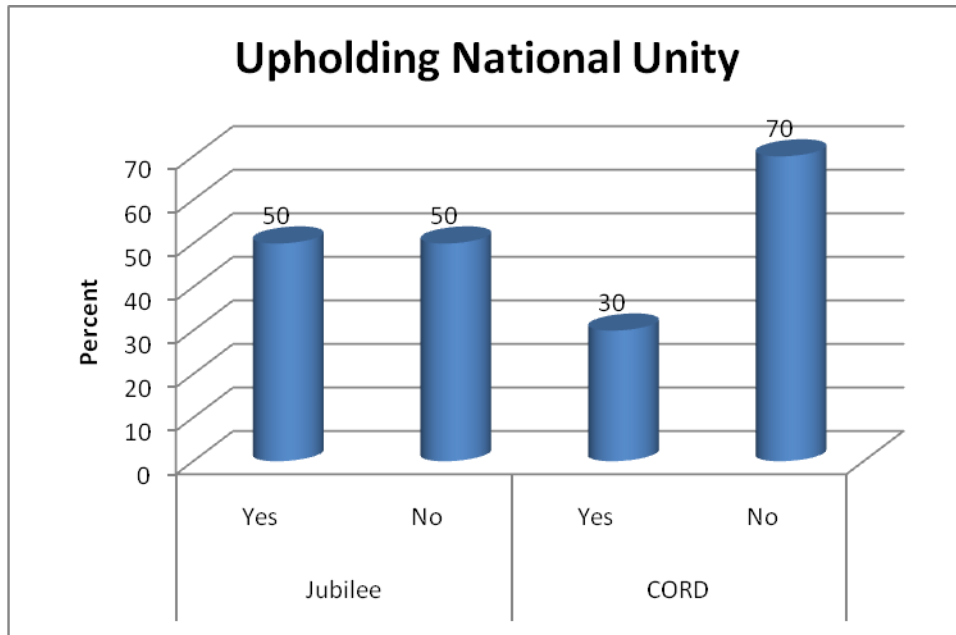
Upholding National Unity

Respondents were asked 'Did political parties uphold national unity'. The responses received were tabulated as shown in Figure 4.1

Half of the respondents from Jubilee stated that political party nominations upheld national unity. This was the case with only 30% of respondents from CORD. This could be understandable as CORD nominations were marred with violence in several parts of the country eg Kisumu, Siaya and Homa-Bay counties.

Majority (50% from Jubilee and 70% from CORD) believed that political party nominations did not uphold national unity as there were discriminations and disunity among aspirants, nominations were characterised by tribalism and ethnicity, some party officials practiced zoning and ended up imposing their own people.

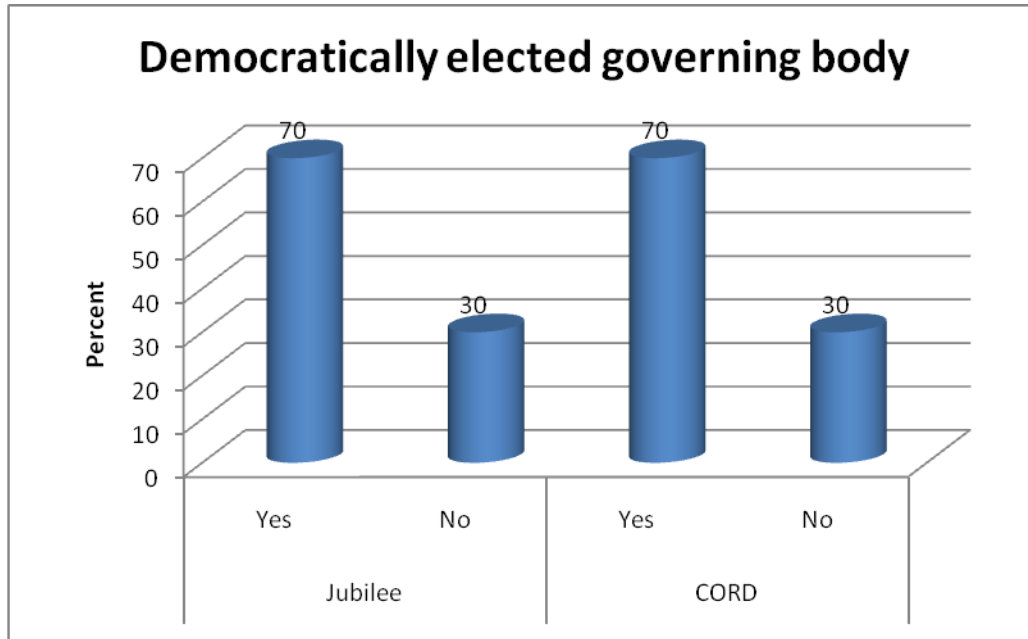
Figure 4.1 Upholding National Unity.



Democratically Elected Governing Body

Respondents were also asked if their party had democratically elected governing body. The findings were as shown in Figure 4.2.

Figure 4.2 Democratically Elected Governing Body

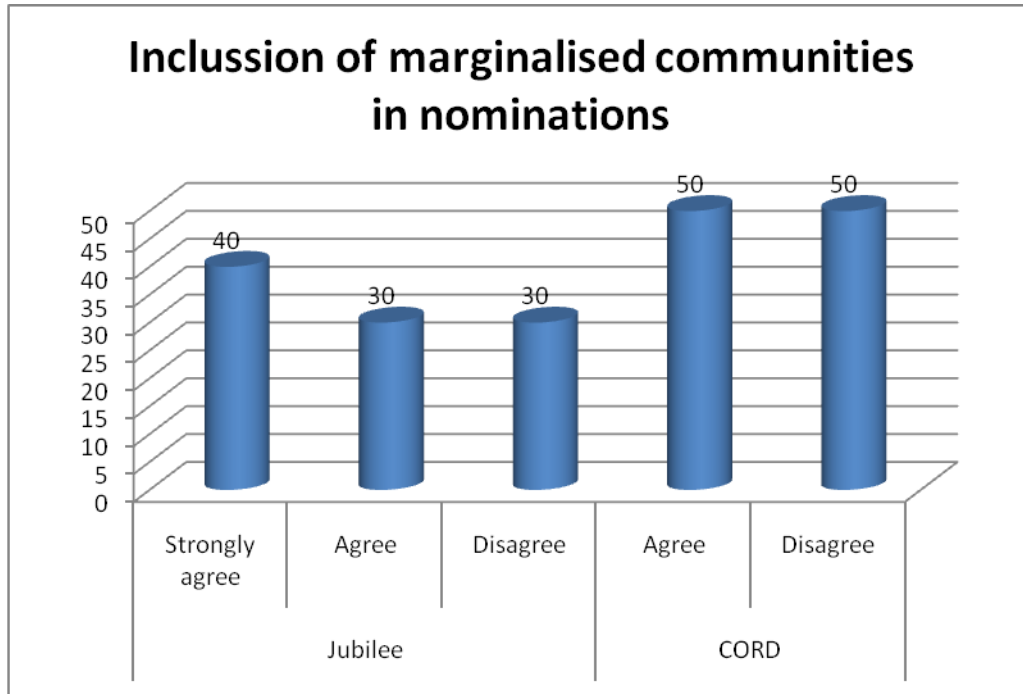


Amazingly, 70% of the respondents from both of the parties acknowledged that their party had democratically elected governing body. Even though this was so, the body was at times partial in decision making. The 30% from CORD mentioned that the party did not have democratically elected governing body as only two officials were assigned by the party to oversee the voting process in the whole constituency. This shows the casual manner with which the party undertook voting process.

Inclusion of Marginalised Communities in Nominations

The issue of inclusion of marginalised communities in nominations was acknowledged by 70% of Jubilee aspirants interviewed and 50% of CORD aspirants as shown in Figure 4.3. The Jubilee respondents agreed with this statement because to them, apart from the literal communities, women represent a community of their own. This community was well represented during party nominations. Those who did not approve of this statement said that the newcomers who did not have adequate campaign money but had good vision were short-changed. CORD did not have respondents who strongly agreed.

Figure 4.3 Inclusion of Marginalised Communities in Nominations



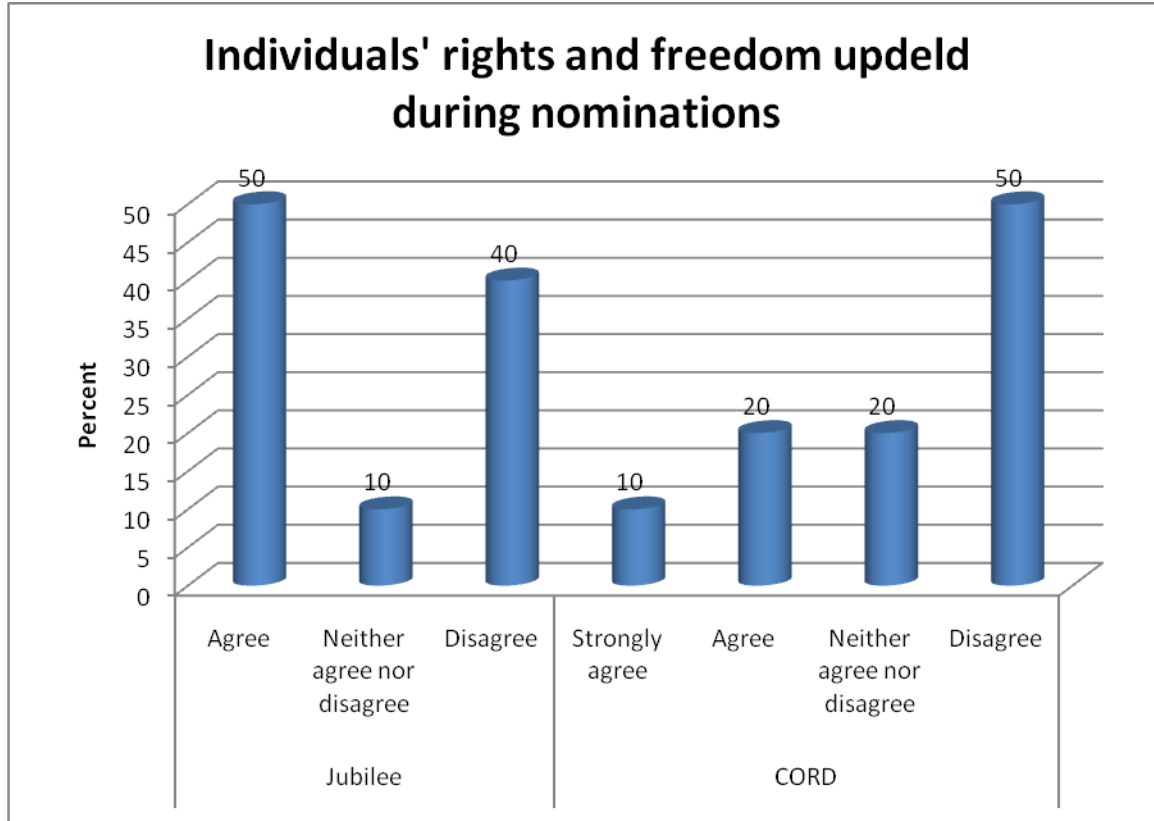
In some other question in the questionnaire respondents were asked if the nominations considered gender equality. According to 60% of Jubilee respondents and 50% of CORD respondents, their respective parties promoted gender equality during the nomination process.

Upholding of Individual Rights and Freedom during Nominations

This is an area where respondents from both Jubilee and CORD seemed to agree as 50% from Jubilee and 30% from CORD agreed that individuals' rights and freedom were upheld during nominations. This is shown in Figure 4.4.

This also meant that not many respondents would approve of party nominations as being accountable, transparent, free and fair. This was shown by the fact that only 40% of the respondents from Jubilee and 20% from CORD opined that party nominations were accountable, transparent, free and fair. They were giving example of voting not having taken place in some areas yet there were winners from the same areas.

Figure 4.4 Upholding of Individuals' Rights and Freedom During Nominations



Whereas Jubilee was split in the middle on the issue of respect for individual’s rights, respondents allied to CORD were categorical that there was never respect for individuals’ rights during the nominations. This was largely because some aspirants mentioned that contenders that had not demonstrated loyalty to the party were denied the right to be declared winners even after winning. This to them meant that the nominations were not free and fair.

The responses received from the participants on issues of upholding of individuals’ rights and freedom during nominations extended into the promotion of the objects and the principles of constitution and the rule of law. Half of the respondents in from Jubilee and 20% of respondents from CORD opined that the nominations promoted the objects and the principles of constitution and the rule of law.

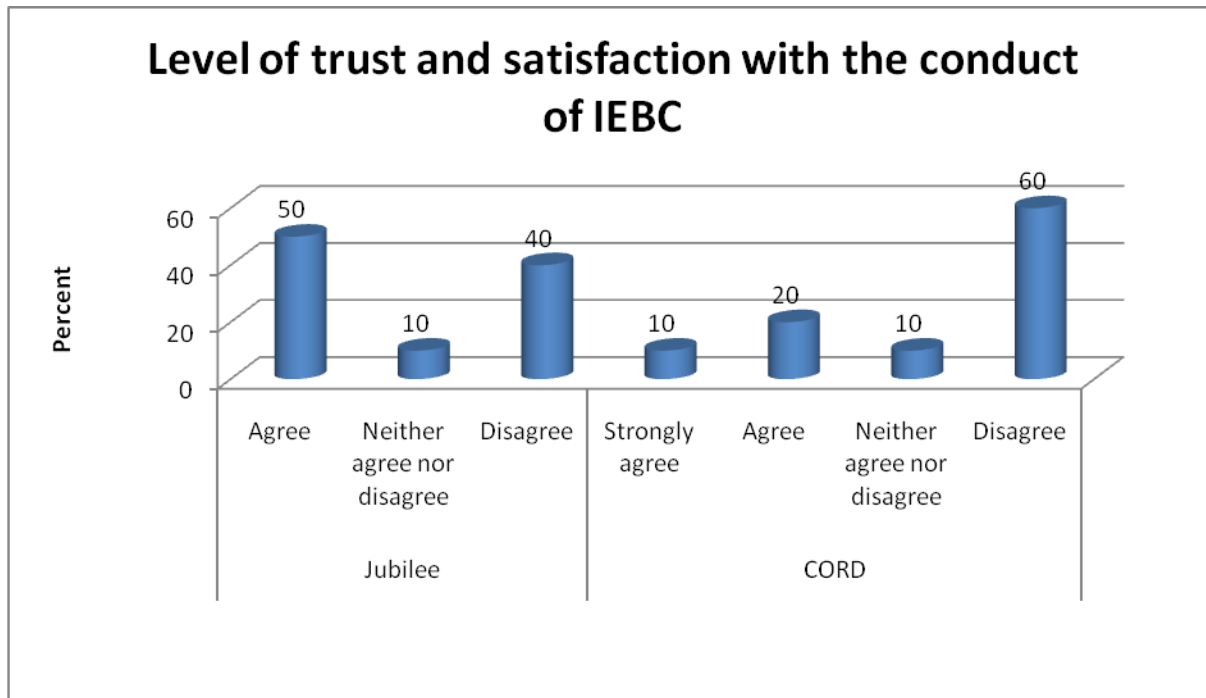
Majority (60% Jubilee and 90% CORD) did not believe that the code of conduct for political parties was observed during nominations as the country witnessed violence in various parts of the country.

Participants mentioned that more emphasis needs to be at nominations level and it ought to be as strict as presidential elections. Elections should also be handled in a transparent manner to be seen to uphold integrity, fairness and respect of rule of law. The old should also vacate leadership positions for the young to take over. There is also need to discourage voter bribery, have independent body to handle nominations and adhere to elections code of conduct.

Level of Trust and Satisfaction with the Conduct of IEBC in Carrying out its Operations

From Figure 4.5, the findings from the study show that 50% of the respondents from Jubilee side trusted and were satisfied with the conduct of IEBC in carrying out its activities. The percentage was however lower with respondents allied to CORD as only 30% trusted and were satisfied with the conduct of IEBC in carrying out its activities. Their reason for the trust was that IEBC was transparent. Those who opposed this majorly mentioned that IEBC did not do anything to discourage nominations misconducts. There was no enforceable mechanism to check party from interfering with nomination process.

Figure 4.5 Level of Trust and Satisfaction with the Conduct of IEBC in Carrying out its Operations.



PARTICIPATION IN ELECTIONEERING

Compliance with Code of Conduct

Most of those interviewed (90% Jubilee and 70% CORD) opined that political parties did not comply with the code of conduct. Reasons advanced for this opinion included; Parties went against the rules of IEBC, aspirants changed parties till the last minute, there were no observers in several polling stations, even though some candidates were not approved by various examination bodies, they still went ahead and contested various seats.

Similarly, there was very low compliance (10% Jubilee and 20% CORD) with the political party's act. Most candidates funded their own campaigns; some parties did not have the stipulated number of members.

Integration of Youths in Parties

Both parties agreed that the youths are integrated into the parties; further, 40% of respondents allied to Jubilee and 80% of respondents allied to CORD believed that the youth have the potential to reform their parties. This was majorly because they can easily be compromised. If ever meaningful change is expected, there should be more investment in the youth in terms of training, job creation and discouragement of oppression from the old party members.

PARTIES VIEW ON IEBC

Transparency of IEBC

Respondents were asked whether in their opinion, the IEBC was transparent in ensuring that the parties nominates and submit a list of all persons who qualified to stand elected. Half of the respondents from Jubilee and 30% of respondents from CORD mentioned that this was so. The

statistics even went lower (10%) for jubilee and remained the same (30%) for CORD when they were asked if the IEBC was keen to ensure that gender equality was considered in the list of all persons who qualified to stand elected. These respondents felt that the IEBC as an oversight body did not ensure that party list reflects the regional and ethnic diversity of the people of Kenya. Arguably, another school of thought says that listing members for nominations fully rests with the party.

To ensure gender equality in all positions, the IEBC needs to ensure is implemented by political parties. They should also supervise/oversee political activities at ground level and all the time ensuring a neutral position.

SUMMARY AND CONCLUSION ON THE LEVEL OF DEMOCRACY IN THE COUNTRY AFTER 2013 GENERAL ELECTIONS

Decision Making

In order to improve decision making at all levels, people need to be careful of negative ethnicity, political tycoons should be discouraged from messing with the common man's opinions by imposing their goons in key positions, there should be increased awareness of individuals' rights and the IEBC should discourage political bribery that is mostly seen during elections.

Elections are crucial in any functional democracy. Leadership to various position and management of public enterprise can only be achieved through periodical elections. They provide the electorate with the ability to elect their representatives for political office and determine who rules for a specific duration of time. In every election there are losers and winners, the majority have their way while the minority have their say. But it is the credibility of the process that determines how the country moves forward and the legitimacy of the elected government. Flawed election processes undermine democratic process and threaten the very legitimacy of an elected government. Credibility of an election process is key to forming political attitudes.

This study draws lessons from the 2013 elections in Kenya and analyses them in regard to democracy in the country. The key questions that the study seek to answer include, to what extent has the elections promoted or dented the development of democracy in Kenya, did

political parties fulfill their role in promoting democracy and will the role of judicial mechanisms in settling election disputes remain relevant especially presidential elections judging from the outcome of the presidential election petition in the supreme court. The objective is to examine and analyze the implication of the 2013 elections on democracy in Kenya.

The Utility in Democracy

Democracy as a system of government embodies a variety of institutions and mechanism with the highest ideal being the power and right of the people to elect their preferred leaders. It is against this background that a democratic government should be a government elected by the people for the people and serving the interest of the people. But for a democracy to thrive there are fundamental principles that must be in place in any given political system¹.

The rule of law of course is crucial, institutionalization especially the electoral body mandated to conduct elections, the judiciary and ideologically rooted political parties. Equally important is free press and vibrant civil society. But also a crucial element of democracy is the people; they have a civic responsibility to elect leaders through electioneering process. Elections if free and fair provide the government in place with legitimacy and a feeling by the electorate that their voice has been heard whether they have lost or won. But most important is that the elections should be free and fair. This can only be achieved if there are institutional frameworks that enable individuals acquire the power to determine who is elected by the majority vote (Schumpeter, 1947). After all in elections the majority, have their way but the minority have their say. Attitudes are generally formed based on perception, if people perceive an election process as having been free and fair, they are likely to accept the outcome regardless of whether they have won or lost.

In as far as people's participation is concerned, evidence show that the most vibrant democracies have vibrant economies, educated citizens and a well-structured and developed social system and peaceful coexistence between citizens. The institutions for seeking redress are also credible to an extent that public confidence in those institutions is very high. This provides an avenue for sorting out issues to do with election disputes in a non-violent way.

Challenges to Democracy in Developing States

The case in most parts of Africa, Kenya included, political mobilization has for a long time been done on the basis of ethnicity. Weak political parties without strong ideological philosophy in turn become avenues for ethnic mobilization and bargaining. The rule of law is

totally ignored to an extent that elections become violent and characterized by intimidation. The nomination of party candidates just before the 2013 elections in Kenya testifies to this.ⁱⁱ The institutions that manage elections have had their share of problems, from direct nomination of commissioners to procuring of election materials and safe keeping, opens an avenue for manipulation and mischief. The high levels of poverty in Kenya promotes the belief that the ethnic group will gain materially if one of their own becomes head of state is so entrenched in politics to an extent that it plays a crucial role in decision of many voters. All these factors hinder the progress of democracy in Kenya.

In 2002, Kenya seemed to have turned the tide in terms of elections and the development of democracy. A free, fair and peaceful election saw the transition of power from the government of President Daniel Arap Moi to the then opposition candidate Mwai Kibaki. The world praised Kenya for conducting a free and fair elections and a true reflection that Kenya was on the right path to democracy.ⁱⁱⁱ Five years later it all collapsed with the bungled 2007 elections that plunged the country into post-election chaos. It was therefore imperative that necessary reforms be put in place to avoid a repeat of 2007 and bring back the confidence of the public in institutions of elections and redress. IEBC and the Supreme Court were the most crucial in this endeavor.

2013 As a platform to reignite confidence of the public in the electioneering process

The 2013 general elections could be viewed as a referendum of the public confidence on these two institutions and how they would shape the future of democracy in Kenya. While opinion is sharply divide on the issue depending on whom you ask, the two institutions have left a lot of questions over their role in the just concluded elections. It is not hard to see that Kenya came out of the process so polarized. This evidenced by the public and ethnic vitriol on social networks, blogs and political statements made by leaders. The public confidence seems split in the middle on the role of both the IEBC and the Supreme Court. The high confidence that the public once had on the two institutions seem eroded. In elections perception is critical to shaping attitude.

The origin of the perception problem can be traced from the day of election to the Supreme Court ruling. The moment the IEBC was unable to use the much trusted BVR kits to the failure of the electronic tallying system and subsequent delays in announcing results provided the perfect environment for speculation to begin on the credibility of the 2013 elections. Indeed three days after voting there was a salient form of tension as to whatever was going on at the

IEBC tallying center at Bomas of Kenya. Historically delays in election results have always been associated with rigging and the 2013 delay was more or less reminding a section of Kenyans of the events in 2007 general elections. While the media has been quite vibrant and critical in previous elections, the behavior of the media in 2013 elections left a lot to be desired. Not only were they meek but uncritical. Their appeals to Kenyans to be patient and give the electoral body more time without explaining the cause of the delay appeared simplistic. This was to become worse after the election, when the media picked another shallow mantra of appealing to Kenyans to keep peace and move on without objectively appreciating justice.

Diminishing role of political parties in promotion of democracy

The nomination exercise for the 2013 elections were chaotic, disorganised and in some cases like Kisumu turned violent.^{iv} Both Coalition for Reform and Democracy (CORD) and Jubilee coalition had to deal with multiple complaints from aspirants. The political parties under both coalitions were ill prepared to conduct nomination exercises. In Nyanza for instance there were claims of dictatorship and a disregard for democracy in the primary process. In Siaya for instance Dr Oburu Odinga was involved in a bitter contest with William Oduol for the governorship. The ODM elections board ultimately cancelled the elections and handed a nomination certificate to Cornell Rasanga one of the aspirants in the governors race. Ultimately Rasanga lost in a petition that was lodged by William Oduol but won in the subsequent by election held on October 17th 2013. In Othaya constituency an aspirant Mary Wambui was denied a nomination certificate regardless of the fact that she had been announced as the winner after the nomination exercise on The National Alliance(TNA) ticket.

Evidently, the nomination exercise was flawed and showed the inability of political parties in conducting credible primaries. In some instances, candidates who were preferred by political party leadership were handpicked thereby making a mockery of the nomination exercise.

It will take a lot of political will and a strict law enforcement mechanism to ensure that political parties abide by the election act. It is also evident that political parties lack the logistical ability to conduct primaries. Party primaries in Kenya will continue to impede the democratic growth since they don't provide the necessary environment for free and fair nomination process. It may be prudent to have an independent elections board conduct those primaries. This will be quite a huge task given the many political parties that participate in elections. It will take massive

investment in institutional and organizational restructuring for political parties to be able to manage credible primaries in Kenya.

IEBC and new perceptions

It is said that attitudes are based on perceptions and perceptions are critical to forming attitudes in a society. The final presidential results disapproved all opinion polls that had been carried out which all pointed to a statistical tie between CORD presidential candidate Raila Odinga and Jubilee candidate Uhuru Kenyatta. But it also left the IEBC with divided opinion over its ability to manage credible elections.

Critics of the election process immediately tore into the IEBC for a flawed process. As CORD presidential candidate prepared for the petition at the Supreme Court, there was divided opinion on the credibility of the results. Election Observer Group (ELOG), a local based elections observer group confirmed that their own parallel vote tally was consistent with the IEBC results. For CORD supporters much of their hope shifted to the Supreme Court. But the ruling would surprise many. Regardless of the evidence produced by the CORD team as was watched by millions on television, the Supreme Court ruled against Raila Odinga's petition. He subsequently conceded though admitting he did not agree with the decision but none the less respected it.

The effect that this has had on Kenya's democracy is varied and complex. To start with a section of Kenyans have once again lost faith in the two most crucial institutions in as far as conduct of elections and settlement of election disputes is concerned. These two institutions the IEBC and the Supreme Court are perceived as part of a larger cartel of elite individuals hell-bent on steering the leadership of the country to a particular direction that suits their interests. In turn elections are seen as an exercise in futility where the vote is not important but just a formality to legitimize an already chosen leader for the citizens. This in turn is reinforced by the belief that the Supreme Court will not offer redress but rather will rule to benefit this elite. This may not be true but the already formed attitudes based on the perception that the two institutions created reinforces this belief.

While it is hard to predict to certainty, the result could lead to serious voter apathy in the next general elections in Kenya. Already there are groups on social networks in Kenya titled "*I will never vote again in an election in Kenya*". While it is not easy to predict how much this will affect voter turnout in the future, it is almost certain to affect how people perceive elections in

Kenya. Citizens being one of the most important attribute of democracy, it becomes impossible to entrench a democratic culture in a country where citizen participation is low. Electoral process is a key component of democracy, when citizens have no faith in this process then democracy as a system of government is in peril. It would take considerable effort to reinstate faith in the process. The danger in loss of faith in the electoral process is that it can encourage an attempt to change leadership using other avenues other than democracy. That in itself would be a set back to the development of democracy in Kenya.

Diminishing role of media as a watchdog

The role of the media as a pillar of democracy is also questionable in this case. While the media spent considerable amount of time preaching peace and restraint, they at no one time put the IEBC to task over the various shortcomings that it faced on the elections. There is a general feeling that justice was not a priority and that peace was the most important issue at the expense of justice. There is a growing feeling that the media was complicit in the operation of the IEBC and the political elite. Indeed the media covered Jubilee coalition running mate press conference during the tallying process but completely shunned giving coverage to CORD until the final presidential elections were announced. The media is a fundamental pillar of democracy. While the media has been on the fore front in the fight for democracy in Kenya in the past, the events of the 2013 elections raised questions as to the future role of the media in democratization in Kenya (Owuoche, 2010).

Kenyans have in the past had considerable amount of faith in the media. The media is one of the institutions in the country that has enjoyed significant amount of public support over time. But again depending on which part of the divide one belongs to, opinion is divided. There are those who believe the media was co-opted by the state to further the state agenda. Indeed the lack of interest to interrogate the work of the IEBC in the election period has been the key contentious issue. Critics of the media point to this lack of a proactive approach by the media to investigate the delays and the collapse of the EVID and electronic tallying system.

Dispute settling mechanism as an avenue for settling electoral conflict

The rule of law and judicial mechanism to settlement of election disputes may also take a big confidence dip. If perception persist that the judiciary is a partial arbiter it will not have public faith to resolve election disputes. This in turn may lead to election losers considering other options including mass protests in cases of election disputes. If the rule of law is not respected

and enforced then that kind of political environment will not be able to nurture democracy. Kenya is thus walking a tight rope in as far as the rule of law, a key principle of democracy is concerned. Mature and successful democracies are anchored on the rule of law, public faith in the institutions that enforce the rule of law. It is the surest way to settle election disputes in a fair and just manner. The faith that a section of Kenyans had on the supreme court before the CORD petition and after has drastically changed and not for the better.

Is ethnicity killing democracy?

The 2013 elections also introduced a new narrative in terms politics of ethnicity. In Kenya just like most part of Africa the issue of ethnicity and its manifestation in politics can be traced to historical realities of how the state was developed and contemporary realities of how regimes have been associated with ethnic groups (Owuoche and Jonyo, 2004). While ethnicity has been a dominant facet in Kenyan politics, a new narrative dubbed “the tyranny of numbers” was introduced weeks before the 2013 general elections in Kenya.^v Political scientist Mutahi Ngunyi conceptualized a first round win for the Jubilee candidate based on the ethnic bloc belonging to the Gema and the Kalenjin. The total number of registered Gema and Kalenjin voters according to Ngunyi being 6,188,672 out of the total number of registered voters which was 14.4 million. This gives the Jubilee candidate a head start according to Ngunyi. What this narrative did was reinforce the attitude that the election would not be decided based on issues and merit but rather on ethnic orientation. In an already polarized country like Kenya this raised ethnic hostility with the perception that other communities other than the Kalenjin and the Gema would have a say in the upcoming elections.

This kind of narrative is not healthy especially in a country that is fostering democratic ideals. Ethnicity is like a disease where individuals look at ethnicity as a yardstick to electing leaders. A state must consolidate itself based on an ideology and not narrow parochial interests. Consolidation of democratic values in Kenya is threatened by politics of ethnicity.

But there is another side of the argument that provides a more optimistic analysis of the future of democracy in Kenya. To start with is the issue of the new constitution and devolution. Devolution may provide an avenue for decentralization of services and resources to the counties. But this is dependent on political good will so that successful devolution could offer an opportunity to diffuse interest from the central government to the counties. It may in turn make the institutions of the presidency less polarizing. This however will take time.

Conclusion

The study sought to examine and analyze the implication of the 2013 elections in Kenya to democracy. It is evident that there will be major implications to democracy in the country. What is evident at the moment is that it left the country more polarized than before. What is worrying is that this polarization is not based on issues that determine choice of leaders from the economy, healthcare, security and social services, but instead it is grounded on the role of the IEBC and the Supreme Court and their credibility. It is also partly based on ethnic identity. Kenya's fledgling democracy is always characterized by political realignments. The next elections may just change the dynamics of Kenyan politics. As for democracy as a system of government, it seems to have suffered a reversal. It will take a lot of effort to get back on track and raise public confidence on the institutions that are concerned with the electioneering process whether they lost or won in 2013.

To start with Kenya has reinforced the already existing narrative in terms of political mobilization based on ethnicity. That future elections in Kenya will be decided based on ethnic mobilization has been deeply entrenched. While democratic election is largely about numbers, principles are also important. For instance candidates have to be judged more on their ability as opposed to their ethnic orientation. When ethnicity is used to determine leadership as opposed to merit then the ideals of democracy is lost.

In addition, the perception towards the institutions charged with managing elections has somehow taken a heavy dent. So has the Supreme Court ruling which to a lot of people reflected political expediency rather than legal merit of the election petition. It will take time before confidence is restored. The result would see voter apathy rise to a high level.

Finally lack of proper management of political parties is impeding democracy. Political parties do not abide to elections laws. This is largely due to the fact that the enforcing body has been lax in ensuring compliance. Their organizational capacity is quite wanting. They therefore lack the ability to conduct credible nomination of candidates. Political parties continue to fail in political mobilization, civic education and participation in developing a democratic culture in Kenya.

Political parties remain quite critical to Kenya's democratic consolidation. Despite the initial flaws, useful lessons have been learnt. This indeed is captured in Kenya's new constitution

which offers an enabling environment that will lay a firm foundation for more responsible and objectively constructive party politics.

POLICY AND LEGAL RECOMMENDATIONS

The research done on the role of political parties in democratization in Kenya with regard to the 2013 general elections commissioned by Friedrich Ebert Foundation elicited a number of policy and legal issues. These issues are cross-cutting in as far as democratization in Kenya is concerned.

1. **That the Elections Commission** ideally should be representative of Kenya's diversity in formation and appointment as was the case of Inter Party Parliamentary Group to sore national support for the institution. Such a system would enhance trust and confidence among the people and candidates
2. **That the Elections Commission** should be established/be in place at-least 3 years before general elections are held to enable it adequately prepare for the task. This is essential to enable sufficient time for effective management, planning, logistics and resolving complaints
3. **The Election Commission** has to have a mechanism of punishing errant parties, politicians or individuals that flout electoral laws or fail to comply with party rules and requirements.
4. **The Election Commission** should prohibit party hopping as a deterrent to parties being transformed into opportunistic vehicles for seeking political power. Candidates must at-least be registered members of a party for 6 months and above to qualify for nominations. This will encourage permanency and party growth to a level of effective political competition
5. **That Election Commission** should work with parties and supervise intra-party nominations to prevent parties from serving self interests but grow to become national in character
6. **That Political Parties** must show/demonstrate in word and action that their structures, membership, policies and programmes promote diversity and national unity

7. **Political Parties Governing Bodies** are weak and ineffective. They have no capacity to handle complaints fairly. As such an independent body should be established to which parties' are signatory and its decisions are binding on parties.
8. **Independent Candidacy** lacks meaning as individuals who fail to win party nominations or those who claim to be rigged out find solace in. An independent candidate should not have been a registered member of any political party for at-least one year before elections
9. **Party Coalitions** should not be based on cultural distinctions but on ideological grounding/issues that are cross-cutting and enhance national cohesion and unity
10. **Hate Speech and Violence** should be severely punished and individuals who engage in such acts be banned from contesting any public seat
11. **Party Nominations** after elections should be sensitive to special interests, gender equity and regional balance
12. **Registered Political Parties** must have physical offices, constitutions, list of membership and file returns annually for transparency and accountability
13. **Voter Registration and Education** should be divorced from elections and becomes an ongoing process whether elections are being held or not
14. **Party Officials** should be barred from contesting public offices while still active in the party. They should have resigned at-least 6 months before elections to eliminate conflict of interests

Conclusion: The above factors will allow parties become more meaningful in promoting democratization in Kenya. They highlight the party structure, party competition and behaviour of candidates in the process. Without effective institutional and managerial capacity, parties may undermine democracy and foster ethnic hatred, division and conflicts. As Ronald Dworkin (1990) noted;

True democracy is not just statistical democracy, in which anything a majority or plurality wants is legitimate for that reason, but communal democracy, in which majority decision is legitimate only if is a majority of equals. That means
.....that each individual person must be guaranteed fundamental civil and political

rights no combination of other citizens can take away, no matter how numerous they are or how much they despise his or her race or morals or way of life. That view of what democracy means is at the heart of all the charters of human rights.

BIBLIOGRAPHY

African Union Election Observer Mission on the 4th March, 2013 Elections in Kenya. *Preliminary Statement*; Retrieved May 5th March 2013 from <http://www.eisa.org.za/PDF/ken2013aul.pdf>

Ball Allan and Peters Guy (2000), *Modern Politics and Government*, Palgrave

Brinkerhoff W. and Goldsmith Arthur (2002), *Clientelism, Patrimonialism and Democratic Governance: An Overview and Framework for Assessment and Programming*, US Agency for International Development

Beetham David (2006), *A beginner's Guide, Democracy*, Oxford University Press

CGD (2005), *Political Parties to be Funded by the State*, Center for Governance and Development, Policy brief issue 01/03

Chweya Ludeki (ed), 2002, *Electoral Politics in Kenya*, Nairobi, Clari Press

Dahl Robert (1989), *Democracy and its Critics*, New Delhi, Orient Longman

Downs Anthony (1957), *An Economic Theory of Democracy*, Chapel hill, NC: University of North Carolina Press

Dowse Robert and Hughes John (1972), *Political Sociology*, John Wiley and Sons

Dworkin Ronald (1990), *A bill of Rights for Britain*, London, Chatto and Windus

European Union Observer Mission in Kenya (2013), *Preliminary Statement*, Retrieved May 5th 2013 from <http://www.eueom.eu/kenya> 2013

European Union Elections Observer Mission (2002), *Kenya General Elections 27th December 2002*, Retrieved May 5th 2013 from <http://aceproject.org/regions-en/countries-and-territories/KE/reports/Kenya%20-%20EU%20rep02.pdf>

Friedrich Ebert Stiftung, (2010), *Institutionalizing Political Parties in Kenya*, Friedrich Ebert Stiftung

International Crisis Group (2013), *Kenya's 2013 Elections: Africa Report No. 197*, Retrieved May 5th 2013 from <http://www.crisisgroup.org/media/Files/africa/horn-of-africa/kenya/197-kenyas-2013-elections.pdf>

Iversen Torben (1994), Political Leadership and Representation in Western European Democracies, A test of Three Models of Voting, *American Journal of Political Science*, No. 38
IED (1998), *Political Party Organization and Management in Kenya*, An audit

Institute for Education and Democracy, (1998), *Political Parties Management and Organization in Kenya*, Nairobi

Jackson Robert and Rosberg Carl (1982), *Personal Rule in Black Africa, Prince, Autocrat, Prophet, Tyrant*, Berkeley, University of California Press

Kagwanja Peter (2010), *Kenya: Political Parties in the New Constitutional Order*, African Policy Brief. Issue no. 3

Kajirwa K. S. (2008), *Political Party Formation and Alliances: A Case of Kenya*, Unpublished Thesis. Atlantic International University

Kenya Elections Act 2011

Kenya Political Parties Act 2011

Kenya Law Review (2013), Constitution of Kenya 2010, Retrieved March 5th 2013 from <http://www.kenyalaw.org/klr/index.php>

Kenya Law Review (2013), *Supreme Court Ruling on Petition 5 of 2013*, Retrieved May 5th 2013 from <http://www.kenyalaw.org/klr/index.php>

Kenya National Commission on Human Rights Monitoring Report on Kenya's 2013 General Election

Kaminski Antony and Kaminski Bartlomiej (2001), *Governance and Corruption in Transition: the Challenge of Subverting Corruption*, UN Economic Commission Europe, Geneva

Kriegler J. (2008), *Commission of Inquiry into Kenya's 2007 General Elections*, Retrieved May 5th 2013 from <http://www.communication.go.ke/media.asp?id=719>

La Palombara J. and Weiner M. (1966), The Origin and Development of Political Parties and The Impact of Parties on Political Development, in La Palombara et. al., (eds), *Political Parties and Political Development*, Princeton University Press

Nation Newspapers coverage of Party nominations in Kenya (2013), Retrieved from <http://elections.nation.co.ke/news/-/1631868/1672602/-/p8vh3kz/-/index.html>

Nyinguro P. (1999), *United States Policy and The Transition to Democracy in Kenya, 1990 – 1992*, South Carolina University

Mozaffar Shaheen (2005), Introduction, *Party Politics*, Issue 4, No. 11

Owuoche S. and Jonyo F. (2002), *Political Parties and Civil Society in Governance and Development*, A synthesis, Birds, Nairobi

Owuoche S. and Jonyo F. (2004), *Politics in Kenya; A perspective*, Nairobi Azinger

Owuoche S. (2010), *The Church in the Struggle for Democracy in Kenya*, Nairobi, Mvule

Standard Newspapers coverage of Party nominations (2013) Retrieved from http://www.standardmedia.co.ke/?articleID=2000075605&story_title=odm-on-the-spot-over-chaotic-nominations&pageNo=2

Schumpeter J. (1947), *Capitalism, Socialism and Democracy*, New York, Harper

Sartori Giovanni (1976), *Parties and Party Systems, A framework for Analysis*, Cambridge, Cambridge University Press

Serdar Yilmaz, Yakup Beris and Rodrigo Serrano-Berthet (2010), *Linking Local Government Discretion and Accountability: a Diagnostic Framework for Local Governance*, Development Policy Review, 28 (3)

Throup D and Hornsby C. (1998), *Multi Party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in 1992 Elections*, Oxford James Currey

ⁱ Principles of democracy espoused by Alexis De Tocqueville in his book Democracy in America Volume I & II

ⁱⁱ The nomination exercise were marred by violence and confusion especially in hotly contested areas in Nyanza. Confusion and mismanaged nomination exercise was witnessed in most parts of the country, Reference is made to Media coverage of political parties nomination exercise in December 2012 in Kenya.

ⁱⁱⁱ European Union Election Observation Mission, 2002, *Kenya General Elections 27*, December 2002, Final Report.

^{iv} The standard Newspaper and a host of other Newsmagazines in Kenya including Television Stations covered intensively the chaotic nature of the party primaries during the 2013 general elections

^v The tyranny of numbers was developed by political scientist Mutahi Ngunyi, in his analysis Mutahi Ngunyi made claims that the election was won with voter registration. The Kikuyu and Kalenjin had the highest number of registered voters combined and judging from historical patterns in elections these communities would combine to win the election

