

CRS Report for Congress

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Kenya: Background and Current Situation

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Summary

The 24-year rule of President Moi and his ruling KANU party came to an abrupt end in December 2002 when a coalition of opposition parties decisively defeated KANU and President Moi's hand-picked candidate Uhuru Kenyatta. Longtime opposition leader Mwai Kibaki was elected president with 62% of the vote, while Kenyatta received 31.3%. In the parliamentary elections, the National Rainbow Coalition (NARC), an opposition coalition, won 125 of the 210 seats, while KANU managed to secure 64 seats. The elections were considered free and fair by local and international election observers. This report will be updated as events warrant.

Background

Kenya, a nation of about 31 million people, became independent in December 1963 after a prolonged uprising against Britain, involving over 13,000 casualties. Kenya resisted the Marxist-Leninist ideological tide that swept much of Africa in the 1960s and 1970s and maintained a fairly stable political system in a region marred by civil strife and political violence. Although it was under one-party rule until 1992, Kenya enjoyed a relatively open political system. For the first two decades after independence, Kenya also had one of the most impressive economic growth rates in Africa.

In December 1991, President Daniel arap Moi reluctantly agreed to move to multi-party politics, eight years after his government amended the constitution to legalize one-party rule. Kenya had been a de facto one-party state since 1969. The move came after a two-year anti-government campaign by opposition groups and persistent pressure by donor countries, including the United States. In late December 1992, Kenyans voted in record numbers in the country's first multi-party election in almost 26 years. President Moi, in power since 1978, defeated opposition candidates by a small margin. His party, the Kenya African National Union (KANU), also won a majority in the 210-seat parliament, despite the defeat of senior KANU officials by little known opposition candidates. The three major opposition parties, the Forum for Restoration of Democracy-Kenya (FORD-Kenya), FORD-Asili, and the Democratic Party (DP), each received substantial votes, but fell short of expectations.

Kenya made limited progress towards building democratic institutions after the 1992 elections. Harassment of opposition politicians and pro-opposition journalists by hardline ruling party members dominated the political scene for much of the 1990s. Wrangling and defection within the opposition parties weakened opponents of the ruling party. Efforts to bring about reconciliation within the opposition camp did not succeed until recently. In the mid-1990s, the opposition suffered from a series of defections by prominent opposition party leaders to the ruling party. In addition to the formation of several other small political parties, a number of factions emerged within the major opposition groups. The internal bickering within political parties was not limited to opposition parties. The ruling party, KANU, was also in turmoil in the late 1990s.

In December 1997, at the height of tensions between the opposition and the ruling party, Kenya held its second multi-party elections. President Moi was reelected with 40% of the votes cast, while his nearest rival, Mwai Kibaki, won 31%. The ruling party, KANU, won 107 seats in the 222-member parliament (12 are appointed by the president), while the opposition secured the remaining 103 seats. International and Kenyan election observers said that while there were some irregularities, the results of the elections reflected the wishes of most Kenyans. The victory by Moi was largely due to divisions within the opposition camp and the inability of the opposition to back a single candidate against Moi. It looked as if the opposition would face the same fate in the December 2002 elections when a number of opposition leaders joined the KANU government in the late 1990s and early 2000.

The December 2002 Elections: End of An Era

The 24-year rule of President Moi and his ruling KANU party came to an abrupt end in December 2002 when a coalition of opposition parties decisively defeated KANU and President Moi's hand-picked candidate Uhuru Kenyatta. In the parliamentary elections, the National Rainbow Coalition (NARC), won 125 of the 210 seats, while KANU managed to secure 64 seats. Longtime opposition leader and a former Vice President in the Moi regime, Mwai Kibaki of NARC, won 61% of the votes, while KANU's Kenyatta won 31% of the vote. President Moi did not run because of a term limit. The elections were considered free and fair by international observers, and for the first time since the initial multi-party elections, pre-election conditions were also free of violence and harassment. Some observers had predicted that Moi would not step aside and that the ruling KANU would rig the elections. But the outcome surprised many, including Kenyan opposition leaders. Just one day after the elections, the Electoral Commission of Kenya, civil society groups and elections monitors indicated a landslide victory for the opposition coalition, NARC. On December 29, 2002, Kenyatta gave a conciliatory concession speech and congratulated president-elect Kibaki. A day later, President Kibaki was sworn-in at a huge rally in Nairobi, Kenya.

Table 1. Presidential Election Results

Candidates	Political Party	Number of Votes	Percentage of Votes
Mwai Kibaki	NARC	3,647,658	62.2%
Uhuru Kenyatta	KANU	1,836,055	31.3%
Simeon Nyachae	FORD-P	345,161	5.8%
James Orengo	SDP	24,568	0.4%

Table 2. Parliamentary Election Results

Political Party	Number of Seats
Forum for the Restoration of Democracy-Asilli	2
Forum for the Restoration of Democracy-P	14
Kenya Africa National Union	64
National Rainbow Coalition	125
Safina Party	2
Shirikisho Party of Kenya	1
Sisi Kwa Sisi	2
Total	210

Source: Electoral Commission of Kenya.

Table 3. Nominated Members of Parliament

Political Party	Number Nominated
NARC	7
KANU	4
FORD-P	1
Total	12

President Kibaki announced his cabinet on January 3, 2003. Michael Kijana Wamalwa of FORD-Kenya was appointed Vice President, Kalonzo Musyoka — who defected from KANU in 2002 — was named Foreign Minister, longtime opposition leader Raila Odinga was named Minister of Works and Housing, and former Vice President George Saitoti was given the Ministry of Education. The cabinet consists of longtime opposition figures and also senior members of the former ruling party, KANU. President Kibaki had to take several factors into consideration in the selection of his cabinet members, including ethnic balance, technical skills and government experience, while

also rewarding old and new political allies. The post-election environment appears to be stable, although President Kibaki faces serious economic and political challenges.

The Challenges Ahead

The 24-year rule of President Moi kept Kenya united but left the East African country in serious economic difficulties and politically fractious. The most immediate political challenge to President Kibaki is to keep his NARC coalition intact and keep former KANU senior figures from re-defecting. A number of powerful opposition figures might be tempted to challenge Kibaki by denying him a majority in the parliament. The current Minister of Works and Housing, Raila Odinga of the Liberal Democratic Party, who switched parties several times in the past few years, wants to become the next prime minister, if the new constitution would create such a position. President Kibaki is 71 and questions have been raised about his health. He was hospitalized in January 2003 and is rarely seen in public. Some observers expect Kibaki to step down in 2008.

The economy is another challenge. It has been stagnant since the mid 1990s with a gross domestic product (GDP) growth rate of less than 1% in 2001. Unemployment is high and corruption is endemic. In 1997, the IMF suspend its Enhanced Structural Adjustment Program because of corruption and the refusal of the Moi government to implement proposed reforms. The expectations of Kenyans, after 24-years under KANU, are likely to increase pressure on the Kibaki government to deliver goods and services. Tackling corruption is seen as a major priority of the Kibaki government, despite the potential political and social backlash in dealing with this problem. Rooting out official corruption may require getting rid of senior members of government and prosecution of former senior government officials. Another daunting challenge is the HIV/AIDS pandemic in Kenya, where 15% of adults aged 15-49 were estimated to be HIV positive at the end of 2001.¹ In March 2003, President Kibaki appointed a high level cabinet commission, chaired by himself, on HIV/AIDS. ² He stated that his government's top priority would be to tackle the AIDS pandemic, saying that Kenyans "cannot afford to sit back as the pandemic ravages our nation."

Despite these enormous challenges facing the NARC government, the Kibaki victory has had positive impacts in Kenya as well as Africa. The smooth transfer of power and transparency in the conduct of the elections reaffirmed that democracy can flourish in Africa. The lessons learned from the Kenyan elections are many, and could strengthen democracy movements elsewhere in East Africa. The power of incumbency and the entrenched clout of a ruling party did not stop an opposition victory in Kenya. The elections demonstrated that ethnic divisions can be contained, as the coalition of opposition parties showed in Kenya, if groups are united by a single objective. Ruling parties in Tanzania, Ethiopia, Eritrea, and Uganda may have to consider their political future since most have been in power for decades with limited popular support. Moreover, donor governments and the people in these countries expect and could demand more transparency and free and fair elections, after witnessing the Kenyan elections.

¹ United Nations Joint Program on HIV/AIDS (UNAIDS), Report on the Global HIV/AIDS Epidemic, 2002.

² For more on HIV/AIDS in Africa, see CRS Issue Brief IB10050, *Aids in Africa*, by Raymond Copson.

U.S.-Kenya Relations: Issues. Kenya has been a valuable U.S. ally since independence, providing the United States access to its military facilities and political support in the United Nations. Washington once considered Kenya a model developing country with shared democratic values in a continent where civil wars raged and military and authoritarian governments reigned. With the end of the Cold War, U.S. interests began to shift from containing Soviet expansion in Africa to human rights, free markets, and democracy. In the late 1980s and early 1990s, human rights issues emerged as one of the leading U.S. foreign policy concerns in Kenya. The promotion of democracy also surfaced as an important U.S. policy objective.

In the early 1990s, relations between Kenya and the United States became strained due to deteriorating human rights conditions and the government's refusal to introduce a multi-party system. Relations began to improve slightly after the December 1992 multi-party elections, which the ruling party won. The United States and Kenya renewed a military access agreement in 1997, after prolonged negotiations. The agreement, which was first signed in 1980, allows the United States to use Kenya's ports and airport facilities for military purposes. Relations have improved significantly in the past several years. Then Secretary of State Madeleine Albright and several other cabinet members visited Kenya during the Clinton Administration, while President Moi visited to Washington in 2000 and in December 2002.

U.S. Embassy Bombing. In August 1998, mid-morning explosions killed an estimated 213 people, 12 of whom were U.S. citizens, at the U.S. embassy in Nairobi, Kenya, and 11 people at the U.S. embassy in Dar es Salaam, Tanzania. As many as 5,000 people were injured in the Nairobi blast, and 86 people in Dar es Salaam. Confessions by suspects and evidence collected by U.S. and Kenyan officials pointed to Osama bin Laden, an exiled Saudi businessman, as being behind the terrorist attacks in Nairobi and Dar es Salaam. In October 1998, Congress approved \$1.56 billion to rebuild the two embassies and improve security in other embassies. On April 3, 2003, Representative Mark Green introduced a resolution (H.Res.177) on Kenya. Congress also approved an additional \$50 million to be used to compensate victim families and to rebuild destroyed buildings near the U.S. embassies. However, a number of Kenyans have complained that they have not been given sufficient compensation and have threatened to sue the U.S. government. The Bush Administration has requested \$58.8 million in development aid for fiscal year 2003 and \$50.3 million for fiscal year 2004.³

³ For more on U.S. Assistance to Africa, see CRS IB95052, *Africa: U.S. Foreign Assistance Issues*, by Raymond Copson.