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Institute for Global Dialogue, 8<sup>th</sup> floor, Braamfontein Centre, 23 Jorissen Street, Braamfontein, Johannesburg, South Africa

P O Box 32571, Braamfontein 2017

Tel +(11) 339-6585

Fax +(11) 339-6616

e-mail: [info@igd.org.za](mailto:info@igd.org.za)

[www.igd.org.za](http://www.igd.org.za)

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## **PART II**

***Kenya, the Uhuru Candidacy in Moi's  
Succession: what are its prospects and  
implications for Kenya and the region?***

by  
**Rok Ajulu\***

The succession issue in Kenya exploded in the open last August when president Moi hand-picked Uhuru Kenyatta and imposed him on the party as his preferred successor. This sidelined his long serving vice-president, George Saitoti, and the three other party vice-chairmen, Ronald Ngala, Kalonzo Musyoka, and Mudavadi. Since then in what has become known as 'Project Uhuru', Moi has campaigned relentlessly, traversing the country on behalf of Uhuru even when it was patently evident that Project Uhuru was precipitating dangerous divisions within the party.

In response, the anti-Uhuru camp regrouped under the Rainbow Alliance in a belated attempt to forestall his installation as the party's presidential candidate. The Alliance comprised some of the most senior KANU politicians – Vice President George Saitoti; Raila Odinga, the Secretary-General; William Ntimana, the minister in the Office of the President; Kalonzo Musyoka, the Communication Minister and the one of the four party vice-chairs; Joseph Kamotho, Environment Minister and a former secretary-general of the ruling party; Deputy Ministers, Fred Gumo, Peter Odoyo, Sankori and Khaniri, and a host of equally senior MPs. The departure of the Rainbow Alliance from KANU now threatens the latter with loss of power for the first time in 39 years. Can Uhuru deliver the presidency? And if not, what next?

### **Why Uhuru?**

The question is whether there is some logic in this madness. Why would President Moi, who has so far played such a skillful political chess game with the opposition over the last decade, deliberately oversee the disintegration of his ruling party just for the sake of Uhuru Kenyatta? Does Moi have a plan or has he

finally run out of ideas?

To appreciate Moi's dilemma it is necessary to understand something about the maneuverings inside KANU during president Moi's last term of office. The succession issue has occupied the better part of Moi's second term. It started with his refusal to reappoint George Saitoti to the vice-presidency after the 1997 election, only to begrudgingly reappoint him 18 months later following a parliamentary censure. Saitoti's predicament was an indication of President Moi's inner coalition's uncertainty over their future and of Moi's succession.

It will be recalled that the 1997 election took place against a background of protracted political battles with the opposition. Apart from pressures for constitutional reform, from 1998, Moi had to contend with pressures from the donor community and the IFIs, particularly the IMF/WB who for the first time appeared more determined to institute action against rampant corruption and financial mismanagement. He began to sacrifice some close cronies to the Kenya Anti Corruption Authority (KACA), which had been established at the behest of the IMF. A Permanent Secretary and a former Comptroller of the state house, was arrested for corruption and subsequently fired from his job. A wife of a cabinet minister, and a trio at the capital's City Hall, the Town Clerk, and her two deputies were similarly charged with corruption. It was obvious that Moi was increasingly coming under more pressure to act.

These developments engendered panic and serious divisions within the party. KANU thus fractured into a number of factions. The most prominent of these were KANU 'A' and KANU 'B'. KANU A, fronted by Simeon Nyachae, (a former Finance Minister, and now a leading light within the opposition alliance) was seen as the political home of the enlightened fraction of the ruling elite. It drew its support from sections of KANU leadership, which had not been quite as crude in their predatory deployment of state. Nyachae himself was a relative novice to politics (he only joined active politics in 1992 when he was elected MP for the Nyaribari Chache constituency). He started out as a civil servant, was one of the first permanent secretaries at independence in 1963, rose to be Provincial Commissioner, and ultimately to Chief Secretary from where he retired in 1988. By the time of retirement, he had accumulated a considerable capital base, but significantly not through openly kleptocratic or predatory means.

The KANU B, the dominant faction of the party, was closely identified with Moi's kitchen cabinet. It had Nicholas Biwott, Moi's chief hatchet man, as its leader; George Saitoti as its presidential candidate; and Joseph Kamotho, the then party Secretary-General, and Saitoti's sidekick, as one of its leading lights. It was believed to be the core of party hardliners, closely associated with that section of the ruling coalition which had made huge fortunes out of corruption, kleptocratic and predatory economic activities. KANU A was in the ascendancy in the period immediately after the election when Saitoti was demoted from the vice-presidency while Nyachae was made the Minister of Finance in which portfolio his brief was to win back the confidence of the IMF/WB. It is generally acknowledged that within a relatively short period he had done an excellent job: he succeeded in balancing the budget, stabilising the shilling, and broadly establishing conditions for a return to negotiations with the IMF/WB. But more importantly, he exposed the extent of high level graft, and the finger kept pointing in the direction of KANU 'B'. This ultimately led to his demotion to the relatively junior position of Industrial Development whereupon he resigned from the cabinet.

With Nyachae out in the political cold, Saitoti no longer a favoured candidate, and no suitable successor in sight, the succession issue continued to divide the party. It is probably at this point that president Moi and his kitchen cabinet decided that the only way out was for Moi to run for a third term. Whereas in 1999 he had announced that he would retire at the end of his second term, in April 2000 he told his party's Parliamentary Group that he was not in a hurry to leave office until he was satisfied that doing so was in the interests and conformed with the wishes of the majority of Kenyans. However, this would entail amending the constitution appropriately. There was internal and external opposition, a hostile environment created by the constitutional review process, and more importantly, KANU's lack of the requisite two-thirds majority to amend the constitution.

Kenyan politics over the last two years have been about maneuvering around these positions: the 'cooperation' with Raila Odinga's NDP which ultimately led to the merger with KANU; the birth of Parliamentary Select Committee on the constitutional Review (The Raila Committee); and subsequently Prof Ghai's Constitution of Kenya Review Commission (CKRC), elected exclusively by KANU and the NDP and composed almost exclusively by the two parties. Despite elaborate maneuvering to get Ghai's Commission in place, it does not appear to have produced the desired result. In fact KANU heavyweights, along with their sidekicks in the judiciary are now at the forefront of denigrating the CKRC report. Moreover, Raila does not appear to have played according to script ever since joining KANU. Then there

are other factors such as the wider external environment, the opposition of the US and UK, the failure of the Chiluba's third term attempt, and finally the launch of Africa Union and NEPAD. These circumstances no longer seemed to favour a third term for president Moi.

### ***Enter Uhuru Project***

It would seem that even as late as the end of 2001, Moi had not seriously contemplated surrendering state power. As recently as last April, his Environment Minister, Francis Nyenze was still talking about Kenyans (read the Moi coalition) being worried about President Moi leaving office without a successor who can unite all ethnic groups. The realisation that events had conspired against his scheme to succeed himself had caught Moi unprepared. Moreover, he did not have an acceptable candidate from within his own kitchen cabinet. Nicholas Biwott, his most loyal sidekick, remains very unpopular in the country, and as a fellow Kalenjin could not be considered a viable candidate. George Saitoti, his Vice President was no longer considered safe; Simeon Nyachae of KANU B was considered too independent and arrogant; William Ntimana, the minister in the President's Office was also considered unreliable. Of the younger generation, Katana Ngala and Musalia Mudavadi were too weak and likely to be captured by other interests; Jarius Jirongo (former chairman of Youth for KANU '92 and now a cabinet minister) was not considered particularly reliable, and was seen as an unguided missile who could fire in any direction; and Raila Odinga was actually considered dangerous. A scion of the country's traditional opposition, KANU feared that he has scores to settle with the establishment. So his candidature was out of the question right from the outset.

And so Project Uhuru was born! President Moi needed a successor who would provide him, his family and his cronies with immunity against prosecution. In fact, President Moi had increasingly developed a pathological fear about his future once he was out of office. But why Uhuru—a colourless political character, with no political base, no broad national support, and one more likely to become a captive of Kikuyu national chauvinism, and at best a great risk to Moi's Karbanet syndicate!

It is precisely because of his political colourlessness that Uhuru Kenyatta was chosen to play the lead character in Moi's plot. Moi was looking for a weak candidate who could be easily managed from his perch as the party boss. Uhuru was preferred over Musalia Mudavadi and Katana Ngala, because through him, Moi hoped to break the backbone of the official opposition Democratic Party, and woo the populous Kikuyu vote back into the ruling party. The Kikuyu, they believed, would be more likely to vote for KANU if one of their own was headed for the state house. According to Moi's calculations, if Uhuru were to bring in the populous Kikuyu vote (about 2million) en bloc, and Moi's Rift Valley's block vote of 2.4m, and the bulk of Nairobi Kikuyu vote, then KANU only needed the Coastal vote and North Eastern Province for an out-right win. The constitution requires that a winning candidate garner 25% of votes in 5 of the 8 provinces. The calculation is that Uhuru would get this in Central, Rift Valley, Nairobi, Coast and North East provinces.

Given the deep-seated grievances of the Kikuyu against Moi, why would Uhuru reach out to protect Moi once he was settled in state house? This indeed is the gist of the plot--Uhuru is not supposed to be his own man. It is speculated that Uhuru as the president would be backed by either one of Moi's sons or Biwott as Vice President, and either one of them as the Home Affairs minister responsible for internal security. According to this scheme, Uhuru is supposed to occupy himself with frivolous matters at the state house while the serious business of running the government will be taken care of by the party chairman, the vice-president, and the internal security minister. And should something happen to Uhuru in the early years of his presidency, under the existing constitution, the Karbanet Syndicate would be firmly back in control.

### **Prospects of Uhuru Candidacy**

But these plans were largely predicated on the assumption that the opposition would remain divided and that KANU would hold together. Now it is KANU which is divided, and it is the opposition for the first time in a decade of multi-party elections, which looks likely to present a single candidate. Mwai Kibaki's National Rainbow Coalition (NARC), if it holds, could very well be a formidable team. But it has to be pointed out that they are an amalgam of unlikely bedfellows, brought together by their hostility to KANU rather than any grand democratic principle. There should be no illusion that this rag-tag army of political opportunists, philistines and quislings are about to bring democracy to Kenyans. In a large measure, they are not much different from their KANU opponents.

One of the enduring legacies of Kenyan politics is the politicisation of ethnicity and its deployment as a medium of political mobilisation and contestation. Although this was basically a creation of settler colonialism, after independence, ethnicity became the most important and the most effective instrument of political mobilisation..

The NARC now has the big four ethnic groups – the Kikuyu, Luhya, Luo and Akamba, and this is significant. Furthermore, it is important to recall that Moi won the last election with 2,445m votes against Kibaki's 1,895m. Kibaki garnered 343 529 in Rift Valley against Moi's 1 140 109; and 885 382 against Moi's 55,822 in Central Province. The combined Kibaki/Ngilu (Deputy Premier in the NAK's alliance) vote in Ukambani (Eastern Province) was 628 840 against Moi's 368 801, and in Nyanza, the combined Kibaki/Raila (Premier in the NAK alliance) vote was 735 182 against Moi's 215 923; and in Western Province, Kibaki/Wamalwa (Vice President in the NAK alliance) had 363 752 votes against Moi's 314 669.

There is a general consensus that with Moi out of the race, Uhuru is unlikely to replicate these figures, let alone the fact that KANU is not quite confident that it can count on the Nandi and Kipsigis, the most populous of the Kalenjin confederacy. Seasoned election watchers now openly concede that if it comes to a Kibaki-Kenyatta contest, Kibaki is likely to be the runaway victor. Although there is no direct causal link between a NARC victory and further opening of democratic space, the departure of KANU could introduce some sense of a new beginning, and an environment within which it would be possible to begin cultivating an alternative culture of political tolerance and democratic institutions.

### **An Alternative Scenario**

What could possibly happen if Project Moi/Uhuru collapses? The stakes are so high and particularly so with the recent release of the Akiwumi Report (Report of the Judicial Commission appointed to inquire into tribal clashes in Kenya), which has implicated so many in KANU. It is unlikely that this kleptocratic and predatory crowd will relinquish state power without a spirited battle.

The alternative could be quite ghastly. The ingredients of warlordism and civil war are already fairly discernible in the country. Since 1992, there has been a gradual encroachment of low-intensity war-fare; 1500 have been killed and over 300,000 displaced in ethnic cleansing in the Rift valley and bordering regions between 1992-93 and 120 have been killed and more than 4000 displaced in Nakuru and Laikipia. Moreover, in the outlying areas on the borders of Sudan, Uganda and Somali, the Kenyan government has for all practical purposes ceded control to militias and warlords.

As long as this ruling elite continues to associate loss of state power with the threat to their material well-being and security, they will increasingly find it difficult to enter into meaningful negotiations about the transfer of power. An opposition victory could therefore very well lead to ethnic separatism (majimboism), which could mark the fuelling of low intensity conflict. The ruling coalition backyard, the Rift Valley Province, was the scene of ethnic cleansing in the run up to the first democratic elections in 1992 and again in 1993 and 1994. The Akiwumi Commission Report alleges that key members of the Moi's kitchen cabinet organised these series of killings. The northern parts of this Province, bordering on Uganda, Sudan and Ethiopia have been a theatre of conflict over the last quarter of a century. Guns and small arms are freely available.

The danger of this kind of violence is that it is unlikely to be confined to the borders of Kenya. The upper reaches of the East African region are for all practical purposes approaching the status of a rough neighbourhood. An arc of instability runs northwards from Burundi and Rwanda through Uganda, southern Sudan and eastwards into Ethiopia and Somali. This zone is characterised by myriad forms of conflicts. A conflagration in Kenya could very easily exacerbate these conflicts and increasingly squeeze the region towards economic and political disintegration.

### **What is to be done?**

As the country approaches the next general elections, there are visible signals of dangers ahead. There are two sets of interventions: one at the electoral level, and the other, through political intervention with the incumbent regime. At the electoral level there would need to be some engagement to achieve two main objectives as follows:

- Engagement with the government in order to level the playing field. If the perception obtains that

opposition parties are unlikely to have a fair chance to canvass their political bases, there is potential for violent confrontation.

- Engagement with the government on the electoral process. This is to provide effective monitoring of the elections to ensure that the process is transparent and legitimate. Ideally this ought to take place sooner rather than wait until election day.

At the political level, there is a need for some degree of constructive engagement from bi-lateral and multilateral organizations, the donor community, and regional organisations, particularly the African Union, with the incumbent regime and the opposition to secure guarantees such as:

- That the electoral campaign is conducted peacefully and in a non-provocative manner. This would no doubt go a long way towards preempting provocation of hostilities.
- To secure commitment to respect the outcome of the elections, and that there be an orderly transfer of power to the victors. Kenya could be an interesting case for triggering the African Peer Review Mechanism.

***\*Rok Ajulu is an Associate Professor of Political Economy in the Department of Political Studies and International Studies Unit of Rhodes University.***

***Suggested Readings:***

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