



Institutionalizing
**POLITICAL
PARTIES**
in Kenya



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List of Abbreviations and Acronyms

DP	Democratic Party
ECK	Electoral Commission of Kenya
FORD	Forum for Restoration of Democracy
FORD-Asili	Forum for Restoration of Democracy-Asili
FORD-Kenya	Forum for Restoration of Democracy in Kenya
FORD-People	Forum for Restoration of Democracy for the People
IPPG	Inter-Parties Parliamentary Group
KADDU	Kenya African Democratic Development Union
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
KAU	Kenya African Union
KBC	Kenya Broadcasting Corporation
KENDA	Kenya National Democratic Alliance
KPU	Kenya People's Union
MP	Member of Parliament
NAK	National Alliance Party of Kenya
NARC	National Rainbow Coalition
NGOs	Non-governmental Organizations
ODM	Orange Democratic Movement
ODM-K	Orange Democratic Movement-Kenya
PNU	Party of National Unity
UNDA	United National Democratic Alliance

Foreword

Political parties are the vehicles of representative democracy. They play several critical roles to make representative democracy a reality. These include:

- representing societal interests within the state (by participating in Parliament);
- socializing political leaders on the principles of democracy and democratic participation;
- carrying out political education and communication (by providing information on which the voters may base their selection of candidates before them);
- carrying out political mobilization and encouraging the public to cast their votes in elections;
- recruiting political leaders;
- aggregating and articulating interests;
- promoting pluralistic debates by presenting alternative policy platforms; and
- integrating the diverse groups within a country into a cohesive nation.

The importance of political parties in the democratic process cannot, therefore, be overemphasized. The agitation for the repeal of section 2A of the constitution, which prohibited the existence of parties other than the Kenya African National Union (KANU), was at the core of the struggle for democratization, which preoccupied Kenyans in the late 1980s and early 1990s. This struggle for the right to have many political parties was labeled the second liberation (the first being liberation from colonialism).

However, the reintroduction of multiparty politics in December 1991, though a huge step in the country's journey towards becoming a competitive representative democracy, merely resulted in the proliferation of political parties most of which remain ineffectual. The parties have performed dismally in their traditional roles. They have also failed to articulate coherent ideologies, develop concrete political programmes, establish national following and practice internal democracy. Most of them at best serve as electoral vehicles, only heard of at election time, with no known contacts in between elections. Indeed, four multiparty elections down the line the country is yet to transit into a full-fledged representative democracy.

In the context of dissent and diversity in the social order and body politic, parties are supposed to be 'parts' of a whole and should pursue the interest of their members and the national interest within agreed principles. This is in contradistinction to factions which engage in vicious and selfish struggles for control of government positions and benefits. Political parties in Kenya have tended to behave more like factions than parties.

Although political parties are expressions of social structural conflict situations (cleavages), they more than any other democratic institution have the capacity to generate positive cross-cutting cleavages by aggregating diverse interests rather than articulating specific ones. Political parties in Kenya have failed to articulate socio-economic or any other democratically acceptable ideological cleavages and have tended to articulate interests on the basis of ethnicity, thereby, intensifying already existing societal divisions, tensions and conflicts.

The absence of ideological or policy platforms has not only seen parties appeal to ethnic emotions but also indulge in patronage and corruption, which have further heightened perceptions of ethnic inequality and/or exclusion within the political system. This phenomenon was especially magnified in the period leading to the constitutional referendum in 2005, through to the 2007 General Elections when a dispute over the tallying of presidential votes resulted in widespread post-election violence that led to the death of over 1000 people and the displacement of another 500, 000.

There is urgent need to turn the focus on the country's governance situation on political parties as institutions of democracy, especially their role in the socio-economic and political development. *Institutionalizing Political Parties in Kenya* is a modest contribution by the Centre for Governance and Development (CGD) and the Friedrich Ebert Stiftung (FES) towards this end. It defines political parties, characterizes them, assesses their contribution to the country's socio-economic and political development - especially in the past two decades, discusses the challenges facing parties in Kenya and the opportunities available to them, and recommends the way forward. We hope that it will galvanize political parties and other key governance stakeholders into fast tracking party reforms and also inform party strengthening efforts.

We would like to thank Dr. Richard Bosire for undertaking the research on institutionalising of political parties and for preparing this publication and Bosire Nyamori for editing it. Collins Odote, Programme Manager at FES guided the research process and was instrumental for quality control. We also thank Felisia Muya at CGD and Sophie Njagi at FES for their role in the process.

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1 Introduction

There is no universal definition of the term *political party*. Most definitions dwell on structure and purpose and the key constitutive aspects of political parties. These appear to be the salient attributes of a political party and although their choice is arbitrary they may, nevertheless, offer a clearer explanation of what a political party is. Parties could be viewed as organizations that contest elections and engage in other public activities designed to share in staffing government and in influencing policy. They possess an identifiable label and generate a cadre of supporters.

Some analysts view parties as elite-owned instruments for seeking and maintaining political power. But this may not necessarily always be correct. In a democracy, parties are not personalized, and limited to serving only the interests of the elite. Rather, they have structures, rules, procedures, norms and principles. Also, they are institutionalized coalitions, not just for elites but for the mass of members as well. Their formal machinery or structures are found at all levels of political activity- national, regional, district, constituency, ward, and indeed all the way down to the grassroots. They operate within specified legal frameworks that define their membership, composition, roles and functions, financial base, and operational rules and discipline.

Surface analysis of Kenyan politics suggests party ineffectiveness and little consolidation due to a myriad of factors, the main ones being ethnicity, personalization of institutions and excessive focus on power rather than policy engagement and service to the people. They are often overly manipulated to address short-term goals rather than inculcating enduring democratic culture.

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The Kenyan political Party landscape has undergone fundamental change from the independence period to date. In explaining how the focus of parties have changed over the years, it is useful to divide the period into phases. This offers a better understanding of major political milestones. These phases are: pre-independence; post-independence (1963-1969); 1970-1990; and late 1991 to present.

During the pre-independence period, their main focus was magnification of the peril and promise of democratic governance. They embodied nationalist sentiments and vehemently fought for emancipation of countries from colonial subjugation. In the first years of the post-independence period era, parties developed an inclination towards one-party governance status, but in spite of this , embraced and practiced reasonable democratic practices. In the period 1970-1990, parties lost all pretensions to democracy and became personal tools of authoritarian leaders, typified by the events surrounding the formation and proscribing of the Kenya People's Union (KPU), and consequently, lost their savor as democratic institutions. Political competition was almost entirely suffocated and only the Kenya African National

Union (KANU) remained as the dominant party, and later the only political party, after it engineered constitutional changes in 1982 to make Kenya a *de jure* single party state. In 1991, Kenya became a multi-party state and hitherto, parties have had mixed results. Initially, they seemed critical in organizing public preferences and national agenda and generally performed their generic functions. Along the way, they have taken off this trajectory and there is concern that political parties still operate as personal outfits or tribal alliances, concerning themselves more with consolidation and retention of power rather than developing and implementing policies once in office or undertaking the core roles of political parties. This is cause for concern as the role of political parties is not limited to strategizing to capture and retain power. Political parties in a democracy have several functions that include leadership recruitment, political socialization, interest aggregation, and organization, policy formulation, political representation and mobilization.

The Friedrich Ebert Foundation and the Centre for Governance and Development, sought to assess the levels of institutionalization of political parties in Kenya. This publication summarizes the key findings of that study. To achieve this objective, it focuses on the status of Kenya's political parties, their socio-political and economic environment, their registration, financing, and internal functioning, their contribution to socio-economic development in the period 1991 to 2007, and their role in the events leading to the December 2007 elections and post-election violence. It then recommends options for reforms that if implemented could strengthen political parties further.

As the country gears for a new constitutional dispensation, political parties are expected to take a leading role in governance, democratisation and development efforts.

2 Framework for Analysis and Research Methodology

This study adopts organization theory as a framework of analysis. The reason is that the theory's framework focuses on operations, motivations, as well as internal and external structures of institutions, which is precisely what this study, *institutionalization of political parties*, is about.

Organisation theory views large human organizations as 'living systems', with internal and external milieu as well as boundaries that define their closure. Although political parties are not identified as typical organizations, they are social institutions with features akin to these large organizations and thus merit analysis using this approach.

The most important contribution of organization theory or the institutional approach is its emphasis on the environment. Organizational theorists privilege the close interactions of organizations and their environments- physical, social, cultural, legal and political. Just as all living systems, an institution subjected to external and internal interactions will undergo structural changes. If the institution does not learn and adapt to these environmental dynamics, its systems may disintegrate. As such, political parties must navigate the environment with their interests at the fore, adapt in accordance with survival and other needs such as re-election and gaining support among the electorate.

Another salient aspect of organizations is their institutionalization as this gives them a distinctive character. By dint of this, institutions are enduring and outlive their leadership. This view is germane to political parties. They are viewed as institutions and not merely organizations that can be abandoned without impact on the greater good of society.

Institutional values and practices should not be at cross-purposes with democratic norms and values, but rather complement each other as the former finds its basis in the latter.

According to organization theorists, an organization's leadership is critical to its success. The institutional leader is able to weld members of the organization into a "committed polity, with a great sense of identity, purpose and commitment. Just as in other institutions, political party leadership has the obligation to ensure that vital institutional interests, that keep members' vision and aspirations in focus, are in tandem with political interests and intrigues that characterize the environment of politics. In this context, institutional values and practices should not be at cross-purposes with democratic norms and values, but rather complement each other as the former finds its basis in the latter.

Another important variable that influences institutional life and health is institutional processes such as decision-making. *Institutional processes* are critical in the analysis of behavioral traits of an institution as they are the source of decisions and institutional outcomes. For instance, how decisions are made in political organizations will invariably influences their

stability and success in achieving their avowed goals. Thus, to understand the institution of political parties, one needs to consider the decision-making chamber of the party and scrutinize the processes and practices therein.

Institutional theorists do not accept without interrogation the claim that actors have universal and objective interests of the institutions they lead or to which they belong. They rather argue that both interests and power are shaped by institutions. Internal party organization and orientation influence the choices and interests of parties, such that it is not just the political leaders that should be the focus of reform, but also structures, such as ensuring election boards work.

The information in this booklet was gathered from secondary sources of data, augmented with interviews and focus group discussions with a non-scientifically drawn sample of leaders of political parties and other stakeholder institutions.

3 Historical Context of Political Parties in Kenya

Oppressive colonial and post-colonial state underlay the formation of numerous parties, although their activities were often met with heavy resistance and severe reprisals from the state. The state often restricted and banned the emergence of political parties and imprisoned and detained their leaders, thus suffocating organized political opposition that would fight economic inequalities, political repression, alienation of land and other injustices.

The Colonial State formulated and implemented oppressive and discriminative policies against Africans, such as alienation of land, denial of representation and subjection to servitude, causing massive impoverishment. To confront this unfair state of affairs, Africans began to voice their concerns through organized political groupings such as Kikuyu Central Association (KCA) and the Young Kavirondo Association (YKA). These associations agitated for consideration of African land claims, greater educational and economic opportunities as well as direct representation in the Legislative Council (Legco). As a result, the colonial authorities appointed the first African representative to the Legislative Assembly (LEGCO) in 1944. A closer look at their activities and programmes show the groupings lacked national outlook and were simultaneously, and significantly, welfare organizations. Dint of this could not possibly and effectively mobilise Africans against political oppression, hence formation of such outfits Kenya African Union (KCA), that later became KANU.

Because of the Colonial Government's imperviousness to their demands, Africans changed tact and resorted to armed struggle, mainly through the Mau Mau uprising in 1952.

Because of the Colonial Government's imperviousness to their demands, Africans changed tact and resorted to armed struggle, mainly through the Mau Mau uprising in 1952. The response of the Colonial government was hostile swift and brutal. It declared a state of emergency in 1952, banned country-wide African political activity and imprisoned and detained the leaders of the banned political associations. Ironically, it did not proscribe political activity at district level except Central Kenya where it was battling the Mau Mau. The result was emergence district-based political organizations, such as Taita African Democratic Union, Nakuru African Progressive Party, Baringo District Independence Party, and the Nandi District Independence Party in the mid 1950s. This political organisation was the genesis of tribalism that haunts the national political landscape. This was also reinforced by the fact that the colonial state used the infamous divide and rule policy to delineate district boundaries on ethnic basis.

The Mau Mau uprising and Africans' unceasing demands for political freedom and economic opportunities forced the Colonial Government to lay down a framework for independence, embodied in the Lyttelton Constitution of 1954. The corollary of this was that in 1957 elections were held on a limited franchise and these saw eight Africans elected, including Daniel

Arap Moi and Oginga Odinga, to LEGCO. In order to foster unity and continue the struggle for emancipation of Africans, the eight African members of Legco constituted themselves into an African Elected Members' Organization (AEMO) in 1959. Unfortunately, AEMO did not last long. The smaller tribes- the Kalenjin, Maasai, Luhya, Miji Kenda and other coastal tribes- feared domination by the larger tribes- Kikuyu and Luo. The split of AEMO was the forerunner to the two main political parties to be formed in 1960, KANU, composed of majority tribes, and KADU, composed of minority tribes.

After negotiations for Kenyan independence at the Lancaster Conference in 1962, elections were held in 1963 and KANU won majority seats. In 1963, the country attained independence, and in 1964, after change of the constitution, by among others, abolishing regionalism, Kenya became a republic. KADU dissolved and some of its members joined the Cabinet as a result of an onslaught orchestrated by the KANU regime. Thus, competitive party politics in Kenya was short-lived in the immediate period after independence.

In March 1966, Kenya People's Union (KPU) was formed as a result of ideological differences, leadership struggles, and the repression of dissent within KANU. Subsequently, KANU stage-managed a constitutional amendment, requiring members who defected from the party on whose ticket they won elections, to seek a fresh mandate. This affected twenty nine members of Parliament who supported KPU. The by-election was heavily manipulated such that only nine KPU legislators were re-elected, including Oginga Odinga. The KANU government continued with its oppressive onslaught on the opposition and in 1969 KPU was banned.

The KANU Government was repressive and anti-democratic. There was intolerance to dissent, within and outside the party framework.

This ban of KPA in 1969 ushered in a new dawn of *de facto* single-partyism throughout the 1970s and which came to an end in 1982 when Kenya became a *de jure* one party state. During the *de facto* single-partyism era, the KANU Government continued and intensified its autocratic rule, political organization became difficult or altogether impossible, and inter-party political competition was completely diminished.

To break the KANU stranglehold on power as well as introduce competitive politics, Jaramogi Oginga Odinga and George Anyona Moseti unsuccessfully attempted to register a socialist party in 1982. To forestall other similar attempts, Parliament amended the Constitution and introduced section 2A, which made a *de jure* single party state. The political climate leading to and after the country became a *de jure* single party state were somewhat similar to those prevailing in the 1970s in aftermath of the ban of KPA in 1969. The KANU Government was repressive and anti-democratic. There was intolerance to dissent, within and outside the party framework. Trade unions were banned and there was imposed limitations on the role of interest groups and civil society, which in mature democracies form fertile grounds for recruitment for party and national leadership. There was also the subordination of the party to the state, whereby the president made decisions and the party became a rubber stamp. The party was also elevated above the national assembly, such that Parliament's decisions could often be reversed by the party. This curtailed the emergence and development of political parties.

In 1991, section 2A was repealed and Kenya became a multi-party State. Numerous parties with a view to dislodging KANU from power emerged. Many of the parties were based on regional or ethnic considerations. Only FORD began as a mass movement, drawing support from most ethnic groups and hence had a semblance of national party. However, FORD's national appeal was short-lived. Because of leadership wrangles, allegedly engineered by Moi's divide and rule tactics, FORD split into two parties - FORD-Asili and FORD-Kenya, before the 1992 elections. FORD-Asili drew most its support from the Kikuyu tribe while most supporters for FORD-K hailed from the Luo and Luhya tribes.

Party loyalists and ethnic kingpins were rewarded with ministerial positions in the aftermath of the first multiparty elections in 1992, a practice which prevails to date. Patronage became the main currency in intra-party and national politics. Under this milieu, party and national elections fall far short of being democratic; a situation Kenyan politics is yet to overcome. Likewise, those perceived to be opposed to the party and national leader were punished by being denied access to resources, especially government services and development funds, both as individuals and as communities or regions.

Another important factor that affected the emergence and growth of political parties was the nature and operations of the colonial and post-colonial administration. The centralized administration, inherited from the colonialists, operated and still operates as the arm of the executive, while district-oriented faction-ridden political parties, an emblem of the divide and rule strategy and an impotent legislature, became assets of the Kenyatta and subsequent administrations. Some of the measures taken that affect the operations of political parties to date include registration of political parties and licensing of public meetings, which were subject to manipulations and often under direct influence of the executive to wade off opposition. The expectation that parties would become autonomous institutions to challenge the state was then a myth. The distribution of power and other resources between the government and the opposition has, *ipso facto*, been inequitable since the beginning of colonial rule.

4 Role of Political Parties

Introduction

Political parties are the lifeblood of democratic systems of government worldwide. Typically, the party in government is assumed to be the majority party and is assumed to represent the interests of the majority. Alternatively, majority interests could be represented by a coalition of parties. In contrast, the minority interests are represented by the party or parties outside government, mostly the opposition party.

The role of political parties in any polity underscores their necessity as institutions of social, economic and political governance. The functions of political parties include representation of societal interests in legislatures; political socialization and participation; political education and communication; recruitment of political leaders; policy formulation; and working towards national cohesion. These roles vary from one political system to another, based on contextual factors as well as the level of political development. In an ideal democracy, these roles are perceived as requisite and must be performed in a specified manner.

4.1: Mobilization Function

4.1.1: Party Mobilization in Democratic Society

As part of their role, political parties shape public opinions and galvanize support among members and even non-members. They do so by informing the public about government or/and party programmes, planning, and perspectives.

Political parties are the lifeblood of democratic systems of government worldwide.

As agents of political mobilization, parties play a pivotal role in the flow of political information. It is arguable that mobilization is effected by both formal and informal party advantages such as persuasion, to the extent that attempts at formal mobilization often find already ongoing mobilization processes through social networks.

Mobilization in developed democracies is mostly dependent on formal institutional arrangements of the party and is mostly deliberate and ongoing.

Parties mobilize the electorate to turn out and vote for office holders in representative democracies, by selling partisan messages and appeal. This is done without a problem in Western democracies where electoral competition is accepted as the basic right of parties. This process serves to inform the electorate on party positions on issues of national interest.

Parties mobilize effectively by articulating and packaging issues important to the electorate. Issue-voting or identifying with a political issue supported by groups and making it the

focal point of the campaign is often a norm in Western democracies. This may also attract financial resources to the party.

Nascent party organizations have incentives to stimulate citizen participation in democratic governance. The more voters they are able to mobilize, the greater their likelihood of electing their candidate.

Party ideology is often one of the key instruments of political mobilization. Ideology generally refers to systems of belief, specific objectives and political programmes, with the main purpose of legitimizing political action.

Parties, especially in Western democracies, brand messages that maximize support for them in an election. A rational approach to party mobilization would be perceived as accurate in terms of *targeting and success*. Thus, in mature democracies, the nature of societal interests should have a direct relationship with the content of political communication aimed at issue-based mobilization.

Parties and *party identification* also simplify voters' choices and thus making it easier for them to go out and vote. Citizens use parties as a "means of drawing inferences about the candidates' characteristics and policy stands." Parties also provide a linkage between voters and their representatives. Party mobilization process lays bare these linkages.

Nevertheless, mobilization is affected by social and environmental factors that have to do with party dominance or advantage in some locales.

4.1.2: Parties and Political Mobilization in Kenya

The mobilization role of parties in Kenya is often effective depending on issue saliency and on ethno-cultural cleavages, especially ethnicity to concretize their appeal and impact. Issue-based mobilization such as the independence struggle, the agitation for multi-party democracy in early 1990s, and constitutional review referendum (2005) or any other issue of national importance, have often attracted phenomenal support from the citizenry.

However, such mobilization is not based on enduring party loyalties. Rather, it is often a temporary phenomenon, which fizzles away 'shortly' after realization of the specific purpose. It has often been the case in Kenya that the party in power or the dominant member of a coalition often uses state resources, including government vehicles and funds, the Provincial Administration and other civil servants, and security agents to campaign and mobilize support for the party/government position in a struggle between the government and opposition parties.

During mobilization, promises that parties outline to the electorate aim at appealing to different tribes, invariably aiding the mobilization process. For example, during the run-up to the 2007 elections, the debate about how to decentralize power was interpreted differently by

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ODM and PNU. The ODM Party advocated for regional governments (Majimbo or Ugatuzi, as means of ensuring equitable distribution of national resources. In its campaigns, the PNU interpreted the ODM programme on regional governments as a scheme to eject the Kikuyus from the Rift Valley and other places where they have settled. By so doing, PNU hoped to get Kikuyu support. However, attempts at ethnic mobilisation were not new. Campaigns in the 2005 referendum followed this trajectory.

Most parties that follow their leaders' positions on salient national issues, rather than follow party ideology, are often weak as instruments of political mobilization.

Access to the media, state or privately owned, is critical to political mobilization. The state-owned broadcaster corporation, Kenya Broadcasting Corporation (KBC), often displays biases in coverage, especially during election campaigns. State media often favor the governing party, or coalition of parties, while opposition parties are often given negative publicity or none at all. The options available for parties to exercise their liberty, under these circumstances, with financial and

logistical challenges, are limited. For example, during mobilization for the 2005 referendum, the government (a coalition of NAK, Ford-People, et cetera) extensively used KBC television and radio to popularize their support for the *Wako Draft*.

Also, parties in power improve their reach in mobilization by using state resources to bribe voters. NARC, just as its predecessor (KANU), used relief food to bribe and attract support during the 2005 referendum campaigns.

Legitimate and fair utilization of state resources would most likely help remove this damaging dependency syndrome. Strict rules, especially controlling utilization of state media, should be part of the process of democratic consolidation and improvement of interparty competition. This would significantly help inculcate fair play that would embed democracy at party level. This would also shift interparty discourse from the realm of power and ethnicity into the realm of democratic values and ethics, and nationhood.

Political advertising, as a form of political mobilization, especially on television, print and other electronic media, has emerged as the most popular among parties, although it is prohibitively costly. This mobilization strategy seems to be keeping pace with technological advances. For instance, in the run-up to the 2007 elections parties used live television broadcasts and radio sound-bites, leaflets, posters, billboards, e-mails and telephone text messages (SMS) to mobilize voters. The major parties (ODM, ODM-K, and PNU) spent a greater proportion of their resources in political advertizing, which smaller parties could not afford. Likewise, parties have evolved structures relating to mobilization, committees as well as activist groups were deployed in the process.

Most parties that follow their leaders' positions on salient national issues, rather than follow party ideology, are often weak as instruments of political mobilization. This is one of the main reasons for polarization and disintegration of parties in Kenya. This tendency often overlooks the saliency of party processes and members' preferences on important national issues. Consequently, this undermines the vitality of party structures in shaping decisions.

Party ideology is critical to political mobilization. Kenyan political parties espouse some ideological leanings, although they generally lack commitment in practice. For example, ODM, NARC-Kenya, ODM-Kenya, and KANU officials claimed that their parties are concerned with equitable sharing of national resources, creating employment for the youth, extending social and health services to all Kenyans, establishing welfare programmes to cushion the most vulnerable in society, providing free education for all, et cetera. During election campaign, mobilization has been effective using slogans that address these avowed maxims that often become proverbial when the party gains the reins of power.

In conclusion, one could argue that the ideal strategy and structure of mobilization by Kenyan political parties falls short of the ideals practiced in developed democracies. Most prominent is the lack of issue-based mobilization and fairness in terms of access to public media.

4.2: Recruitment Function

4.2.1: Ideals of Democratic Recruitment

In democracies, Parties fulfill four recruitment roles. They select candidates for election; recruit and select candidates for appointive office; recruit and socialize political activists and political party office holders; and integrate citizens into the existing political system. Parties perform this function in order to ascend to power.

For parties to remain relevant they must recruit not only like-minded individuals to run for office under the party's label but also offer help in the form of campaign expertise, money, and other resources to increase their chances of winning.

One of the classic functions of parties is nominating of candidates for office at all levels of government. Party constitutions as well as national electoral laws determine eligibility of candidates for electoral offices. Thus, party recruitment function is analyzed by focusing on the nomination process, which is done either by publics or electors/delegates. In developed democracies such as Germany, high-ranking party organs do not have a decisive influence on nomination processes but local leadership groups do. Candidate selection is not dictated from above or imposed from outside, but is largely vested in parties' grassroots organizations, although their decisions are usually prepared and predetermined by only small circles of local officials. Interference from top party leadership often generates resentment from local leaders.

Because parties are societal creatures, they are better placed to recruit political leaders for society in the purview of popular will, allowing the grassroots members to participate in the process. Parties are, likewise, constitutionally recognized as the 'formal contestants of elections'. Candidates are required by electoral laws to declare and provide certification as to their party affiliation.

There are legal requirements for nomination for election to a national office. In addition, other certification criteria are set by parties through their internal rules, constitutions, and by-laws. These include party membership, party loyalty, and familiarity with party. Process evaluation is viewed vis-à-vis internal party democracy (fairness, simplicity, and transparency).

Party recruitment process in Kenya is not necessarily meritocratic. Other criteria such as party loyalty, funding, role of candidate in party leadership, likelihood of winning against candidates of other parties, ethnicity, et cetera, are equally important. These recruitment logics are often replicated during party elections. This has often caused discontent among party members, often resulting in party decline or split.

Thus, the issue of espousing democratic principles in the recruitment process has always attracted attention of practitioners and scholars. The big questions are: who decides? Is there internal party democracy? What effects does the process have on peoples' perceptions of the party and its leaders?

4.2.2: Political Parties and Political Recruitment in Kenya

Since Kenya's independence in 1963, recruitment has been the most controversial feature of the electioneering process, both during single-party as well as in multiparty Kenya. Although party constitutions stipulate that respective parties are decentralized and largely open and democratic in their recruitment processes, practice shows that Kenyan parties are heavily centralized and generally undemocratic.

Democratic rulebooks and procedures exist on paper but are widely flouted in practice

In major parties such as KANU, ODM, PNU and ODM-K, party leaders have considerable power of patronage, enabling them to place their preferred candidates into electorally favorable constituencies, or in high-ranked positions on party hierarchy to continue serving the interests of the party leader. On the other hand, in decentralized processes, nomination decisions in each locality largely rest in the hands of party members. However, in some instances, the choice of the majority is varied in favor of the party leadership's choice. Thus, caution should be taken as practice, in most instances, deviates from structural provisions.

There are often significant differences between the *de jure* and *de facto* decision-making bodies, especially in poorly institutionalized parties where democratic rulebooks and procedures exist on paper but are widely flouted in practice as further illustrated in the section on intra-party democracy.

There are often significant differences between the *de jure* and *de facto* decision-making bodies, especially in poorly institutionalized parties where democratic rulebooks and procedures exist on paper but are widely flouted in practice as further illustrated in the section on intra-party democracy.

4.3: Parties and Political Education

4.3.1: Elements of Political Education

Political education seeks to ensure informed and effective participation by the citizenry. In this context, political education is viewed as a necessary component of democracy and political parties are the ideal instrument to meet this need. To accomplish its role, political education should include but not be limited to, democratic values and norms such as supremacy of the rule of law, equality, justice, responsibility, political liberty and its essential elements such as individual liberty, personal responsibility and community solidarity.

The impact of political education could be demonstrated when people in a political system embrace principles of democracy by living them or behaving democratically. By so doing, political education will have embedded a culture of responsible political behavior and accountability.

Also, political education's goal is to attain consensus on critical party or societal/national issues. Any political community should reach consensus on values and principles guiding societal transactions and life. This is because social justice and political order exist alongside each other, and are determined by members of a polity. Through this process, a political party keeps close to society and in the process society, in turn, requires them to be democratic and accountable political institutions.

Political communication is critical to the formation of political will and taking of political decisions. Just as for political education, the overall aim of communication is to create a democratic political culture. To be effective, communication has to be underpinned by openness. Communication between parties and citizens in Kenya occurs through the mass media, major events such rallies and party meetings such as the national executive committees, direct contact with party politicians; electoral communication (advertisements, posters, leaflets, etc); and meeting with members at the party base.

4.3.2: Parties and Political Education in Kenya

Kenyan parties have generally not taken political education seriously. There are no established party programmes aimed at educating members on various issues of national concern as well as values in democratic governance. A semblance of serious participation in political education usually emerges during electioneering period. The dearth of political education is alleviated somewhat by the engagement that civic education groups, NGOs, the media, and educational institutions have with the public. In cognizance of this void, the Political Parties Act requires parties to offer political education as part of their programmes.

The dearth of political education is alleviated somewhat by the engagement that civic education groups, NGOs, the media, and educational institutions have with the public.

Party governance portrays the existence of a yawning gap between ideals and practice. Also, as a society, Kenya needs political education, especially on values and ethics, now than ever before. This might help counteract impunity and other problems facing the country. Each political party needs to draw a strategy, a programme of activities and ensure clear goals and purposes of political education to engage its members. Education on responsible citizenship, sanctity of the rule of law, principles of democracy, political tolerance and competition, respect for human rights, national unity, national healing and reconciliation, should be among the critical issues.

4.4: Political Socialization Function

Attitudes toward participation in political activity or respect for authority and rights of others are acquired in early age and reinforced through agents of socialization that are dominant in adulthood. Agents of political socialization include: family; schools as they expose children to political literature and ideologies; religion; mass media; political parties; and peer influence.

Political socialization entails a comprehensive process that touches the entire life circle of an individual. It entails more than the formation of political opinions. It includes every dimension of the polity, public order, legitimacy, justice, policy, stability, and leadership.

The political party is expected to socialize its members or the citizenry in all these facets through the supply of relevant information, publicizing its benefits or ideology, and actions exhibited by the way it conducts its affairs. Thus, the party's political socialization role is interwoven with other functions including pronouncements of party leaders, conduct of elections, political communication, et cetera.

It is evident that political parties in Kenya have for a long time generally encouraged negative socialization, whereby negative values are inculcated in party members as well members of the entire polity. The way party leaders conduct themselves, for instance, in relation to hate speech and political violence, tolerance of divergent opinions, and conduct of elections, has socialized the citizenry with the wrong values. Parties should conduct their business in consonance with democratic ethics and values.

Parties should conduct their business in consonance with democratic ethics and values.

4.5 Representation Function

In democracies, political parties speak and act for their supporters in all societal spheres be it in the Legislature, media, electoral campaigns and in government and other public fora. As direct democracy is not possible in modern society, *parties serve as agents of the people*. They espouse the views and concerns of their members and supporters in decision-making in government agencies and parliaments.

Representation ensures political accountability. Party representatives strive to keep the promises made during campaigns to constituents, failure to which they may not be re-elected. Similarly, they may focus on what they think their constituents will approve at the next election not what they promised to do at the last election.

Representation also raises questions of legitimacy, which emanates from authorization and accountability. Legitimacy is linked to the methods through which mandates are handed to parties and representatives. In free and fair elections, mandates are very clear and the party or parties in power should pursue the cause of the people. Personal interests are suppressed and the public interest, as defined by party constitutions and manifestos, prevail. Thus accountability would flow from the legitimating and authorization processes.

Thus, when focusing on the Kenyan parties and processes of accountability, legitimization and authorization, parties fall short of democratic norms. The electoral processes are often flawed, corrupted through bribery during campaigns, vote rigging and other manipulations, which blurs accountability and makes representation ineffective.

Thus, there are political parties and representatives that are expected to follow the public interest, but without clear mandates or with no mandates at all. Streamlining party internal democracy and improving electoral processes (especially the use of money or bribery in influencing voters) would enhance party representation and representatives' responsiveness to constituency interests, thus improving on representation function.

4.6: Parties and Political Development

Political development could be conceived as the process toward democratization, one of transition and consolidation as undertaken by political players in a society. It involves the creation of institutions of governance and even changing the attitudes of rulers and the ruled, and to enhance people's choices in life. It also involves building capacity for resource mobilization, policy-making and implementation. These could be accomplished through constitutional reforms, improvement of electoral processes, improving representation in parliaments, strengthening of the justice system, among others.

Thus, democratization and good governance have become core constitutive aspects of political development and Kenya's political parties have played a major role in this realm of political life. Political parties participated in the fight for independence and sovereignty. However, the focus of this section is limited to the period after 1990.

The agitation for multiparty democracy in the late 1980s and early 1990s was a great accomplishment by political parties in this country. The vision and momentum were initially motivated by national interests rather than sectarian, ethnic or other interests. In this respect, opposition parties remained united for the purpose of entrenching the country's democratization process in the constitution, following the repeal of Section 2 A of the constitution.

In the aftermath of these accomplishments, political parties that were now functioning as independent entities, one from another, started the struggle for power, which culminated in an overly polarized political landscape, shaped by personal, ethnic and regional interests. Although parties are expected to compete fairly for power, Kenyan politicians transformed the contest into one for personal and ethnic supremacy. In the aftermath, opposition parties fragmented instead of concretizing alliances to push for democratic reforms, a key element of political development. FORD, which was seen as the 'second liberation' party split into FORD-Kenya and FORD-Asili (and later FORD People), while other parties emerged such as Safina, Kenya National Congress, KENDA, Kenya Social Congress, Democratic party, et cetera.

The agitation for multiparty democracy in the late 1980s and early 1990s was a great accomplishment by political parties in this country.

In the aftermath of defeat in 1992 general elections by KANU, parliamentary parties formed the Inter-Parties Parliamentary Group (IPPG) as an attempt to review electoral laws and procedures, among other legal reforms. The result was the emergence of a framework regime to govern the appointment of members of the Electoral Commission of Kenya (ECK) and the conduct of elections. Party leaders were, however, unsuccessful to entrench these accords in the national constitution to give them legal force and elicit compliance from those expected to implement them, especially the executive branch headed by the president, who was the appointing authority of the ECK Commissioners. These reforms were insufficient to guarantee fair play among competing political parties. Other coalitions and alliances such as the United National Democratic Alliance (UNDA), which were formed after 1992 elections, did not succeed in fundamentally reforming the political system. Alliances during the new millennium succeeded to dethrone KANU but failed to institute fundamental political reforms.

The NARC government, upon removing KANU from power, made various promises to the public including the enactment of a new constitution within 100 days of its reign. It also promised zero tolerance to corruption; devolution of power especially that of the presidency, adopting a consensual and consultative governance system as opposed to the previous dictatorial system. This was intended to keep the coalition intact for the sake of national cohesion and development. Most of these promises are yet to be met. This means that parties as agents of political development have failed to meet the nation's interests. For instance, since 2003, the country witnessed the re-emergence of ethnicity as a basic feature of political appointments and politics.

Parties, however, have succeeded in building coalitions, although these coalitions are not ideologically founded. Coalition politics has failed on two grounds: trust and fair dealing. Nevertheless, the new Political Parties Act provides some safeguards against such violation of trust by requiring political parties to file coalition arrangements documents with the Registrar of Political Parties.

This demonstrates that political parties have been at the fore of political development in the country since independence, more especially since the repeal of Section 2A of the Constitution, giving rise to the current state of politics in the country. They have acted both as enablers and impediments to political reforms in the country as their contest for power and influence has derailed them from the more germane mission of cultivating a democratic, value-based political culture. The creation of alliances to strengthen parties for political competition was a success, to some degree, but was not based on ideology, but rather mainly on ethnicity and regionalism. Mistrust continues to be a concern among coalition partners, sowing seeds of polarization and potential conflict.

4.7: Political Parties and Socio-Economic Development

Political parties in mature democracies predominantly and effectively perform policy formulation role rather than engaging in direct planning and implementation of socio-economic development programmes. Their aspirations are multifaceted, the major one being ascending to power as a means of implementing their visions. Thus, parties outside government and the one in government do not directly engage in programme planning and implementa-

tion but rather provide a framework for development as declared in party manifestos. In any event, the party government respects the separation of powers as stipulated in the country's constitution. The legislature will play its rule-making role, the judiciary the adjudication of the law; and the executive the implantation of policy. In other words, if a party wanted to implement its policies while in government it can only do it indirectly, through the executive, or else it ceases to be a political party.

In contrast, KANU participated in both formulation and implementation. Indeed, KANU used bureaucrats and other technocrats to formulate the development agenda programme planning and implementation. The only exception was Sessional Paper Number 10, which was a product of executive planning process rather than the party. By participating in both policy formulation and implementation, KANU ensured there was a fusion of power between the party, parliament and the executive during single-party rule.

Party manifestos have great resources to be factored into the socio-economic development agenda of the country. For instance, the 2007 ODM manifesto loudly proclaims its mission as being to engender prosperity with equality and accountability, with the aspiration of forming the next government as a prerequisite to its implementation. Manifestos do not state 'how' (spell out party structures) parties would implement the proposed policies. In any event, the party has no structural mechanisms and competency to implement proposed programmes.

Other parties likewise made similar declarations of interest as to their vision when they ascend to power. Most prominent is Narc-Kenya's slogan: 'One Kenya, one Nation, one People', which no doubt captures the yawning need for national unity. The party's manifesto touches numerous socio-economic and political development issues. In spite of the fact that such declarations are profoundly germane, they remain in the sphere of aspirations/declarations until the party ascends to power and even then, as practice shows, they might not see the light of day due to other overriding interests. Thus, parties are better at articulating public interest and should be encouraged and empowered to play this role through parliamentary processes as well as sensitization of membership to hold the government in power to account.

Kenya requires economic growth, especially during this period of global economic recession, which would generate jobs for the majority of its youthful population and improve the social welfare of the entire citizenry. The main challenge to political parties and other political institutions is the alignment of these needs with the political interests of the political class that controls the reins of power and national resources.

Kenya is currently in a conundrum, whereby political interests are in conflict with national socio-economic needs, giving rise to increased suffering to the majority poor. It is the role of political parties, therefore, to work toward the alignment of these interests. Political parties should accomplish this by making the government responsive and accountable to its broader national constituency.

Kenya's political parties exhibit functional weaknesses, compounded by patrimonialism, ethnic loyalties and political insecurity

However, Kenya's political parties exhibit functional weaknesses, compounded by patrimonialism, ethnic loyalties and political insecurity, leading to their ineffectiveness in restraining government from behaving in politically damaging ways. With weak institutional checks on the private appropriation of public resources, patronage networks permeate the state's administrative structures, compromising public-service's effectiveness and fueling corruption. Lack of official opposition in the tenth Parliament, for instance, poses a major handicap to accountability in the implementation of socio-economic policy. Parties are unable to restrain the executive or limit their authority, even when the executive is a member of such a party.

4.8: Role of Parties in Policy-Making

Parties have loud declarations in their manifestos as to their role in policy formulation. The ODM 2007 campaign manifesto states: "ODM Government will steer policy toward ensuring that all Kenyans are part and parcel of national progress and prosperity. In terms of general policy direction, we will seek to reduce poverty (both in rate and number of people.)"

Parties, both opposition and ruling, must participate in policy formation. In this regard, creating and sustaining working parties is critical to democratic governance. The desire for re-election constitutes a fundamental incentive toward participation in national socio-economic development, through policy formulation and decision-making. Representatives ought to deliver in terms of policies, not just in their design but also their implementation (a function often fulfilled by the party government).

Thus, the party enables members to reach this goal by packaging policies in their manifestos and pushing for their enactment in the legislative. Representatives are in turn advertized favorably and often claim credit for desirable outcomes.

Party patronage affects the efficacy of political parties to influence policy.

It is true in Kenya today that re-election does not only depend on a particular politician's personal qualities and performance, as was the case of Raphael Tuju in Rarieda constituency in Nyanza, but also on *public*

perceptions of where community interests can best be taken care of.

Party leadership is critical in this process as it influences the legislative process. The government party or ruling party has a variety of ways of controlling the legislative agenda in the interest of party members. Equally important is the role of opposition parties, which promote their member's interest by checking the government, directly and through oversight committees. The expectations are that party positions should be very clear and in accordance with party ideology, and that members' institutional ambitions should be met. For this to be successful, committee chairs' independence should be restricted, so that their policy positions are in tandem with those of the party. This would probably bring people's preferences into the legislative process, magnifying the party image.

Party patronage affects the efficacy of political parties to influence policy. It could be argued that political parties can use patronage to increase their policy-making capacity. Party activists and politicians have influence over national politicians either via intra-party competi-

tion or through the capacity to withhold political and financial support. Through this, they impose minimum constraints on the party's flexibility in terms of party policies.

Appointments to the public service done through patronage often become an obstacle to party government when governing power is passed from one party to another, especially when those appointment are on a permanent basis. Partisan public servants are faithful servants when their party is in power but turn into party spies, keeping their political patrons informed about the inner core operations of government.

Party patronage is also used in appointing judges and other top judicial officers, who in turn would have to settle political disputes whenever they arise. Most often they would favor the appointing authority, although some would be concerned with their professional reputation.

The NARC government, 2003, was aggressive to wipe out President Moi's patronage freedom within the public service but ended worsening the situation by outplaying him in the patronage game. Political parties should be aware of these influences and ensure that they do not hurt democratic progress and fair distribution of resources. For instance, the option is to appoint beneficiaries of the patronage system for a period of five years, an equivalent of one term of party government, except for Court of Appeal Judges. This would ensure that once the party is out of power they do not impede or negatively affect the policy making and implementation process.

In Kenya and most of Africa, the party is often subordinated to the state and thus energies are not directed toward strengthening the party, to make it the crucible of policy initiation and agenda setting. The current situation in Kenya still puts the president or party leader at a position higher than the party. The quality of its personnel and the technical nature of the policy process, especially the drawing of development plans and evaluation of policy impact and holding implementing officers accountable, are some of the major bottlenecks. Under this milieu, political parties' role is limited to that of ratifying decisions made in the executive or other circles.

Another issue is the apparent overlap between party leadership and parliamentary representation, which could be separated, as is the case with party systems in most advanced democracies.

Policymaking under coalition arrangements has been problematic since 2002 when NARC took over from KANU. It is important to note that coalitions comprise parties with divergent policy preferences. These parties are compelled to delegate their policy-making powers to those in government, especially Cabinet Ministers. This makes the Cabinet a powerful center of power where party policy matters are discussed and approved. This approach raises the possibility that Ministers will most likely always attempt to pursue policy positions that favor their own party at the expense of their coalition partners. There are great incentives to favor their parties rather than stick to the *coalition agreement* or the *National Accord*, as it were. An important alternative for parties is to use Parliament to scrutinize or vet hostile legislation and provide better alternatives that would address national rather than sectarian interests.

Coalitions require that parties with divergent policy options or preferences should enter a bargaining process to arrive at a compromise.

Accordingly, the legislative process is central to the collective interests of a *multiparty government* as it tries to pass and implement legislative proposals. However, in a political system such as ours, the legislative power is heavily influenced by Cabinet, and most legislative proposals originate within this institution and government bills dominate the legislative agenda. Furthermore the bills are not drafted by the entire cabinet but by the Minister under whose jurisdiction the Ministry lies, and technical staff in the Ministry. In turn, delegation of the legislative authority to the Cabinet provides considerable autonomy to Ministers in drafting legislation. However, individual Members of Parliament and political parties have the opportunity to sponsor motions aimed at addressing national issues.

Coalitions require that parties with divergent policy opinions or preferences should enter a bargaining process to arrive at a compromise. It is this point that the coalition parties should be able to convince the rest that their preference merits redress as a coalition policy position. In Kenya's case, despite merging party manifestos, there seems to be no consensus on policy issues between coalition partners, rendering policy-making a slow and often incoherent process. Political party officials are uncertain about the impact of their manifestos on the overall policy outcomes. Without effective bargaining, policy-making is seriously impaired, a serious departure from democratic norms.

Another avenue for policy impact by parties within the coalition arrangement is through Parliamentary Standing Committees. Most "consensus democracies" provide strong standing committee systems that correspond to ministerial jurisdictions and provide opportunities for committee members to acquire policy expertise. In the Kenyan Parliament, these committees (Select Committees and Departmental Committees) are vested with sufficient authority, including investigative powers, the right to schedule hearings and summon witnesses, subpoena relevant documents, and propose amendments to proposed policies and actions. These include House Business Committee, Budget Committee, and Committee on Implementation.

In a 'single party' government, such a structure provides an avenue for the opposition parties to influence the policymaking process. Parties have not been very effective in utilizing these policy resources since 2002. They have often used them to settle scores.

It is our suggestion that parties should navigate carefully under the coalition arrangement; otherwise they may come out weaker as participants in policy formulation than they were before the coalition-type governance system.

5 Intra-Party Democracy

5.1 Elements of Intra-Party Democracy

Intra-party democracy raises questions as to how parties implement democracy within their party organizations, a process that impacts on political socialization, recruitment, membership, political communication, policy-making, among other party functions. Two perspectives seek to answer the question as to how parties run their internal affairs.

One of the perspectives favors the elite model, which posits that the elite make decisions for the party. They view the party as an oligarchy, a *top-down system* of making policies and decisions. Only top party leaders take decisions of political significance, while the bulk of rank and file members do not have to be consulted or are not consulted at all. This perspective promotes exclusivity and alienation of the masses from participating in formulation of policy or making decisions, which goes against popular involvement in the democratic process. Those that take this perspective, argue that the rank and file of the party is mainly involved in party personnel recruitment, which is a common feature of representative democracy, thus legitimizing the party leadership. In this regard, intraparty politics is about the circulation of the elite and not a bottom-up flow of policy alternatives.

The second perspective views intra-party democracy as a bottom-up process, whereby ordinary party members fully participate in the party's decision-making processes. This perspective requires real involvement of the rank and file in intra-party decisions, irrespective of party hierarchy. This upholds grassroots sovereignty.

Some of the critical questions regarding intra-party democracy include: What are the internal structures of Kenya's parties and which perspective do they espouse? Do party congresses and conventions espouse meaningful involvement of the rank and file membership? Inner party structures and processes have an impact on party outputs, whether in terms of policies or democracy, especially member participation. These include regulations governing grassroots organization; rules governing admission or resignation, or expulsion from a party (Political Parties Act, Section 17); voting and electoral rules of a party; arbitration mechanisms and disciplinary measures for members; party staffs; and distribution of party offices. Party leaders often fail to significantly involve rank and file members in party decision-making processes. They resort to superficial and manipulative strategies such as using party congresses and such like. This does not offer opportunities for internal democracy.

Party leaders often fail to significantly involve rank and file members in party decision-making processes.

Thus, in developed democracies higher-ranking party bodies generally do not possess *decisive influence* on nomination processes but local leadership groups do. Candidate selection is vested largely in party grassroots organizations. Top-down system brew resentment at the local level, which might have negative election outcomes for the party.

5.2 Intra-Party Democracy in Kenya

Political parties in Kenya have certain characteristics that influence intraparty democracy. Most parties tend to draw their support mainly from their ethnic base; they tend to be dominated by their founders or key funders; their activities revolve around influential personalities; most of them have no registered membership and have not been keen to recruit members; have weak ideologies which are often unknown and are of little influence in policy-making; have difficulties organizing functions, even party elections are often flawed and infiltrated by rival parties; and they do not have structures that strongly link them to the citizenry. However, parties in Kenya have made strides toward involving the citizenry in recruitment process, especially during nominations for elective office. The year 2007, though with numerous flaws, marked one of the better conducted party nomination exercises since independence.

During the run-up to the 2007 general elections, the main contenders, ODM, PNU and ODM-Kenya, formed elections boards to preside over parliamentary and civic nominations. Parties' eligibility criteria varied, especially in terms of nomination fees. However, the process suffered logistical problems, ranging from late receiving nomination materials to the appointment of polling officials. For instance, in Nyando Constituency, ballot papers for ODM nominations arrived in the night, while they did not arrive at all in some polling stations. In Busia, while PNU failed to appoint polling clerks in some stations.

Apart from nominations to the ballot, nomination to the legislature are also riddled with intrigues and are not an outcome of a consultative process within parties.

There were cases of disruptions of the nominations of otherwise a credible nomination process. Losing candidates often meted violence on prospective winners or disrupted the voting process. For instance, in Kuresoi Constituency, irate supporters of the incumbent MP, Moses Cheboi, confiscated and burned ballot papers at Olenguruon, claiming that there was rigging. There was also violence in Westlands constituency in Nairobi between supporters of ODM's Fred Gumo and his opponent Ashif Amin Walji. In Ugenya constituency, chaos

erupted, when the name of one of the perceived front-runners for the parliamentary seat on ODM ticket, Steve Mwangi, was found missing from the ballot.

In other cases coalition partners could not agree on the formula for the nominations especially in PNU. The question whether to apply the rule of *comparative advantage* among affiliate parties or *free-for-all* approach where parties could field candidates as they wished. A single candidate for every elective post was the preferred option in order to defeat other parties' candidates in the general election. Such contentious issues limit the role of parties in recruitment and mobilization, In some cases, candidates that lost in the nominations, accompanied by supporters, matched with to the party headquarters to demand a nomination certificate, which the leaders often issued. In many other cases, the losing candidates (from ODM, PNU, Ford-Kenya, etc) obtained certificates even before nominations were done, such as was the case in Nyaribari Chache constituency. The disaffected 'loser' defected to another party and won the seat in the general elections. These tendencies found their way into national politics as the *must win syndrome* becomes the reigning principle among poli-

ticians. These nomination irregularities are pervasive across parties and should be checked. Heavy penalties for parties that flout democratic principles and practices are necessary for effective deterrence, justice and fairness to prevail. The loss of moral foundations and respect for laws of natural justice has eroded the party system's credibility.

Apart from nominations to the ballot, nominations to the Legislature are also riddled with intrigues and are not an outcome of a consultative process within parties. Various complaints, although most of them based on personal interests, have emerged, questioning the rationale for nominations and whether the nominations complied with the IPPG norms, which require nominations to be done in accordance with parties' parliamentary strength as well as taking care of special interests. ODM-K and PNU faced the most formidable opposition as to their nominees. The complainants threatened to go to court to compel the party leaders to reconsider the nomination list. Special interests have often not been a critical consideration, but instead cronies and funders of political parties are given priority.

Internal democracy also focuses on the role of party members in the formulation of policies. In Kenya, party members are hardly involved in the policy process, although the Political Parties Act (Section 17(a)) stipulates this as a right of the member: *to participate in political activities which are intended to influence the composition of policies of government*. Although this entails use of enormous resources for implementation, it is worthwhile for the nurturing and development of a participatory policy process and a culture of political inclusion. This would also enhance accountability in representation, by giving representatives specific mandates.

Parties are expected to conduct free and fair elections, meeting the standards of democratic principles, norms and practices. There should be participatory decision-making in parties, both at the grassroots and at national party organization.

Thus, party electoral and institutional reforms are necessary if Kenya has to make strides toward a democratic state and society. Internal democracy, thus, has to address the endemic problem of lack of transparency in the nomination process, voter bribery, intimidation, vote buying and official interference with the results. All these could be, to a large extent, minimized if the implementation of the *Political Parties Act* is done in spirit and letter. The Act outlaws some of these malpractices and requires political parties to enhance democracy, even in utilizing the public funds provided for in the Act.

The lack of or weak intraparty democracy affects the entire political system and what happens therein is often replicated in the larger system or becomes an input in subsequent democracy-related decisions at the national level.

6 Legal Framework for Political Parties

6.1: Introduction

Party legal framework or regime refers to legislation specifically designed to regulate activities and life of political organizations, including political parties. Its source can be constitutions, special party laws such as *Political Parties Act*, laws and rules that govern elections and electoral processes, parliamentary organization, political party finances, other political activities (such as organizing demonstrations, political meetings), and regulations that govern activities of voluntary organizations that are involved in politics. This framework confers formal recognition to political parties and their roles. It is through this legal framework that political parties acquire legal personality.

Parties in developed democracies enjoy the status of freedom from the state for them to secure their functions, especially as the institutions to galvanize democratic political will or the *general will*. They are free to choose their objectives and pursue them.

Party legal framework or regime refers to legislation specifically designed to regulate activities and life of political organizations, including political parties.

Parties should also possess equality of status which implies equality of opportunity to enter inter-party competition for public office. In this respect, the state should act as a neutral umpire, without taking sides.

Equally important is the accountability requirements for parties, they should be accountable to the public, especially when they receive public funding. Party financing is especially critical for it raises questions of freedom and independence of the party with regard to favors that might be expected by the donors. Party law safeguards these freedoms, although not without repercussions on the operations of political parties.

There are various reasons that could explain why political parties require such a legal regime. Parties have established themselves as 'engines of the political process', and thus make rules and regulations for themselves, such as was the case in the 1997 Inter-parties Parliamentary Group (IPPG) initiative and the Grand Coalition Agreement of 2008.

Party laws could serve political parties well and could also be used to suppress party activities. They could enforce political accountability among parties by requiring them to live up to democratic ideals. Conversely, party legal regimes can be perverted such that instead of promoting democracy, they can serve the partisan ends of the incumbent party government, such as it has been evident in Kenya since the dawn of multipartyism in 1991.

However, inter-party competition is often viewed as zero-sum in the sense that one party's gain is another party's loss, especially in terms of votes, offices and power. These are some of the scenarios currently being witnessed in the Grand Coalition Government. The latent competition and open discontent is essentially about the sharing of political goodies. Since 1992, Kenya has adopted an '*open electoral market approach*' to political competition, where a large number of parties have always entered the race with disparate fortunes.

Nevertheless, the political party legal regime should provide for basic political freedoms such as freedom of expression, access to information, associational autonomy, among others, that are the lifeblood of democracy, party activities would be stifled and party success would almost solely depend on heroic and charismatic leadership that would be ready to wrestle the governing party to the ground.

In some cases, party law is critical even to the existence of parties such as was the case between 1982 and 1991 Kenya. The repeal of Section 2A of the constitution opened the flood gates of inter-party political engagement.

Legislation of political parties in Kenya is essentially informed by the need to reduce alternatives and structure political competition, which is likely to favor the big parties as opposed to new entrants that lack a wide appeal, visibility, strong ideological or politico-ethnic base. The spread of winning candidates is so skewed that one would question the rationale of having such a crowded party field. Excessive fragmentation can be dealt with by legal requirement such as is the case in the Political Parties Act. The question is whether it is better to reduce the number of parties or leave the competition to market forces and the law of natural selection.

However, power to outlaw some political parties could be misused by those in power. Rather than strengthening interparty competitiveness, it could be used to eliminate competitors that might seem to threaten the status quo or incumbents. For this reason, the right to outlaw parties should be restricted and incumbents and their close agents should not be involved in the process and guarantees of the rule of law should fully apply. Also, for effective competition to occur, the character of parties must be scrutinized to ensure meaningful and competitive elections. In order to achieve this, parties must be consequential by demonstrating their worth through numbers in parliament, membership, and by being accountable.

6.2: The Constitution

The Kenyan Constitution refers to political parties largely as it pertains to their legislative and recruitment functions. To qualify for election to the National Assembly, the Constitution requires that a person be nominated by a political party in the manner prescribed by an Act of Parliament. Section 40 of the constitution stipulates that resignation from the sponsoring party would imply a loss of a Parliamentary seat, reiterating the importance of political parties in the country's governance and law-making process.

6.3: The Political Parties Act

The Political Parties Act provides for various matters close to the heart of political parties. Party registration is the mandate of the Registrar of Political Parties. Besides party registration, the Registrar is responsible for arbitration of disputes between members of a political party. The Act establishes the Political Parties Disputes Tribunal, which is expected to determine with finality inter-party and intra-party disputes, such as disputes between coalition partners, and appeals from decisions made by the Registrar of political parties.

The Act prohibits party formation based on ethnicity, age, tribal, racial, gender, regional, linguistic, corporatist, professional or religious basis or one which seeks to engage in propaganda based on any other matters (Section 14). According to the Act, founder members are required to be people with integrity, fit to hold public office and qualified to hold an elective position. This would help strengthen parties and enhance their national appeal.

The Act prohibits party formation based on ethnicity, age, tribal, racial, gender, regional, linguistic, corporatist, professional or religious basis or one which seeks to engage in propaganda based on any other matters (Section 14).

The Act also restricts membership to a party to one at a time. It anticipates that parties have established and registered membership. The arbitrary expulsion, as was the case during single-party era, is a thing of antiquity. Expulsion is allowed when a member violates the party constitution or principles and rules, and must be ac-

corded a fair hearing. Unwarranted suppression of another person's lawful political activity is punishable by imprisonment and/or fine (Section 17 (7) & (8)).

Deregistration is also an option if a party contravenes the Act. This might promote intraparty accountability, although it could also be invoked to punish perceived enemy party or parties.

6.4: Parliamentary Standing Orders

The Parliamentary Standing Orders both enhance as well as restrict party operations. For instance, they restrict party operations by setting certain thresholds in terms of how many seats an opposition party or an opposition coalition should have to be recognized as official opposition. The current Standing Orders require thirty for such coalition to be recognized by Parliament.

Furthermore, the Standing Orders require Members to seek written consent from the leader of their parties if they wish to form a coalition of opposition, in the absence of rightful coalition following the above requirement. This condition is impossible to meet in the Kenyan scenario because the dominant parties are all in government and would be counterproductive to them to issue such consent.

Smaller parties such as KADU and friendly Members from the ruling grand coalition tried to form official opposition in 2008 but to no avail. What should be done to get over this crippling situation where the government rules without effective checks? Could the standing orders be reviewed to guarantee the right of opposition in Parliament? This would probably provide incentives to parties that might not form government to work toward forming coalitions to check it.

In conclusion, it is evident that to strengthen political parties as effective and democratic institutions, we need to focus on the party legal regime, which is one of the key components of party operational milieu. Focus must be on the Political Parties Act, the national Constitution, the Parliamentary Standing Orders, other laws such as the Public Order Act, the Local Government Act, among others. An enabling legal environment is a prerequisite for party strengthening and institutionalization.

7 Party Financing

7.1. Introduction

Political party financing is of critical concern for any democracy. Parties need sufficient and sustained financing to perform their functions, especially policy and decision-making within the party and concomitant activities within government, and to enable them cope with the challenges of intraparty and inter-party competition. Also, financing engenders party independence and autonomy.

Various strategies have been adopted by different polities to finance political parties with varied impacts on party systems. Parties could receive direct funding from government; through tax relief or incentives; membership fees; corporate sources such as trade unions, et cetera. Mass parties can have a lease of fiscal and political life if parties' funding was pegged on party membership. Tax exemptions are also another strategy for party financing. This could help parties develop infrastructure and buy equipment at the local level. This is the case in Italy, Denmark, Germany, Portugal and Spain. Also, the benefits for members of Parliament could be extended to parties. In Greece, for example, import duty reductions for political publications and favorable conditions for bank loans, and the right of parties to organize lotteries help bolster party financial status.

Thus, it would be prudent for Kenyan leaders to explore more revolutionary strategies, such as those discussed above, to fund parties and strengthen their structures and improve their visibility and reach.

The Political Parties Act establishes the Political Parties Fund and requires the Minister for Finance to make provision for it.

7.2: Funding of Political Parties in Kenya

The Political Parties Act establishes the Political Parties Fund and requires the Minister for Finance to make provision for it. The Act restricts the use of the fund's finances for purposes compatible with democracy such as promoting active participation of citizens in political life; covering expenses of the political party and communicating party policies; maintaining links between party and state organs; organizing civic education in democracy and electoral processes; bringing the party's influence to bear on the shaping of public opinion; and not more than 25% for administrative expenses of the party (Political Parties Act, Part V, Sections 28-30). Thus, the funds cannot be used to promote investment or business-like ventures by the party. They can only be used for the promotion of multiparty democracy and the electoral processes. The Act also stipulates how the funds from the Fund shall be shared.

According to the Act, other sources of funds include membership fees; voluntary contributions; donations, but not from foreign governments, governmental or nongovernmental organizations; proceeds from investments where the party has interests. Aliens are prohibited

from contributing to political parties. The Act requires full disclosures as to the sources of funds. Individual contributions have a ceiling of five million Kenya shillings (Ksh. 5,000,000), except for founder members. Party accounts shall be subject to audit by the Comptroller and Auditor General on an annual basis. Thus, party accounts might become a subject of parliamentary debate and scrutiny.

This is a positive development toward the institutionalization of political parties in Kenya, which would enhance their participation in the democratic process, as well as strengthening accountability as to the sources and utilization of funds and reducing incentives for patronage. Although smaller parties might not receive sufficient resources, the principle and spirit of the legislation is to strengthen parties and bolster their autonomy.

For the first time and in compliance with the Political Parties Act, the Minister for Finance allocated a paltry Kshs. 200 million to political parties in the 2009/2010 budget. This could be viewed as insufficient, with mixed ramifications for the functioning of political parties. Usually, during off-election years, parties hardly receive financial help and thus this stifles party activities, especially at the grassroots. Sufficient funding would ensure parties' visibility, as anticipated by the Act. With token allocation such this, political parties could continue to rely on donors, patrons, elected officials, to finance party activities with the negative consequences on democracy and party autonomy.

Thus, the Finance Minister seems to have gone against the spirit of the Act. The Act might not have envisaged the fact that the magnitude of funding would be at the whims of the Finance Minister. Due to the fact that parties are important institutions that link the government and its citizens, and as they amplify citizen voices and hold governments accountable, there is need for an amendment that would require the Minister to allocate a specific proportion of the national budget to the Fund or institute other measures (tax exemptions or rebates) that would ensure adequate funding for parties. Exploring some of the options discussed above might lead to the broadening of party financing base in Kenya.

8 Political Parties: the 2007 Elections and Post-Poll Chaos

8.1: Introduction

The role of political parties in any elections is mainly focused on mobilization and recruitment activities, which have already been discussed in the previous chapters. Since the advent of multiparty politics in 1991, violence has become a common feature of electioneering in Kenya with little or no concrete corrective action from the state and its security agents. In most cases, parties indirectly contributed to the pre- and post-election violence via their leaders. Political leaders, whether in government or outside, who are also leaders of political parties, have either condoned or planned the chaos to gain political capital. In almost all instances, the state has failed to respond in an impartial way under such circumstances. Likewise, the heads of state and government cannot escape blame as he consistently failed to supply the needed political will to punish perpetrators and end impunity. The KANU regime, under Moi, had complicity in this respect in 1992 and 1997, when opposition parties were persecuted in the Rift Valley and other 'KANU zones', with impunity. More recently, the perpetrators and funders of 2007 post-election violence are yet to be punished.

The *Waki Report* alludes that the gradually growing and personalization of power around the presidency might have precipitated the violence in 2007/2008. The impact is that politicians and the general public believe that it is necessary for the ethnic group from which they come to win the presidency in order to ensure access to state resources and goods.

The party in power would most likely bear the greatest responsibility for using state resources to benefit itself and eroding the legitimacy of the state as an impartial arbiter, and thus contributing to violence. Other ways through which parties contributed to the post-election violence include:

Political parties failed to reform the Constitution, electoral laws, and key institutions that have oversight authority over the electoral process such as the Electoral Commission of Kenya, the Judiciary and the Police. For instance, the NARC government squandered the opportunity presented by the overwhelming electoral victory, public support and atmosphere of national unity expressed at the defeat of KANU in 2002. Instead, the coalition decided to concentrate on the consolidation and retention of power and entrenching itself, than engaging in institutional reforms, which possibly could have averted the post-poll chaos.

Party's campaign platforms were overly divisive, lacked objectivity and rationality, with messages often demonizing each other, often coated with ethnic overtones, arrogance and

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The fallout from the 2005 referendum was the genesis of a political contest, characterized by enduring divisions along party and ethnic lines.

xenophobia. These fomented hatred and anger that culminated in violence. In fact party leaders did not care about the impact of their hate messages, heavily loaded with stereotypical clichés. Although signs of violence presented themselves fairly early and often clearly, even to a casual observer, and despite warnings from the security agencies to the government, political leaders were undeterred. No preventive action

was taken by government, which ended plunging the country into near civil war. Failure to mobilize along issues and shun ethnicity in the process proved catastrophic.

Appointment of some members of the ECK was unilaterally done by President Kibaki in disregard of the IPPG accords. This was done despite protests from a cross-section of the Kenyan society, including party leaders and other contenders for the presidency. There was popular perception that this was an attempt by Kibaki and the Party of National Unity (PNU) to rig elections in their favor. As a result, the opposition and its supporters believed that the elections would be rigged and when there was delay in announcing the presidential election results, the country burst into chaos and violence, which resulted in about 1000 deaths and massive human displacement.

The fallout from the 2005 referendum was the genesis of a political contest, characterized by enduring divisions along party and ethnic lines. The country's leadership did not attempt to reunite the country after the referendum. For instance, the Orange Democratic Movement, which defeated the government side during the referendum, continued to mobilize support along the referendum rhetoric and promising a new constitution and other changes in the governance process, touching on issues perceived to have been neglected by previous governments as well as the incumbent, such as dealing with historical injustices, especially the land question. This resonated well with groups that have feelings of historical marginalization emanating from perceived wrongs in allocation of land and other national resources, as well as access to public services, especially in some parts of the Rift Valley, North Eastern and Coast provinces. The incumbent, on the other hand, maintained a mute stand on salient issues such as devolution and reduction of presidential powers and institutional reforms, which were among the contentious issues during the 2005 referendum.

In a democracy, demonstrations are a form of protest when other avenues are blocked. In the period following December 30th 2007, the government outlawed all manner of protest, which led to perceptions that PNU was determined to use state machinery to entrench itself and hence fuelled the violence which had already picked momentum. Parties mobilized for mass action and called on their supporters to protest and demonstrate against the rigging of elections. This was met with excessive force from the government side leading to deaths, injuries and destruction of property.

9 Institutionalization of Political Parties

According to organization theory, institutionalization would mean making the organization work through the strengthening of its structures, especially the internal, to be able to obtain some equilibrium with the external milieu. Institutionalists basically focus on leadership, organization membership and loyalty, internal structural features such as organization of offices, goals of the organization, fiscal resources, among others. Drawing on institutional theory, the following are suggested ways of institutionalizing parties in Kenya.

Leadership of parties should be separated from national leadership. Those holding elective political offices such as MPs, Ministers, President, should not hold party offices. Parties should have staffers and officials elected just to grow the party and organize party activities. This might reduce or eliminate personality clashes among politicians within parties which often leads to party splits and disintegration. This could breathe a measure of autonomy into the parties and help depersonalize them. Adoption of the United States' party leadership structure might be an option.

Party leadership should be popularly elected by party members and should be so held accountable. This would enhance internal democracy and cultivate democratic values and ethics, which are currently lacking in Kenya's political landscape. The leadership must be able to inspire and weld the members together into one strong polity, have an organizational setup based on principles, with a great sense of identity, purpose and commitment.

Membership and loyalty is critical to institutionalization of political parties. Without members, an organization has no real existence. Parties in Kenya are faced with the problem of membership. Most members do not stick to their parties for a long time. In this respect, political parties lack a committed membership. They have supporters not members. Parties must make efforts to recruit, inspire and retain their members to give parties life and sufficient human capital. The Political Parties Act addresses this deficit by requiring parties to spread their reach beyond their immediate bases. Party loyalty would flow from the membership once commitment to party ideology grows.

A steady and predictable flow of finances into parties would help institutionalization. Acquisition of equipment, infrastructural development, political education activities, conducting party elections at grassroots and national levels, sponsoring candidates during elections, research to back parliamentary legislative process, among other activities, all need a steady flow of sufficient financial resources. Most parties in Kenya are facing financial challenges that often make them invisible at the grassroots. They lack presence in terms of offices, staff, and work equipments such as computers and party literature, which are essential for their operations. Beyond the provisions found in the Political Parties Act regarding funding, parties must design other ways of funding their activities.

Institutionalization would mean making the organization work through the strengthening of its structures, especially the internal, to be able to obtain some equilibrium with the external milieu.

Grassroots organization structures are critical to party survival and longevity and should be developed and/or strengthened. KANU, for instance, has extensive presence at the grassroots; in fact it has/had offices from the smallest political unit (polling center) to the greatest, although most of these structures are currently dormant.

Strengthening local party organization could be the focus of institutionalization. Although internal party structures (formal) are more or less standardized, Kenyan parties confine party activities to national headquarters especially during inter-elections years. Thus, the national parties' activities do not represent localities in many ways. To take parties to the electorate and to ensure that the goals of each party are achieved, emphasis in party restructuring should shift to strengthening the local party organization. The local party organization is the mobilizer, and provides the foot soldiers of politics. They pass literature and call people to get out to rallies and polls. They are also critical vehicles of recruitment and socialization.

Development and articulation of party ideology should be a key component of institutionalization of political parties. Currently, party leaders are not committed to party ideology. There is mistrust among party leaders, no seriousness about party ideologies, party principles are often disregarded when pursuing personal political interests. Consequently, parties have become 'parties for politicians' rather than 'parties for politics', whereby party ideology no longer matters. It is the politics of party revival as opposed to ethnic or individual survival that is most critical for the country today. Reorienting party activities and roles through recognition and adherence to party ideology is key to this process.

10 Cross-Party Platforms

Parties could jointly engage in national activities or events by providing leadership and support. It is almost apparent that no party could singly rule this country in the near future. Thus, there is impetus for political parties to commit and socialize their leaders into inter-party programmes and coalition-building. Some of the joint activities could include:

Constitutional review process: parties could caucus and agree on the contentious issues at inter-party forums to ensure unity of purpose and cultivate national cohesion. However, such approaches pose dangers of failure if parties would not focus on wider national interests, especially justice, resource distribution, healing and reconciliation, national unity, and economic development. This can be done at higher party level such as Inter-Parties Parliamentary groups, across national party organizations. Parties should involve their members at the grassroots, to ensure wider participation and consensus-building before the next constitutional referendum.

Following the coalition model, parties could commit energies and resources to *reforming and revamping national institutions such as the judiciary and the police*: This can be done at the national level, by enacting the reforms in the legislature. Inter-party parliamentary caucuses should be supported to initiate and move this process, through a 'coalition of the willing'.

There is impetus for political parties to commit and socialize their leaders into inter-party programmes and coalition-building.

Collaboration on policy matters (such as climate change and environmental protection) and initiatives at the legislature would enhance progress for the country. Ideologically, most Kenyan parties are more or less similar and could in principle support such issues, laying aside partisan interests and focusing on posterity. Thus, if parties stick to ideological principles and democratic values, there is likely collaboration on matters of national development policy. The tendency to block policy for purely political considerations could relax, enabling smoother policy process at the policy-making level (legislature, Cabinet, local authorities, etc).

Fighting corruption within government, both outside and inside the House could be a possible option: Chronic levels of corruption that exist in the country are matter of grave concern to Kenyans and external investors. Parties are likely to receive tremendous local and external support on joint endeavors to fight corruption. The assumption here is that parties agree that corruption exists and must face joint action. Hopefully, political will could be supplied by parties, if not by political office-holders. The platform should be at all levels of the party, from rank and file members to national level officials.

National healing, reconciliation and conflict prevention are issues that could spur interparty collaboration. Although they seem to differ on strategy, parties are agreed about the need to institute a process that could sufficiently address these issues. Joint activities from the grassroots to the national level could be viable. It is foolhardy for party leaders, activists and functionaries to wait for the government to agree and implement decisions on such issues. Under a reformed party system, whereby party leadership is separated from political office-holders, sufficient checks would emerge that would ensure that politicians follow the party line. The executive would find it difficult to defy popular will without consequences

11 Recommendations

The party in power or the dominant member of a coalition should desist from using state resources, including government vehicles and funds, the Provincial Administration and other civil servants, and security agents to campaign and mobilize support for the party/government position. To ensure fairness among competing parties, legislation with attendant sanctions, is necessary to deter government or other parties from such acts.

Formation of parliamentary party groups (PPGs) and recognition constitutionally and/or by standing orders is also important. Standing Orders should provide an avenue through which any number of willing parties or willing members of parties could form an opposition caucus in Parliament that is legally mandated to check the government whenever there is no official opposition.

For cohesiveness to ensue, party law can provide additional incentives that tie those elected under a party label to party ideology and policy line. One drastic alternative is automatic relinquishment of position or seat by defectors. This can be actualized via the both by the party and the legislature. Currently the Kenyan Constitution expects defectors to lose their seats automatically. This provision proved ineffective in the ninth parliament.

Party organization should be empowered to effectively participate in policy formulation. For this to be successful, parliamentary committee chairs' independence should be restricted, so that their position is in tandem with that of the party. This would probably bring popular policy preferences into the legislative process, thus improving the party image.

For effective interparty competition to occur, the character of parties must be scrutinized to ensure meaningful elections or intraparty competition.

Political parties should democratize their candidate selection processes by adhering to party regulations and electoral procedures, widening participation among the electorate and limiting central leadership interference.

This would impact positively on overall perception and respect for free and fair electoral processes on the national scale, a key component of the development of a political culture.

Parties should be able to keep contracts with voters. This requires cohesiveness of parties regarding keeping on board those elected under respective brand names and ensure that these politicians tow the party line. Representatives should stick to popular mandates given to them through elections, both promissory and anticipated. Equally important is the enactment of a recall law, whereby non-performing MPs or Councilors could be recalled by the sponsoring party.

Electoral campaigns should be done fairly, access to the media, especially state-owned media, especially television and radio. Just as in most developed democracies, candidates should be allocated public broadcasting time prior to commencement of electoral campaigns.

The right to deregister or outlaw parties should be restricted and handled by an independent and impartial institution. Incumbents and their close agents should not be involved in the process and guarantees of the rule of law should fully apply, otherwise this process would be abused for selfish political gains.

For effective interparty competition to occur, the character of parties must be scrutinized to ensure meaningful elections or intraparty competition. In order to achieve this, parties must be consequential. They must also demonstrate their worth through numbers in parliament and through public accountability.

Intraparty democracy is the backbone of democratic governance. In this regard, the Registrar of Political Parties and the Disputes Tribunal should implement the Political Parties Act zealously to ensure compliance with its requirements. Heavy penalties for the parties that flout democratic principles and practices are necessary for deterrence to work and for justice and fairness to prevail. Internal democracy would entrench democratic values and strengthen party appeal to the electorate. Party loyalty could grow as resentment declines.

Hate speech must be tamed if parties have to operate in a safe political environment and inter-ethnic conflicts stemmed.

Adequate funding would promote institutionalization as lack of funding is one of the major problems facing political parties. There is need for an amendment to the Political Parties Act that would require the Minister to allocate a specific proportion of the national budget to the Fund (may be 1% to 2%).

Party funding could also be based on party membership to encourage recruitment and retention. Tax relief on membership fees at the local level could be explored. Funding could also be linked to involvement of members in party activities, which could promote intra-party democracy. The current funding criterion is based on electoral success, which encourages parties to compete to win more seats, often encouraging electoral malpractices and fraud.

Develop party ideologies and ensure that they are the principle guides in policy formulation and tools of political mobilization, to give members an enduring identity. Issue-based mobilization would enhance institutionalization. Educate party members on party ideology and programmes to improve the level of awareness and stimulate learning and engender party loyalty at the grassroots.

Ethnic mobilization has been outlawed by the Political Parties Act. Hate speech must be tamed if parties have to operate in a safe political environment and inter-ethnic conflicts stemmed. What is required is effective oversight from the authorities, especially the Registrar of Political Parties and the Tribunal.

Party visibility at grassroots is critical to party institutionalization. Every political party should endeavor to have operating offices and strong leadership to keep the connection and appeal to the citizenry.

Parties to educate party members on national issues such as nationalism and citizenship, national cohesion, national policies and programmes, as part of the role as political educators.

Some interlocutors recommended unorthodox ways of re-energizing party bases. Some suggested setting aside a party-day (e.g. PNU or ODM-Day) to popularize the party country-wide, arguing that this will take parties to the grassroots and ensure that members know what the parties stand for.

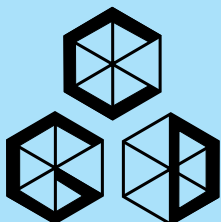
To make greater impact in mobilization, recruitment and policy roles, parties should adopt new technologies in reaching the public. These should include websites, telephone short messages, computers, telecasts, local theatre, and youth group activities, among others. Traditional party rallies do not seem to work well in the rapidly changing society.

Officials engaged in corruption or misuse of power should be punished via the party law as well as national laws. The party could exercise a re-call, or the person be relieved of his/her duties by the state until the matter is arbitrated by the courts or any other authorities. The party should have the power to replace such elected official.



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