

CHANGE OR CONTINUITY?

POLITICAL TRANSITIONS AND DEMOCRACY IN KENYA

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The historical development of Kenya as a state has been marked by, among other important changes, the transition from colonial power to the people, from multi-partism to single and back to multiparty system, and a series of constitutional amendments, comprehensive review, a launch of a new constitution and back to demands for its review.

Kenya became a legitimate state after attaining independence on 12 December 1963. However, the challenges experienced in quest of state cohesion reflect on the tentative nature of its internal popular legitimacy. Internal legitimacy of government in Kenya since independence has always been questioned through political party alignments and protests from the civil society. However, the demands are overshadowed by the need for political stability, which leads to them being negotiated. The negotiations can be with individuals, political parties and ethnic groups.

The article analyses Kenya's transitional politics to understand if there have been false or minimal change that encourage change of governments and not regimes, which become a hurdle to democratic growth and enhancement of popular legitimacy.

The article attempts to shed some light on this phenomenon by looking at major socio-political and economic events in Kenya. We note

that advancement of democracy seems to continuously compete with other interests and goals.

THE POLITICAL LEGACY OF THE STATE

The past general elections and the constitutional review process beckons the question how deep rooted is the fourth wave of democratization¹ in a country like Kenya? Drawing on the late Professor Thomas Ohlson and Professor Mimmi Soderberg's work (both of Uppsala University, Sweden) on democratization and conflicts in weak states (in particular Africa), the dynamics and outcome of the fourth wave of democratization have raised questions that expose relatively unexplored theoretical frontiers². The empirical experiences of democratization in Kenya seem to refute some of the assumptions and predictions found in mainstream theoretical works on democratic transitions and democratization as well as in policy related documents influenced by these writings.

The debate on what role the colonial factor plays in post-colonial Africa has not ceased to surface. Kenya like every other state that has moved from colonialism to independence has sought to shape its inherited institutions to the changing circumstances and ideals of its independence. According to Cherry

Gertzel*, in seeking to move away from the colonial past, the Kenya state was concerned with needs of the independent society³; Kenya being no exception in Africa was just a creation of colonial rule, the country lived under colonial policies that were calculated more to facilitate control than create a nation state. When political independence was conceded, the colonial creation was transformed with the post-colonial state. A scenario developed whereby the new state borrowed substantially from the colonial State. As the Kenyan historians, Professor W.R.Ochieng and the late Professor Emeritus E.S.Atieno-Odhiambo put it:

"It is generally accepted that independent Kenya did not effect a major ideological or structural break with the colonial state and that all she did was to expand the former colonial administrative and economic infrastructures"⁴.

The inherited infrastructures and the efforts to modernize them to meet the expectations of the newly independent society have been the pre-occupation of post independent leaders. What the struggles for *Uhuru* (freedom) yielded immediately was political freedom, which is the capture of the state power in 1963. For most Kenyans the attainment of independence was meant to mark a transition from the realm of necessity to that of building a

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democratic state strongly committed to Pan-African ideals and world peace⁵.

The inability of the state to radically depart from the colonial policies and do away with their institutional structures compounded with the lack of capability to fulfill the aspirations of the population as in the Weberian sense of its meaning and the pillars of a democratic state wanting. This occasioned the lack of legitimacy in the eyes of the people. This "legitimacy gap" in Kenya has created a state of "infinite transitions". A myriad of challenges have hampered pragmatic transitions from a colony to a democratic cohesive and legitimate state.

The post-colonial state in Kenya like in the majority of the other former colonized states is weak. The weakness is attributed to the state-building process. According to T.Ohlson and M.Soderberg, a weak state is weak in terms of low levels of socio-political cohesion and political legitimacy and may further be exacerbated by the lack of essential capabilities at the hands of political leaders that are deemed essential in order to overcome this structural weakness and build strong states⁶.

In Kenya the state weakness nurtured a particular political style of governance that risked further undermining the state and making it less, not more, inclined to development and democratic reform. The "invented Kenya"⁷ lacked the defining properties of a state which include "unchallenged control of the territory within the defined boundaries under its control, monopolization of the legitimate use of force within the borders of the state, and the reliance upon impersonal rules in the governance of its citizens and subjects"⁸. From this position the question of legitimacy is crucial. There is the rising number of the poor, nepotism, negative ethnicity, corruption and the upsurge in violence.

WHO'S STATE? - LEGITIMACY AT A CROSSROAD

A close look at Kenya's birth and state building process revolves

around the search to construct a legitimate state. Attainment of independence through international recognition was achieved, but the need to attain internal sovereignty is still a process in the making, hence the contested issue of legitimacy.

A state contains three inter-linked components, the physical, the institutional basis and the idea of the state⁹. An examination of Kenya shows that the physical basis of the state which includes defined territory, population, resources and wealth are unquestionably present, but the other two components, the institutions of the State and the idea of the state are not clearly defined. Institutions comprise the whole machinery of government including its executive, legislative, administrative, and judicial bodies as well as laws, procedures and norms which they operate while the idea of the State provides the mechanism of persuading citizens to sub-ordinate themselves to the State's authority.

Professor Barry Buzan (London School of Economics) argues that strong and vividly held ideas serve to bind the state into an entity and provide the needed socio-political cohesion which gives legitimacy to the State entity. He contents that "If the ideas themselves are weak or if they are weakly held within society; or if strongly held but opposed, ideas compete within society: then the State stands on fragile political foundations"¹⁰.

In the Kenyan situation the defective remnants of colonial institutions/policies and the divided allegiance of her members due to divergent group/ethnic interest affects what Professor Kalevi Holsti (Killam University, Canada) refers to as the vertical and horizontal dimensions of legitimacy. Vertical dimension established the connection, the right to rule, between society and political institutions and regimes, while the horizontal dimension defines the limits of and criteria for membership in the political community that is ruled¹¹.

If vertical legitimacy is thus the belief by the population in the rightfulness of the state and its authority to rule the state, in Kenya, such a belief has been

wavering. Consent on one form or another on matters of state performance and expectations, always has not been automatically attained. Immediately after independence the newly born state was faced with the problem of internal recognition.

One illustration of this is the North Eastern Province war of cessation. After the suppression of the rebellion the region became alienated from the main stream of national development. B.A.Ogot (Kenya) in analyzing President Daniel Moi's* politics of populism refers to how the communities of the North Eastern Province had not been fully incorporated into mainstream politics of the State till the 1980s. Ogot observes that: "For a long time for example the North Eastern Province of Kenya was referred to simply as *Shifta*** areas and many of the inhabitants of the region did not feel they were part of Kenya"¹².

According to B.A.Ogot and W.R.Ochieng (professors of Kenyan history), one of the causes of the feeling of alienation which was beginning to develop among some sections of Kenyans was the distance which had gradually developed between the 'government' (bureaucracy) and the people. He supports this view with the argument that a section of the population felt that important decisions affecting their lives intimately were being made by a bureaucracy which they neither participated in nor controlled¹³.

During the Kenyatta*** and the later days of Moi's regime saw a great deal of centralization of power in the hands of the Executive. In both regimes there was quite a big section of the population who felt they were being sidelined or marginalized.

Kenya being a heterogeneous community is still struggling to transform the socio-cultural

* Daniel arap Moi (born in 1924) - the second Kenya's President (1978-2002).

** Shifta means "bandit" in Somali language. The secessionist conflict in which the ethnic Kenyan Somalis in the North Eastern part of Kenya wanted to join the Greater Somali started in 1963 and was suppressed by the Kenyan Government in 1968.

*** Jomo Kenyatta - the first President of Kenya (1963-1978).

diversity of its people into a unified strong state. How the diversity has been handled has affected the achievement of horizontal legitimacy. The state has been an arena for competing groups for power and resources therefore, receiving partial allegiances by members of society.

Furthermore, the state has sometimes alienated one group from another. In Kenya the various groups and communities within the State have not well developed a cohesiveness that enhances acceptance and tolerance towards each other. The reoccurrence of ethnic conflicts across the country in multi-ethnic areas attest to the failure of the State to cultivate horizontal legitimacy.

From independence the issue of who is in power (leadership) tended to over-shadow other important components of state building. Suspicion, mainly along ethnic lines, has been the decisive factor in whether to give support or sabotage a particular regime. The political system has been "the winner takes it all". This creates a situation that institutionalizes exclusions, sidelines one or some groups in terms of participation, access to power, and allocation of resources.

Indeed those who are excluded find it hard to extend loyalty either to other groups or to the state. The lack of horizontal legitimacy within the society has, therefore, led to the erosion or withdrawal of loyalty to the state and its institutions, and those that feel they are excluded seeking for alternative power centres within to counter or undermine the political legitimacy of the regime.

The type of leadership of post-independence governments has been characterized by *neo-patrimonialistic tendencies*. T.Ohlson and M.Soderberg give the characteristic features of neo-patrimonialism as "the incorporation of patrimonial logic into modern bureaucratic institutions"¹⁴.

In such cases rulers ensure the political stability of the regime and personal political survival by providing security and selectively distributing services. Former President Moi's regime is frequently cited as having manifested neo-

patrimonial authority¹⁵. The personification of the state and selective distribution of resources have been common phenomena in Kenya, hence the widely used anecdotes of "our own" and "our time to eat" in Kenya's politics.

Mutahi Ngunyi (a Kenyan scholar and political analyst) argues that from independence there has been an emergency of a strong patron-client network. During Kenyatta as Chief Patron, the ruling elite had to create elaborate "economies of affection" in the form of ethno-regional patronage networks¹⁶. Under President Moi, the patron-client relations shifted significantly.

He asserts that, apart from the use of prebends and dirigisme to keep clients afloat, President Moi used patronage networks to denigrate political actors that he happened to be uncomfortable with¹⁷. In his analysis of the two regimes he observes that while President Kenyatta used the "loyalists" as his closest clients to attain regime stability, President Moi created "ethno-regional denigrators" to serve as conduits for the disbursement of patronage; while President Kenyatta's recruitment of clients was based on the "politics of inclusiveness", President Moi's recruitment of clients was solely on the politics of denigration¹⁸.

Kenya's third President Mwai Kibaki (2002-2013) started his first year politics in office with his "hands off style" of running the Government but Kenyans got wary of a strong cliché surrounding the President with strong powers, a reminiscence of Kenyatta's regime.

The struggle for power and influence within the ruling coalition, the National Rainbow Coalition (NARC) that was swept to power mainly by the "vote for change" euphoria, got consumed in infighting because of the contagious Memorandum of Understanding (MOU), which was entered before the election but was not honoured by those who were in the "inner cabinet" of President Kibaki's government.

A section of the population got disappointed and felt the government was not as transparent and accessible as would be desired.

In many quarters one heard of the "*Mount Kenya Mafia*" close allies and right hand men of President Kibaki. During President Jomo Kenyatta's days such a group was referred to as "*The Kiambu Mafia*", and during Moi's era - as the "*Nyayo stalwarts*"¹⁹. In all the three governments they had a strong power clique surrounding the *Mzee**.

Regime experiences in Kenya like in most African countries have shown that central political power has not reached a stage where it is separated from the strong grip of localized and personalized political contests, supporting Job's argument that legitimacy in many post-colonial States in third world countries continues primarily to rest on practices of redistribution, in spite of changes in the formal political outlook²⁰.

Closely related to regime type is the role of the civil society. The questions are how effective is the civil society in transforming the Kenya state? Or ultimately how has the state acted upon or manipulated the civil society in its quest to sustain its legitimacy? Does a weak state lead to a weak civil society?

THE HIGHS AND LOWS OF THE CIVIL SOCIETY

The term civil society has evolved significantly from that in the 16th and 18th centuries. The issue of what constitutes the civil society has dominated the academic discourse; however, there is a commonly used definition. It is defined as:

"An intermediate associational realm between the State and family populated by organizations which are separated from the State, enjoy autonomy in relation to the State and are formed voluntarily by members of the society to protect and extend their interests or values"²¹.

The variation in State formation process of countries and the people's culture give the civil societies a unique and peculiar

* *Mzee* is a Kiswahili word used in Kenya to denote not only age but position of respect given to elders and those in leadership. In this case it was the President.

characteristic. Groups may vary between modern interest groups and traditional organizations, formal organizations and informal social networks, political institutions and advocacy groups and those outside the political system, between legal and open associations, secret or even illegal organizations and networks, and between associations that accept the political situations. And those that seek to transform it²².

In Kenya, like in most African countries, effective penetration by the State in all regions and sectors of society has not been uniformly felt. Traditional institutions and networks nurture bond of unity through necessity in the citizenry.

Marina Ottaway* and Thomas Carothers** in their work on civil society and democracy assert that in the struggle for independence such groups and networks gave rise to voluntary political associations, peasants' movements, labour unions, and ethnic welfare associations, many of which became political when channeling their protests against colonial rule and later through the call for independence. After independence, some of these organizations became integrated into the state, whereas others proved too strong to be subordinates and thus survived as an alternative institutional framework alongside with the state²³.

Like its active role in the decolonization process, the civil society has played an instrumental role in the democratization struggle that was heralded with the end of the Cold War. The developments within the civil society in Kenya attest to the alignment and re-alignment in Kenya's polity. The question to ask is whether the civil society in Kenya has been a political actor - bargaining for the government of the day or versus the government. Hence the civil society's participation depends on the relationship between the civil

society and the political parties in the state.

The struggle for independence witnessed complementarities of the political parties and the civil society. Where regional or ethnic interests threatened to strangle the nationalist movements, especially the party politics, such groups like the labour movement managed to successfully rally Kenyans irrespective of ethno-religious background.

According to C.Gertzel, varying tribal attitudes towards the future prevented the emergence of a unified countrywide movement and divided it into separate groupings. Tribal groups became conscious of their separate and often conflicting interests. The main causes being the governmental emphasis since the 1920s upon district political associations, the restrictions imposed upon political organization in the 1950s and the land question²⁴.

With the attainment of independence crucial staticization of the civil society began and the labour organizations were gradually designed. According to M.Ngunyi, in Kenya the civil society is largely a public theatre where elites flex their muscles as their different constituents cheer them²⁵. Differentiation along ethnic identities and state patronage has gradually weakened the position of the Civil Society vis-a-vis the State, a situation that has created an enabling environment for unchecked power wielding by those in leadership.

THE ETHNIC FACTOR IN KENYA'S PARTY POLITICS

Ethnicity and ethnic-based political parties have their roots in the formative years of the struggle for independence. The colonial power took advantage of the multiplicity of ethnic groups in existence by allowing for a limited political association that did not transcend regional boundaries. According to M.Ngunyi:

"From the 1920s when political consciousness in various parts of the country began to boil, the colonial government quickly legalized the registration of district political associations with the

intention of fragmenting an imminent wave of nationalism cutting across the entire country. It ensured that these associations were not allowed to 'network' with those in other districts so that the interests they were articulating did not extend beyond the purviews of the parochial community"²⁶.

A closer look at the nature of political parties that were formed prior to independence and later shows that in the real sense the colonial administration was only exploiting what they already knew was of paramount importance in group politics, that is the individual groups decision to join, start or leave a political party has always been determined through the definition of the situation by an individual or group.

A particular ethnic group for instance guided by their ethnic elites can decide to join a party if they saw it to be the winning part, start a new party if they felt not catered for by the existing parties, or leave a party if they felt marginalized within. An ethnic group may also form a coalition with another(s) to get an edge over others in election politics since the ethnic card will determine the outcome of the elections. Coalition politics in Kenya along ethnic lines has never been sustainable. Once the common 'enemy' is subdued, infighting erupts due to issues of sharing the 'spoils'.

DIFFICULTIES OF TRANSITION: THE CASE OF THE CONSTITUTIONAL REVIEW

The postcolonial Kenya Constitution, though with its shortcomings, can be said to have been a good document looking at the background of its historical birth. Nonetheless the historiography of Kenya's Constitution portrays the different fears and tribulations of various group interests each depending on a given particular political situation.

The political negotiations that took place during the three Lancaster House Constitutional Conferences of 1960, 1962, and 1963 not only proved unanimity on issues regarding independence but concern resources and

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** President for Studies at the Carnegie Endowment for International Peace in Washington and a noted international expert on international democracy.

administrative issues. The representatives from the minority ethnic groups especially saw the need to have a constitution that safeguards them from the domination of the majority.

According to Professor B.A.Ogot, "It took so long to produce precise (constitution) because the different parties sought to produce a foolproof constitution that would allay the fears of everybody and protect the rights of each citizen"²⁷. He points out that the argument forwarded by the Kenya African Democratic Union (KADU) political party parliamentary group was based on regional and group differences and imbalances.

The group saw a genuine danger of discrimination and conflict between the different regions and groups. To avoid domination by a political party, or personality, group or tribe, there was need to decentralize state power. This was to be achieved among other means through creation of six regional authorities with legislative and administrative powers²⁸.

The second amendment to the Constitution of Kenya abolished the office of the Regional President and the powers of the regions. The former regions became provinces headed by Provincial Commissioners who were appointed directly by the President. This in effect sealed the fate for a *Majimbo* (federal) state, hence the pro-*Majimbo* debates.

The succession politics of the 1970s saw a group of powerful *Gikuyu*, *Embu*, and *Meru* Association (*GEMA*) ethnic groups' politicians attempt to use the constitution to favour a particular cliché through agitating for constitutional change. The concern to change the constitution was driven more by the fact that in case of anything happening to the Head of State automatically the vice-president who was Mr. Moi would assume power. Moi being a *Kalenjin* from a different ethnic group from President Kenyatta's (*Gikuyu*) meant power slipping out of the "House of Mumbi" (legendary myth on the ancestral origin of the *Gikuyu* ethnic group) and to some extension the wider *Gikuyu*, *Embu* and *Meru* community.

The suggestion to change the constitution met with stiff opposition both from a section of the government and the public. Attempts were made again in 1964 and 1968. Thus the Kenya's Constitution has repeatedly been amended purely on the basis of entrenching or limiting individuals who are taken further to represent an ethnic group.

The opening up of political space in Kenya from the mid 1990s led to the call for constitutional reforms in Kenya. By 1997 opposition groups and civil society groups united in their pressing for constitutional review. Once the NARC government settled in office the process soon started complete with new platforms.

The *Ufungamano* (a conglomeration of civil society groups) group whose members were now senior government leaders or political advisers began disowning some of their major ideas (views) regarding a people-driven constitution. The main issues centered on the disagreement on the devolution of powers. A position that was not favoured or later nurtured by the post-independence governments.

In retrospect these are more less the same propositions that were forwarded by KADU party and in which the government subsequently nullified through the various constitutional amendments. The attack on devolution of powers started immediately with the first amendment of October 1964 abolishing the office of the Prime Minister, followed by the second amendment which abolished the office of the Regional President and the powers of the regions and the seventh amendment of December 1966 which abolished the upper house (Senate). In effect Kenya had been turned into a strong centralized State.

The post-2007 coalition government embracing the major contesting parties in the general elections raised fear on the role of the opposition in checking government and a lack of a strong opposition stalling the review of the constitution. However, the coalition government managed to deliver the new constitution, albeit with discontent from those that

voted against its adoption in its present form in 2010.

After the 2013 General Elections a new government was sworn in composed of those who had belonged to different camps in the 2007 General Elections and in the national referendum on the Constitution. Uhuru Kenyatta was sworn in during the last elections and became Kenya's fourth president. The post-2007 election court cases before the International Criminal Court at The Hague and the "Kenya at Fifty" celebrations is symbolic of Kenya's statehood. Although the 2007-2008 violence exposed the "fragility of independence and the weakness of the nation-state were laid bare for all to see"²⁹ and the legacy of history weighing far more heavily in contemporary politics than in any other countries³⁰, Kenya portrays a state of continuously evolving transitions with managed change.

CONCLUSION

Since independence, one of the main concerns of Kenyan leaders has been to build a national political community as a basis for maintaining state legitimacy. In the process of seeking both horizontal and vertical legitimacy the leadership in contrast have never attained an all embracing and holistic support. The main reason is that the post-independence leaders relied so much on ethnic elitists networking which at most turned out to be selective and exclusive, marginalizing the majority of the populace.

Since independence, one of the basic objectives of Kenya leaders has been to build a national political community as a basis for maintaining state power. The question that has sometimes been asked is about the nature of this political community. Is it to be an all-embracing political community or is it supposed to be selective or even exclusive?

In a situation where democracy does not address the community's demands and does not generate new bases for rational integration and collective identity, the influence of elitist's ideas becomes more appealing to their ethnic group. The

struggle for power among the elites often generates conflict between their respective ethnic communities.

During President Kenyatta's period and President Moi's 24-year rule the ruling national bourgeoisie affected major constitutional changes that helped them to consolidate political power and to impose their political and economic dominance on the State. In the final analysis these constitutional changes aimed at strengthening Kenyatta's personal rule, and in the process the ruling party, Kenya African National Union (KANU), was neglected and by extension so was the participation of *Wananchi* (citizens) in the political process.

From independence the State of political parties at a given political time determines from which ethnic groups the power wielders at that given moment come from. KANU, for instance, had a social support from the *GEMA* group during Kenyatta's regime and the *Kalenjin*

ethnic group during Moi's era. Opposed to this were the Luo who had been in the opposition till the 2002 General Elections when the community as a block supported the government.

Ethnic divisions caused by the elites' thirst for power did split the opposition during the 1992 and 1997 General Elections. Intra-elite alliances or conflict translates into ethnic alignments. The coalition of different ethnic groups of the 2002 General Elections failed and the 2008 coalition is still early yet to make a clear appraisal given the storm that the post-conflict violence generated and now a group advocating for a referendum to review the New Constitution (2010).

The Kenya's Constitution too has never been spared from the onslaught of ethnic interests. The contentious issues during the 1963 Constitution making did surface in the last constitutional reform process. The various constitutional

amendments from independence were either to entrench a particular group in power or to disempower (remove) regional powers.

The New Constitution that was promulgated in 2010 is already facing demands for a review driven by a group composed of opposition political parties under a political slogan "*OKOA Kenya*" (*okoa* in Kiswahili language means "to save") seeking for a referendum to change some sections of the Constitution.

To expand the democratic space, there is a need for the civil society to come over strongly as an integrative force in society through exploiting the mandate bestowed on them. The church among other stakeholders is argued should play this central role.

¹ Several authors argue that the third wave of democratization took place between 1970s and 1980s and the fourth wave began in the late 1980s i.e. closely related to the end of the Cold War. See for example: *Huntington Samuel P.* The Third wave: Democratization in the late Twentieth Century. Norman: University of Oklahoma Press, 1991; *Ottaway Marina.* African Democratization and the Leninist Option // *Journal of Modern African Studies.* 1997. Vol. 35, No. 1.

² *Ohlson T. and Soderberg M.* Democratization and Armed Conflicts in weak States. Department for Cooperation with Non-Governmental Organizations and Humanitarian Assistance and Conflict Management. Elanders Novum AB, SIDA. 2003, p. 1-9.

³ *Gertzel Cherry.* The Politics of Independent Kenya. Heinemann Educational Books Ltd, Nairobi. 1970, p. 1.

⁴ Decolonization and Independence in Kenya - 1940-93 / W.R.Ochieng and E.S.Atieno-Odhiambo (eds). East African Educational Publishers Ltd., Nairobi. 1996, p. xiii.

⁵ Ibidem.

⁶ *Ohlson T. and Soderberg M.* Op. cit., p. 10.

⁷ "Invention" is a terminology which has been widely used by several authors in reference to nation-state building. See for instance: *Atieno-Odhiambo S.E.* The invention of Kenya // *Decolonization and Independence in Kenya*, p. 1; *Brandling David.* Review of the invention of Argentina by Nicholas Shumway // *New York Times Book Review* (13th October, 1991); *The Invention of Tradition* / Hobsbawm Eric and Ranger Terence (eds); Cambridge, University Press. 1983.

⁸ *Jackson R.H.* Quasi States: Sovereignty, International Relations and the Third World. Cambridge, Cambridge University Press. 1990.

⁹ *Buzan Barry.* People, States and Fear - An Agenda for International Security Studies in the Post-Cold War Era. 2nd ed. Hemel Hempstead, Harvester Wheatsheaf. 1991, p. 82-83.

¹⁰ Ibid., p. 79.

¹¹ *Holsti Kalevi J.* The State, War, and the State of War. Cambridge, Cambridge University Press. 1996, p. 82-98.

¹² *Ogot B.A.* The Politics of Populism // *Decolonization and Independence in Kenya*, p. 201.

¹³ Ibidem.

¹⁴ *Ohlson T. and Soderberg M.* Op. cit., p. 13.

¹⁵ See: *Barkan Joel D.* Protracted transitions among Africa's new democracies // *Democratization.* 2000. Vol. 7, No. 3, p. 230; *Bratton Michael and van de Valle Nicolas.* Democratic Experiments in Africa:

Africa-Regime Transitions in Comparative Perspective, Cambridge, Cambridge University Press. 1997, p. 61-63.

¹⁶ *Ngũgĩ Mutahi G.* Building Democracy in a polarized civil society: The transition to multi-party democracy in Kenya // *Law and the Struggle for Democracy in East Africa* / Joseph Oloke-Onyango, Kivutha Kibwana and Peter Maina (eds). Clari Press, Nairobi. 1996, p. 265.

¹⁷ Ibidem.

¹⁸ Ibid.

¹⁹ "*Mount Kenya Mafia*" refers to a group of wealthy and politically connected cartel from Mount Kenya region and "*Kiambu mafia*" was associated with Jomo Kenyatta's home area of Kiambu political and policy advisers. The "*Nyayo stalwarts*" were President Daniel Moi's cronies spread throughout the country. "*Nyayo*" was Moi's political philosophy of peace, love and unite. And the word means "footsteps" in Kiswahili language. Moi is popularly known to Kenyans as "Nyayo", as he often said he was following the footsteps of the first President Jomo Kenyatta.

²⁰ *Job Brian L.* The Insecurity Dilemma: National, Regime, and State Securities in the Third World // *The Insecurity Dilemma - National Security in Third World States* / Brian L. Job, ed. Boulder, Lynne Rienner Publishers. 1992, p. 18.

²¹ *White Gordon.* Civil society, Democratization and Development: Clearing the Analytical Ground // *Democracy.* 1994. Vol. 1, No. 3, p. 379.

²² *Ottaway Marina and Carother Thomas.* Funding Virtue - Civil Society, Aid and Democracy Promotion, Washington D.C.; Carnegie Endowment for International Peace, 2000, p. 4.

²³ Ibidem.

²⁴ *Gertzel Cherry.* The Politics of Independent Kenya. Nairobi, Heinemann Educational Books Ltd. 1970, p. 7.

²⁵ *Barkan J.* The Rise and Fall of a Governance Realm in Kenya // *Governance and Politics in Africa* / Hyden and Bratton, eds. London, Lynne Rienner Publishers. 1992, p. 176.

²⁶ *Ngũgĩ Mutahi.* Op. cit., p. 259.

²⁷ *Ogot B.A.* The decisive years 1956-63 // *Decolonization and Independence in Kenya*, p. 70.

²⁸ Ibidem.

²⁹ *Branch D.* Kenya: Between Hope and Despair, 1963-2011. New Haven and London, Yale University Press. 2011, p. 289-290.

³⁰ *Hosby C.* Kenya: A History since Independence. New York, I.B. Tauris and Co. Ltd. 2012, p. 818