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Tutor: Jan Teorell

Class Actors in Two Kenyan Transitions

Democracy, redress and distribution policy in a post-authoritarian state

Mia Olsson 760726-1489

Abstract

This essay is a comparative study the role of class actors in Kenya's independence movement and democratic transition in 2002. The concept of social class in an African context is explored in order to develop Berins Collier's theory of working class and elite actors in democratic transition. What roles the actors played, their motivations and arena of action are analysed in both transitions. The two transitions are then compared in order to find similarities and differences between them.

The second part of this essay discusses how the role of the actors has influence the course of action taken by the Kenyan state with regards to redress for those who suffered during the colonial regime and single-party authoritarian regime respectively.

The findings are that both the path to independence and the democratic transition can be characterised as elite dominated transitions were the main actors enjoyed a position of prior inclusion in the authoritarian regime. Consequently, redress and land reform has not been carried out.

Key words: Kenya, comparative, democracy, transition, colonialism

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1 Introduction

In the elections in 2002 in Kenya, Kenya African National Union (KANU) and former President Daniel Arap Moi were voted out of office by the Rainbow Coalition (NARC), an alliance between opposition parties. As President Moi had been in power since 1975, many Kenyans viewed this transition as the start of real democratic progress, even though Kenya has been a formal multi-party state since 1992. The election in 1992 and 1997 were far from free and fair and shrouded with violence according to Kenya Domestic Observation Programme (K-DOP), who monitor Kenyan elections (When Kenyans Spoke 2002:10). It could be argued that Kenya after 1992 and prior to 2002 can be defined as a limited multi-party system where competitive elections were not free or fair. According to Hadenius and Teorell limited multi-party systems are the most likely system to make progress towards democracy (2007:147). The recent development in Kenya coheres with this theory.

Even though Kenya is making progress towards democracy, few would label Kenya a fully democratic state, even using the most basic definition of liberal democracy. When analysing the current state of affairs using Robert Dahl's five demanding criteria for democracy (2000:37f), it is clear that Kenya fails to meet some of them. In particular the citizens have insufficient possibilities to acquire an enlightened understanding, as there are informal restrictions on the media. As a journalist I spoke to in 2006 put it: *"During Moi's rule you would be put in jail and tortured for writing the wrong thing. Now they just turn to the owners of the paper, who makes sure that your career as a journalist is over"*. According to Freedom House, the Kenyan press is partly free, harassment of journalists by the government still takes place (www.freedomhouse.org). Despite these shortcomings it is clear that the 2002 elections and the events that followed are marked attempts at consolidating democracy in Kenya. Recent political events point toward regression of the state of democracy. The ruling coalition has split into several fractions along ethnic lines, and the rapid progress of democratic reform, which was promised during the election campaign in 2002, has not taken place (Steeves 2006). A clear example of this is that a new constitution granting more power to the parliament, which the NARC coalition promoted in 2002 has not taken place. This signifies that President Mwai Kibaki has aspirations to maintain the Office of the President in a strong position of power. With national elections in December of 2007 there will be further evidence as to whether Kenya will revert to authoritarian rule or move towards consolidation.

During Daniel Arap Moi's rule many people were tortured, imprisoned and deprived of resources such as land, education and health care. Furthermore, grievances from the past, during colonial rule and the years that followed were seldom addressed. An example of this is that the history of the Mau Mau

insurgence in the 1950ties when an estimated 100 000-300 000 people were killed in British detention camps is not part of the curriculum in Kenyan schools, nor have the victims of violence been compensated (Elkins 2005:366f). Structures of power put in place during the colonial era still play an important role in Kenyan politics. Many of those who gained political power or possession of land through violence or collaboration with the British still hold power today.

1.1 Purpose of the Study

The aim of this essay is to determine to what extent the path to independence and the ongoing democratic transition in Kenya can be categorised as elite oriented processes. I will compare these historical cases of transition and determine what the implications of this have been on land reform policies and policies to grant redress for those who suffered of the Kenyan government.

My hypothesis is that both Kenyan transitions can be characterised as elite transitions, and that this has not encouraged redistribution of land and wealth or redress for human rights violations.

It seems conceivable that policies aimed at countering inequality and granting redress to those wronged during the previous authoritarian rule could be a step towards consolidating democracy in Kenya. There are two dimensions to this study; how the democratic transition in 2002 and independence in 1964 were achieved and to some extent what the content of those transitions are.

A secondary goal of this study is to develop Ruth Berins Collier's theory of class actors in democratic transitions to better suit the state of affairs in an African context.

1.2 Theory

The theoretical framework for this essay draws on Ruth Berins Collier's three dimensions in the democratisation process these are: class, prior inclusion and arena of action. With regard to class the primary motive is to conceptualise social class in an African context and to develop categories, which fit the societal structure in Africa. The arena of action indicates where and how the actors promote or obstruct democratisation; are they part of negotiations or do they partake in public displays such as rallies. Prior inclusion refers to the actors position in the former authoritarian regime; if have access to power, or whether they were exploited (Barins Collier 1999:19).

Analysing the Kenyan case from this set of premises provides insight into *how* class actors behave and provides a framework for the analysis. Applying Eva Bellin's theory of political economy will provide answers to *why* working class and elite actors proceed in a certain manner. Her theory is based on the assumption that democracy derives from political struggle, it is not evolutionary and that interests rather than enlightenment drives these changes. The most important interests are material (2000:177). According to this theory, class actors will support democratisation when there is a perceived material gain to be won from democracy. However, it does not give decisive answer as to in what state of economic decline or growth different groups will take action. Bellin argues that the financial sectors dependence upon state sponsorship and fear for other social classes are factors which determine whether they will support democracy or not. For the working class, these determinants are state dependence and aristocratic position (2000:179). The aristocratic position of the working class refers to how privileged their financial situation is vis-à-vis the general population (ibid: 183).

I interpret Bellin's theory as firmly rooted in the tradition of rational choice, which has been criticised on the basis of being too rigid in its structure and deterministic. According to Hugh Ward there are four models of criticism directed at rational choice theories. Rational choice fails to accurately explain what acting rationally entails. Sociologists emphasise that it does not take into account how social structures, discourses and other social norms influence the behaviour and action of individuals and groups. The psychological argument is that individuals often do not act rationally at all. Political scientists sometimes criticise the predictive ambitions of the model and stress that these aspirations are likely to fail (2000:72ff). Although I agree with much of this criticism, there are also distinct advantages to Bellin's line of argument. It makes it possible to operationalise concepts of political economy. Her ideas about class actors and their dependency on the state focus on how different actors strive to gain materially by a process of democratisation (2000:180ff). With the earlier criticism in mind, I would like to add that these are perceived gains of democracy, and in what manner these issues are discussed within social classes is of great importance. One advantage of

combining Bellin's theory with Barins Collier, who stresses that there are many paths to democracy, with different actors and arenas of action is a broader perspective on the matter of choice. Even though Barins Collier argues that there are many paths, she emphasises existing and possible patterns in the actions taken (1999:21)

In order to achieve the purpose of this study I will draw on interviews with politicians, scholars and human rights advocates conducted in Nairobi in November of 2006. I will consult scholarly articles and other publications about the current and historical state of affairs in Kenya.

I will use Berins Collier's three dimensions by placing leading politicians in this analytical system by looking into the background of a selected number of leading politicians in the Kenyan government. If politicians on an individual level have connection with the KANU elite or groups, which were favoured by the former government these are signs of an elite transition rather than democracy as a result of demands from the working class. President Mwai Kibaki, who was elected into office in 2002, is of interest here, as are other members' government. I have chosen to look into the backgrounds of President Mwai Kibaki, Internal Security Minister John Michuki and Assistant Minister of Finance Peter Kenneth. I have chosen these three politicians because they hold significant power; they are featured frequently in Kenyan media and are well known. All three have made statements to the effect that they favour democracy. I will use the Kenyan governments' website and other reliable sources of information to gain knowledge of the political and class background of these politicians. I also conducted an interview with Mr. Kenneth in 2006, which will be useful in this regard. Surveying all members of government would have advantages, however due to limitations in time and space this is not possible.

Other class actors will, when possible be analysed using similar methods. In the independence case and with non-elite actors I will review literature because of practical concerns. There is little information about individual working class and peasantry actors.

2 Conceptualising Social Class in an African Context

In Berins Collier's analysis social class is not clearly defined. The working class is conceptualised as artisans and wage labourers. This inclusive definition of the working class is used in order to include pre and post industrialisation societies in her study (1999:16). Although she mentions the peasantry, it is not clear if she includes this group in the concept of working class actors. Her study is modelled to fit the state of affairs in Europe and South America, where the economy is industrialised to a large extent; a large section of the population is employed in traditional working class professions.

In this chapter I will attempt to conceptualise social class in a Kenyan perspective. This will help develop Berins Collier's theory to better suit the political and economic situation in an African context. With a clear notion of what class actors are relevant and an analysis of their significance in the democratisation process, understanding what actors were involved in the transition and the motivation for their actions is simplified.

2.1 The Working Class

Defining the working class in an African setting is problematic and difficult. In Kenya 40 % of the population was unemployed in 2001 (www.cia.gov). A large percentage is employed or self-employed in the agrarian sector. These facts considered there are some inherent problems with defining the working class the same way in Africa as in South America and Europe, where Ruth Berins Collier conducted her studies. For the definition of the working class to bear any significance in this context, it is instrumental that there is an element of power inherent to the group.

According to Alex Thomson, one of the major differences between Europe and Africa is the absence of a mass proletariat (2000: 82). The same might be said when comparing African states to Latin American states. Although there are some examples of unionised workers in Africa, these are few and are generally not mass movements. In Thomson's analysis, the section of the population, which consists of skilled labour, is described as an "aristocracy of labour" due to their privileged position in relation to the masses of self-sufficient agrarian peasants (ibid:82).

Thomson's analysis of the working class has implications for the use of Bellin's theory of how the aristocratic position of the working class influences their collective stance on democracy. According to Bellin working class actors in

an aristocratic position often display disolidarity with the masses of un-skilled, un-organised labour and self-sufficient farmers (Bellin 2000:183).

In Berins Collier's definition, the masses of the working class need not be involved in the democratisation process for working class actors to have an instrumental role. Individual labourers must not be involved, but there must be a sense of class solidarity. She insist that it is not a matter of a certain percentage of the working class being involved in the process, rather how labour unions, working class parties and other labour-based organisations have influenced the path towards democracy (1999:14f).

2.2 The Peasantry

According to Kenya National Bureau of Statistics 78 % of the population is employed in the informal sector (Kenya Facts and Figures 2006:11). It is self explanatory that the majority of these Kenyan citizens are self-sufficient farmers; this group is the majority in almost all African states (Thomson 2000: 80). Self sufficient farmers are not in possession of the main means of exerting influence of labour unions; the general strike, one of the main arenas of action for the working class in Berins Colliers model. The political economy is not influenced by the peasantry going on strike, as there are no employers. This reduces the possibility of the peasantry to wage political protest or partake in the struggle for democratisation. The means of mobilisation are reduced to participating in rallies or taking up arms. The peasantry protests through avoiding the influence of government, rather than influencing the state through democratic institutions. This is done through neglecting to pay taxes, informal agreements over land rights and other autonomous societal constructs. In return, the state to a large extent does not provide political goods¹ for the peasantry. Because of these shortcomings by the state, Kenya is a weak state and could be heading for failure according to Robert I Rotberg:

Although Kenya is intrinsically wealthy, its fortunes have been badly managed, corruption is rampant and a gang of ethnically specific thugs has distorted the rule of law, limited the supply of political goods, battered civil society and human rights, and privileged ethnic minorities against larger, more central, but now marginalized ethnicities (2003:17).

¹ In Robert I Rotberg's analysis political goods are claims made by the citizenry on the state. The most important political good is security, as the state has a monopoly on legitimate force. Democratic rights are also included in the definition. Other political goods include infrastructure, health care, education, currency and fiscal policy and a judiciary system (2003:3f).

I argue that the weakness of the Kenyan state due to the states inability to wield power over and provide political goods for the peasantry stems from the peasants none participation in the financial system, capitalism. Although peasants often supplement their income through waged labour in coffee, tea or other plantations their income from this is usually a supplement rather than their main source of revenue. Thomson argues that this keeps wages in some sectors of the labour market low, making it impossible to sustain a liveable income from certain professions (2000:80). This non-participation by the majority who are peasants, both politically and economically in the systems developed results in very little identification with the nation state. Other actors such as ethnic groups, NGOs or communities, which do provide political goods for the peasantry, are more important for the peasantry than the state. As Karolina Hulterstöm concludes in her thesis "*In Pursuit of Ethnic Politics*" political goods are still being distributed along ethnic line rather than according to a needs based analysis (2004). This indicates that ethnicity is a stronger identity marker in Kenya than nationality.

According to Thomson, there are very few instances of the peasant class mobilising politically in post-colonial Africa (2000: 80f). My analysis of the reasons for this is that the stakes involved in political protest are high for the peasantry, as taking up arms could result in dire consequences and possibly civil war.

2.3 Elite Actors

In Berins Collier's theory, elite actors are analysed as one group with a similar agenda. There are some differences between political elites in Europe and in Africa. First, wealth is accumulated and centred on political leadership to a large extent. Wages earned MPs and others in office are high, in many cases higher than their European counterparts. Second, trapping from the office are often extensive including cars, expense accounts and free education abroad for children (Thomson 2000:84). Third, corruption is rampant and has according to the Economist not decreased since Kibaki's government took office (Voting out Corruption: 2006).

This makes the political elite the wealthiest group in Kenyan society. As many politicians are also involved in business it can be difficult to differentiate the political elite from the financial elite. However, the financial and political elites have some significant differences. There is an ethnic dimension to the financial sector in Kenya. Many business owners are of Asian decent, a group which is represented in parliament but is not often discussed in terms of ethnic politics in Kenya (Thomson 2000:85f). Where the political elite are usually land owners, who may have invested some of their capital in the industrial sector, the financial elite are a social class which has derived from Kenya's embryonic industrial sector.

There is also a matter of power and wealth involved in this analysis of elite actors. The political and landed elites are often on the receiving end of corruption, business men and women are actors who pay bribes to the political elite, making them powerful (Thomson 2000:85f). The landed elites do not do so to the same extent. The reason for this is that the landed elites are often the same individuals who hold political office. The support of landowners is instrumental for politicians, as this is a group which holds much informal power in the rural communities. Owning substantial amounts of land resources often means belonging to a family which has been historically powerful. According to Caroline Elkins much of the land left by European settlers after independence was sold at low cost to those who were loyal to the colonial power or to European investors (2005: 362).

Another aspect is that land is owned in an ethnically homogenous manner. Buying and utilizing land in other areas than where one's ethnic group comes from is virtually impossible. As Mikewa Ogada of the Kenya Human Rights Commission (KHRC) puts it:

I think Kenyans still come from a certain area, they buy land in a certain area; you are buried, you have to be buried back in your land. People have an attachment to their land, you know. It is unlikely that you will find a Luo² buying ten acres of land in a Luhya area, it would probably not be acceptable to people.

This connection to land does not encourage mobility. Land owners stay in the community and are often traditional chiefs, enjoying power and respect in their hamlet granting them a unique opportunity to influence for whom the electorate votes. Owning land represents security in a country where there is little social security and pension systems. Even though an individual may have a career in an urban area, selling land means selling this security. If push comes to shove a Nairobi professional may always return to their inherited land and make a living of it.

This division of the elite actors of Kenyan society corresponds well with the division of non-elites into the working class and the peasantry. The political elite and the landed elite are in essence the same people although some persons in the financial elite now hold positions in government, while the financial elite is more involved with foreign financial interests and investors.

² The Luo are an ethnic group in the Nilotic group, traditionally residing at Lake Victoria in Kenya and Tanzania. The Luhya are a Bantus speaking group with origins in the Western Province of Kenya. Mikewa Ogada is of Luo origin.

2.4 Conclusion: Social Class

The division I have made, separating the working class from the peasantry and the political and landed elites from financial elites differs from Ruth Berins Collier as it has more categories in the analysis. In an African context this is necessary, as the role of the working class and financial elites are unlike that of those groups in South America and Europe. There is a duality in African society, where some sectors like the telecom industry is growing rapidly, while the majority of the population is yet dependent on self-sufficient farming.

In this perspective, grouping working class actors and the peasantry together makes little sense. They are groups with separate interests working in different sectors of the economy. There is little evidence to suggest that these groups would have similar interests in a democratisation process, as their positions in society are not connected.

Likewise, landed and political elites and financial elites do not necessarily share the same interests as they are dependent on different policies for their prosperity. The financial elites have for a long time been the cash cow for the political elite; payment for business licences, bribes and other gratification has been characteristics of doing business in many African states. According to Thomson this is the reason why the political elites are financial factors of power in most African states, while the financial elites are somewhat less powerful and wealthy (2000:84f).

This categorisation of social class draws on Bellin's findings, as the groups are divided according to common material interests. As Bellin puts it:

Interest, not enlightenment drives regime change. [...] social forces are most likely to champion democracy when their economic interests put them at odds with the authoritarian state (2000:177).

It is obvious that the Kenyan working class and peasantry do not share the same material interests. Nor do the financial and political elites have common interests. Combining Bellin's and Berins Collier's theories makes a new categorisation of social class necessary. There are also ethnic factors involved in what groups may or may not champion democracy in Kenya. Hulterstöms analysis has shown that there is an element of ethnic politics in Kenya. Ethnic groups are favoured by the government to win political support (2004). It is likely that there is a connection between ethnicity and support for the democratic agenda based on which groups were favoured by the former government. However, it is difficult to deny that social class has implications, which reach beyond ethnicity. Material support because of ethnic affiliation is not likely to change because of democratisation alone, and the ethnic groups who receive support will most probably change depending on who is in office. Social class is a variable which cuts across ethnic boundaries making a nationwide analysis possible.

3 The Independence Movement and the Transition from Colonial Rule

This chapter deals with the role of the class actors in Kenya's path to independence. The same variables are used when analysing independence as will be used in the section on the democratic transition in 2002. The conclusions found in this chapter will be compared with the findings in the following chapter in order to determine similarities and disparity between the path to independence and the democratic transition in 2002.

3.1 Class actors in the Transition from Colonial Rule

The peasantry are closely tied to the independence movement in Kenya in the 1950s. The Mau Mau rebellion, which started in 1952 and ended in 1960 can be described as an organised peasantry uprising. The grievances expressed by the investors of the rebellion were to a large extent connected to land and labour. The number of white settlers in Kenya had increased during the post World War years. In 1960 just four years before Kenya became an independent state the number of white settlers was 63 000 (Anderson 2005: 345). The majority of the settlers lived in the Central Highlands or in Nairobi, a region, which was populated by the Kikuyu, Embu and Meru ethnic groups. There was little land left for Africans³ to utilise and with less labour intensive farming methods, more and more people found themselves landless and unemployed (Clayton 1975:1). Local peasant populations were forcibly removed from land belonging to white settlers to Kikuyu reserves, as more land was now being farmed. The Mau Mau movement was formed because of discontent with British rule and landlessness, poor working conditions and wages on the farms owned by settlers.

Most of the persons who were affected by the settler population expanding and demanding more land were not employed by the white settlers. They were self-sufficient farmers who had been cultivating land formally owned by settlers. The Mau Mau movement was effectively put down. The majority of the Kikuyu people were detained in British concentration camps or barbed wire villages. Most Mau Mau leaders were executed or killed in battle. It is difficult to account for how many people were killed by the British colonial forces during the Mau Mau.

³ The term "Africans" refers to the population native to Africa. I am aware that there are many African citizens of other ethnic descent.

A conservative estimate by Caroline Elkins is that 130 000 to 300 000 Kikuyu were killed during the insurgence (2005: 366).

Although the Mau Mau insurgence was put down, it could be argued that independence from British rule would not have been possible in 1963 without it. Despite the decolonisation of several other African states during the late 1950 ties and early 1960 ties, it was far from self-evident that Kenya would follow suite. The large number of British settlers in Kenya meant that the situation was different than in Ghana or neighbouring Tanzania. According to David Anderson, the British had good reason to believe that Kenya would remain under British rule for many decades to come when the insurgence began (2005:3f). Another former British colony with a large settler community is Zimbabwe, which was not decolonised until 1980. A similar development in Kenya without the Mau Mau insurgence would not have been unlikely.

Staying in Kenya after the Mau Mau insurgence would have meant immense financial costs and bad publicity in British and European press. Putting down the rebellion and killing the instigators made an elite transition in 1963 possible. Decolonisation could take place without redistribution of wealth, protecting British ownership and production in Kenya. Political power was granted to those loyal to the British, ensuring that the structures of power put in place during colonialism would remain intact. According to Alex Thomson, those who negotiated with the British about the transition from colonialism were mainly officials and other elites who were a part of the colonial apparatus. These landed elites took over leadership after the decolonisation, not the leaders of the Mau Mau insurgence (Thomson 2000:25).

Nyinguro and Otenyo argue that the first political parties, which were instrumental during the post-independence period, were working class organisations. They derived from labour unions and other broad based organisations (2007:9f). During colonial rule individuals who were organised in trade unions did in a sense belong too an elite. They were clerks, office assistants, skilled labourers and postal workers, who were often employed by the colonial government in Nairobi and other urban areas. The working class culture developed within this group strived to mimic the European way of life, while the Mau Mau denounced western religion and social practices. According to David Anderson this elite, who called themselves *Tai Tai* were in conflict with the Mau Mau in Nairobi, and were often subjected to brutal punishment as they refused to join the insurgence during the 1950ties (2005:190ff). The *Tai Tai* often informed against the Mau Mau in their communities, and it was from its ranks and among the Chiefs and Home Guards⁴ the future leaders of Kenya were recruited as the British pulled out of Kenya (Elkins 2005:361).

The investors and participants of the Mau Mau insurgence mainly belonged to the peasantry, although there was some working class involvement in Nairobi and other urban centres. Like the Kenyan peasantry today, some of the main

⁴ The home guard was and armed force consisting of Kikuyu who were opposed to the Mau Mau. they were formed by the British colonial power (Anderson 2005:240)

grievances were land and liberty. There is no question that the Mau Mau fought for the independence of Kenya, or more precisely for freedom from oppression and the right to land.

The reasons for the lack of popular involvement in the decolonisation process may be that the Mau Mau insurrection ended in victory for the British; there were few representatives of broad based popular movements left alive and even fewer who were willing and able to take part in political life. As independence was granted just three years after the Mau Mau was put down, new movements demanding freedom had not been able to grow and gain momentum.

3.1.1 Analysing the Kenyan Independence with Berins Collier's and Bellin's Models

I argue that aristocratic position of the working class during the transition from colonial rule to an independent state influenced the groups in favour of independence. It may seem curious to describe the position of the working class in Kenya prior to independence as aristocratic, given that society was divided along ethnic lines, with very few privileges available for Africans. Although standards of living, political goods and employment opportunities were scarce for Africans, some social and ethnic groups were favoured above others. The British had provided education, employment and other political goods for the working class, while the peasantry was deprived of most opportunities and services. The organised unionised working class lived lives, which were very different from the peasant Kikuyu who were part of the Mau Mau. It may seem to be a contradiction that the working class would support independence considering this position of patronage, given that in Bellin's analysis the aristocratic position of a social class; that they are receiving patronage from the authoritarian regime counteracts democratisation (2000:179). However, the British did choose to decolonise Kenya given that there was an opportunity to do so on their terms, without the risk of losing all British interest in the region.

When analysing the material interests of the working class and leaders of labour unions and working class based political parties, it is clear that there was much to gain from decolonisation. The highest positions in the administration and leadership of Kenya prior to independence were held by the British. According to J.E Anderson, the working class were generally better educated than the peasantry; those employed in skilled labour were usually educated at mission school. The educational system was highly segregated, and few Africans had the opportunity to achieve even basic education (1965). Considering the lack of educated Kenyans, it is fair to assume that the working class, having had the privilege of education would be eligible for government positions or other high posts in society. This was the making of the political elite. As Thomson explores, wealth is often concentrated in the hands of a new political elite, as there is a unique opportunity to use the state as a cash cow (2000:83f). There were few opportunities for Africans to become truly wealthy, especially for working class

actors, as most businesses and land was yet owned by the landed elites who gained land though supporting the British during the Mau Mau or the white settler community (Elkins 2005:11ff). This fits perfectly with Bellin's theory when she states that "*material interests trump all other interests*" (2000:177).

The working class affiliation with the colonial administration meant that they were in a position of power and invited to negotiate terms independence. In Berins Collier's model the working class held a position of prior inclusion. They were usually employed by the administration or British owned companies. In 1944, when the first African member of the Legislative Council⁵ was elected, the representative was a member of the Kenya African Union (KAU) which was a union based political party (Anderson 2005:29). The working class or any other African actors for that matter could not govern the course of action taken by the British government in Kenya. They did however have access to positions in the local governing body. This signifies that the working class held a position of prior inclusion in the authoritarian regime.

Peasantry actors were not directly involved in the process that gave rise to independence. The leaders of the Mau Mau were not invited to negotiate, as they had been defeated. The arena of action that was available for the peasantry had been explored; they had taken up arms against the authoritarian regime and lost. The leadership of the peasantry had been lost, they had been eradicated in British concentration camps, executed though hanging or were still imprisoned at independence (Anderson 2005: 6f, Elkins 2005:149f). The peasantry had not been able to mobilise to stage rallies or continue the rebellion and were absent on the political arena. Yet, it was the threat of further violence, and consequently a large, costly and unpopular British military presence, which deterred the British from remaining in Kenya. International pressure, which one could argue could have been another important factor in the decision, had not caused Britain to leave Zimbabwe⁶. This suggests that the Mau Mau insurgence was an instrumental factor in the decision. As the state grew more authoritarian, the importance of peasantry actors declined further, and the political and landed elites merged into one as politics was and is a financially lucrative career (Nyinguro and Otenyo 2007).

It is not possible to differentiate the financial elite from the landed and political elite in the independence process. The economy relied almost solely on agrarian produce, and other industries were almost exclusively owned by foreign interests (Thomson 2000:6f). The trade sector was dominated by many small business owners, rather than elite who could wield power as a result of financial wealth.

Using Berins Collier's language, the Kenyan transition took place through the arena of action of the negotiating table. There was remarkably little public

⁵ The Legislative council was not a democratically elected assembly. It was dominated by whites until independence when it was dissolved. The number of African members in the Legislative Council never challenged white supreme rule in Kenya (Anderson 2005:9).

⁶ The official name of Zimbabwe was Rhodesia prior to independence in 1980.

manifestations of anti-colonial sentiments after the defeat of the Mau Mau insurgency.

3.1.2 Land, Democracy and Redress after Independence

Charles Hornsby and David Throup claim that the period following independence was the most democratic period in Kenyan history. At independence, serious attempts at democracy were made and it was arguably the most democratic era to date in Kenyan politics. They maintain that the elections in 1961 and 1963 lived up to basic democratic criteria and that the intention of the British was for Kenya to transition to democratic multi-party rule (1998: 8ff). The argument made here is that independence resulted in democracy, and that it was at a later state that Kenya reverted back to authoritarian rule.

I disagree with Hornsby and Throup on several counts. The Mau Mau, who were the largest political movement in Kenya prior to independence were banned until 2003 (news.bbc.co.uk/b). Although the Mau Mau never developed into a political party, the ban on the organisation prevented them from pursuing political goals. Considering the massive support within the Kikuyu ethnic group for the Mau Mau during the insurgency⁷ it is probable that there would have been an opportunity to mobilise around the core issues of the movement, given a possibility. Robert Dahl expresses that associational autonomy is a requirement in large-scale democracies (2000:85ff). The ban on the Mau Mau is counter to that freedom; a fact which is not discussed by Hornsby and Throup. There were other imperfections, such as lack of education, making Dahl's criterion of enlightened understanding difficult to live up to. I agree that the multi-party elections in 1961 and 1963 and the regime of Jomo Kenyatta⁸ were less authoritarian than the regime of Daniel Arap Moi, as discussed by Hornsby and Throup (1998:26). The process to end colonialism must be viewed as a transition to independence rather than a transition to democracy.

Those who suffered during the colonial regime were not compensated after independence. The British government as well as Kenyan elites did not claim responsibility for violations that took place. As the transition to self-determination was dominated by elite and working class actors, and those who were subjected to the worst occurrences of human rights violations during colonialism primarily

⁷ It is difficult to estimate how many people considered themselves part of the Mau Mau movement. Caroline Elkins estimates that approximately 1 ½ million people were detained during the insurgency (2005:v), it is likely that there was a fair number of followers.

⁸ Kenyatta was Kenya's first president and a key individual in Kenya's independence movement. He was imprisoned during the Mau Mau rebellion by the British as they believed him to be a Mau Mau. There was no hard evidence to prove this affiliation. In fact Kenyatta preached moderation and co-operation; he fell out with Mau Mau leaders during his detention. He negotiated with the British prior to independence and agreed to protect British interests (Anderson 2005:63ff).

belonged to the peasantry, no efforts were made to rectify the crimes. Many individuals in the new political elite were guilty of torture, murder and rape in the name of colonialism and had no interest in resolving the underlying conflicts of interest between the social classes. There was no material or other interest to encourage redress. Jomo Kenyatta preached a policy of forgiveness, rather than granting redress for those who suffered. His position was that: "*The nation must forgive and forget the past*" (Kenyatta quoted in Elkins 2005:360). It is not until recently that some veterans of the Mau Mau war have brought on a law suit against the British government, claiming financial compensation for the suffering they endured (bbc.co.uk/a)

The land issue was handled in much the same way as the issue of redress. The material gains the landed won during colonialism were still in the hands of the landed elites. It was though seizing property during the Mau Mau and profitable property deals made when many British left Kenya after independence that many of those loyal to colonial rule achieved financial wealth (Korwa & Munyae 2001).

4 The Democratic Transition in 2002

In this chapter the role of social class in the democratic transition in 2002 is analysed. The importance of the actors in the democratisation process is compared to the transition to independence in 1964. Berins Collier's and Bellin's theories will be used to determine the position, arenas of action and motivation for the actions of class actors.

4.1 The Role of the Political Elite in the 2002 Transition

President Mwai Kibaki was the Vice President of Kenya during Daniel Arap Moi's rule from 1978-1988. He was a member of the KANU party from 1963-1991. In 1992, with the end of single-party rule Kibaki ran for the presidency for the first time (statehousekenya.go.ke). He has been supported by former President Moi in various ways during his years in office, and is one of Kenya's wealthiest landowners. As Fred Jonyo, a professor of Political Science at Nairobi University puts it in an interview:

If you look at Kibaki's government also, it is a government run by people who have property, Moi has property, Kibaki has property, and they are old. So, they are united in a class property ownership. So they will not want a system that will disturb this. And Moi would feel that it is better for Kibaki to come back again because that way they are united in terms of protecting their property.

When analysing the state of affairs in Kenya, it is clear that the landed elites hold political power despite the introduction of democratic practices. If interpreted according to Barrington Moore's theory, democracy cannot prevail without the existence of a bourgeoisie. He exemplifies this by claiming that democracy in the United States would not have been possible without victory for the industrialised North over the agrarian South in the Civil War. Likewise, the absence of a large bourgeoisie during the French Revolution hindered the path towards consolidated democracy through the reactionary influence of the peasantry. Eva Bellin refutes Barrington Moore's theory by drawing on empirical data, which does not support the claim that a bourgeoisie is a necessary prerequisite for democracy. Instead, she claims that the relevant factor is which groups have an economic interest in democratisation (2000:176). In the Kenyan case Barrington Moore's theory does have some relevance, as the absence of a large middle class in Kenya signifies that a large portion of the population is not well educated, and as such do not have the necessary tools to utilize the

information about the various candidates during the election campaign. In this sense, a large portion of the population is unable to gain an enlightened understanding of the political issues being debated, which contradicts one of Robert Dahl's demanding criteria for democracy.

Primary Completion Rate 2005 (%)	Secondary School Enrolment 2005 (%)	Tertiary School Enrolment 2000 (%)	Literacy Rate (%)
95 %	48.9 %	2.7 %	73.6 %

Analysing these data, it is obvious that few Kenyans receive a secondary degree and even fewer a university education. Considering the high primary completion rate and relatively low adult literacy rate, it is fair to assume that it is the older generation, which is unable to read. Free primary school education was introduced after the 2002 elections, which may have influenced the high number of primary school graduates. With a life expectancy at just 49 years (World Bank), a substantial number of the literate population may well be under 18 years of age and not eligible to vote.

With Fred Jonyo's statement in mind, there is little doubt that Kibaki in Berins Collier's model would be considered an actor who was included in the elites prior to the democratisation process, part of the elite class and had access to the negotiating table as an arena of action.

Likewise, John Michuki Minister for Internal Security has also held various positions in the KANU government. However he did not hold office during the transition from single to multi-party rule. During this time Michuki was active in large scale farming, where he was immensely successful (communication.go.ke). In the human rights community, the appointment of John Michuki provoked a stir. Mikewa Ogada of the Kenya Human Rights Commission (KHRC) spoke to me of Michuki's role during the Mau Mau insurgency¹⁰:

So the Mau Mau fought for independence but those who were in collaboration with the British government are the ones in power today, including the Minister of Internal Security, [...] was one of the one who tortured people at that time. [...] many people who got the spoils of the war were collaborating with the enemy of the Africans.

Mr. Michuki was a district commissioner in the Muranga district during the late colonial era (communication.go.ke). Even though I have not found any evidence to

⁹ Source World Bank <http://devdata.worldbank.org/external/CPProfile.asp?CCODE=KEN&PTYPE=CP>

¹⁰ The Mau Mau insurgency was an uprising against British colonial rule, which started in 1952 and ended in 1960. See page 10

support the claims that he participated in torture and abuse during the Mau Mau, it is a well known fact that the district commissioners and other officials of the colonial power gained financial advantages such as land, which had been seized from those who were detained. They actively participated in the armed struggle against the Mau Mau (Elkins 2005:272f). Even though Mr. Michuki was not active in politics during the 1990ties, it is clear that land owners such as Michuki were dependant on the former governments' policy of impunity towards those who committed crimes during the colonial era. Bellin's theory of dependence is relevant here, as Michuki and others in his position are class actors in the sense that they landowners, and their dependence on the former government signals that they would probably not have much to gain from democratisation. According to Bellin the two most important variables for capital actors to favour or counteract democracy are fear and state dependency (2000:179). In the case of Michuki, there is some evidence that democratic reform incited by the working class or the peasantry for their material gain could lead to him losing all or part of his accumulated wealth.

Peter Kenneth, Kenya's Assistant Minister of Finance is considerably younger than Michuki and Kibaki, and as such has no incriminating past in the colonial or post-colonial regime. During my interview with him, he was careful to point out that some of his relatives are Mau Mau war veterans who in his words fought for the freedom of Kenya. Mr. Kenneth has however run for office on a local level on a KANU ticket during the single-party regime. For most of his career he has been in the insurance business, and he has accumulated a fair amount of wealth. During the interview Mr. Kenneth said that he is a land owner and has a large cattle farm in his constituency Gatanga. He has an elite background yet did not hold political power prior to the transition.

Mr. Kenneth's appointment to office is a signal that some things have changed in the political landscape. He has acquired land like most wealthy Kenyans, yet prior to the democratic transition in 2002 he belonged to the financial elite rather than the landed political elite. The fact that his relations fought with the Mau Mau, rather than on the side of the colonial power indicates that the financial elite are gaining political power. It is not only the old landed elites who hold seats in parliament. However, Mr. Kenneth was reluctant to criticise the policies and governing of the Moi regime:

Even though there were many problems during the Moi era, Moi left Kenya with peace and economic development. Other African countries have had much more conflicts. However, the legacy of Moi will be the way in which he left.

This disinclination to pass judgement on the preceding regime is connected to the fact that Daniel Arap Moi is still an important vessel of power in Kenyan politics. Moi has said in an interview in March 2007 that he supports President Kibaki, despite being a member of the opposition party KANU (africanpress.wordpress.com). As seen earlier, Kibaki and Moi are both part of the landed elite and share material interests. Kenneth, who is not a part of this social class, has through his position in government gained access to the perks of the

political elite. Through owning land, belonging to the current political elite and supporting the former regime Mr. Kenneth is in league with the landed elite. This may be a sign that the financial elites are gaining political influence, although the landed elites still set the agenda.

The personal history of these three individuals indicates that the Kenya case can be categorised as an elite transition. Those in power today were held power during the former government as well. Although these actors can be placed in different positions I Berins Collier's model, it is clear that they are elite actors. They exemplify the process, which took place in Kenya during the 1990-ties well. According to Korwa and Munyae few working class and peasantry actors were involved in negotiating for a democratic transition in Kenya. Almost all MPs are elite actors who were involved in politics prior to 1992 (2001).

4.2 The Financial Elite

Not all members of the financial elite are members of political parties or involved in political life. Investigating support from the financially powerful for the democratisation process is significant because Bellin's theory of contingent actors specifies that support for democracy derives from the incentive for material gain. If Kenya's financial elite support democracy, this is a clear indication that this group consider democracy to be beneficial in terms of their economic interests.

During the 1990ties and early 2000ties, when the Daniel Arap Moi was still in power Kenya faced a serious economic downturn. Corruption was rampant, foreign investment decreasing and inflation reached 100 % in 1993. According to the US Department of State, this was to a large extent due to government mismanagement of the economy (www.state.gov). As we have seen earlier, capital in Kenya is to a large extent dependant on government policy, as the landed and political elites finance their wealth through the financial sector. According to Bellin's capital state dependency is usually detrimental for capital support for democracy. In the Korean case she describes, changes in international arena, coupled with changes in the character of state sponsorship resulted in new found enthusiasm in the financial sector for democratic reform (2000:189). Likewise, the Kenyan transition took place in an era of economic change and expected alterations in the financial sector due to globalisation, both domestically and internationally. With the end of the Cold War, pressure on Kenya and many other states to reform their financial sectors was mounting. With some sectors in the Kenyan economy dependant on foreign aid, which to an increasing extent came with demands for democratic reform maintaining government sponsorship seemed ever less likely. Fear of losing the support of the government paired with the development towards democracy in other African states changed the agenda of financial elites in Kenya, and a shift where these elites supported reform took place.

An example of how business executives in Kenya have been supportive of democracy is Mr. Vimal Shah, who is one of Kenya's wealthiest businessmen, and owner of Bidco, an oil-services company. In an interview with Thomas L. Freidman, a writer at the New York Times he said about the recent democratic reforms *"even if the government changes, it won't change the rules. The politicians can't stop this."* (www.dispatch.com) He believes that the governments more democratic and transparent rules are good for business. Mr. Shah has to a large extent been right, since 2002 the economy has recovered significantly. It is difficult to determine whether this improvement is dependant on the democratic reforms or if there are other causes. However, Mr. Shah's enthusiasm exemplifies the Kenyan financial elite's positive attitudes towards the democratic project.

Bratton and van de Walle identify the reasons for the financial sectors support for democracy as dependent on dissatisfaction with the share of the states resources they could obtain during authoritarian rule. They confirm the business elite's support for the democratic project in the Kenyan case (1997:167). This coheres with Bellin's theory that the perceived advantages of democracy must outweigh the fear of the consequences of working class and peasantry political influence for elites to support democracy. The landed elites were in control of the democratisation process and the financial elites supported the opposition parties, hoping to improve their position in the coming regime.

Analysing the role of these financial elite in the democratisation process using Berins Collier's model poses some difficulty. They were not directly involved in negotiating the transition from single to multi party rule they would be characterised as outsiders in the process, which is not completely in line with the events that took place. The support of business elites was important for democratisation, not least because of the pressure exercised by foreign investors, INGOs and donor states. The economic elite had a unique position in gaining international support for democracy because of the globalised nature of the financial world. As David Held argues, nation states are finding it increasingly difficult to wield power over the financial sector, as power over capital is becoming increasingly globalised (2000:20). In the Kenyan case international pressure for democracy is an important aspect of the transition.

In Bratton and van de Walle's analysis the importance of the financial elites support for democracy lies mainly in their willingness to fund oppositional parties. They state that the two sources of funding available to oppositional groups are citizens living abroad and local business (1997:167f). In the Kenyan case, where oppositional parties have been officially permitted since the 1992 elections, fragmentation, unfair elections and abuse by the authorities prevented the opposition from gaining ground such funding has been essential (Korwa & Munyae 2001). The political and landed elites joined oppositional parties once the terms of the transition had been negotiated.

The role of the financial elite and the arena of action as a financier of the opposition is not explicitly analysed by Berins Collier. As explored earlier in this chapter, the opposition which won the 2002 elections were a part of the political and landed elites prior to the transition. Financing the opposition, whose arena of action was the negotiating table and who enjoyed a position of inclusion in the

former regime, the financial elite must to some extent be said to share that position.

In my view, the financial sector has played a unique role in the democratisation process. Their ability to be “insiders” through financing the opposition as well as “outsiders”, in their own arena of action with a possibility to influence international key actors is not explored by Berins Collier. The actions of large and medium sized companies influence the course of action taken by policy makers and politicians to a large extent, in some cases perhaps more so than political protests and rallies. Without international and national investments it is difficult for the economy to grow and prosper. Companies will not invest where the stakes are high and the possibility of profits low. There is a symbiotic relationship between politics and finance, where both adjust to meet the needs of the other.

4.3 The Working Class and Peasantry the Democratic Transition

Working class actors and the peasantry were hardly involved in the current democratic transition at all. Nyinguro & Otenyo argue that they had some importance in the 1990ties when pro-democratic rallies were common. Most notably the Saba Saba¹¹ riots on the 7 of July 1990 in all of Kenya’s major cities were key signs that working class actors were involved in democratisation (2007:13). The protests were easily struck down, and there was never a possibility that working class protests alone would topple the authoritarian regime (ibid: 14). I argue that the Saba Saba riots where an indication that democratisation was on the way rather than actions that contributed to the process; international pressure on domestic elites after the end of the Cold War was growing stronger and authoritarian rule was rapidly becoming a less viable option as other African states in the region were adopting multi-party practices.

Jeffrey Herbst claims that the end of the Cold War reduced the political importance of most African states on the international stage. As there was no longer as much of a political struggle between the East and the West in the UN and on other arenas, the support of African states was no longer necessary (2000:108ff). This resulted in decreased international support and aid for African states. Consequently, support for African regimes became conditional of democratic reform as democratic ideals became hegemonic with the fall of communism (Thomson 2000:150ff). This does not diminish the bravery and conviction of those who participated in the riots, there were simply no large unions or other organisations involved with enough political power to influence the political situation.

¹¹ ”Saba Saba” means” seven seven” in English, and refers to the date on which the riots took place.

During the rule of Daniel Arap Moi working class organisations and labour unions were all but eradicated. Leaders were imprisoned and tortured, and many organisations outlawed (Korwa & Munyae: 2001). Consequently, working class actors, which had played a role in the path towards independence no longer played an important part in political life. In Thomson's analysis of the causes of this exclusion of the working class he explores the different types of authoritarian single-party rule in Africa. He categorises Kenya as a State Capitalist regime, while Zambia and Tanzania are described as African Socialist regimes prior to democratisation. The signification is that the African Socialist states often had mandatory membership in labour unions for skilled labour, whereas State Capitalist regimes favoured capital over the workforce, and strived to outlaw labour unions in order to provide cheap labour for landed and financial elites (2000:42ff).

In perusing further answers to why this is the case in Kenya investigating the political economy is necessary, as working class actors are connected to the labour market. As touched upon earlier, there is no large industrialised sector in the Kenyan economy. The agrarian sector is by far the largest in the Kenyan economy (www.cia.gov). As farming methods are changing industrialised farming such as the coffee and tea industries grew less labour intensive in the 1960ties, that potential platform for organised labour was all but eradicated.

Even though there were serious cases of favouritism and mismanagement in the Kenyan state the potential cost of armed struggle was too high for the majority of peasantry actors to take up arms. According to Korwa and Munyae, there were outbursts of violence during the 1992 and 1997 elections in areas where there were strong anti-KANU sentiments. These uprisings were violently put down by Moi's government; several peasant leaders were detained and tortured, political organisations were declared illegal (2001).

When surveying the existence of organised working class and peasantry actors today and during the 1990ties, there is little evidence to show that the working class is organised in large, powerful organisations. Rather there is a patchwork of NGOs, women's movements and pressure groups with little or no common agenda. In some cases, these organisations are based on ethnic sentiments rather than on common politic goals or issues. As Mikewa Ogada of the KHRC put it:

The leadership and membership of many NGOs is often ethnically homogenous, even though the names might not indicate an ethnic interest. That's a sign that they will pursue those interests rather than other issues.

Historically political parties have provided the basis for mass involvement in political processes in some states. Berins Collier exemplifies labour based parties in The Netherlands, Germany and Sweden, where political parties have been a vessel for mass mobilisation in democratisation processes (1999: passim). These need not be connected to mobilisation through labour unions. The Kenyan political parties are not broad based and centred on issues or ideologies in the way that Berins Collier's examples illustrate. When surveying the political parties in Kenya, it is clear that none, with the possible exception of KANU the former

ruling party has a broad based membership. Peter Kenneth, Assistant minister of finance was not sure about what party he would run for in the upcoming elections in December 2007 when I interviewed him in November 2006. He explained that political parties have very little significance in the Kenyan democratic system; the electorate seems more interested in the candidate himself¹², his ethnicity and what he represents. Issues such as what the candidate's position is on the constitution or other policies are, according to Kenneth, of secondary importance to voters. Mr. Kenneth spends several days a week in his constituency meeting with his electorate. The issues most wish to discuss with him do not concern government policy. He is prompted to financially support individual children from under privileged families through school, or donate money towards health care for those who cannot afford to pay for these services on their own.

The most common complaint is about healthcare. They come to me when they or someone they know is sick, asking for financial help. Some come to me asking for me to support their children's education.

So no one speaks to you about the new constitution, or other issues they want you to press?

No, they are not interested in issues; it is a matter of putting food on the table, getting healthcare and education. We need to separate the institutions from the MPs if we want to change this.

The lack of public interest in issues was a recurring theme in my interviews with Kenyan politicians, human rights advocates and scholars. There was consensus that ethnicity was more important for the electorate than policies.

These are signs that Kenya is a patron-client state, where politicians are viewed as patrons of the communities, rather than leader to represent the electorate in a wider sense of national politics. A good patron provides the community with political goods on a person to person basis, rather than improving the over all situation for all. There is also an element of ethnic politics inherent to this system. The patron is expected to represent the community and to share cultural values and set the moral standard.

There is a long history of patron-clientalism in Kenyan society. The role of the MP is similar to that of the Chiefs that were instated by the British colonial power. The Chief would in an arbitrary manner decide who would receive support from the authorities. There is also a paternalistic element to this state of affairs; no demand is made on the citizens to truly understand what political issues are being debated in parliament or insist upon influencing politics (Hulterström 2004:92ff).

¹² candidates for office are most often male in Kenya. As of 2006, the percentage of female MPs was just 7 % (unhabitat.org).

The patron-client state is relevant to this study because there are ramifications as to how political mobilisation takes place. Bratton and van de Walle explore the role of political parties in African states during the transitions of the 1990 ties:

[...] political parties were little more than collections of notables held together by clientalism and the promise of access to state resources[...]Parties were differentiated less by ideological or programmatic concerns than by the narrow interests of clientelist networks, typically organized around an individual(1997:251).

Furthermore Bratton and van de Walle discuss the role of clientalist networks in African politics, and note that the same individuals or relations to those that were active in politics in the years following independence are leading figures in the newly formed political parties in states, which have recently transitioned to democracy. More often than not the elites in the newly formed parties have held high political posts during single-party rule (ibid: 250ff). In the Kenyan case the 2002 presidential candidate Uhuru Kenyatta¹³ is the son of Jomo Kenyatta, another leading figure is Raila Odinga, son of the notable Chief and independence activist Odinga Odinga.

There are few organisations, unions and political parties in Kenya, which facilitate the peasantry and working class actor's involvement in politics. There are several reasons for this state of affairs; clientalism does not favour mass involvement as political issues are not on the agenda. The policies of the former regime did not allow for the development of broad based organisations for the non-elites. The political economy of Kenya, with many self-sufficient farmers and few places of work with large numbers of employees does not favour joint class action. The lack of co-operation between NGOs because of ethnic sentiments hinders common political campaigns.

4.4 Conclusion: The 2002 Democratic Transition

The democratic transition in 2002 was an elite dominated transition; even more so than during the transition from colonial rule to independence. The aristocratic position held by the working class in the independence movement had declined significantly in 2002, as many working class organisations were outlawed during the rule of Daniel Arap Moi. In Bellin's analysis, this loss of position and oppression by the authoritarian regime would push the working class to support democratisation. Focusing on the material interests of the working class, there seems to have been much to gain by advocating democracy for the group as they were not receiving patronage under Moi. Signs of support for democratisation were seen during the Saba Saba riots in 1997; however the lack of organisations

¹³ Uhuru means freedom in Kiswahili

and unions diminished the importance of their actions. Because of these shortcomings in that respect they could not exercise power over the labour market. Joint action in the form of a general strike would have been exceedingly difficult to organise.

As working class actors did not hold a position of prior inclusion in the former regime they were not invited to negotiate a transition, the arena of action open to them was the public space through public protest. Few representatives of broad based social movements hold formal political power today. Wangari Maathai is an exception to the rule as she is a representative of a social movement and an MP.

The position of the peasantry had not changed since independence. In Berins Collier's model they are actors with no prior inclusion in the former regime with no access to the negotiating table. The political oppression, landlessness and deprivation of political goods resulted in the peasantry supporting democratisation, albeit they had few opportunities to express those sentiments. The difference in the actions taken by the peasantry during the democratic transition and the path to independence is the level of violence and when the violence took place. In the independence process the elite chose to liberate Kenya after defeating the Mau Mau insurgency when the peasantry was in a weak position and could not mobilise violent protest. In the years leading up to the 2002 transition minor violent uprisings incited by the peasantry took place. However, the violent struggle of the peasantry had not yet reached a level where the integrity of the authoritarian regime was threatened. In both cases the elites chose to initiate processes aimed at transition at a point in time when peasant actors were relatively weak; in the case of independence *after* a major rebellion was put and during the democratic transition *before* they had a major uprising to deal with.

The strategy by the landed and political elite to promote democracy when the peasantry have not mobilised into armed struggle signifies that there is an element of fear involved. In Bellin's theory fear is one of the main motivations for elite actors to support democracy (2000:72ff). In this case, the fear of what may happen if the peasantry mobilises further may be a driving force.

5 A Culture of Impunity

In this chapter the actions taken by the Kenyan government after the democratic transition in 2002 are discussed and analysed. The issues of interest are land reform and redress. The policy of the Kenyan government on these issues have to my knowledge not yet been discussed in academic articles or other literature. This chapter of the paper relies on interviews with well-informed individuals.

5.1 Land Reform

Prior to the elections in 2002, Mwai Kibaki promised an overview of the improper ways in which land was distributed during the Moi regime. Mikewa Ogada discussed the issue of land reform with me:

Land is a very delicate issue in this country. Kibaki said before coming to power that there was to be established a commission. The role of this commission was to look though, to review all land that could be suspected to have been irregularly or illegally allocated to people. And they have counted to 200 000 different plot numbers in the country which the government has just given away or distributed, government land! Both private and public land has been investigated. They have given away land in the road reserves, that's why we can't expand our roads. All that has been investigated and that report took 2 years to do.[...] I do not think that we will be able to practically address the land problem as far back as the 1950s. I would be very difficult. But from 1963 onwards in the independent Kenya.

Ogada expresses that the political and landed elites have seen land as one of the resources they could utilise as a privilege of their position in government or as pay offs to gain support from local notables. Considering that the same individuals are in government today as prior to the transition, it is likely that some of the land distributed in an arbitrary manner is owned by those in power today. In Bellin's theory, where material interests trump all others land reform under such circumstances is an unlikely event.

Maina Kiai is head of Kenya National Commission on Human Rights (KNHRC)¹⁴, which reviewed the land irregularities discussed by Mikewa Ogada. He does not believe that much will come of the commissions report:

¹⁴ The report is available at www.knhrc.org

We have to look 40-50 years down to line, we are 33 million people, only on third of our land is arable, we have 1 % forest cover of our land, we need 30 %, we don't have enough land to have everybody as a farmer with a piece of land. [...] The issues of land reform must be addressed, and people compensated. It will never happen with these people in power.

As of yet, nothing has come of the governments promise to address the issue of land reform. I have followed the promises made by politicians in the election campaign leading up to the elections in December 2007 in Kenya's leading newspaper the Nation, and no mention has been made by any candidate about the issue.

5.2 Redress

When analysing the possibility of redress from Bellin's perspective, it seems unlikely that those who committed crimes during the Moi regime will be brought to justice and those who suffered compensated. With persons like John Michuki in government who would have a lot to lose by such a process, the opportunities seem slim for such a development. Maina Kiai describes his experience with handling the issue:

If it is in their interest today to talk about transitional justice they will, whether they are in KANU, or they are in government. If it is not, they won't. I mean, this country, this government they assured us, I sat own with Kibaki, and he said, yes we will do a truth commission, he would. He didn't, eventually he brought people into government who have too much to lose. So we have not solved the problem.

There has been progress in the area of human rights in Kenya. The establishment of the KNHRC, which is funded by the state, is a step in the direction of respect for human rights. Different media channels regularly run stories about corruption in the political elite, which would not have been possible prior to the 2002 elections. Above all the torture chambers have closed. There are still some major issues that have not been dealt with. These steps forward do not mean that Kenya has made peace with its past during the authoritarian regime. As Kiai expresses; too many people have too much to lose. The victims have no yet been granted redress, and the government is not taking steps in that direction.

6 Conclusion

As the Kenyan transition to democracy was essentially an elite transition, where the key actors were insiders in the authoritarian regime it is not surprising that land reform and redress for victims of torture has not taken place. What is surprising is that the issues have been discussed by politicians with human rights advocates despite the possible losses the political and landed elites may suffer if land reform takes place and a truth commission instated. When analysing the issue using Bellin it seems unlikely that the Kenyan government will take action in the way of land reform and redress.

The path towards independence was also an elite transition, where the elites were insiders in the colonial regime. The involvement of the working class was an important aspect, although they had closer affiliations with elite actors than the peasantry. The social class that suffered the most during colonial was the peasantry; they were the ones who lost their land, were subjected to forced repatriation, and were tortured and died in British concentration camps. The working class were not advocates for the material or other needs of the peasantry.

As seen earlier, no attempts were made by the Kenyatta or Moi regimes to grant redress for the victims of the British concentration camps during the Mau Mau or other colonial violence. No land reform took place. As the Mau Mau remained an illegal organisation until 2003, the issue was not even discussed in public political life. According to Elkins, the history of the Mau Mau was not taught in Kenyan schools (2005:367).

How the issues of land and redress were handled by the Kenyan government in these two cases is remarkably similar; in both cases nothing was done as the political and landed elites had too much to lose by taking action. The difference is that the issue is discussed by the educated elite in the current political landscape in Kenya. This may be a sign that matter may be addressed during the next term of office, depending on which officials are elected.

In all essence my hypothesis that the elite transitions in Kenya would not result in land reform or redress was correct. However, more substantial evidence is needed to prove that the nature of democratic transition influences the policies adopted by governments. In order to prove this correlation, more studies need to be carried out. In an African context, the type of authoritarian regime present prior democratic transition may be an essential variable. Kenya was a State Capitalist state, while Zambia and Tanzania were African Socialist regimes. Categorising African states according to regime type, and carrying out a similar study on a larger scale would provide more decisive answers to whether the actions and position of class actors influences land reform and redress.

6.1 Developing the Theories

The contribution made in this essay with regard to developing Berins Collier's theory is changing the categorisation of social class to better suit the African context. This study has shown that the peasantry and the working class do not share the same interests, and are in fact separate class actors in these circumstances.

In the independence movement working class actors were closer related to the elite actors in terms of their arena of action and prior inclusion than to the peasantry. In the democratic transition the working class no longer shared the same arena of action as elite actors, nor were they insiders in the Moi regime. For the peasantry, the arena of action and prior exclusion has remained the same. This is significant, as it shows that the peasantry and the working class are separate social classes that do not necessarily share the same interests or other characteristics.

The same can be said about the political elite and the financial elite. The financial elite was of virtually no importance in the transition from colonial rule, while they played a vital role in the democratic transition in 2002. In both cases, the financial elite was excluded in the former regime, and the political and landed elite enjoyed a position of inclusion. Analysing the financial elite separately also widened the scope of what the possible arenas of action for political mobilisation are. The financial sectors role in democratisation could be an interesting field of study.

Combining Bellin and Berins Collier has added the motivation of the actors as a variable. Why the actors behave the way they do is of interest because this allows for the study of material interests. Berins Collier's theory restricts the field of research to how questions, while Bellin's theory also allows for why questions. "Why" is necessary when investigating the distribution policy and possibility of redress. I would not have been able to reach these results without it.

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7.1 List of Abbreviations

KAU- Kenya African Union

KANU- Kenyan African National Union

KHRC- Kenya Human Rights Commission

K-DOP-Kenya National Observation Committee

KNCHR- Kenya National Commission on Human Rights

NARC- National Rainbow Coalition

ODM- Orange Democratic Movement

7.2 List of Interviewees

All interviews were conducted in November and December 2006

Jonyo, Fred, PhD in Political Science at Nairobi University. He has written several articles about ethnic politics in Kenya.

Kiai, Maina, Head of Kenya National Human Rights Commission (KNHRC), which is government funded and aims at observing human rights violations in Kenya.

Ogada, Mikewa, Programme officer for Mau Mau case, Kenya Human Rights Commission (KHRC), an independent NGO, which monitors human rights in Kenya..

Kenneth, Peter, Assistant Minister of Finance, Member of Parliament, NARC. Mr. Kenneth is the MP for the Gatanga constituency.