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FORUM TITLE: “DEMOCRACY THREATENED: THE LEGITIMACY OF ELECTIONS IN AFRICA”

HOSTED BY THE AFRICA SOCIETY OF THE NATIONAL SUMMIT AND HOWARD UNIVERSITY’S RALPH J. BUNCHE INTERNATIONAL AFFAIRS CENTER

- 1) I am very grateful for the invitation by the Africa Society of The National Summit on Africa, in partnership with the Howard University’s Ralph Bunche International Affairs Center, to address the future of democracy in Africa under the title “Democracy Threatened: the Legitimacy of Elections in Africa.” I also appreciate the opportunity that Africa Society has accorded me to speak about my country Kenya which has recently seen unprecedented challenges not only to democratic practice but also to the very foundation of our social fabric as a nation, following December 2007 elections, focusing especially on the contributing factors to the violent aftermath of those elections, and what next steps must follow to ensure long-term stability in Kenya’s democratic Institutions.
- 2) Allow me to take this opportunity to thank the government of USA, friends of Kenya, and the citizens of US of good-will for the overwhelming support, prayers, and sympathies during the most challenging moment of our history since Independence.
- 3) Amongst the Community of nations, and around global issues, Kenya has been well-known as a long-standing friend and ally of your great country, the United States of America. And over the years, since the attainment of our independence, Kenya and United States have enjoyed warm and cordial relations which have stood the test of time. Even recently, when we faced the greatest test of our times as a nation, the U.S stood with us providing leadership support in efforts to find long-term lasting and sustainable solutions to our current and historical challenges and it is within this context that the U.S government recently donated a total of US\$500,000 millions to my government to help in the rehabilitation and resettlement efforts following the post-election violence. The bilateral relations, co-operation, and partnership between our two sister states are premised upon U.S. official development assistance to Kenya, shared values of market-

oriented economic growth policies and democratic principles and institutions such as regular democratic elections; realization of civil liberties and freedoms, and support for a free, vibrant media and a dynamic civil society.

The future of democracy in Africa

The hope and the future of Africa is a prosperous democracy founded on democracy, constitutionalism, rule of law, respect for human rights and equity of resources and opportunities. We cannot realize the full potential of Africa's future unless African countries particularly respect and uphold the rule of law. To uphold the rule of law means that we accept the supremacy of the Constitution and the law made pursuant to it. It means that we accept the mandate of the institutions established by the Constitution and support them in executing their work. It means that all citizens must subject themselves to the authority of the law and particularly of the courts to adjudicate over disputes arising amongst them. It means that we must protect and defend the right of every Kenyan to life and to live and to own property anywhere in their country. It means we must protect and defend the right of every citizen to vote and to be voted into office. It means that we must safeguard and defend our democracy under the law from selfish personal ambitions of power hungry politicians. It means that we must protect and safeguard our national resources so that we can consciously and deliberately build a strong and prosperous future for ourselves and our children. This is the only way we can build Africa of the future.

- 4) The majority of Post Independence African countries have not yet evolved fully functional democracies. Soon after the end of Colonial domination and rule, there set in a spate of Military Coups and Counter-Coups. Much of Africa was either under one party dictatorship or Military rule.
- 5) Not only did the African nationalist leaders inherit weak, skewed state Institutions, and government structures at independence, but there was also no democratic culture to build on! The Colonial State, by its very nature was of course undemocratic. Besides, the new

Republics had the challenges of poverty, illiteracy, disease and undemocratic, unrepresentative governance structures to deal with.

- 6) Then there was the specter of the Cold War, which engulfed Africa, and which visited on the continent social and political upheavals as well as unprecedented inter-state, internal and internecine conflicts and bloody proxy wars fought by the surrogates of the East and West.

The intricacies of the conflicts, the political intrigues and vagaries of the cold-war era and its stunting impacts on Africa's overall socio-political and economic development have not been fully documented, while much of Africa has not completely reeled out of it!

- 7) With the emergence of "a new breed" of young Africa leaders, towards the end of the cold-war, - Museveni, Sankara, Kagame, Eritrea and Ethiopia, Kabila – pragmatic efforts were made to restore a sense of nationhood and rule of law in order to break off from the past culture of single party rule; prudent macro and micro economic policies were adopted, while there were attempts to deal with systemic corruption, political sycophancy and cronyism, inefficiency and apathy in public service, and erosion of institutions for public governance.

However, as we now know, the results have been the evolution of a strong personal rule, with power revolving around the one leader, and little commensurate institution building and systems creation, for functional democracy.

- 8) Since 1990, with the democratization waves sweeping across the world, Africa's political leadership has finally been faced with the reality of ground-swell of an increasingly demanding populations, aware of their socio-economic and political situations, and supported by vibrant civil society organizations and maverick opposition groups.
- 9) Functional democracy begins at the political party level. African political parties were nationalist movements with a single objective of winning independence. The subsequent

political parties were ideological - pro East or West, owing to the pervasive bi-polar dichotomy, even if they overtly claimed neutrality or non-alignment. With the return of pluralist democratic dispensation, in Africa, which begun in the 90's, Political parties are anything but clear ideological, issue-based, entities. They range from personal brief-case election-oriented political outfits to "protest" political parties formed in reactions to others.

There are also discernible patterns of political apathy and passiveness especially in rural and urban poor parts of Africa; even though there are encouraging cases of increasing freedoms of speech, assembly and movements in much of Africa today.

- 10) Until the recent unfortunate events, Kenya stood tall as a leading democracy in Africa, and as a beacon of peace and stability in a region which has been faced with a lot of political upheavals. Kenya has been committed to regional peace and stability and has invested heavily in peace processes throughout the sub-region. We have been working with international partners, including the United States, to ensure a safe and secure region and we have provided leadership in finding peaceful resolution to the Sudan and Somali conflicts.

- 11) Kenya: A Regional Economic Leader

Kenya was clearly set for greater achievements. We have been not only a regional economic power-house, being the financial, service, air-travel and UN hub, but Kenya was poised to make history as the first country in East and Central Africa to issue her first foreign bond in the international capital market, what with "B+ stable" rating by the international rating agency, "Standard and Poor" and domestic capacity of footing 97% of our national budget requirement, which includes free-education at both Primary and Secondary level, and free medicare for children under 5 years, and for common disease treatment as well as "HIV/Aids patients.

Besides, the World Bank had, by mid-last year ranked Kenya as one of the top ten reforming economies globally, citing significant reform measures geared towards making it easier to do business in Kenya.

- 12) Kenya, incidentally, is host to the UNEP/UN HABITAT and home to some of the critical Multi-lateral Organizations such as WFP, UNHCR and UNICEF, where the US Government's shareholding and budget contributions are significant. Kenya is also a regional hub for international news agencies and major media outlets; and an air-transport/flight hub for Africa.
- 13) The US Embassy in Kenya, is the largest US Government diplomatic Mission in sub-Saharan Africa, representing 18 Federal Agencies, with nearly 1,300 US employees and contributing about \$1.5 billion last year to Kenya's economy and development through sales of goods and services. And, about 180 Kenyans are sponsored every year by the US Government for overseas training on exchange programmes.

So what happened?

- 14) The political unrest which recently engulfed parts of Kenya following the December of Elections could be attributed to a number of factors:-
 - a) Lack of responsible and accountable political leadership:
 - ❖ Undemocratic, illegal reactions to an election loss by the opposition.
 - ❖ Their lack of respect for the rule of law and national legal Institutions as well as the mechanisms for channeling grievance and resolving conflicts.
 - ❖ It is incumbent upon all those who believe in democracy and liberty to encourage the Opposition to accept democratic institutions, their processes as well as their outcomes. Where there are legitimate concerns about democratic processes and their outcomes, there are proper channels through which such concerns can be raised and addressed. In particular, the Opposition should be encouraged to embrace the rule of law and to appreciate the fact that rights and freedoms have their legitimate limit in

any orderly society yet those limits provide the necessary countervailing checks and balances in the interest of us all.

b) Weak and nascent institutions of democracy:

- ❖ Especially, feeble parliament, with weak legislative mandates, and sway to control the Presidency
- ❖ National Electoral Commissions to effectively manage an electoral process, ensuring a democratic process of electioneering/campaigns based on issues and policy choices, devoid of politically motivated acts of violence; hate and derogatory speeches; divisive, sectarian planks and platforms.

The Electoral Commission of Kenya: A pillar for democracy

The Electoral Commission of Kenya is a key pillar in the democratic process and political development of our country.

The Electoral Commission may have been a weak public institution, even if appointed by one central authority, the Presidency as per the Constitution, and charged with the onerous responsibility of conducting national elections, in a nascent but optimistic democracy, yet it was the only legitimate, authoritative and final body to conduct and announce the outcomes of the last general elections in Kenya.

Any grievances either about the process of the conduct of, or the results arising from those elections, should have been taken to the courts of law for arbitration and redress.

By giving an electoral body its due space to perform its duty of organizing and conducting elections, competing political forces or parties thereby nurture and promote the growth of an important institution for democracy, a referee of a political contest.

For it is only when the institution charged with mid-wifing democracy is accorded its due space for operation and necessary respect, that its verdicts and declarations will be seen as legitimate, democratic, and acceptable. If in our estimation, this important body in our democratic process and political development is weak, either in terms of the quality and caliber of the Commissioners or the levels of technology and equipments needed to undertake their duties effectively, then all we need to do is to change the personnel and improve their capacity and technical requirements.

- c) Obstructionist tendencies of the opposition and the Culture of impunity, encouraged by the political leaders who imagine it must be their way or no way, with no regard at all to the consequences of their reckless utterances and inciting behavior.
 - d) Historical social and economic inequalities and high levels of poverty especially amongst the youth who are gullible to political manipulation and easily veer into acts of lawlessness. The disgruntled unemployed youth became readily available fonder for the opposition harm.
- 15) The Africa-led peace and reconciliation effort chaired by the former UN Secretary General Kofi Annan accompanied by other members of the panel of Eminent African Personalities which enjoys the support of the International Community had set four (4) issues as their agenda:
- ❖ Immediate end of political violence, which has already been achieved.
 - ❖ Humanitarian support and re-settlement of Internal Displaced Persons which is on course, and progressing well.
 - ❖ Settling of the political crisis arising from the disputes over presidential vote tallying, by establishing a coalition, power sharing arrangements.

- ❖ Long-term comprehensive constitutional reviews to address historical challenges such as land dispute and resource distribution.

Thank you for listening to me and I will be delighted to engage you in further discussions.