

**DEMOCRACY AND PARTY DOMINANCE IN KENYA AND SOUTH AFRICA:
A COMPARATIVE STUDY OF THE KENYA AFRICAN NATIONAL UNION
AND THE AFRICAN NATIONAL CONGRESS**

A thesis submitted in fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

of

RHODES UNIVERSITY

by

OSCAR GAKUO MWANGI

May 2002

Abstract

Kenya and South Africa can be described as dominant party systems, under the dominance of the Kenya African National Union (KANU) and the African National Congress (ANC) respectively. A dominant party system is in essence a democracy. The spirit of democracy may, however, apparently be contradicted by the weight of party dominance, thus questioning the content of and prospects for democracy under party dominance in both Kenya and South Africa.

The study is a comparative analysis of party dominance in Kenya and South Africa. The main objective is to examine the relationship between party dominance and democracy in both countries. It seeks to find out how party dominance is reproducing itself and surviving the post 1990 transition processes in Kenya and South Africa. More importantly, the study also seeks to find out how party dominance impacts upon institutions that support or uphold democratization and subsequently democracy. The findings of the study demonstrate that party dominance has reproduced itself and survived the post-1990 period, and is also impacting upon democratization and democracy. The dominant parties take a similar trajectory in pursuit of dominance over the state and its apparatuses. However, they differ when it comes to their relationship with the civil society. That between KANU and civil society is antagonistic, as the ruling party seeks to augment political power through authoritarian dominance of the latter to, while that of the ANC and civil society is responsive, as the former seeks to enhance political stability in the country.

The impact of party dominance upon institutions that support democracy takes similar and different trajectories in both countries. Similarities arise with respect to the detrimental impact upon institutions of the Executive that ensure accountability and transparency, evident in the increasing cases of corruption, nepotism and political patronage appointments. Similarly, there has been a detrimental impact upon the Legislature regarding parliamentary proceedings. Parliamentary committees and opposition parties are being rendered ineffective as organs of ensuring transparency and accountability, and are often subject to delegitimation. The impact of party dominance on the Judiciary, however, differs in both countries. In Kenya, the judiciary continues to suffer from excessive interference from the Executive and the ruling party, whereas in South Africa the judicial system remains largely independent with regard to the application of justice, despite constant criticisms from the dominant party.

The study concludes that South Africa is, gradually, going the Kenyan way. If this condition is left unchecked there is the possibility that South Africa could eventually end up a *psuedo*-democracy like Kenya, where formal democratic political institutions such as multiparty elections, exist to mask the reality of authoritarian dominance. The thesis recommends that strengthening civil society organizations, opposition political parties, and state institutions in both countries to ensure greater accountability and transparency, will reverse this detrimental effect of party dominance. It also recommends meaningful constitutional reforms that will guarantee greater independence of these institutions, and the decentralization of governmental and political power to check and limit the powers of the dominant party. Also recommended are areas for further research.

Acknowledgments

I am very grateful to my supervisors, Professors Roger Southall and Korwa G. Adar of the Human Sciences Research Council (HSRC), Pretoria, whom at the time of writing this thesis, were based at the Department of Political Studies and International Studies Unit, Rhodes University, Grahamstown, South Africa. I would like to thank them for enhancing my research skills, and their guidance and patience throughout the study. I would also like to thank the Department of Political Studies and International Studies Unit for offering me the necessary office facilities, which enabled me complete my work. Special thanks go to the Dean of Research, Rhodes University for offering me research grants that enabled me conduct research in Kenya and South Africa.

I would also like to thank my current and former colleagues at Rhodes University, Francis Chikhukunzeni, Isaac Tarus, John Radul, Moses Rotich and Frank Matanga for their academic and intellectual input towards this study and their constant reminder that thesis writing is a “Harambee” effort. I am grateful to Peter Kimemia of the Department of Economics, Rhodes University for his constant stimulating discussions on various socio-economic and political issues facing Kenya and South Africa. Special thanks also go to Ms. Grace Mwakio of the National Assembly of Kenya’s library for sending me valuable information at very short notice, and the librarian of the African Studies Centre, Cambridge University, for also allowing me to use the library at short notice.

I am also very grateful to my parents for their patience during the entire course of my study, my sisters, Jane, Serah and Catherine who kept encouraging me to go on with the difficult task of thesis writing. Special thanks to Catherine for assisting me collect practically all the electoral and party data of Kenya. Finally, to my nephews and niece, Alex, Christopher and Christine who kept on asking me when I am finishing this task.

Table of Contents

<i>Abstract</i>	<i>ii</i>
<i>Acknowledgments</i>	<i>iv</i>
Chapter One: Introduction	1
1.0 Introduction.....	1
1.1 Objectives.....	3
1.2 Justification and Significance.....	3
1.3 Literature Review.....	5
1.3.1 Kenya.....	5
1.3.2 South Africa.....	8
1.4 Conceptual Framework.....	14
1.5 Sources.....	18
1.6 Chapter Layout.....	19
Chapter Two: The Kenya African National Union and the Politics of Control and Domination in Colonial and Post Colonial Kenya 1921-1990	22
2.0 Introduction.....	22
2.1 Political Organizations and Participation in Colonial Kenya 1921-1963.....	23
2.1.1 The Inter-War Period 1921-1940.....	23
2.1.2 The Post Second World War Period 1945-1954.....	26
2.1.3 The Formation and Role of District-Based and National Political Parties 1955-1963.....	33
2.1.3.1 The Legislative Council and African District-Based Political Parties 1955-1960.....	34
2.1.3.2 The Formation of African National Political Parties: KANU and the Kenya African Democratic Union (KADU).....	39
2.1.4 KANU and the Democratization Process 1960-1963.....	42

2.2 KANU and the Consolidation of Power in Post Colonial Kenya 1963-1990.....	46
2.2.1 KANU's Control of Intra and Inter-Party Power Competition 1963-1969.....	46
2.2.2 KANU, Intra-Party Power Struggles, and the Control of State and Civil Society in the One-Party State 1969 to 1990.....	64
Conclusion.....	71

Chapter Three: The Dominant Role of the African National Congress in the Liberation Struggle in South Africa, 1912-1990.....74

3.0 Introduction.....	74
3.1 The Early Years 1912 to 1940.....	74
3.1.2 The Resurrection of the ANC 1940 to 1949.....	79
3.1.3 The Growth of the ANC as a Mass Movement 1950 to 1960.....	86
3.2 The New Tactics and Strategies of the ANC: The Armed Struggle.....	94
3.2.1 The Re-Organization and Resurgence of the ANC as an External and Internal Movement 1960 to 1985.....	101
3.2.2 The ANC and its Relationship with Civil Society 1969 to 1990.....	108
3.2.3 The ANC, the State, Private Sector and the International Community.....	119
Conclusion.....	123

Chapter Four: The Kenya African National Union and the Consolidation of Party Dominance in Kenya.....126

4.0 Introduction.....	126
4.1 The Restoration of Multipartyism in Kenya 1990 to 1992.....	127
4.1.1 The Internal Context of Pressure for Multipartyism.....	127
4.1.2 The External Context of Pressure for Multipartyism.....	133
4.2 The Consolidation of Party Dominance 1992 to 1997.....	138
4.2.1 Party-State Relations and Dominance.....	139
4.2.1.1 Parliamentary Dominance.....	139
4.2.1.2 Bargaining Dominance.....	146

4.2.1.3 Governmental Dominance.....	153
4.2.2 Party-Civil Society Relations and Dominance.....	163
Conclusion.....	167

Chapter Five: The African National Congress and Party Dominance in Post-Apartheid South Africa.....170

5.0 Introduction.....	170
5.1 The Negotiation Process and Transition to Power 1990 to 1994.....	170
5.2 ANC Dominance in Post Apartheid South Africa.....	179
5.2.1 The ANC, Electoral and Legislative Process.....	180
5.2.2 The ANC, Transformation and the Public Service.....	190
5.2.3 The ANC, Consociationalism, and Corporatism.....	204
Conclusion.....	214

Chapter Six: Comparing the Evolution of Party Dominance in Post-1990 Kenya and South Africa.....216

6.0 Introduction.....	216
6.1 A Comparative History of the Dominant Liberation Movements in Kenya and South Africa.....	217
6.1.1 From Elite Organizations to Mass Movements.....	217
6.1.2 The Armed Struggle: MAU MAU and Umkhonto we Sizwe	222
6.1.3 Constitutional Negotiations and Advance to Power.....	226
6.2 The Emergence and Consolidation of Party Dominance in Kenya and South Africa in the 1990's.....	230
6.2.1 Party Dominance and the Legislative Process.....	230
6.2.2 Party Dominance and the Executive.....	234
6.2.3 Party Dominance and Civil Society.....	239
Conclusion.....	244

Chapter Seven: Party Dominance and its Impact Upon Democratization in Kenya and South Africa.....	247
7.0 Introduction.....	247
7.1 Party Dominance and its impact upon the Institutions of the Executive in Kenya and South Africa.....	249
7.2 Party Dominance and its impact upon the Legislature in Kenya and South Africa.....	260
7.3 Party Dominance and its impact upon the Administration of Justice in Kenya and South Africa.....	268
Conclusion.....	273
Chapter Eight: Summary and Conclusion.....	275
Appendices.....	286
References.....	313

List of Tables

2.0: Kenya Civil Service: Summary of Posts and Strength by Scale as at 1 March 1965.....	57
2.1: Kenya Civil Service Job Category Breakdown as of 31 January 1968.....	58
2.2: Composition of Kenya's Civil Service By Race and Citizenship July 1967-October 1969.....	58
4.0: 1992 and 1997 Multiparty General Election Results in Kenya (Elected MPs Only).....	140
4.1: Parties' Parliamentary Strength in Kenya 1992.....	141
4.2: Parties' Parliamentary Strength in Kenya 1997.....	142
4.3: Multiparty General Election Results in Post Colonial Kenya (%).....	142
4.4: Number of Parliamentary Committees Chaired by KANU as at 2001.....	144
4.5: Questions by Party in Kenya 1993-1997.....	145
4.6: Party Representation in IPPG Technical Committees.....	148
4.7: Regional Distribution of Executive Posts in the First Post-1990 Multiparty Government in Kenya	154
4.8: New Parliamentary Constituencies Created in 1996 in Kenya	160
5.0: 1994 and 1999 National Assembly Election Results in South Africa.....	180
5.1: Party Representation in Constituent Assembly in South Africa.....	184
5.2: Number of Parliamentary Committees Chaired by the ANC as at 2001.....	187
5.3: Questions Posed by Political Parties in South Africa 1994-1999.....	189
5.4: Profile of Management Echelon (Director to Director-General) of the former Republic of South Africa Public Service by Population Group and Gender, 1994.....	195
5.5: Distribution of the South African Public Service by Race and Skills 1999 (%).....	195
5.6: SABC's Coverage of Political Parties in the 1999 General Election.....	203
6.0: National Assembly Election Results of the Post-1990 Period in Kenya and South Africa.....	231

CHAPTER ONE

INTRODUCTION

1.0 Introduction

Democracy denotes a system of government that meets three essential conditions viz, meaningful political competition between individuals and organized groups; political participation; and the existence of civil and political liberties, in the polity (Diamond, Linz and Lipsett, 1995:6-7). Kenya and South Africa have undergone democratisation processes toward multi-ethnic and non-racial multi-party political systems respectively. Democratisation basically involves the shift from an authoritarian regime to the installation and consolidation of a democratic regime (Huntington, 1991:35). However for democratisation and subsequently democracy to occur, there must exist strong functional democratic and democracy-promoting institutions in society. Democratisation requires the careful and deliberate construction of democratic institutions. Political parties and competitive party-systems are, presumably such institutions and the one party dominant system is in effect a competitive system and democracy. For a party to be dominant, it must be dominant in terms of number of parliamentary seats; in bargaining position in order to stay in government continuously; chronologically with respect to electoral outcomes and also governmentally. It must also dominate the electorate, other parties, the formation of government and the public policy agenda (Pempel 1990; 4-5).

The history of modern African political organisations in Kenya and South Africa can be traced back to the early 1900s with the formation in 1912, of the African National Congress (then known as the South African Native National Congress) in South Africa, and the formation, in 1922 of the Young Kikuyu Association (YKA) in Kenya. Though not formal political parties at the time, these organisations nonetheless advocated specific African rights denied by the colonial authorities. Since then, both countries have witnessed the emergence of several political parties and the evolution of different party systems. This study, however, largely focuses on the post-1990 democratic transition process which re-introduced multipartyism in post-colonial Kenya and ushered in the end of apartheid in South Africa.

The post-1990 democratisation experiences have restructured and re-established party dominance in Kenya and South Africa respectively. During the early 1960's, Kenya was briefly a one-party dominant system under the party dominance of the Kenya African National Union (KANU). The immediate multi-party period following Kenya's independence in 1963 saw KANU briefly emerge as a dominant party. However by 1969 and subsequently in 1982, Kenya was a *de facto* and *de jure* one-party state respectively with KANU as the sole political party. It was only in 1991, that KANU, as a result of mounting domestic and international pressure, repealed Section 2A of the Constitution, which declared the country a *de jure* one party state, paving the way for the re-introduction of multipartyism. Section 2A stated that "There shall be in Kenya only one political party, the Kenya African National Union" (Kenya, 1987: 6). During the 1992 multiparty elections contested by several political parties, KANU emerged as the dominant party, in terms of electoral plurality, by capturing 53.2 per cent of the parliamentary seats. The ruling party also emerged as the dominant party in the 1997 elections when it obtained 50.1 per cent of the parliamentary seats.

In South Africa, party dominance can be traced back to 1948 when the National Party (NP) won the elections and assumed office. However, this can be described as a *psuedo*-one party dominant system since it met the requirements of a dominant party system (discussed later in the Chapter), but nonetheless excluded a major adult social group, namely the black population, from political participation. South Africa was, therefore, an oligarchic democracy. The NP implemented a pernicious programme of apartheid and South Africa was to remain a one-party dominant system under the NP, until 1994, when the country held its first democratic non-racial elections, following the demise of apartheid. The year 1990 was crucial and significant for South Africa, as it saw the unbanning of liberation movements and the repeal of several apartheid laws. The post-1990 democratic non-racial elections saw party dominance re-establish itself under the hegemony of the African National Congress (ANC) when the party won 62.5 per cent of the votes in the 1994 elections and 66.36 per cent of the votes in the 1999 elections. Though the one-party dominant system is a competitive system and need not be undemocratic as demonstrated elsewhere, the spirit of democracy, may, apparently be contradicted by the weight of party dominance. The question thus becomes: what are the

nature of and prospects for democracy under conditions of party dominance in both Kenya and South Africa?

1.1 Objectives

This study is a comparative analysis of party dominance in Kenya and South Africa, under the dominance of KANU and the ANC respectively. The main objective of the study is to examine the relationship between party dominance and democratisation in both countries. The study seeks to find out how party dominance is reproducing itself and surviving the post-1990 transition processes in Kenya and South Africa. Of more importance it also seeks to examine how party dominance impacts upon institutions that support or uphold democratisation and subsequently democracy.

1.2 Justification and Significance

The study involves a comparative analysis of Kenya and South Africa. The choice of these countries can be justified and is significant in several ways. Firstly, the countries share a similar historical background ranging from being settler economies to suffering under racial domination and oppression, particularly white minority rule, in the form of colonialism and apartheid respectively. Secondly, as a consequence, both countries experienced a similar liberation struggle characterised both by passive resistance and armed struggle. Thirdly, in both countries, the major liberation or anti-colonial movement captured political power legitimately during the first democratic elections following the end of white minority rule. Fourthly, the liberation movements in the post colonial and post-apartheid polities have in the post-1990s emerged as dominant parties shaping both countries as party dominant systems. This is a significant comparative analysis in that Kenya under party dominance has often been described as authoritarian, whereas South Africa under party dominance is often described as a democracy (Freedom House, 1999:1). Finally, both countries can be described as deeply divided societies. Kenya is deeply divided along ethnic lines whereas South Africa is deeply divided along racial lines. This is made apparent, for example, in voting patterns as people vote along ethnic

and racial lines respectively. Though democracy is founded on the principles of "diversity in unity" and /or "unity in diversity", a deeply divided society is nonetheless prone to conflict and violence if its political institutions are generally weak. Some scholars have argued that democratisation and the party system are an integral part of conflict prevention and resolution and even more so of ensuring political stability in society (Sisks, 1999:1; Giliomee and Simkins, 1999:1-45).

This study is also of academic importance, in that it enhances the debate on the importance of political parties and party systems in the democratisation process in developing countries. Much academic debate and literature seems to place greater emphasis on the importance of civil society organisations, such as non-governmental organisations (NGOs), community based organisations (CBOs), trade unions and professional associations as agents of democratisation, at the expense of political parties (Bratton, 1989:407-430; Ngonyi, 1995:121-130; Gibbon, 1994:11-20; Bratton and Rothchild, 1992: 272-274; Diamond, Linz and Lipset, 1995:27-31). This study is based on recognition of the fact that the debate on democratisation is now placing greater emphasis than previously on the study of democratic and democracy-promoting institutions.

Though it is difficult to conceive of democracy in the absence of other institutions of civil as well as state society, it is even more difficult to conceive of democracy without political parties. Political parties are necessary for the organisation and structuring of political power at all levels, as well as providing a forum for political debate, participation and competition. Without effective parties, democracies cannot have effective governance. The whole idea of a party system is based on the assumption that there exist stable structures of competition. Structures of competition can be viewed to be either closed or open, depending on the "patterns of alteration in government, the degree of innovation or persistence in the process of government formation, and the range of parties gaining access to government" (Mair, 1996:84; Linz, 1992:182-207; Diamond, Linz and Lipset, 1995:33-35; IFES, 1997:10-11). It is often assumed that the very existence of competing political parties is a guarantee of democracy. However, both countries demonstrate a tradition of party dominance and an analysis of these party systems will contribute to an understanding of the limits and extent of democracy under

party dominance whilst also indicating the role of and constraints of opposition in such systems. There is a need to stimulate and revive this debate, more so in the context of sub-Saharan Africa. The study therefore adds knowledge to the existing literature and identifies areas for further research.

1.3 Literature Review

This section adopts a thematic approach with respect to the review of literature. The themes covered relate to those of political parties, party systems, democratisation and democracy in Kenya and South Africa.

1.3.1 Kenya

The literature on democratization and democracy in post-1990 Kenya covers a wide range of issues. These include the elections and the electoral process; the role of civil society; issues of constitutionalism and human rights; governance issues; and to some small extent local government issues.

Much of the literature in the area of democracy and democratization seems to focus on the elections and electoral processes of 1992 and 1997. The works examine a wide range of social, economic and political factors that significantly impacted upon these elections and electoral processes leading to what they term flawed elections or a flawed process. Much of the literature places emphases on the politico-administrative factors that saw the electoral processes, from constituency demarcation, voter registration and election campaigning to polling and the counting of ballot papers in the 1992 and 1997 elections in Kenya as characterized by excessive use of fraud and force, in most instances, to the ruling party's advantage. These factors include constitutional weaknesses because constitutional amendments placed the ruling party at an electoral advantage over opposition parties and the use of state apparatuses, instruments and patronage resources, such as positive and negative sanctions to influence electoral outcomes (Barkan, 1993:85-99; IRI, 1993; Throup, 1993:371-396; Holmquist and Ford, 1994:5-25; Ogot, 1995; Ajulu and Fox, 1995; Fox, 1996:597-607; Nzomo, 1996:167-184;

IFES, ; Ajulu, 1998:275-288; Southall, 1998:101-111; Adar, 1999: 340-360; Southall, 1999: 93-108)

The literature also examines in depth and detail, the role of civil society in the political liberalization and democratization process in Kenya. Many of these works point out the important role of religious institutions, particularly, the churches, non-governmental organizations (NGOs), and the media in pressurizing the government to restore multi-party politics in the country in the early 1990s. The literature also focuses on the input of such civil society groups to the constitutional reform and review process, in particular their role in ensuring that institutions and mechanisms that support and promote democracy are enshrined in the constitution. This literature argues that democratization in Kenya has largely been a function of civil society and recognizes the institutional weaknesses of civil society groups caused by leadership, doctrinal and resource problems, among others, arguing that such organizations need to be strengthened if democracy is to be institutionalized in Kenya (Kanyinga, 1994: 89-117; Ndegwa, 1994: 19-36; Ngunyi, 1995: 121-135; Gibbon, 1995:7-30; Haugerud, 1995:15-55; Aboum, 1996; Von Doepp, 1996; Wanyande, 1996: 1-20; Sabar- Friedman, 1997: 25-52; Nzomo, 1998:167-184). This literature, however fails to tackle adequately the question of how institutional weakness can also be a function of party dominance in the political process.

Related are the issues of constitutionalism and human rights. The literature attempts to demonstrate how flaws in the democratization process are largely a function of a faulty constitution. Arguments put forward in this literature emphasize that though the country reverted back to a multiparty state in 1991, the one-party constitutional structure nonetheless remained intact, in effect allowing the ruling party to retain its control of the instruments of political power and thus giving it an advantage over other parties. The literature also examines the actors involved in the constitutional review exercise, in particular civil society actors, emphasizing the need for more local level civil society groups to get involved in the process, particularly in areas such as civil education, as a way of raising political awareness: awareness with regard, to political, constitutional and legal issues (Galti, 1996; Kariuki, 1996:69-86; Kibwana, 1996; Barkan 1998:213-226; Haberson, 1998:161-184; Holmquist and Ford, 1998: 227-258; Kiai, 1998:185-192;

Ndegwa, 1998a:193-212; Mutunga, 1999:205-237). The literature does, however, acknowledge the dominant role of KANU in the legislative and constitutional review processes and emphasizes that such processes are to a large extent favourable to the ruling party.

Governance issues are also covered in the literature upon transition. This literature predominantly focuses on the changes the ruling party and the regime have undergone during the transition process from single-party rule to multi-party rule, as well as during the multi-party period itself. It emphasizes how these changes have undercut the authority and power of the ruling party in recent years. Of particular significance are intra-party power struggles, which have led to the emergence of factionalism in the ruling party, namely KANU A and KANU B. The literature also points out that corruption and the declining performance of the economy has also had a negative impact on the regime's capacity to govern. Other factors that have affected the power and authority of the ruling party and regime, according to the literature, are ethnic politics because the ruling party has been unable to woo voters and win seats in the Kikuyu (the largest ethnic group) and Luo areas of the country (Okech, 1994; Holmquist and Ford, 1995: 177-181; Khadiagala, 1995: 53-73; Wanjala, 1996; Chege, 1997; Ndegwa, 1997; Haberson, 1998: 161-184; Holmquist and Ford, 1998:227-258; Southall, 1999:93-108). Governance issues have mainly centred on intra party struggles, the performance of the economy, corruption and declining patronage and administrative capacity, without paying much attention to the impact of party dominance upon democratization.

Other works on issues related to democratization and democracy, though not extensive, cover areas such as opposition, local government, and the labour movement in Kenya. The literature on opposition looks at the nature of opposition parties in Kenya, and as with civil society groups, points out their ineffectiveness in the democratization process, caused their institutional weaknesses. The literature attributes their weaknesses to a number of factors, for example ethnicity, because such parties are said to be ethnically based or to represent narrow sectional interests and therefore to lack mass appeal. These works also emphasize the fact that opposition parties in Kenya are weak due to poor leadership, incoherent doctrines and programmes, lack of resources, especially financial resources, and that they also lack effective societal linkages.

Opposition parties in Kenya are described as lacking autonomy from their leaders; being unable to adapt and respond easily to changing circumstances and emerging challenges such as factionalism, lack of finances, etc; lacking organizational coherence and discipline; and also lacking complexity. The literature, however, does not cover adequately their performance in parliament, nor does it adequately cover how party dominance impacts upon their performance especially with regard to delegitimation. Other areas covered, although not by many works, include local government and the labour movement and how these are also responding to changing circumstances and emerging challenges under multi-partyism in Kenya (Muigai, 1993: 26-34; Okech, 1996; Southall and Wood, 1996: 501-528; AC, 1997; Murungi, 1997:9; Murungi, 1999:8; Ndegwa, 1997; Throup, 1997; Wanjohi, 1997: 208-253; Warigi, 1999:9).

Although the literature upon democratization and democracy covers a wide range of issues, not much of it focuses on party dominance, as a party system, and its impact upon democracy in the country. Though some of the works do acknowledge that Kenya is a dominant party system, they nonetheless inadequately discuss how party dominance has emerged and how it is impacting upon democracy, particularly with respect to political participation and competition. This study attempts to fill some of these gaps in the existing literature.

1.3.2 South Africa

Unlike Kenya, the literature on democracy and democratization post-1990 South Africa covers a wide range of both general and specific issues. This literature pays particular attention to events and issues emanating from the unbanning of political organizations and the release of political prisoners in 1990, as well as the consequent repeal of several apartheid laws, the negotiations and negotiated settlement. The literature also covers the post-1994 period, with regard to issues such as the elections; the electoral system and process; party politics and the party system; state-civil society relations; governance and institution-building; constitutionalism; race and ethnicity; the labour movement and local government, among others. Due to the wide scope of the available literature on issues related to democracy and democratization, the literature reviewed in this section covers only what is of immediate concern to this study, namely the transition

period, elections, the electoral system and process, constitutionalism, state-society relations, and institution-building, political parties and the party system in post-apartheid South Africa.

The transition literature pays attention to the socio-political and economic factors that lead to the dismantling of apartheid and its institutions. This literature covers a wide range of debates, which center on the reasons behind the dismantling of apartheid. Some works argue that it was primarily as a result of domestic and international pressure from the national liberation movements that the apartheid state yielded power, whereas other works point to economic reasons: that the apartheid state could no longer manage to sustain itself, economically due to poor domestic economic policies, and sanctions and conditionalities imposed upon it by the international community. Some works do, however, emphasize that it was a combination of domestic and international political and economic factors that impacted upon apartheid and the apartheid state in South Africa. There is also some literature that argues that pragmatism and intra-party conflicts within the NP were some of the reasons that led to the dismantling of apartheid (Giliomee, 1992; Alexander, 1993; McHenry, 1993; Dalal, 1994; Kitchen and Kitchen, 1994; Sisk, 1994; Guelke, 1997; Lansberg and Kamemba, 1998; Natrass, 1998; Seekings, 1998; Giliomee, 1998; Seekings, 1998; Barber, 1999; Bond 2000). This literature is not so much interested in party dominance and its impact upon democracy or democratization, but more in the social, economic and political conditions that eventually lead to the dismantling of apartheid.

The transition literature also pays particular attention to the early 1990s negotiations and negotiated settlement. This literature points out, with regard to the negotiations, the willingness on the part of the elite in South Africa to compromise by subscribing to democratic rules. The works emphasize that decisions were taken to come to terms with the situation by agreeing to peaceful competition for power and that this required the adoption of democratic rules, including appropriate checks and balances, and the protection of fundamental human rights. The literature points out that the idea of establishing such a framework, was also to bring previously excluded groups into the political process. Democracy or democratization emerges when elites in the political system agree to abide by the rules to the game, through compromises and settlements,

rather than risk national disintegration. This is precisely what happened during the negotiation process from 1990 to 1994. The two major antagonists, the ANC and the NP became the main protagonists, with the ANC emerging from the negotiated settlement as the leading and dominant actor (Slovo, 1992; Adam, 1993; Friedman 1993; Friedman and Atkinson, 1993; Sisk, 1994; Sparks, 1995; Buntman, 1998; Rantete, 1998; Bond, 2000). Although this literature pays attention to party politics, with regard to inter-party relations, dominance is examined, not in the context of party dominance within the party system, but rather in the context of dominant actors in the political process.

Works that pay attention to the period after the negotiated settlement analyse and explain a number of issues. A key issue is that of the elections, the electoral system and process. This literature examines the nature of elections and their outcomes and seeks to identify and analyze factors that determine such electoral outcomes. Many works identify these factors as historical, racial and ethnic, and the nature of the electoral system. Commentators point out the nature and role of the national liberation movements and argue that as vehicles for the aspirations of the majority, such organizations received the majority of votes during the first and second non-racial elections in South Africa. They also point out that in both elections voting was carried out along racial and ethnic lines due to historical reasons, and also that the priorities or claims, of the various racial groups in the new dispensation are different. The majority of Africans identified with parties that would not only secure their traditional liberties and privileges, but more importantly parties that guaranteed them their socio-economic rights, such as the right to housing, education, sanitation etc. According to literature largely derived from opinion polls, Whites who preferred the protection of third generation rights, that is group rights such as minority language rights and the right to self-determination identified, with the National Party, whereas those who preferred the guarantee of individual rights identified themselves with the Democratic Party (DP). Many whites also preferred parties that espoused security issues, such as the need to address crime and violence. While also analyzing elections and their outcomes, these works focus on the nature of the electoral system. They also examine the nature of the list proportional representation system (list PR) by comparing it to other electoral systems, such as the first-past-the-post system (FPTP), and argue that, ironically, though the list PR system does not normally produce a

majority, it has contributed to the emergence of a one-party dominant system in the country. The literature emphasizes that during the negotiations, political parties were greatly concerned with the choice of the electoral system, as uncertainty and unpredictability surrounded the electoral outcome. It also points out that some parties, such as the ANC, initially preferred a constituency-based system and did not support list PR since it was feared that it would necessitate government coalitions by over-representing minority interests. The assumption was that the ANC preferred a constituency-based electoral system on the basis that its wide electoral support would gain as other parties split across the left and right of the political continuum. However, the ANC adopted list PR partially as a compromise with the other political parties in favour of the system, knowing well that it would not lose by such a choice. Since it had long been committed to the ideology of non-racialism, the ANC opted for list PR rather than a constituency-based system, since drawing small, non-racial constituencies for a plurality system would have been counterproductive to racial identities and politics. The list PR system gave more than 60 per cent of the vote to the largest party and secured minorities representation in Parliament. According to the literature, this electoral system greatly contributed to the ANC's success in managing its constituency by making it possible for the organization to mobilize Africans as a compact majority. Other works on the elections and the electoral process pay attention the nature of fraud and force in the 1994 and 1999 elections (Johnston, 1994; Lodge, 1994; Reynolds, 1994; Southall, 1994; Spence, 1994; Szeftel, 1994; Sisk, 1995; Faure, 1996; Seekings, 1997; Southall, 1997; Buntman, 1998; Mattes, 1998; EISA, 1999a; 1999b; Faure, 1999; Giliomee and Simkins, 1999; Johnston, 1999; Lodge, 1999a; 1999b; Schlemmer, 1999; Pottie, 2001). This literature on elections and the electoral process is important to this study as it provides the necessary foundations for the analysis of the emergence of party dominance in post-apartheid South Africa.

The literature on state-society relations also covers a wide range of issues. These range from the role of civil society groups in the democratization process to the role of such groups in the public policy-making process. Much of the literature in this area emphasizes that civil society in South Africa is remarkable vigorous. However, it has its shortcomings. These works point out that during the apartheid era a strong civil society

emerged specifically to pursue the anti-apartheid struggle. It was assumed that these organizations would, in the post-apartheid era, be strong enough to impose limits on state power. However, as some of the literature emphasizes, their role in underpinning democracy has not always been guaranteed. Civil society in South Africa is proving to be too weak to offer many citizens alternative channels for social and political participation or aspirations. Some of the literature points out that the numbers of civil society organizations are in fact dwindling. According to the literature, NGOs in the country are declining due to the fact that many of them rely on donor funding, which is also declining. Since 1994, NGOs with political concerns have declined, as many donors withdrew their support as a result of the end of the apartheid struggle. The withdrawal of local and foreign funding has also affected NGOs with socio-economic concerns resulting in many of them either closing down or curtailing their activities. The literature seems to argue that in as much as civil society is vibrant in the future, there is the possibility that it might be institutionally weak due to a variety of economic and political reasons. While much of the literature focuses on the strengths and weaknesses of civil society vis-à-vis the state in relation to democracy and policy making, much of it fails to tackle the question of party dominance and its impact upon both formal and informal NGOs or CBOs (Friedman, 1995; Morris, 1995; Hirschmann, 1998; Lodge, 1999b).

With regard to the labour movement as part of civil society, the literature does attempt to link it with party dominance. This is in the context of corporatism. The literature points out the historical role the labour movement played in the liberation struggle and illuminates its decision to form an alliance and corporatist arrangement with the main liberation movement, the ANC, in a bid to capture political power and subsequently govern as an alliance partner with the governing party. The literature points out that the labour movement in South Africa, namely the Congress of South African Trade Unions (COSATU) contributed toward the ANC's achievement of party dominance. This literature also analyses other forms of corporatism between government and civil society organizations such as the National Economic Development and Labour Council (NEDLAC) and points out the achievements and shortcomings of the latter in the policy-making process in the country. Prominence is given to the labour movement as a mechanism for providing the necessary checks and balances and imposing limits on state

power (Adler and Webster, 1994; Orkin, 1995; Adler and Webster, 1998; Barchiesi, 1998; Maree, 1998; CDE, 1999; Giliomee and Simkins, 1999; African Communist, 2000; Webster, 2001).

The literature on governance and institution building in post apartheid South Africa also covers a wide range of issues. The literature reviewed, here, however examines the nature and performance of specific state society institutions namely the executive, legislative, judiciary, and the military bodies in post apartheid South Africa. These works examine the cause and effects of transformation in these institutions. They argue that since these institutions were primarily designed to serve the apartheid state, there was a need to restructure and redefine their role in the new political dispensation. The literature emphasizes that the transformation process has some shortcomings. Existing and new opportunities created as a result of the process have become sources of political patronage, thereby negatively impacting upon the performance of these institutions. These works stress that in as much as transformation can be justified on moral as well as political grounds, the process should not be politicized to serve party political interests at the expense of merit and good performance of these institutions (Cilliers and Mertz, 1993; Friedman and Reitzes, 1996; Schrire, 1996; Southall, 1997; ANC, 1998; Lodge, 1998; PRC, 1998; CDE, 1999).

Finally, the literature reviewed in this section, covers the role of political parties and the party system in post apartheid South Africa. Works on political parties examine the nature of various intra and inter party relations as well as party-state relations and their efforts aimed at achieving democratic consolidation. These works pay attention to issues such as the racial and composition of such parties, voter attitudes toward various political parties and how these impacts upon their performance during elections. They also focus on issues such as party leadership, party doctrines, programmes, resources, and party linkages with society. In doing so, they point out the strengths and weaknesses of various political parties as electoral machines, agents of mobilization and socialization, or agents of social, economic and political development. The literature on the party system in post-apartheid South Africa pays particular attention to the dominant party system. South Africa has been characterized as a dominant party system. While acknowledging that the dominant party system is in effect democratic, works on party dominance under

the ANC revolve around two main traditions. On the one hand, there is the optimistic assessment of the ANC's dominance, which argues that dominance is likely to stabilize the new order and guarantee democracy, and, on the other hand, there is the diametrically opposite view, which argues that party dominance is rather more likely to close down opposition and, in effect, transform democracy into elective dictatorship. Most of the works adopt the latter view. The ANC's centralist policies are viewed as detrimental to democratic principles and procedures in the country. Some of the works have come to such conclusions by analyzing party dominance in South Africa from a comparative perspective (Southall, 1994; Jung and Shapiro, 1995; Booysen, 1996; Southall, 1997; Jacobs, 1998; Beukmann, 1999; CDE, 1999; Downs, 1999; Friedman, 1999; Giliomee and Simkins, 1999; Jozana, 1999; Lodge, 1999a, 1999b; Schlemmer, 1999; Southall, 1999; Cherry, 2001; Giliomee, Myburgh and Schlemmer, 2001; Habib and Taylor, 2001; Kotze, 2001; Maloba, 2001; Mare, 2001; Mckinley, 2001; Nijzink, 2001; Schrire, 2001; Southall, 2001a, 2001b). Not much attention is however, paid to a comparative analysis of party dominance in South Africa and other African countries that can be termed as dominant party systems.

1.4 Conceptual Framework

This study adopts TJ Pempel's (1990) approach to the study of party dominance. A dominant party system is a multi-party system in which one dominant party monopolises power. This system has been described by scholars in various ways. Maurice Duverger (1954) refers to it as a dominant party system, simply by looking at the number of parties, whereas Jean Blondel (1968) refers to it as a multi-party system with a dominant party, by comparing the relative size of the parties. Though Sartori's (1976) classification is based on the number of parties and the ideological distance separating the parties in the system, he terms it a pre-dominant party system when one particular party wins a majority of parliamentary seats.

TJ Pempel (1990) argues that a one party dominant system is a competitive system where, firstly, a party must be dominant in number at in least parliamentary seats. It must win a larger number of seats than its opponents. It should receive a plurality to

qualify as a dominant party. Secondly, the party must occupy a dominant bargaining position in order to stay in government on a continuous basis. It must hold a position within the party system that enables it to bargain effectively with other smaller parties in the formation of governments. Thirdly, the party must be dominant chronologically with respect to electoral outcomes. Finally, the party should be dominant governmentally. At the core of government, the dominant party carries out a historical project, a series of interrelated and mutually supportive public policies that give particular shape to the national political agenda. The dominant party, in summary, must dominate the electorate and gain at least an electoral plurality and hence dominate in socio-economic mobilisation. It must also have a bargaining advantage vis-à-vis other political parties so that it remains at the core of any coalitions that are formed. It must also remain in office long enough to implement its historical agenda. Whilst in office, it must be able to implement that historical program and use state apparatuses to isolate its opposition and strengthen its own electoral position (Pempel, 1990: 3-4).

The condition of party dominance normally develops in countries where social stagnation and rule by a limited oligarchy prevail. It is also a product of liberation movements that controlled social diversities as a means of achieving national independence in various countries. To Pempel (1990), one of the greatest puzzles of party dominance lies in the fact that a condition of party dominance characteristic of developing countries actually exists in industrialised democracies in situations of social dynamics and political openness, which do not usually prevail in developing countries. What is important is that party dominance provides the dominant party the opportunity to reshape its following through the use of state resources and to enable it to pursue its historical agenda (Pempel, 1990:5-7)

According to Steven Friedman (1999), some of the methods of achieving dominance are the use of patronage and delegitimation of opposition parties. However, as he points out, this is not automatic for dominant parties. Dominant parties cannot delegitimise the opposition by fiat: conditions must exist in which the electorate is open to delegitimation. Simkins argues that potentially dominant parties are usually, if not invariably, alliances of diverse interests. They often have formal ties with diverse interests and groups, which they usually reconcile, pacify and reward, making it difficult

to maintain party cohesion by means of strict party discipline. Dominant or potentially dominant parties that seek to impose strict internal party discipline or that fail to maintain the often delicate balance between their varying interests, run the risk of ceasing to dominate. Internal pluralism does not, however, ensure continued dominance. While the dominant party is likely to lose sections of its support base as a result of making decisions that favour some interests over others, it is essential that the dominant party seek support from new interests to compensate for its losses if it is to maintain dominance. A dominant party cannot represent sectional or narrow interests. It must effectively spread out and mobilise support from all sectors of society to ensure continued dominance (Friedman, 1999:101-103).

Much of the theoretical literature on dominant party systems acknowledges that such party systems are actually democracies. Giuseppe Di Palma argues that, in dominant party systems, the degree of democracy is a function of the ideological distance of the dominant parties and their competitiveness. He emphasizes that in cases where the dominant parties are either on the extreme left or right of the ideological continuum, such parties are unlikely to combine dominance with competitiveness and hence such a dominant party system is likely to be less democratic. However, where the dominant party is moderate, the system is likely to be more democratic (Di Palma, 1990:164-166). Di Palma argues that, in transitional democracies, dominance should be favoured because a transition to democracy represents a critical moment of judgement, choice and decision. The politics of transition become less routine and thus offer the parties capable of seizing leadership an opportunity to hegemonize the political game, political culture and political economy, whilst possibly isolating and delegitimising contending parties and social formations. Within transition, establishing dominance also becomes a matter of reconciling dominance with a new competitive order (Di Palma: 162-164).

Friedman (1999) also acknowledges that dominant party systems can be democratic. He argues that:

The essential point about "party dominant systems" is that they are democracies: there is regular and open electoral contest, opposition parties are free to organise and civil liberties are, at least in the main, respected. Within this context, however, one party monopolises power (Friedman, 1999:99).

Friedman emphasises that insistence on this point is important for two reasons. Firstly it distinguishes between those systems in which, despite regular elections, party dominance is achieved in whole or part by undemocratic means and those in which it is an accurate expression of the will of the electorate, expressed in democratic procedures. Secondly, because it is won within democratic rules, party dominance cannot be achieved simply or predominantly by force or fraud. Even in the case of authoritarian party dominance, when electoral rules apply, the dominant party cannot ignore in its political calculations, the minority parties, since they are entities. It is therefore forced to take voter preferences more seriously than a military junta or one-party regime, but it applies far more so to a dominant party that is constrained by democratic rules. Friedman further emphasises that the fact that dominant party systems are democracies means that they remain vulnerable to inevitable changes within society and politics and must be flexible enough to manoeuvre for survival (Friedman, 1999:99-103). Citing Arian and Barnes on the dominant party as a neglected model of democratic stability, Herman Giliomee and Charles Simkins point out that the dominant party "is a much better stabilising mechanism than fragmented parties" and a "dominant party which combines its rules with political competition and a large measure of civil liberties can serve quite well as a necessary platform for a durable democratic system" (Giliomee and Simkins, 1999:3).

From studies of party dominance in several industrialised democracies, Pempel emphasizes that the study of party dominance should not be concerned with parties per se, but more importantly focus on the dominant party and its relationship to civil and state society, as well as the patterns of governance under party dominance. Pempel argues that party dominance need not be undemocratic. He points out that:

The weightiest political consequence of long-term dominance lies in the ability of the dominant party to shape, over time, the nation's nexus of public policies, its rules of political conflict, and the benefits and burdens imposed on different socio-economic sectors of society ... the major consequence of one party dominance lies in the great leeway that the dominant party has in reshaping a nation's politics and policies to achieve its own historical project (Pempel, 1990:334).

Pempel repeatedly emphasises that long-term domination or rule by a single party need not be undemocratic and argues that in a democracy, longevity of rule may be the most

valuable asset for a party, in reshaping a nation's society and politics (Pempel, 1990:352). The study of party dominance should, however, not confine itself narrowly to party-state society relations as the party seeks to achieve dominance over the state, but, more interestingly, should examine on a wider scale, its relationship with state and civil society as it strives to enhance dominance in the party and political system.

It is in this context that this study adopts Pempel's approach. Party dominance need not be undemocratic if the dominant party adheres to and responds to democratic rules and operates within democratic order characterised by political competition, political participation and the existence of civil and political liberties. Though Pempel's approach largely focuses upon industrialised countries, this study uses it to examine developing countries, in particular Kenya and South Africa, showing its applicability and utility in such countries.

1.5 Sources

This study uses both primary and secondary resources of data. The type of primary data collected includes government documents such as annual reports, parliamentary reports, acts of parliament, constitutional documents, and minutes of meetings. These have been collected from various national archives, such as the National Archives of Kenya, government and public libraries, such as that of the National Assembly of Kenya, government websites, university libraries, such as Rhodes University, the University of Nairobi and the University of Port Elizabeth, as well as various research and university institute libraries, such as the Institute for Development Studies, University of Nairobi, Mayibuye Centre, University of the Western Cape, African Studies Centre, Cambridge University, Centre for African Studies, University of Cape Town and IDASA. Other primary data is derived from newspapers and autobiographies of various notable political personalities in both countries, and various document produced by political parties. The latter have been acquired from political party offices and political party websites of the African National Congress (ANC) and the Kenya African National Union (KANU). Primary and secondary data have also been obtained from civil society organizations such as the National Council of Churches in

Kenya (NCKK) and the National Convention Executive Council (NCEC) in Kenya. Sources of secondary research have largely been journals, books and newspapers. Bibliographical information has also been obtained from institutes such as the Govan Mbeki Resource and Development Centre, University of Fort Hare.

1.6 Chapter Layout

This chapter forms the introduction. It has attempted to introduce the research problem, as well as the objectives of the study. The chapter has also attempted to justify the significance of the study and points out the conceptual framework within which the study is carried out. It has also carried out a review of literature that is considered relevant for the study and described the sources of the study.

Long-term rule by a single political party is partly a product of the historical remnant of liberation movements that papered over social diversities as a means of achieving national independence. Long-term rule by a single political party under a single party system is, however, not the same as long-term rule by one party under a dominant party system. Dominance and domination are not the same. KANU, formerly the main liberation movement, has ruled Kenya for over thirty-five years, since the country's independence in 1963, under a single and multiparty system and its predecessors date back to the early 1920s when the country was still under colonial rule. Chapter two attempts to demonstrate that KANU's long-term rule prior to the return of multipartyism in the early 1990s in post-colonial Kenya is a function of the social diversities it controlled during the colonial and postcolonial pre-1990 period, as a means of achieving national independence and of maintaining political power as a single party respectively. Control and domination are examined with regard to state and civil society

The African National Congress (ANC) was the oldest liberation movement in Africa, dating back to the early 1910s. Subsequently, it came to play a dominant role in the liberation struggle in apartheid South Africa due to its ability to control, socialize and mobilize various socio-political forces in the country against apartheid and the apartheid state. Like chapter two, which focuses on the politics of control and domination in liberation struggles, chapter three attempts to demonstrate that the ANC's post-apartheid

dominance as a political party is partly due to its historical role as the dominant player in the liberation struggle in South Africa. The politics of control and domination are largely examined within the context of social forces involved in the armed struggle, re-organization of the movement, civil society organizations, and the state, domestic and business sectors, as well as the international community.

Kenya's post-1990 multiparty polity has been classified as a dominant party system (Freedom House, 1999:1). The ruling party KANU meets the criteria for what is referred to as a dominant party under a multi-party system. A one-party dominant system is in effect a competitive party system. The party system need not be undemocratic if the dominant party is democratic or pursues strategies aimed at enhancing democratization, or if the polity under such a system has well-developed democratic and democracy-promoting institutions. However, in countries where the dominant party is authoritarian and political institutions are weak, such a system becomes undemocratic or a *psuedo*-democracy. This is the case in Kenya. Although the restoration of multi-partyism is a significant step toward democratization and democracy in the country, KANU has, in the post-1990 period, consolidated its dominance largely by undemocratic means. Chapter four examines KANU's strategies aimed at achieving and consolidating dominance in the post-1990 period. It pays particular attention to the ruling party's strategies for establishing dominance in the party and political system by attempting to control both state and civil society by way of parliamentary, bargaining and governmental dominance.

Chapter five, examines the ANC and party dominance in post-apartheid South Africa. This chapter examines the emergence of party dominance under the hegemony of the ANC in the post-1990 period. The party system under the NP during the apartheid era can be termed as a *pseudo*-dominant party system since although it was a multiparty system though it formally excluded an adult social group from meaningful political competition and participation in the formation of government. The first section is a general historical account of the period from 1990 to 1994. It looks at the ANC's role in the negotiation and transitional processes that occurred during this period that eventually culminated in the drafting and ratification of an interim constitution in December 1993. The second section examines the consolidation of the ANC's dominance in the post-1994 democratic, non-racial multiparty elections. Particular attention is paid to the ruling

party's attempts to achieve electoral and parliamentary, bargaining, and governmental dominance through arrangements and processes such as consociationalism, constitutionalism, corporatism and the transformation of the public service, in order to implement its historical agenda by creating a democratic non-racial and non-sexist society in South Africa.

Chapter six is a comparative analysis of the evolution of party dominance in Kenya and South Africa. It is divided into two sections. The chapter compares and contrasts the history of the dominant liberation movements in both countries, namely KANU and its predecessors in Kenya and the ANC in South Africa. It begins by focusing on the colonial and apartheid era with a view to demonstrating the trajectories each movement took in order to control social diversities with the aim of ending minority rule. Particular attention is paid to their transformation from elite organizations to mass movements; their role in the armed struggle and their dominant roles in the constitutional negotiations of both countries. The chapter also compares and contrasts the consolidation of party dominance in post-colonial Kenya and post-apartheid South Africa, with emphasis on the post-1990 period by demonstrating, the similar and different routes each party has pursued in their attempts to enhance and maintain party dominance.

Chapter seven sets out to compare and contrast party dominance and its impact upon democratization in Kenya and South Africa. This chapter compares and contrasts party dominance and its impact upon democratization in post-1990 Kenya and South Africa. It looks at how party dominance has impacted upon the institutional procedures and organizations established to support democracy in both countries. The chapter examines the impact of party dominance upon state and civil society institutions and their arrangements with regard to supporting or upholding democracy.

Chapter eight forms the summary and conclusion of the thesis.

CHAPTER TWO

THE KENYA AFRICAN NATIONAL UNION AND THE POLITICS OF CONTROL AND DOMINATION IN COLONIAL AND POST-COLONIAL KENYA, 1921-1990

2.0 Introduction

Long-term rule by a single political party is partly a product of the historical remnant of liberation movements that papered over social diversities as a means of achieving national independence (Pempel, 1990:5). Long-term rule by a single political party under a single party system is, however, not the same as long-term rule by one party under a dominant party system. KANU, formerly the main liberation movement has ruled Kenya for over thirty-five years since the country's independence in 1963 under both a single and a multi-party system. KANU's predecessors date back to the early 1920s when the country was still under colonial rule. This chapter attempts to demonstrate that KANU's long-term rule prior to the return of multi-partyism in the early 1990s in post-colonial Kenya is partly a function of the social diversities it controlled in the colonial period as a means of achieving national independence and thereafter the social diversities it controlled in the post-independence period as a means of maintaining political power as a single party.

The chapter is divided into two parts. The first part covers the colonial period while the second part covers the pre-1990 post-colonial period. The first part demonstrates KANU's and its predecessor's attempts at controlling a variety of social diversities, particularly the socio-economic classes, in a bid to mobilize such classes to participate in the liberation struggle against colonialism. This part is divided into three sections which focus on the inter war period from 1921 to 1940; the post-Second World War period from 1945 to 1954; and finally the formation and role of district-based and national African political parties from 1955 to 1963.

The second part of the chapter pays attention to the pre-1990 post-colonial period. This part looks at the politics of control and domination in post-colonial Kenya under

KANU. It attempts to analyse KANU's efforts at controlling and dominating opposition parties, ethnic groups and civil society by means of the political process in a bid to achieve its historical and national agenda of creating national unity and integration. This part is divided into two sections that cover KANU's attempts at controlling intra and inter-party competition between 1963 and 1969, and the ruling party's attempts at controlling intra-party power struggles and civil society organizations between 1969 and 1990.

2.1 Political Organizations and Participation in Colonial Kenya, 1921 to 1963

2.1.1 The Inter-War Period, 1921 to 1940

Though the roots of colonial conquest and domination date back to 1895, a period that witnessed passive and violent resistance to colonial domination by various ethnic groups in Kenya, the first formal political organizations began appearing in the early 1920s. Initially welfare associations, these organizations rapidly transformed themselves into political associations mainly agitating for the socio-economic and political rights of Africans infringed upon by the colonial state. Led by missionary-educated elites, these organizations emerged as a result of several grievances that were a product of the depression and more importantly because of the repressive measures imposed on the African people by the colonial authorities. Though the grievances were initially socio-economic, they later transformed into political grievances (Bennet, 1957:1; Tignor, 1976:221-229; Atieno-Odhiambo, 1985:667; Maxon, 1989:79; Odinga, 1995:24-25). Notable among these during this period were the Young Kikuyu Association (YKA) formed in June 1921 and renamed the East African Association (EAA) a month later, the Young Kavirondo Association, and the Kikuyu Central Association (KCA) formed in 1924 (Howarth, 1967:36-49; Mutiso, 1975:13-15). This section will pay attention to those organizations that are normally considered to be KANU's predecessors: the YKA, EAA and KCA, formed in June 1921, July 1921 and 1924 respectively.

KANU's predecessors, the YKA, the EAA and the KCA, attempted to control wide social diversities by trying to articulate the grievances of the African population and

more importantly by trying to appear multi-ethnic. They attempted to acquire a pan-ethnic identity, ideally to build protest movements that would comprise and represent the interests of various African ethnic communities and present African demands as protests to the media, colonial authorities in Kenya, and directly to the authorities in London.³⁶ However, they predominantly represented the interests and grievances of the Kikuyu, for whom land scarcity and security were a central concern. Most of these organizations combined traditional and western values in their approach to politics and sought to combine what they viewed as positive aspects of western and traditional Kikuyu cultural values in their approach to politics, without undermining the socio-cultural and political dignity and independence of the Kikuyu. As soon as they began posing a threat to the colonial authorities by undermining the authority and influence of indirect rule and administration imposed by the British in Kenya, their leaders were arrested and the organizations subsequently banned (Kariuki, 1963:19; Rosberg and Nottingham, 1966:86-87; Tignor, 1976:230; Maxon, 1989:80; Berman 1990:199; Maxon, 1994:90). Though they did not achieve much with respect to reforms, they nonetheless had some impact on the colonial authorities: for instance they were at least able to highlight the plight of the landless and squatters not only among the Kikuyu community, but also the entire country (Rosberg and Nottingham, 1966:47-55; Maxon, 1989:81; Maxon 1994:40; Berman, 1990:199).

In an attempt to achieve their objectives, these organizations adopted several political strategies and tactics. These were most often direct confrontation with the colonial state and in the initial stages also involved close collaboration with the state in a bid to influence government policy (Rosberg and Nottingham, 1966:87; Tignor, 1976:239-250; Maxon, 1989:100). With time, however, organizations such as the KCA realized that the limited constitutional and legal channels available to them were largely ineffective and began opting for more direct confrontational strategies and tactics to challenge the colonial state, such as questioning the colonial authorities' belief that Africans were incapable of handling their own affairs and demanding the direct election of African representatives to the Legislative Council. Moreover, the KCA went ahead and bypassed the colonial government in Kenya entirely by bringing its case directly to the attention of the metropolitan authorities through the British media and sympathetic native

rights lobby groups (Maloba, 1989:184; Berman, 1990:230-231; Odinga, 1995:95). The militant and confrontational approach of the KCA towards the colonial state, and its increasing popularity and influence among the urban and rural Kikuyu made it the target of hostility on the part of the colonial authorities and European settlers. As a result, the colonial government adopted a wide range of sanctions to curb the political activities of the KCA that included attempts to co-opt the KCA leadership and employing coercive measures through the Provincial Administration. Local Native Councils (LNCs) had been established after 1924, partly to meet the demands posed by the KCA and partly to co-opt the organization's leadership into the colonial system. Cooptation failed when the KCA leaders realized that the LNCs were ineffective agents of political change (Kenya, 1925:20; Maxon, 1989:100). The government thereafter increased the powers of the colonial chiefs, enabling them to exercise extensive powers. Faced with increasing government hostility, the KCA leaders began administering oaths in 1925 to ensure party loyalty and unity. Oath taking was the traditional sanction of African society, and bound members in allegiance to their cause (Spencer, 1974:77; Tignor, 1976:248; Maxon, 1989:99; Odinga, 1995:96).

From the very beginning, the KCA solidly rejected racial domination and authoritarianism in Kenya. The organization and its members continued to be seen as the uncompromising opponents of colonial policies. The KCA entered the 1930s as the strongest and most influential African political organization formed in Kenya in the 1920s (Rosberg and Nottingham, 1966:87; Kanogo, 1989:131; Maloba, 1989:184; Maxon, 1989:107). The proscription of the KCA in 1940 by the colonial government did not deter or curb African political activities or protest. Indeed political activity and protest intensified, yet, it became more covert than overt (Odinga, 1995:96).

The YKA, the EAA and the KCA, however, were faced with several problems. First and foremost, they were elite organizations rather than mass movements. Initially they consisted of a small group of missionary- and Western Europe- and North American-educated elite who claimed to represent the interests of the African majority. As such they were unable to incorporate and involve a wider socio-economic class-base in the initial stages of the liberation struggle. Secondly they lacked organizational coherence and discipline. They were loosely structured and diffuse, consisting of the

older conservative moderates who believed in constitutional and legal channels as a means to change and younger radical militants who rejected the colonial government and missionary assault on pre-colonial Kikuyu traditions and emphasized the importance and significance of such traditions. The latter were primarily more interested in the land question, in particular the land tenure system and security of title in the Kikuyu reserves. The radicals in the KCA, for example, were apprehensive of European designs on Kikuyuland and articulated resentment against the threatened expulsion of Kikuyu families from land that had been earmarked for European settlers before the First World War (Rosberg and Nottingham, 1966:97-98; Tignor, 1976:239-240; Maxon, 1989:99; Berman, 1990:230).

Despite their shortcomings these organizations managed to highlight the grievances of the poor, and more importantly, of the landless and squatters in the rural areas. It was also during this period that a new African bourgeoisie emerged. Though some political authority had been granted by the colonial state to the leaders of particular ethnic communities through chieftainships, by the 1920s a new class that had its basis in the sphere of business was superseding this traditional African leadership. While the traditional political class drew its support from socio-cultural and political relations, granted by custom and later by the colonial state, this new indigenous African bourgeoisie, had its basis in new forms of commodity production based on the direct employment of wage labour on farms in the rural areas, as well as salaried positions within the state apparatuses (Swainson, 1980:173-174). This new indigenous bourgeoisie controlled these organizations and emerged as the moderate political elite that was later to play a key role not only in articulating grievances, but also in the formation of formal political parties, as well as in political socialization and mobilization in the post-Second World War Period

2.1.2 The Post Second World War Period, 1945 to 1954

Towards the end of the Second World War, overt African political activities and protest began to re-emerge. The intensity of political consciousness and activity were, however, uneven. The most significant formal political organisation to emerge during the

late war period was the Kenya African Union (KAU) formed in 1944. Later, during the early 1950s, colonial Kenya was to witness the emergence of the armed struggle, which was carried out by the Mau Mau Land and Freedom Army.

The KAU was in essence a successor to the KCA, which had gone underground. Unlike its predecessors, KAU was able to attract and control a wider social diversity, particularly with regard to its ethnic and racial composition, in its attempts to achieve its objectives. Initially it was a support group for Eliud Mathu, the first African in Kenya to be nominated to the Legislative Council and was not very active during the war. The organization's activities were mainly concerned with trying to promote cooperation between the African and Indian communities, and addressing itself to the proposals for a central assembly for Kenya, Uganda and Tanganyika (Gertzel, 1969:2; Furedi, 1988:132; Zeleza, 1989:155; Odinga, 1995:67). KAU was initially a moderate party that opted to advance its struggle through constitutional and legal means. This was largely due to its educated moderate leadership, (such as Jomo Kenyatta, who became its president in 1947), who were highly conscious of the power of the colonial state and the hostility of the European settlers. The KAU, had as one of its aims the unity of Kenyan Africans and the advocacy of their social and economic progress. It was a legal political body, expressing and trying to convey to the colonial government the grievances of the African people (Spencer, 1985:148-149; Maloba, 1989:185; Odinga, 1995:107). Its moderate leaders, however, lost to the younger radical militants at the party branch level in the June 1951 party elections and the party was resuscitated to enter its most militant and active period. It began making social, economic and political demands with much more assertiveness (Spencer, 1985:266-270; Zeleza, 1989:168).

Following these elections, which ushered in the militants, the KAU constitution was amended to include, for the first time, the demand for independence. (Zeleza, 1989:168; Odinga, 1995:111). Other political demands included the repeal of the *kipande* (pass) registration system, and the guaranteed rights to freedom of speech, assembly and movement for Africans (Berman, 1990:324). The KAU also called for land reform measures with the emphasis on tenure and security of title. Like the previous organizations, it was also concerned with the problem of land alienation to Europeans. KAU also placed emphasis, among other things, on the need for more economic

development in the reserves with regard to agriculture (Zezeza, 1989:168; Berman, 1990:324). The KAU was initially seen as an elitist and Kikuyu party, yet after the war, it proved itself as Kenya's first truly national African political movement. Its formation should be seen as the first serious attempt to organize a political party with nationalistic ambitions. Its tactics were to advance its position through written appeals and representations to the colonial authorities in both London and Nairobi; and to organize Kenyan Africans into a credible mass political movement. Its greatest task was to raise the national political consciousness of the people. The KAU attempted to pull together the disparate and often-contradictory political forces emerging out of an African population deeply divided on ethnic and class lines (Kinyatti, 1987:1; Maloba, 1989:185-186; Zezeza, 1989:156; Berman, 1990:323; Lonsdale, 2000:113-122). It was with the formation of KAU, its take-over by the militants and its subsequent efforts to try to incorporate diverse socio-political forces, based on class, ethnicity, gender, and race that the liberation struggle in Kenya began to take on a national dimension.

The KAU too, was characterized by structural weaknesses, lack of organizational coherence, and internal squabbles. It lacked sufficient funds and was unable to organize an effective and viable network of party branches. Within the KAU, there was a constant tussle between the moderates and the militants and at times this paralyzed the effectiveness of the organization. As the moderates continued to wage a largely ineffective rhetorical struggle through mass meetings licensed by the colonial government, discontent and frustration due to landlessness, harsh labour conditions, racial discrimination, and urban poverty increased. The militant ex-servicemen of KAU, loosely known as *Forty Group*, trade union leaders and some former KCA leaders who had lost faith in the effectiveness of the KAU's legalistic and constitutional struggles and who had also begun employing oath-taking effectively from 1950, soon began to organize an underground, extra-legal radical mass movement that later became known as Mau Mau, whose aims were to remove the colonial system through armed struggle (Kaggia, 1975:112; Furedi, 1989:103-104; Maloba, 1989:110-111; Zezeza, 1989:155-156; Berman, 1990:324; Murungi, 1991:28; Odinga, 1995:97). The young radical militant nationalists, such as Fred Kubai, Bildad Kaggia, James Beuttah, Kung'u Karumba, JD Kali, and Paul Ngei, among others, believed that the process of political change in Kenya would be

delayed due to the compromising position the moderates within KAU had taken with the British (Furedi, 1973:275-290; Mazrui and Tidy, 1984:119; Odinga, 1995:114-115).

The growth of the Mau Mau was not only the result of squatter grievances. It was also a product of the repressive administrative and socio-economic policies and strategies pursued by the colonial government at the time. Between 1950 and 1952, the government pursued a strategy that sought to contain unrest with a minimal amount of change. The government was not willing to effect meaningful political changes and refused to develop strategies that could have extended its base of support among the Kikuyu. It continued to rely on its old tactic of co-opting individuals and isolating troublemakers. With the passing of time, this policy became less and less selective and as a result, preventive detention and evictions served only to strengthen the support for Mau Mau (Throup, 1985:399-435; Furedi, 1989:115-117). However, the assassination of Senior Chief Waruhiu, a colonial loyalist, in 1952, represented a blow against the colonial regime and it declared a State of Emergency on 20 October 1952. The Declaration of Emergency was a step aimed at destroying the leadership of the Mau Mau. It closed all avenues of protest other than that of an armed struggle and it also "signified official recognition of the evaporation of the legitimacy of the colonial state and the virtual collapse of its effective control in the Kikuyu reserves, the African locations in Nairobi and wide areas of the countryside in the settled districts of the Highlands" (Furedi, 1989:117-118; Berman, 1990:347-348). Following this declaration, about 15,000 Africans gathered in forest camps where resistance groups and a command structure began to develop in early 1953. This was eventually organized into the Land and Freedom Army under the principal leadership of Dedan Kimathi and Stanley Mathenge (Pavlis, 1975:253-273; Kinyatti, 1987:2; Berman, 1990:349; Edgerton, 1990:108-112).

The emergence of the Mau Mau and its subsequent armed struggle actively incorporated a different social force in the post-Second World War liberation struggle. Unlike the previous organizations that were predominantly elitist, the Mau Mau insurgents were largely drawn from the desperate, dispossessed and impoverished Kikuyu squatters on settler farms, evicted squatters, peasants in the reserves and the unemployed poor in the urban centers and rural sectors of the White Highlands. The overwhelmingly majority of them came from the reserves of Central Province, many of

them being either landless peasants or peasants with smallholdings. The movement also drew some significant numbers from the Meru and Embu and a small number from the Kamba and Maasai ethnic groups. Most of these insurgents were young men (Kanogo, 1987:129-136; Furedi, 1989:109-112; Maloba, 1993:115). This socio-economic class consisting of squatters, peasants, and the unemployed became the militant force behind the Mau Mau. Their opponents on the other hand included not only the colonial state and the European settlers, but also the moderate indigenous African capital class in the liberation movement that emerged from the 1920s onwards. The Mau Mau insurgents viewed this African class with suspicion and distrust, since they considered them to be beneficiaries of the colonial state and system.

Initially, a Central Committee consisting of 12 men directed the Mau Mau movement. To avoid government detection, the Central Committee formed another group known as the "30 Committee". The 30 men in this Committee were directly responsible for directing oaths and coordinating the activities of local leaders in the reserves and townships. In addition, Mau Mau leaders were advised by the KAU Study Circle, a think tank composed of four or five KAU members and an equal number of outsiders who were sympathetic to KAU's aims and objectives. This advisory committee prepared background research on policy matters that the Central Committee might require addressing in Kenya, as well as international concerns, especially ways of enlisting foreign support. Initially, a War Council, primarily made up of civilians, was responsible for overall military planning, but as time passed, the military leaders became increasingly independent of the War Council. This was replaced by the Kenya Defence Council (KDC), which became Mau Mau's High Command (Kaggia, 1975:99-102; Edgerton, Kinyatti, 1987: 6-7; 1990:57). In 1954, Kimathi formed the "Kenya Parliament", which represented the ideal of a central political organization rather than an effective legislative and executive body. It discussed various matters such as organizational problems facing the movement and passed certain resolutions that illustrated the constant pressure towards fragmentation among the forest groups. In its first meeting, the "Kenya Parliament" decided among other things, to send emissaries to neighbouring ethnic groups for support, and to discredit the European settler claim that the struggle was strictly a Kikuyu affair. The "Kenya Parliament" and its Land Freedom Army represented a nationalistic

view with advanced and clearly stated political objectives centred on the question of land and the full independence of Kenya under an African leadership (Rosberg and Nottingham, 1966:300-301; Mazrui and Tidy, 1984:121; Odinga, 1995:118-120).

By this time, the British Government was becoming increasingly impatient with the length and cost of the war, and in 1955, the new Commander-in-Chief of the colonial and British forces in Kenya, General Lathbury, opted for the use of Special Forces consisting of the police, the Kenya Regiment and "pseudo-gangs" as a different and less costly military strategy to defeat the Mau Mau. The "pseudo-gangs" comprised former Mau Mau soldiers who had been captured and converted and their task was to track down Mau Mau units where big battalions could not. This strategy finally paid off in October 1956, when one of these "pseudo-gangs" wounded and captured Kimathi, subsequently ending organized resistance in the forests (Edgerton, 1990:100-103; Maloba, 1993:82-113). Alongside military intervention, the British Government also undertook counter-insurgency economic reform measures in Kikuyu areas. The Land Consolidation Programme conceived under the Swynnerton Plan was one such reform measure. This agricultural programme was aimed at creating a stable African land-owning class with access to capital and income, which would be derived from the growth and sale of cash crops, formerly the preserve of white farmers. It was hoped that this new rural-based middle class would have a moderating influence on African politics (Kenya, 1955:102; Sorrenson, 1967:99-109; Ogot, 1995:48;).

The Mau Mau was from the outset plagued with major problems. The initial entry by the insurgents into the forests was not properly organized and was disorderly, since it was an immediate reaction to the harsh policies of the colonial state as well as repressive actions by the European settlers. The movement's subordinate groups lacked an organizational framework and coordination in the forests and as such could not formulate meaningful and short- or long-range political goals, which are essential for any effective political organization. This resulted in several months of uncoordinated and random acts of violence. As with previous organizations, the movement was also faced with leadership wrangles. These were largely based on personality differences, power rivalry and kinship ties and hindered the formation of a united front. Other problems included

among others, the lack of financial resources and equipment such as weapons (Furedi, 1989: 118-125; Berman, 1990:348-352; Maloba, 1993: 114-125).

Though the colonial and British governments militarily defeated the Mau Mau, its historical and politico-military significance cannot be discarded. It was the first struggle by black Africans against white minority rule to take place in modern Africa (Edgerton, 1990:x). Mau Mau was a success in the early 1950s due to the revolutionary fervour injected as a result of the participation of different social strata, trade unions and indigenous religious movements. Not only did the movement incorporate peasants, squatters and the unemployed, but it also managed to involve the urban and rural working class in the liberation struggle since it also had a significant influence over the trade union movement in the country. Several of its leaders and members detained, such as Fred Kubai and Bildad Kaggia, were officials of various trade unions. Other civil society organizations incorporated during this period included indigenous religious movements such as *Dini ya Kaggia*. The Mau Mau articulated a common ideology, not because it had a centralized leadership, but because its members had a common experience of economic insecurity, land hunger, a feeling of frustration born of racial oppression and resentment of the Kikuyu establishment. Even the controversial report written by the British administrator FC Corfield, on behalf of the colonial government, entitled *Historical Survey of the Origins and Growth of Mau Mau*, which portrayed Mau Mau negatively, acknowledged that the movement had a significant influence over other ethnic groups, trade unions and indigenous religious movements. The movement was also able to draw support from state institutions as was made evident by the detention of several district council officials who were its members. More than 10,000 people lost their lives in this war. The Mau Mau war was not only significant in that many lives were lost, but also significant in terms of financial costs. It cost approximately UK £ 60,000, in terms of grants and interest-free loans from the British Government, as well as financial costs borne by the Kenya Government (see Appendix 1) (Col. Office, 1960: 202-218 & 256-258; Furedi, 1973: 282-285; Kaggia, 1975; Kaggia, 66&74-77; Wanjau, 1988: 213-218). The armed struggle was a product of the repressive policies and strategies pursued by the colonial government and the determination of the Mau Mau activists to fight for their future. Many whites in Kenya and also the British Government did not want the Mau

Mau to be perceived by the international community as a rational political organization fighting for land and freedom, so they set out to discredit it as a primitive "secret society" (Kaggia, 1975; 194-196; Kinyatti, 1980:1-9; Furedi, 1989:140-142; Edgerton, 1990:57,87-88; Murungi, 1991:28; Odinga, 1995).

2.1.3 The Formation and Role of District Based and National Political Parties, 1955 to 1963

The formation of the KAU and the emergence of the armed struggle under the Mau Mau was a turning point in the liberation struggle in Kenya. This period witnessed the active socialization and mobilization of broad social, economic and political forces in the struggle which were to have significant effects in the post Mau Mau period. The Declaration of the Emergency led to the banning of formal African political parties between 1953 and 1955. During this period, political participation revolved largely around trade union organizations such as the Kenya Federation of Registered Trade Unions, later renamed the Kenya Federation of Labour. Trade unions were mainly centred in urban areas and were at the forefront of industrial conflict and political action. Following the military defeat of the Mau Mau and the need to reduce rising political tensions in the country, under the terms prescribed in the Lyttelton Constitution of 1954, which sought to introduce multi-racialism and at the same time regulate African political participation and consciousness, the colonial government eased the ban on African political organizations, allowing the formation of district-based political associations in 1955. Consequently, more than ten district based political parties emerged between 1956 and 1959 (Bennet and Rosberg, 1969:105-106; Rosberg and Nottingham, 1966:310; Odinga, 1993:146; Maxon, 1994:50; Ogot, 1995:51-52; Wanjohi, 1997:49-50). Political reforms undertaken during this period led to the formation of a new political elite who were later to play a leading role in the formation of national political parties, a negotiated settlement in the constitution-making process, and in the formation of government at the end of colonial rule.

2.1.3.1 The Legislative Council and African District-Based Political Parties, 1955 to 1960

The government's framework for African political development was set forth in June 1955 when the ban on all African political organizations was relaxed. Their formation, however, had to be confined to district level. The Lyttelton Constitution of 1954, allowed the formation of district political associations in the country, except in Central Province, then still heavily under the Emergency regulations, where the government would only permit an advisory council composed of government loyalists. The colonial government believed that a connection between these district organizations through the area members of the Legislative Council would encourage the simple and orderly development of African political life and the growth of responsible opinion. From the perspective of the colonial government, Africans were to learn the complexities of government before ever aspiring to national politics. The objective was to engage African political energies at a local level, and at the same time permit the slow growth of African nationalism, tightly controlled by the administration. Using Emergency powers, the colonial government hoped to shape the development of African politics according to a pattern of their own making. These organizations and activities were supposed to produce "sensible and stable" persons working up from the local level, gradually assuming greater responsibility in the affairs of the country at a pace controlled by the government (Rosberg and Nottingham, 1966:310-311; Bennet and Rosberg, 1969:106; Maloba, 1989:191; Odinga, 1995:146). As Kaggia put it, with regard to these political reforms:

The colonial government was encouraged to accelerate the pace of constitutional advance so as to hand over to the new 'political generation' before the 'Mau Mau' fighters were released. In that way they could ensure that the reigns of the government would not fall into the hands of 'Mau Mau' (Kaggia, 1975:182).

Formal African political participation in the mid- and late 1950s was largely confined to the Legislative Council. The multi-racial constitution embodied the preservation of separate representation in the executive and legislative institutions by each of the three main racial groups. Non-European representation became equal to that of Europeans. It also established ministerial government with multiracial representatives

and a strong ruling majority in the Legislative Council. Final authority, however, remained with the Governor and ultimately with Britain, despite the fact that the Council of Ministers was the chief instrument of government. It was believed that these constitutional arrangements could endure until 1960 and that during those six years there would be no change in the racial basis of representation or in the proportion of unofficial representation of the three racial groups unless a consensus was achieved among all parties concerned. Moreover, no minister could propose or support legislation affecting the land rights of any community (Rosberg and Nottingham, 1966:311-312). Multi-racialism was a political and economic philosophy meant to "take the steam out of the nationalist kettle" (Haberson, 1971: 243). It meant equal representation of all the races without regard to population size.

In 1955, Walter F (later Sir Walter) Coutts was appointed to investigate the basis for an African franchise for selecting African members of the Legislative Council. In keeping with the liberal thinking on multi-racialism, Coutts produced a report recommending qualifications for the vote that would identify and favour the new loyalist concept of the responsible African. Additional votes were to be introduced for those who had qualifications that made them more "responsible" than others. Among the Kikuyu, Meru and Embu, only those holding loyalty certificates would be eligible for any vote at all. It was a qualified franchise that gave up to three votes to persons of income, education or active government service while denying most Africans any franchise whatsoever (Rosberg, 1958:95-98; Odinga, 1995:137; Ogot, 1995:54). Following the Coutts Report, the franchise was granted, and African elections were held in March 1957. The objective of the Report was to ensure that the first elected African members of the Legislative Council would reflect the opinions of the 'middle class' elements towards whom multi-racialism was directed. However, this did not turn out as anticipated. African nationalists and opponents of multiracialism won the majority of the seats. A new generation of African politicians such as Tom Mboya, Oginga Odinga, Masinde Muliro, Ronald Ngala, Daniel Toroitich Arap Moi, among others, came to centre stage. They immediately formed the African Elected Members Organisation (AEMO), rejected the Lyttelton Constitution and refused to accept any ministerial post until Africans were granted fifteen more seats in order to give them a majority over the European and Asian

elected members. AEMO's objectives were to achieve team spirit and cohesion, coordinate its work in the council with African political activity in the country, to keep people informed of political developments, and to work for democratic government for Kenya in the shortest possible time. Multi-racialism in the context of this constitution was regarded as undemocratic since it was in essence disproportionate representation. AEMO sent a delegation to London to press for a new constitution. Within months of their election, the Lyttelton Constitution was discarded (Bennet and Rosberg, 1961; Ogot, 1989:58-60; Maloba, 1993:152-153; Odinga, 1995:143-144).

In October 1957, the Secretary of State, Alan Lennox-Boyd, arrived in Kenya to seek approval and consensus among the three main groups, the Africans, Asians and Europeans, to new constitutional proposals worked out in consultation with the Governor and senior administrative officers in the colony. The 'Lennox-Boyd' Constitution, which recognized the imperative of greater African representation whilst at the same time endeavoring to preserve multi-racial government, provided for an increase in African representation in the Legislative Council from 8 to 14, giving them parity with the settlers and a second ministerial portfolio. In addition, 12 special seats, four for each of the major racial groups, were to be selected by other members of the Legislative Council, in essence favouring the selection of the most conservative and collaborationist Africans. The new arrangements also called for a ten-year halt to constitutional changes. The state authorities in London and Nairobi wanted a multi-racial formula that would hold off nationalism and preserve the dominant position of Europeans in the colony. Within a month of its publication, AEMO had rejected the new constitution, which was, however, supported by the Europeans and Asians. The African elected members also decided to boycott the elections for the Specially Elected seats (Col. Office, 1957: 2-4; Col. Office, 1958:3-4; Kirkman, 1966:45-49; Rosberg and Nottingham, 1966:315; Berman, 1990:399; Ogot, 1995:59-60). Candidates for election as Specially Elected Members were required to be British subjects or British protected persons who had attained the age of 21 years. For nomination, these candidates were required to have as proposers and seconders existing Members of the Legislative Council and be supported by three other Members. The election of Specially Elected Members was to be conducted by free and secret ballot under the auspices of the Speaker (Col. Office, 1958: 3-4).

From the first days of AEMO, and their entry into the Legislative Council, African elected members attempted to build national unity through political organizations that were only allowed to function at district level. By 1957, a few had been formed in various parts of the country and their numbers were to increase rapidly during the next three years. They represented many areas where KAU had not organized and therefore were new sources of support for African nationalism. Most important was the role of Luo leadership, which had come into prominence with the neutralization of the Kikuyu. Not only was Nyanza a significant base for a new rural nationalism, but also Luo leadership in the trade union movement and political organization in Nairobi came to the fore (Rosberg and Nottingham, 1966:313; Ogot, 1995:51). One of the earliest and most important of the district organizations was the one led in Nairobi by Argwings-Kodhek who had been a member of KAU's committee in 1952. Drawing support from the large concentration of urban Luo workers, and reflecting the nationalist spirit of other urban groups, the Kenya African National Congress was formed in late 1955. However, it was only registered in April 1956, when it reduced its name and scope of activities to the Nairobi District African Congress (NDAC), due to the ban on national political parties. Argwings-Kodhek was its president. In the 1957 African elections for the Nairobi seat in the Legislative Council, the NDAC put Argwings-Kodhek up for election, but he was defeated by Mboya and his Nairobi Peoples' Convention Party (NPCP), a splinter party of NDAC, in the elections. Following Argwings-Kodhek's defeat, the NPCP gradually came to dominate the African political scene in the city. By late 1958, it was the most dynamic expression of Kenyan nationalism, possessing a remarkable enthusiasm and buoyancy associated with the expectations of rapid political change. *Uhuru* (freedom) was its cry and Kenyatta, the father of Kenyan nationalism, its hero (Odinga, 1995:146-147). In September, the same year, the NPCP called for 20 October, the day Kenyatta and other nationalists were arrested, to be observed annually as a fasting day. The NPCP emerged as the best-organized and disciplined party in Kenya, with Mboya attempting to turn it into a national political party. Despite all attempts by the colonial government to restrict the influence of Nairobi in mobilizing and coordinating African nationalism, new channels were developed in an attempt to build a countrywide movement and achieve the goal of an African-governed Kenya (Kenya, 1958: 2402 and 2406; Rosberg and

Nottingham, 1966:313-316; Odinga, 1995:146-147; Odinga, 1995: 153-166; Ogot, 1995:51-60). The organization and membership of other district organizations was, however, rudimentary, and their role in obtaining support for candidates in the 1957 elections was almost negligible in many areas. Nonetheless, these organizations represented the new beginnings of politics, embracing an ever-larger number of major ethnic groups. The danger remained that the pace of political development between districts would continue to be uneven and that parochialism rooted in ethnic loyalties would be encouraged at the expense of African unity (Bennet and Rosberg, 1969:106; Odinga, 1995:147; Ogot, 1995:52).

In spite of these political gains, African nationalism in Kenya still lacked organizational focus and this was already apparent by the middle of 1958. The disparity between districts was already evident during the 1957 elections. The African members of the Legislative Council themselves were not elected under the umbrella of a national party which could enforce discipline. The March 1958 African elections held under the Lennox-Boyd Constitution brought in six more African members of the Legislative Council, further intensifying personality and leadership conflicts. In May 1958, African leaders attempted to form a Convention of African Associations to foster unity among district organizations and to develop a common policy with the African elected members. However, the colonial ban on national African political parties had not been lifted and therefore the proposed convention was denied registration (Bennet and Rosberg, 1969:107; Ogot, 1995:60-61). African members continued to demand a new constitutional conference and by January 1959, all the elected African and Asian members, including one European member, Michael Blundell, had walked out of the Legislative Council. They formed the Constitutional Elected Members Organisation (CEMO) and dispatched a delegation to London. Calls to have the Emergency lifted and veteran political leaders released became more strident. In the same year, the Secretary of State accepted demands for a constitutional conference. This found support in the Legislative Council from Michael Blundell's newly formed multi-racial New Kenya Group (NKG), shattering European unity. As progress toward an African majority became increasingly apparent, the African elected leaders also split into two groups. Leadership conflicts contributed to this disunity, but more fundamental were the growing

fears of the leaders of the pastoral and smaller agricultural ethnic communities of being dominated by a coalition of the larger agricultural ethnic groups on the achievement of self-government (Rosberg and Nottingham, 1966:317; Ogot, 1995:61).

As time progressed, leadership conflicts intensified, and these divisions were to express themselves, later, in the emergence of two short-lived parties: the Kenya National Party (KNP) and the Kenya Independence Movement (KIM). The KNP was founded in July 1959 and was multi-racial in character until November the same year. It was backed, in the first instance, by ten African, one European and six Asian members of the Legislative Council (Bennet and Rosberg, 1961: 16). It attracted mainly the support of the smaller ethnic groups who were represented by eight of the fourteen elected members. Prominent among these members were, Masinde Muliro, who had a substantial following among the Luhya; Ronald Ngala, who had a following among the coastal ethnic groups; and the Kalenjin leader Daniel Arap Moi. In opposition to the KNP, stood the aggressive KIM. The KIM was founded in August 1959, but never registered, as the ban on national parties was still effective. It drew support among the rural Kikuyu, Luo, Kamba, Taita and the militant urban nationalists of central Kenya. Among its prominent leaders were, Mboya, Odinga and Julius Gikonyo Kiano. These two parties proved to be the precursors of the two national African political parties formed after the first Lancaster House Conference in 1960. The need for a united front at Lancaster House made it necessary for the African elected members to put aside their political differences and unite to present an effective case which would hasten the independence process (Rosberg and Nottingham, 1966:317-318; Bennet and Rosberg, 1969:107-108; Ogot, 1995:61).

2.1.3.2 The Formation of African National Political Parties: KANU and the Kenya African Democratic Union (KADU)

During the Lancaster House Conference at London in January 1960, which for the first time charted the course for African majority rule in Kenya, unity among the African members was maintained. A new chapter in African politics was opened with the lifting of the ban on national African parties. However, following the conference, this fragile unity immediately began to disintegrate into the pre-conference basic divisions, resulting

in a shifting pattern of alliances that eventually crystallized into two national African parties: KANU and KADU (Rosberg and Nottingham, 1966:318; Bennet and Rosberg, 1969:108).

The formation of KANU took place at a leaders' conference held at Kiambu on 27 March 1960. Two days prior to this meeting, a policy statement signed by ten of the African elected members proposed the formation of the Uhuru Party of Kenya. Notably absent from the signatories was Mboya, who had been deliberately excluded by his political rivals who occasionally accused him of political arrogance and of receiving funds from American labour organizations to pursue his political interests. Old rivals such as Odinga, Argwings-Kodhek and Arthur Ochwada, a former deputy general secretary of the Kenya Federation of Labour, were particularly anxious to remove Mboya from leadership. More important was the challenge that emanated from some Kikuyu leaders who were trying to re-assert Kikuyu power in the post-Emergency colonial period. (Bennet and Rosberg, 1969:108; Odinga, 1995:194).

Mboya's political rivals and opponents, however, did not receive much support and some of them reconsidered their decision. The leaders' conference attended by Mboya, a majority of the African elected members and delegates from thirty African political organizations, rejected the proposed Uhuru Party of Kenya and decided to form a mass political organization: KANU. This name, at that particular time, had its political advantages. Not only did it incorporate the title of the old KAU, its colours and symbols, but also looked forward to a greater East Africa, resembling the name of the dominant party in Tanganyika: the Tanganyika African National Union (TANU). Though Mboya was opposed at the conference, he, together with Ngala, Kiano, Odinga and Argwings-Kodhek among others, was nonetheless appointed to the committee responsible for drafting KANU's constitution. James Gichuru, a former president of KAU, and Dr Njoroge Mungai were appointed to the committee, as chairman and secretary respectively. It was at a second meeting at Kiambu on 14 May 1960, that KANU held elections for its national officers. Mboya was elected general secretary; Gichuru was confirmed as acting president, while Odinga was elected vice-president and Ochwada as deputy secretary. Ngala and Moi were elected *in absentia*, as treasurer and deputy

treasurer respectively (Kariuki, 1963: 165-167; Bennet and Rosberg, 1969:108-109; Murungi, 1991:29; Maloba, 1993:159; Odinga, 1995:194).

The Kiambu conferences and the formation of KANU, however, did not appeal to all African leaders. Several of them began to view and attack KANU as a party dominated and led by the Kikuyu and Luo. Other than Muliro, who had earlier refused to cooperate in organizing a single mass African party, the Kalenjin and Masai leaders, such as Moi, Justus ole Tipis and Taita Towett, regarded the objectives and leadership of KANU with great distrust and suspicion. This distrust and suspicion was further compounded when Towett, a newly appointed Assistant Minister for Agriculture and also a Kalenjin leader, was heckled at the second conference. Hence, a network of alliances between organizations, which felt their interests to be threatened and subordinated, began to take shape in opposition to KANU. (Kariuki, 1963:165-166; Gerztel, 1969:8; Maloba, 1989:192; Odinga, 1995:194). This was to culminate in the formation of KADU.

The formation of KADU was the result of the amalgamation of a network of alliances between organizations that felt their interests to be threatened by Kikuyu and Luo domination. A focal point in this movement was Muliro's Kenya African People's Party, a skeleton of the former KNP. More significant was the formation of the Kalenjin Political Alliance in March and April 1960, which was a product the amalgamation of four district Independent Parties from Baringo, Kericho, Nandi and Elgeyo-Marakwet. It was Moi who had led the way in the formation of these parties between 1958 and 1959. The Alliance purported to represent about 900,000 Kalenjin speaking people. It aimed at providing determined and effective representation for the rural interests of the Kalenjin. The Alliance was determined to claim control of land in western Kenya, including European land in the Highlands, arguing that most of the land in the western highlands of Kenya originally had belonged to the Kalenjin in the pre-colonial period (Bennet and Rosberg, 1969:109).

A meeting of the governing council of the Kalenjin Political Alliance at Eldoret on 21 May 1960, resolved not to join KANU, and invited other "gentle and well-behaved" Africans to join them and develop a national organization (Odinga, 1995:195-196). On 21 April 1960, at Kapkatet in Kericho district, Muliro, and Tipis, an elected member of the Legislative Council representing the Masai, joined the Kalenjin leaders,

Moi and Towett, in addressing a mass meeting on the formation of the Kalenjin Political Alliance. Alongside the emergence of the Kalenjin Political Alliance was the formation of the Masai United Front, which was also concerned about the future of Masai land, and Kikuyu and Luo domination. At a meeting at Ngong on 22 May 1960, Masai elders gave their consent to the younger leaders who had formed the United Front and were opposing KANU. By early June 1960, the Kenya African People's Party, the Kalenjin Alliance and the Masai United Front had already established links. At Mombasa, Ngala, who declined the post of KANU's treasurer on his return from the United States, formed the Coast African People's Union. On June 25, 1960, these newly formed parties, as well as the Somali National Association held a leaders' conference at Ngong, where united in opposition to KANU and fearful of ethnic dominance, they merged to form KADU. Ngala and Muliro became Leader and Deputy-Leader respectively (Bennet and Rosberg, 1969:109; Murungi, 1991:29; Maloba, 1993:159; Odinga, 1995:195-196).

2.1.4 KANU and the Democratization Process, 1960 to 1963

Decolonization is part of democratization as it involves a shift from an authoritarian regime to the installation of a democratic regime. Notionally, this process involves the dismantling and removal of repressive colonial structures in favour of the installation of sovereign democratic and democracy-promoting institutions. Democratization emerges when elites in the political system agree to the democratic rules to the game, through compromises and settlements, rather than risk national disintegration. This is precisely what happened during the Kenya Constitutional Conferences in the early 1960s at Lancaster House in the United Kingdom. The two major antagonists, KANU and KADU became the main protagonists. This section largely focuses on the role of KANU during these Constitutional Conferences, in particular the 1962 conference.

As noted previously, it was at the first Lancaster House Conference of January 1960 that the British government finally made it clear that there would be an elected African majority in the next Kenya legislature. This was implemented at the elections held in February 1961, on a limited franchise and with some seats reserved for Europeans

and Asians (Leys, 1975:56). The 1960 conference was crucial for African political activity, in that it called for the unbanning and formation of national African political parties, which resulted, immediately thereafter, in the formation of KANU and KADU. Formal national African political parties *per se* were therefore not represented in this particular conference. The conference was primarily charting the course for African majority rule in Kenya.

During the first multiparty elections of 1961, KANU won by a landslide. However, the party refused to form the first African government calling first for the release of Kenyatta (Kenya, 1961:1). Following refusal of this by KANU, the Governor of Kenya who from the outset was never comfortable with KANU, called upon KADU to form the Government. KADU, as a minority party accepted, and Ronald Ngala its president, became the first African head of government as Prime Minister (Wanjohi, 1997: 63). Kenyatta was, thereafter, released from detention on 14 August 1961. The second Kenya Constitutional Conference at Lancaster House opened in February 14, 1962 and was in session until April 6 1962 under the chairmanship of the Secretary of State for the Colonies Rt. Hon Reginald Maudling (Kenya, 1962a: 7).

The 1962 conference proved to be even more crucial as it had as its agenda a programme for political independence for Kenya, and it ultimately agreed the framework of a new Kenya constitution. The land and landownership question in Kenya and the Masai Agreements were key issues. Unlike the previous conference, this one drew a wide variety of participants, drawn from various Kenyan political parties and their constitutional advisors, as well as participants from the Governments of Kenya and the United Kingdom. As a party, KANU led by Jomo Kenyatta, who had entered the Legislative Council in a seat vacated for him by Kinyanjui Njiri from Fort Hall, had the highest number of participants who formed about 36 per cent whereas KADU participants were about 33 per cent of the total number. Others included the Kenya Coalition, Mwambao United Front and Cross-Benchers who formed about four, two and two percent respectively. Non-political participants from the Kenya and British governments, as well as the Constitutional Advisor to the Conference formed about 20 per cent of the participants (see Appendix 3 for a list of the participants)(Kenya, 1962a: 13-14; Maloba, 1993:160). In his opening statement at the 1962 Lancaster House

Conference, Jomo Kenyatta, President of KANU, speaking on behalf of the party, reassured the participants on KANU's commitment to a successful Conference (Kenya, 1962b: 2).

In its detailed memorandum on constitutional and related matters presented to the conference on February 14 1962, KANU expounded its views on democracy. In the preamble, KANU re-affirmed its commitment to the democratic principles of the nationalist struggle with respect to genuine freedom and independence based on democratic rights; the freedoms, protections, privileges, and opportunities due to all the citizens of Kenya regardless of race, colour, sex, creed or tribe. The party stated that:

KANU believes that the basic motive power behind every nationalist struggle is to secure for all people freedom from poverty, disease and ignorance, and to establish ... a society in which there is political freedom, human dignity and economic opportunity for all without discrimination ... Such ideals and beliefs guide us in presenting the ideas that we now put forward (Kenya, 1962c: 1).

KANU further went on to emphasize that the "proposals in this memorandum are intended to provide for maximum and practical constitutional guarantees consistent with the desire to *establish a lasting democracy in a united KENYA*" (emphasis added) (Kenya, 1962c: 2).

The party proposed that the constitution be written in as much detail as possible so that all citizens could become fully aware of their rights and responsibilities. It also proposed that the constitution include a bill of rights to enshrine the fundamental rights of the citizen and that this bill of rights should provide constitutional guarantees against religious, racial or tribal discrimination, or segregation of any citizens or aliens resident in Kenya. The party also proposed that the socio-economic rights of all citizens and legal aliens resident in Kenya be guaranteed. The party pointed out that the constitution should establish and emphasize the democratic principle of majority rule, with recognition of the right of any minority to be heard without suppression consistent with the security of the nation. Other ideas centred on the right of the citizens to have recourse to a Supreme Court; the establishment of Local Government Authorities; and, provision for the machinery of constitutional amendment. The party emphasized that the constitution be clear so as to avoid unnecessary disputes over interpretation (Kenya, 1962b: 2-4). KANU

focused on the provisions for a head of state; the cabinet; legislature; franchise and delimitation of constituencies; the question of a unicameral or bicameral legislature; and citizenship. It also proposed fundamental rights, the nature and structure of the judiciary, the civil service and local government authorities. Other references related to the issue of an East African Federation. Finally the memorandum addressed itself to KANU's views on land and landownership in Kenya (Kenya, 1962c: 4-20).

KANU's comprehensive memorandum on its views on the constitution and the land and land-ownership questions was a document of twenty pages whereas KADU views were expressed in a one-page memorandum and a similarly short statement by its leader Ngala. To KADU what was of utmost importance was the issue of regionalism and the party was not willing to compromise on this issue. It later submitted a paper on its views on this issue. Regionalism was primarily meant to serve the interests of the African minority leaders and settlers in Kenya. This adamant and uncompromising position taken by KADU on regionalism nearly derailed the Conference, forcing the intervention of the Secretary of State. To avoid further deadlocks, the Secretary of State suspended further plenary sessions and requested all parties to nominate a few of their members to serve on a working group that would try to resolve these issues. The Working Party resolved several of these disagreements through negotiated compromises and settlements. Finally it was agreed at the Conference that both parties KANU and KADU would form a coalition government to pave way for fresh elections under the new Constitution (Kenya, 1962d: 1-6; Odinga, 1995:225). The coalition government remained in power until May 31, 1963, when Kenya gained internal self-rule status under the premiership of Kenyatta.

The democratic initiative at this Conference was arguably taken by KANU. Not only did the party and its elites present comprehensive and detailed views on a constitution that proposed the establishment of democratic and democracy-promoting institutions, such as a bill of rights, but it also accepted compromises through a series of negotiations and settlements, rather than risk national disintegration. From the outset, the party pointed out that it would be flexible not rigid during the proceedings of the Conference. The party also agreed to form a coalition government with KADU. Its leaders were arguably, more charismatic and more skilful negotiators than those of KADU. It was apparent that KANU was out to ensure that there was a smooth and stable

transition process towards independence. In a bid to control the political process and achieve national independence without delay, the party compromised and incorporated a diverse political elite in the formation of government

2.2 KANU and the Consolidation of Power in Post-Colonial Kenya, 1963 to 1990

KANU emerged as the majority party in the general elections of 1963 and formed the government at the end of colonial rule. Thereafter, through a process of party-state relations, electoral and constitutional engineering, the party was to remain in power largely as a *de facto* and *de jure* single party up to 1991, when the country constitutionally reverted back to multiparty politics. In the post-colonial pre-1990 period, the ruling party pursued its historical agenda of initially trying to create national unity and integration through an interrelated series of strategies of controlling and dominating various social, economic and political forces within both state and civil society. These included among others, state organs, socio-economic classes, political parties, ethnic associations, non-governmental organizations, and trade unions. As the ruling party sought to capture and control these forces, the party and political system degenerated into an authoritarian one.

2.2.1 KANU's Control of Intra- and Inter-Party Power Competition in Post-Colonial Kenya, 1963 to 1969

The pre-1990 post-colonial period saw intense inter-party and intra-party power struggles as KANU sought to achieve its historical agenda of trying to create national unity and integration. During this period the country became a republic and opposition parties were dissolved, thereby turning the country into a *de facto* and *de jure* one-party state as the party sought to consolidate its political power and dominate the political process. Parties such as KADU and APP were dissolved, whereas the Kenya People's Union (KPU) was proscribed.

After almost seventy years of repressive colonial domination and intense resistance against such domination, Kenya marked the end of colonial rule in May 1963.

In preparation for internal self-government and ultimately independence, multi-party general elections were held the same month under the new Constitution, which had established a bicameral legislature, consisting of A House of Representatives and a Senate. It also established a political system based on regionalism. KANU, KADU, the African People's Party (APP) (a breakaway faction from KANU), and independent candidates contested the 1963 elections. KANU won overwhelmingly, with a triumphant majority of 66 per cent in the House of Representatives, while capturing 49 per cent in the Senate and a similar percentage in the regional assemblies. For KANU, this reflected the democratic and nationalistic political mood of the time. (Sanger and Nottingham, 1964:1-40; Leys, 1976:213; Adar, 1999:346-347). On the advent of internal self-rule in June 1963, KANU formed the government with Kenyatta as the Prime Minister. In line with the nationalistic fervour at the time, the Cabinet was carefully selected in a bid to give the new government a nationalistic outlook and to curb the possibilities of ethnic animosities that might arise out of electoral losses. It consisted of persons drawn from various ethnic communities as well as those who had been in the dock, in prison or in exile with Kenyatta (Odinga, 1995:237-8; Kyle, 1999:177-178).

However, once in power, the ruling party set out to capture and control social diversities in the country. Justifying national unity and national integration as its historical and national agenda, KANU began the process by delegitimising opposition parties on various ideological and political grounds. Determined to contain and integrate different political opinions within its confines, the ruling party embarked on a systematic plan, through the use of power, authority and influence, to delegitimise and phase out the opposition parties, particularly KADU, on the grounds that they represented white settler and British interests with regard to constitutional issues. KANU wanted provision inserted for the easier amendment of the 1963 constitution. KADU and the British Government opposed this, arguing that such a provision could lead to civil war in Kenya and this would in effect lead to a delay to independence. The leaders of KANU saw this as blackmail (Kagwanja, 1991:30; Odinga, 1995:238-239; Wanjohi, 1997:66). Not willing to succumb to such arguments, KANU put forth two conditions to the British Government. The first was its proposed amendments to the constitution be effected immediately so as to avoid future changes to the constitution or, second that the British

Government only implement the required technical changes necessary for independence and leave out the major amendments for a future independent government. For KANU, these conditions were not negotiable. Later a statement signed and issued by the KANU parliamentary group emphasized that the KADU-British government conspiracy on regionalism threatened to undermine the economic and political stability of Kenya. This helped swing the balance of agreement in KANU's favour and it won its point on the constitutional amendment. The ruling party consequently achieved more highly centralized control of the police and the Public Service Commission, a key instrument that was to become an integral part of its scheme to consolidate and entrench its political power. The Secretary of State for the Colonies, Rt. Hon Reginald Maudling, also sought written permission from Kenyatta that KANU would not amend the independence constitution and in response Kenyatta, on 19 October, 1963 stated that "It is not our intention to seek to make further amendments to the Constitution except in so far as subsequent experience shows these to be absolutely necessary" (Kenya, 1963: 11; Murungi, 1991: 30; Odinga, 1995: 239-240). The politics of KANU's control and domination of the political process in post-colonial Kenya thus began with these constitutional amendments.

Political control and persecution of the opposition by KANU intensified with the attainment of full independence on 12 December 1963. Determined to transform Kenya into a unitary state with claims that it wanted "to promote national consciousness and unity", Kenyatta successfully used all the political and state apparatuses at the disposal of KANU and managed to persuade Paul Ngei, his APP followers and the Independents to rejoin KANU. (Kuria, 1990:30; Wanjohi, 1997: 66&130). Having done so, KANU focused its attention on the largest opposition party, KADU. Extensive use of the provincial administration was mobilized through a series of coercive administrative actions to treat KADU as a threat to state security. Consequently many KADU parliamentarians began to cross the floor as early as November 1963 (Kenya, 1964b: col 3740; Mboya, 1993: 54; Oyugi, 1994: 159-160; Wanjohi, 1997:66). This continued throughout 1964. Under Prime Minister Kenyatta the KANU government dedicated all its energies to the destruction of the KADU opposition and the *Majimbo* (Federal) Constitution. John J. Okumu (1984), who views the consolidation process within the

context of party-state relations, observes that, a three-pronged strategy was used to achieve these objectives. Firstly it was done through the use of the state bureaucracy. This was the only national institution at the time, with effective links to the grassroots and as such could be manipulated by the KANU government to prevent the effective development of the regional administrative agencies provided for by the constitution and in the process. The KANU government also made use of the civil secretaries (provincial commissioners), at the regional level, to maintain more direct channels of communication between the central government and the regions than those specified by the constitution. Secondly, the KANU government refused to implement the financial provisions of the constitution. These required that the central government decentralize financial control among the regions by June 1964, when the regions would take over full financial responsibility. Finally, the KANU government refused to transfer certain social services to the regions (Okumu, 1984:51-52). This was a violation of the Constitution.

In a further bid to integrate and control diverse ideological, ethnic and political differences during this transitional period, the ruling party and its leaders began to advocate a one party system, with KANU as the sole political party. Their arguments were based on the view that the one-party system was the most appropriate political system for deeply divided societies in Africa, as it enhanced nation-building and national integration. Kenyatta outlined his preference for a one-party system when he emphasized that: "Events have shown that not only was a one-party system inevitable but it was also the most prudent method of attaining those aims and objectives which our people hold dear". He rejected the Westminster model of a two-party system of government arguing that "we do not subscribe to the notion of the government and the governed in opposition to one another". He went on to express his views on the role of parties emphasizing that KANU was not prepared to justify its preference for a one-party system of government by using the fragile and perennial argument that parties are the expressions of social classes and that, therefore, there must be only one party. To Kenyatta, the theory of class struggle had no relevance to the particular situation in Kenya. He emphasized that KANU was the vanguard of the nationalist struggle (Gertzel, 1969:111-113).

With regard to democracy and the one-party system, Kenyatta argued that this was dependant on the nature of the relationship between the state and the individual and

that the KANU government would uphold the four traditional freedoms, namely, the freedom of association, speech and assembly and respect for the rule of law and human dignity. He went further to emphasize that it was not the type of political system that was a threat to democracy, but rather the nature and organization of mass political parties and hence "all two-party States are not necessarily democratic and all one-party States are not necessarily authoritarian" (Gertzel, 1969:113; Finance, 16-30 June, 1990:38). Kenyatta summarized and concluded his argument by insisting on transforming Kenya into a *de facto* one party state. His concluding remarks were:

At this stage ... we have no choice to make. Through the historical process which has taken place since the last century we find ourselves with a myriad relevant grounds and conditions for a one-party State. It is inevitable ... *Should relevant grounds for a multi-party State evolve in the future, it is not the intention of my Government to block such a trend through prohibitive legislation* (Gertzel, 1969:113). (emphasis added)

In 10 November 1964, Ronald Ngala the KADU leader announced the voluntary dissolution of the party, citing national unity as the reason behind its move. KADU leaders had agreed to disband their party voluntarily, but this was in return for seats in Kenyatta's cabinet (Kenya, 1964c:cols 4414-4417; Bienen, 1974:67-68; Leys, 1976:213-214). In his welcome statement to the opposition party, Prime Minister Kenyatta reaffirmed his commitment and by extension that of KANU to the independence, national unity and nation building of Kenya (Gertzel, 1969:111). Thereafter, the country became a *de facto* one party state and the ruling party was now in a position to control the political process. As the sole political party, KANU secured a constitutional amendment lowering the proportion of each house needed to pass additional amendments to 65 percent. Constitutional manipulation had been made easy and over time it became clear that no amendments were barred, since everything depended on the concept of democracy held by parliamentary democracy. On 12 December 1964, the country became a Republic and adopted a Republican Constitution with Kenyatta as the President, a position that combined the functions of Head of State and Government. This point in history is important in that it signified the dissolution of KADU and the demise of the *Majimbo* constitution. This, to Kenyatta and KANU, was politically significant in that it spelt out the end of political divisions in the country, which according to the ruling party, had been

engineered by imperialists (Kenya, 1964a: 134-160; Emerson, 1966: 292; Gertzel, 1969:114; Kuria, 1991: 30).

The dissolution of KADU and the transformation of Kenya to a *de facto* one party state and subsequently a Republic in 1964 ironically did not immediately strengthen the ruling party KANU and enhance its domination over the polity. Existing intra-party power struggles continued to intensify. Since its formation in 1960, KANU had never really been a strong party in terms of organizational coherence and discipline. It was a party of patrons, with a decentralized structure formed from a loose coalition of district-based political organizations, making it prone to factionalism. Furthermore, the party initially did not view itself as a political party *per se*, but rather as a national liberation movement whose primary goal was the independence of all Africans (Good, 1969:116; Bienen, 1974: 85; Leys, 1976:62; Oyugi, 1994:167; Odinga, 1995:270; Wanjohi, 1997:26). Prior to 1964, there had been various attempts by the party leaders, chiefly by Kenyatta to, unite KANU. Kenyatta had for long been seen as a symbol of unity and dominance with respect to the nationalist movement. On assuming the leadership of the party in 1961, he made some positive attempts to enforce cooperation among the various factions. With the exception of Ngei, who broke away from KANU and formed the APP, Kenyatta's dominant and unifying role became evident when he led the party to victory in the 1963 elections and consequently to power, managing to impose unity on KANU, APP and later KADU, and bringing all ethnic groups within a Republic under a *de facto* one party state in the first year of independence (Gertzel, 1969: 8-10; Leys, 1976:62).

In as much as it was appealing to and trying to achieve national unity, KANU's factionalism revolved around ideological and ethnic differences. The party was comprised of conservative moderates such as Kenyatta, Gichuru, and Mboya among others, and militant radicals, such as Oginga Odinga, Kaggia, and Ngei, who constantly evoked ideological and ethnic animosities, in pursuit of parochial socio-economic and political class interests. The moderates were an indigenous capitalist class produced by colonial policies aimed at creating an African elite that was meant to oversee the transition to independence without disrupting radically, the existing colonial socio-economic order. For them, the key independence issues were property rights and a market economy. Private property, to them was to be held and protected under individual or



group rights in a free enterprise or market economy system. The radicals, on the other hand, represented those who believed in the pursuit of socialist principles. These were advocates of nationalization and redistribution and believed that the pursuit of socialist principles would be the best way of reducing socio-economic inequalities and attaining the ideals of the liberation struggle. The land and land-ownership question was of central concern to both. The moderates, on the one hand, believed that the land and land-ownership issue should be viewed in the context of private ownership, whereas the radicals maintained that it be placed in the context of nationalization and redistribution. In essence, various factions were competing for political power in a bid to gain access to scarce socio-economic and political patronage resources. In the process, ideological and ethnic differences were aroused to achieve this (Kenya, 1966b: cols 879-884; Bennet and Rosberg, 1969:108-109; Haberson, 1971:243-246; Leys, 1976:212-221; Maxon, 1994:58; Oyugi, 1994:157-160; Wanjohi, 1997:67). Leys, for example captures this when he argues that:

... the basic political cleavage in Kenyan politics at independence ... was between the groups and social strata which bore the brunt of exploitation - the mass of unskilled workers and peasant farmers - and those in one way or another acquired material interest in the continuation of the colonial economy. This was very clearly revealed immediately after independence in the way the opposition between KANU and KADU was suddenly and painlessly dissolved and replaced by a much more irreconcilable and lasting opposition between the 'comprador' leaders of both KANU and KADU on the one hand, and a group of 'radicals' within KANU on the other (Leys, 1976:212).

Ideological, ethnic and personality differences continued and the party realized that its efforts to achieve national unity were being frustrated by its institutional weakness. These differences delayed changes in the party structure and the battle for control of the party continued. Other than Kenyatta, no single leader was sure of retaining ultimate control and none was likely to accept a new rigid party machine that might be used against him or her. Hence, authority in the party remained dispersed and the formal party institutions unused. It failed to establish effective working machinery. KANU's key organs were not performing their expected roles and functions. The national executive and the governing council, for example, hardly ever met and no annual delegates'

meeting or conference, other than the initial ones, were called between 1960 and 1965. Likewise no party national elections were called during this period. Party leaders soon began flouting the party's constitution to suit their interests. Many of the party branches also became dormant and party membership recruitment dwindled. As an agent of political education and socialization, especially in popularizing and encouraging the discussion of public policy, the party was paralyzed (Good, 1968:125; Gertzel, 1969:15; Bienen, 1974:82; Mboya, 1993:48; Odinga, 1995:271-272).

To strengthen its control and role in the political process and thereby enforce national unity and integration, the ruling party decided to rely on other institutions such as the executive arm of the government rather than the party's weak machinery (Gerztel, 1969:10-16; Good, 1968:123-124; Odinga, 1995:272;). The civil service, in particular the provincial administration, became a useful agent through which KANU and its leaders achieved their objectives. There was the urgent need to centralize the authority structure in the party immediately and contain and control those centrifugal forces within the country that were part of the colonial inheritance. The party machinery could not be used to enhance government control and ensure compliance in government's decisions, but the existing civil service machinery could. It was a centralizing agency that had until then ensured the dominance of the central government. Though KANU leaders had initially questioned the dominant authority of the provincial administration and called for its abolition during the colonial period, once in power, they found it necessary to use it to solve a series of difficult situations they could not resolve through party political channels. Kenyatta avoided the party and instead chose the civil service as the primary instrument of his rule. Thus "in contrast to poorly organized KANU with its weak political centre because of severe leadership rivalry, the civil service was chosen as the "steel frame" for rule" (Bienen, 1974:15).

KANU began to suffer from mild neglect as the executive branch of government began slowly and effectively strengthening becoming the fount and locus of public policy decisions. This was so, because, in the first place, Kenyatta was not a party man in the sense that he had never been personally involved in the formation of a political party, despite assuming the presidency of KAU and KANU in 1947 and 1961 respectively. The decentralized nature of the party, with its district political bosses, deprived him of

effective access to the grassroots via the party medium and this situation was aggravated by the fact that the factions within KANU were district- and ethnic-based. To attempt to solve the problem of factionalism would thus have brought him into serious personal conflict with other district political bosses at the expense of his popularity and political prestige. Kenyatta therefore opted to remain above party political conflicts by assuming the role of *Mzee*, "the father of the nation", which permitted him to bypass the party apparatus by establishing indirect political control of the grassroots via a series of informal patron client hierarchies of which he was the head. It was also inevitable that Kenyatta would, sooner or later, establish and govern through a strong state administration that stood outside party control. Thus, once he became president in December 1964, Kenyatta slowly began to neglect and finally discontinue the monthly consultations with the KANU Parliamentary Group, which had been his practice during the preceding year. Consultations between cabinet ministers and backbenchers also became infrequent. Hence there was need to define the new role of the party in the independent state, and the relationship between party, civil service and government. This was important because, on the one hand there were those who believed the party should have control over government and on the other, because of the strong individualism within KANU, many members who showed themselves willing to question their own government (Bienen, 1974:101; Okumu, 1984:53-54).

According to Gertzel (1969), the upheavals in the party after 1964 and the major constitutional changes since independence are best understood as part of a process of defining that relationship between the party, parliamentary group and the government and to a large degree the country's institutional base. The legislature and the civil service became important agents through which the moderates, who controlled KANU, contained or phased out the radicals. Other than power struggles based on ethnic differences between the Kikuyu and the Luo elite, it became clear that as early as 1964, following the dissolution of KADU, the ex-KADU leaders' interests were not so very much different from those of the moderates within KANU as compared to those of the radicals. Following their defection from KADU, these leaders soon began playing a leading part in the struggle within KANU. They had earlier been attracted to European politicians since they shared the same commitment to private property and most of all the relative

abundance of land in their areas that they feared would be taken away under the guise of nationalization and redistributed to landless people from other ethnic groups. This was not the case, as they were soon to discover. KANU politicians, on the contrary, had similar interests in becoming large landowners and therefore sought to ensure that private property, especially land, would not be threatened. Though the principle of "willing seller, willing buyer" with regard to land in the Rift Valley caused some embarrassment to the ex-KADU leaders, as the Kikuyu were in a better position to buy this land in comparison with the ex-KADU ethnic groups, the convergence of interests between the ex-KADU and their KANU moderate counterparts in the cabinet was not threatened (Gertzel, 1969:8; Leys, 1976:213-214).

The conflict between the moderates and radicals was a deep one. Initially, the conflict revolved around two main issues. By the end of 1965, when Kenyatta finally agreed to have the radicals removed from power, the conflict between these opposing sides had found a clear ideological expression, based on Kenya's development philosophy: African Socialism. The main features of African Socialism include: (i) political democracy; (ii) mutual social responsibility; (iii) various forms of ownership; (iv) a range of controls to ensure that property is used in the mutual interests of society and its members; (v) the diffusion of ownership to avoid concentration of economic power; and (vi) progressive taxes to ensure an equitable distribution of wealth and income (Kenya, 1965a: 16; Barnett and Njama, 1966; Leys, 1976:214-215). The regime's ideology embodied in the policy statement, *Sessional Paper No. 10 of 1965 on African Socialism and its Application to Planning in Kenya* was introduced by Mboya and described by Kenyatta, as Kenya's economic 'Bible'. According to Leys (1976), it was a pure statement of 'bourgeois socialism' as it focused on redressing social grievances in order to ensure the continued existence of bourgeois society, in particular the interests of the comprador elements in a neo-colonial situation. The moderates described themselves as 'African socialists', nationalists and pragmatists, who put the country's interests first, and branded the radicals as communist agents. The radicals on the other hand saw themselves as defenders of the nationalist movements' original socialist ideals, and their opponents as agents of western foreign capital. Though both may not have been fully convinced of the truth of what they said of each other, they came closer to the truth about

what they said of themselves. Kenyatta and Mboya worked closely together with foreign capital and their brand of African Socialism was a formulation of 'comprador' ideology. Odinga and Kagia's socialism was of a petty-bourgeois nature and they aligned themselves with socialist countries, standing outside the symbiotic relationship between the rest of the KANU leadership and the western firms, experts and embassies (Leys, 1976:221-222; Wanjohi, 1997:69).

During this period, the KANU Government also sought to enhance its dominance in the executive by transforming the state, particularly the civil service. As outlined in its *Sessional Paper Number 10*, the government pointed out that transformation of the civil service in order to achieve representativeness due to imbalances inherited from the past would be achieved through Africanization. Africanization was therefore to be placed high upon the agenda and it was to be implemented without breaching constitutional provisions that guaranteed equal treatment for all (Kenya, 1965a: 27-28). The government argued that the principal policies for achieving Africanization should be those that were consistent with growth and development. As such there were to be various programmes for Africanizing the economy. One of these programmes was to be:

... Africanizing the Civil Service as rapidly as possible. This process is being accelerated through training of Africans, ... to qualify them for new positions and promotions. Here it is important to realize that since the public sector will be expanding more rapidly than other sectors, it will be an increasingly more important means for employing Africans (GK, 1965a: 30).

KANU had since then realized that one way of enhancing its dominance and control of the state and society was to capture the state and its apparatuses or instruments. This was achieved via Africanization programmes. The civil service became a source of political patronage as many Africans were appointed on ethnic and/or party political loyalty, replacing many whites who had occupied senior positions. By 1972, 45 per cent of the Permanent Secretaries, 50 per cent of the Provincial Commissioners, and 75 per cent of the Deputy-Permanent Secretaries and Under-Secretaries came from the Kikuyu ethnic community (Nellis, 1974:15).

Soon after the release of *Sessional Paper No 10 of 1965*, Kenya's Africanization programme, in particular that of the civil service began moving at a fairly rapid rate. For example whereas in March 1965, 83 per cent of the total number of officers in posts were Africans, this figure had risen to 96.88 per cent while the workforce had increased to 72,204 by 1968 (See Tables 2.0, 2.1 and 2.2 below).

Table 2.0 Kenya Civil Service: Summary of Posts and Strength by Scale as at 1 March 1965

	Total Establishment	Africans	Non- Africans	Total Officers in Post	% of Africans to Total Strength	% of Africans to Total Establishment
1) Superscale and Lower Superscale	421	130	159	289	45	31
2) Administrative and Professional	818	309	376	685	45	38
3) Education	2,333	327	1,607	1,934	32	29
4) Executive Grade	2,418	1,259	958	2,217	57	52
5) Middle Grade Tech. Posts	1,990	864	925	1,798	48	43
6) Junior Grade Tech. Posts	1,536	1,149	250	1,399	82	75
7) Clerical	3,062	1,977	1,013	2,990	66	65
8) Nursing	635	440	162	602	73	69
9) Police and Prisons	21,582	20,162	318	20,480	99	93
10) Secretarial and Typing	771	263	433	696	38	34
11) Chiefs and Sub-Chiefs	2,896	2,701	-	2,701	100	93
Total	38,717	29,581	6,201	35,782	83	76

Source: Republic of Kenya, *High Level Manpower Requirements and Resources in Kenya 1964-1970* (Nairobi: Government Printer, 1965) p.34.

Table 2.1 Kenya Civil Service Job Category Breakdown as of January 31 1968

	Total Posts	Total in Post	% Citizens
Clerical and Low Technical	17,973	17,140	94.4
Minor Grades	1,825	1,746	100
Administrative and Professional	2,960	2,453	37.6
Executive and Technical	6,915	5,941	69.9
Total in Post	-	68,233	93.23
Temporary		232	
Total All Staff	72,429	68,465	93.25

Source: Compiled from Hyden, G, Jackson, R and Okumu JJ (eds) *Development Administration: The Kenyan Experience* (Nairobi: Oxford University Press, 1970) pp 341-342

Table 2.2. Composition of Kenya's Civil Service By Race and Citizenship, July 1967-October 1969

Month	Total Posts	Total in Posts	CITIZENS			Total	NON-CITIZENS	% of Citizens
			African	Asian	European		Total	
Jul.1967	69,762	65,132	59,889	337	25	60,251	4,881	92.51
Oct.1967	71,131	66,785	61,651	335	24	62,010	4,775	92.86
Jan.1968	72,429	68,233	63,275	348	28	63,651	4,582	93.23
Apr.1968	72,517	68,766	64,054	362	33	64,447	4,317	93.72
Jul.1968	74,340	69,395	64,959	373	33	65,365	4,030	94.19
Oct.1968	74,555	70,226	65,827	376	27	66,230	3,996	94.31
Jan.1969	74,657	71,056	66,839	394	23	67,255	3,801	94.65
Apr.1969	74,777	71,703	66,563	384	27	67,974	3,729	94.40
Jul.1969	77,870	72,383	68,438	371	21	68,830	3,553	95.09
Oct.1969	76,999	72,204	69,555	377	20	69,952	2,252	96.88

Source: Compiled from Hyden et al. *ibid* p. 345

Sessional Paper No. 10 was introduced in April 1965 and passed unanimously by the National Assembly in May 1965, a month later, giving the radicals no chance to discuss and disagree with it. By the time they could do so, they had been manoeuvred out of KANU and into the opposition by a series of moves planned and executed by Odinga's political and personal rival, Tom Mboya, who was at the time the moderates' main

strategist. Odinga, Kaggia and other radicals were progressively removed from positions of influence within parliament and government, and finally Odinga was publicly humiliated as party Vice-President at a highly manipulated party conference at Limuru in March 1966 (Leys, 1976:224).

The Limuru Conference of March 1966 effectively removed Odinga from his post as KANU's Vice-President, culminating in his resignation from the ruling party and subsequently from government on 14 April 1966. Hurriedly and unconstitutionally summoned, the Limuru Conference adopted a new KANU constitution, which was approved not by the conference as required under the functioning constitution, but by the KANU Parliamentary Group. The new constitution abolished the post of the party's single national vice-presidency, held by Odinga, and replaced it with eight regional vice-presidents. As a consequence, Odinga chose not to seek re-election as one of the eight vice-presidents (Good, 1968:125-126; Gertzel, 1969:145; Okumu, 1984:62; Odinga, 1995:299; Wanjohi, 1997:69). Kaggia suffered a similar fate. During the elections for the vice-president of the Central Province, a majority elected Kaggia, defeating two senior cabinet ministers, Gichuru and Kiano. However, the election was declared null and void and a new election held in which more delegates arrived to vote, and Gichuru became the new vice-president. Mboya retained the post of Secretary-General. A conspicuous feature of the conference was the rise in power of moderates such as Ngala and Moi who had been used during the conference to hand-pick delegates to vote for candidates who were considered moderates (Good, 1968:126; Odinga, 1995:299). Consequently, Odinga resigned as Vice-President of the country and was replaced by Joseph Murumbi. Once again the ruling party had asserted its control by effectively purging the radicals within it.

In his resignation statement to the country, Odinga cited ideological differences for resigning from KANU and the Government (Gertzel, 1969:145; Odinga, 1995:300). The formation of KPU was announced on 20 April 1966, with Odinga as the Leader and Kaggia as the Deputy Leader. The KPU leaders emphasized that they differed with KANU on ideological grounds and the nature of governance in the country. They argued that the ruling party KANU was leading the country towards the formation of a capitalist society, whereas they believed that the best way to achieve socio-economic progress was through the creation of a socialist society. They also pointed out that the ruling party had

abandoned its democratic ideals making it and the country undemocratic and authoritarian (Gertzel, 1969:148-149; Ochieng, 1989:208; Wanjohi, 1997:68&137).

KPU's aims and objectives suggest that its leaders were dissatisfied with KANU's slow pace in making the country economically independent. In addition, the plight of workers and the general welfare of the people left much to be desired in the minds of KPU leaders, and as a result the party's constitution included the goals of moving faster to ensure economic independence, removing exploitation and oppression, securing full employment, and free and compulsory education. The party also indicated that the implementation of socialism would ensure the provision of cheap housing and free welfare services. Such were the indicators, but the KPU manifesto clearly demonstrated the party's commitment to socialism. KPU presented a populist manifesto that criticized the KANU government for creating a wealthy exploitative upper class among Africans. It believed that the only way to ensure that meaningful economic and political independence was achieved in the country was through a rapid rate of Africanization and the best means of attaining this was through nationalization and a complete overhaul of the country's administrative structure. KPU emphasized that it was committed to uplifting the standards of the African people. However, like KANU, the KPU never saw fit to develop a systematic blueprint articulating the party's understanding of the country's problems and how they could be tackled in the short and long terms (Anyang-Nyong'o, 1983:160-161; Wanjohi, 1997:137-139). The KPU was less of an amalgamation of district and ethnic alliances than KADU and KANU. It had a solid base in Nyanza and received much support from the Luo based in the major urban areas in Kenya, such as Nairobi and Mombasa. It also received support from Kikuyu areas dissatisfied with the KANU government. The KPU tried to widen its political base beyond its Luo constituency by appealing to urban and agricultural workers and to landless people. Kaggia, who became its deputy leader, appealed mainly to the poorer Kikuyu. Moreover, he represented a pan-ethnic appeal and personified the KPU's attempt to create a class party (Bienen, 1974:69-70).

By 25 April 1966 twenty-nine KANU members of parliament had already crossed the floor to join the KPU. Three days later, on 28 April, parliament was recalled and asked to amend the constitution so as to make it mandatory for members of parliament

defecting from the party that nominated them during elections, to seek fresh mandate. This was to result in what became known as the Little General Election of 1966 (Bienen, 1974:70; Oyugi, 1994:161; Wanjohi, 1997:69; Kyle, 1999:200). During the Little General Election, the KPU contested 28 of the 29 seats declared vacant. KANU won 21 Lower House seats to KPU's seven, and eight Senate seats to KPU's two. The 29th was won by KANU against an independent candidate, giving KANU a 76 percent majority of the total number of seats contested. Only nine out of the 29 who had crossed the floor were re-elected to parliament (Koff, 1966:57-60; Gertzel, 1969:188; Bienen, 1974:71; Oyugi, 1994:161; Wanjohi, 1997:70).

Despite extreme governmental harassment and open manipulation, the KPU could not be defeated by KANU in its own Luo strongholds, where it won with majorities. Similarly, in a number of rural areas that were KANU's strongholds, the KPU won overwhelmingly. In such areas, the elections were, however, more competitive. These areas included those that had mixed ethnic groups or those areas that were not dominated by ethnic groups loyal to KANU, such as Kamba, Teso, and Luhya areas. Though the number of seats won by the KPU in the 1966 elections was too small to be accorded the official opposition, its presence in parliament gave it a clear forum from which to attack the government legitimately without restrictions or harassment (Okumu, 1969:9-17; Bienen, 1974:70-71; Leys, 1976:234; Alila, 1984:32-35; Wanjohi, 1997:70).

The KPU's expansion in terms of political base and sphere became a potential challenge to the KANU government. As a result, the latter began to contain and confine the KPU within a few regions such as Nyanza and Nairobi, through various administrative-coercive methods as it had done with KADU (Gertzel, 1969:158-161; Mueller, 1984:411; Oyugi, 1994:161-162; Kyle, 1999:200). Between 1966 and 1969, 17 of the 19 people detained were KPU members. The government as the dispenser of patronage resources also cancelled the appointments of KPU politicians to public enterprises, as well as other economic benefits such as loans from state financial institutions and preferential trade licenses (Kenya, 1966a:cols.158-168; Good, 1968:129-130; Gertzel, 1969:162; Oyugi, 1994:162).

The KANU government, also fearing the possibility that KPU radicals might establish a presence in Kenyan politics by gaining office through the local government

elections of 1968, directed the Provincial Administration to declare that, upon submission of their nomination forms, all KPU candidates be disqualified on the grounds that their nomination forms were not properly filled in. As a result, all KANU candidates were returned unopposed. After three years of almost complete political harassment and frustration, even the KPU leaders found the ideology of ethnicity difficult to resist. KANU officials could now claim that KPU was now a mere ethnic organization that could never have support anywhere in Kenya outside Nyanza Province (Bienen, 1974:71; Leys, 1976:237; Okumu, 1984:62; Orwa, 1984:4). The KPU was proscribed in October 1969 following Kenyatta's visit to Kisumu in Nyanza Province, a stronghold of the KPU, supposedly to open a hospital, though on what was in effect a campaign tour. During his speech, Kenyatta launched a bitter and offensive attack on Odinga, angering the latter, and the crowd present. Following the speech, Odinga confronted Kenyatta in his motorcade, and the two exchanged bitter words. The tense crowd surged forward and pelted Kenyatta's motorcade with stones prompting his bodyguards to fire into the crowd, killing and wounding several people. The incident was blamed on the KPU leadership and the party was subsequently banned and the country reverted back to a *de facto* one party state. With the KPU out of the way, the long awaited KANU primaries were held without fear of the consequences (Meisler, 1970:111-121; Leys, 1976:237; Alila, 1984:39; Miller, 1984:46; Ochieng, 1989:208; Wanjohi, 1997:77; Sunday Nation (SN), 2 April 2000:1). The ban was timely for KANU, as it was calculated to deny the KPU the opportunity of participating in the general elections, which ensued in December the same year. KANU was unsure of its own strength and popularity and therefore required government intervention to ensure its survival (Okumu, 1984:62; Wanjohi, 1997:139-140).

To the KANU government, the KPU was not only a potential threat to its political power, but also a threat to the economic development of the country. The government, whose leadership was engaged in a symbiotic relationship with western foreign capital, saw the KPU and its socialist ideals as a threat to this relationship and foreign investments. In its manifesto, the KPU claimed that it was committed to the nationalization of the means of production and the introduction of other radical socialist measures aimed at Africanizing the economy. This did not augur well for western

investors and it raised and confirmed their fears that the party and its leaders, particularly Odinga, were committed Communists. Foreign investors began expressing their suspicions that the country might turn to socialism and nationalize their investments, and as long as the KPU was active, they remained cautious in the amount of investments they brought into the country. Foreign aid meant for infrastructural development was thus kept at a minimum by most western donors, and it was not until the KPU was proscribed and KANU proved to be fully committed to a capitalist approach to socio-economic development, that much foreign aid started flowing into the country (Wanjohi, 1997:185).

Though the KPU was short lived, it managed to challenge KANU to reassess its position and commitment to a number of social, economic and political issues facing it as a party as well as the country. When, in 1966, the KPU challenged KANU on the grounds that it had deviated from its original policies that had been set out in the KANU 1960 constitution and manifesto, KANU responded by introducing in its constitution a preamble and some new aims and objectives in a bid to redefine its policies in the light of the prevailing situation. The ruling party now claimed to be both a political party and a mass movement and sought to establish its basis for the formation of government. The preamble stated that, "KANU is both a political party as well as a mass movement. As a political party, KANU will form the government ..." (Wanjohi, 1997:127). The preamble went further to point out KANU's desire to control the government by emphasizing that:

... KANU must be concerned with the need for stability, harmony, the rule of law and respect for the law and order ... KANU will govern the country through the established structure of the civil service and administration. KANU's policies will be reflected and implemented in the actions, administration, policies and legislation of the country ... (Wanjohi, 1997:127-128).

Civil and political liberties became secondary to stability, harmony and the rule of law and respect for the law and order, and this was the only way KANU could acquire the amount of force it required to keep all other political elements permanently out of power (Wanjohi, 1997:128-129). The promises made by the KPU in its manifesto regarding the provision of free socio-economic services, such as education and welfare, popularized the party and also had significant effects on the KANU government. In the post-1969 general election period, the KANU government adopted some of these measures and made

primary and university education free and many government services free of charge, such as medical and veterinary services. In this respect, it can be argued that the KPU's challenge prompted KANU to more rapid measures to demonstrate that it, too, was able and willing to uplift the standards of living of the majority of the citizens (Wanjohi, 1997:187). Following its proscription, the country reverted back to a *de facto* one party state with KANU as the sole political party. Once again the ruling party had managed to control and purge the party system of other political parties.

2.2.2 KANU, Intra-Party Power Struggles, and the Control of the State and Civil Society in the One Party State, 1969 to 1990

Following the proscription of the KPU in 1969, Kenya remained a one-party state until 1991. The country was a *de facto* one-party state from 1969 to 1982, and thereafter a *de jure* one-party state following a constitutional amendment in 1982. The Kenyatta *de facto* one-party period from 1969 to 1978 saw the decline of the party and the rise of the executive as the dominant institution in the political process. During this period when the ruling party was dormant there was a resurgence of civil society organizations that came to provide alternative channels of political aspirations. In contrast, during the Moi era, the party emerged as the dominant force in the political process. During Moi's era, the party managed to dominate both state and civil society, to the extent that the party almost became the sole political actor in the political process. Civil society became increasingly stifled. While Kenyatta was a civil service man, Moi was a party man.

The *de facto* one-party period, under President Kenyatta, saw the ruling party undergo a phase of internal confusion and dormancy. The party was largely moribund. It was a period characterized by the growth in power and independence of the executive, in particular with the rise of the presidency and associated with the decline of the party. KANU languished as "a loose, balloon-like system that could be activated in periods of crisis, for elections, or at times of national celebration" (Miller, 1984:41). The decline of KANU, at the expense of executive growth, during this period, was the result of two main factors: a series of constitutional amendments, and the fact that the party was reduced merely to an electoral party. Two important constitutional amendments affected the

growth of KANU during the Kenyatta era. These were the Constitution of Kenya (Amendment) Act, No. 17 of 1966, which was a follow-up to the significant political decisions made at the Limuru KANU Conference, and the Constitution of Kenya (Amendment) Act, No. 45 of 1969 that changed the method of Presidential election, to direct popular election rather than election by Parliament. It also further relaxed the limitations by the Parliament on emergency powers, thus making it easier for the President to bring into force detention without trial (Ojwang, 1990:229-231).

These amendments produced enormous snowballing effects that reduced the power and effectiveness of KANU as a policy-making institution. The net result was the emergence of government by an oligarchy of cabinet ministers and top state bureaucrats that became increasingly independent and occasionally defiant of the National Assembly. The Constitution of Kenya (Amendment) Act, No.45 of 1968, for example, was used to detain without trial MPs who were critical of government policies or actions even when such criticism was constructive. Such severe disciplinary measures naturally inhibited MPs. These actions, coupled with the fact that the party's organs were rarely activated, reduced both the party's and Parliament's abilities to question government policy, and subordinated the National Assembly to the executive. It also resulted in bouts of alienation between ministers and backbenchers (Okumu, 1984:60-61). KANU was also weakened by the fact that it had been reduced merely to an electoral party. Its main functions were to facilitate the election of candidates to the National Assembly; to select candidates for parliamentary office; and to campaign on their behalf. This was supported by the fact that party activity regularly underwent resurgence during general or local government election years, with the printing of new membership cards, recruitment of new members, and exhortation of the achievements of the KANU government since independence. It also neglected its own party elections, thus weakening it further (Okumu, 1984:61; Miller, 1984:41; Berg-Schlosser, 1990:50). Consequently the ruling party became a vehicle for rallying support for some cause or to seek ways of containing political dissent in response to some political crisis (Karimi and Ochieng, 1980:88-106; Berg-Schlosser, 1990:50; Ogot, 1995: 189).

The official view of KANU during Kenyatta's era was quite different from the reality. The ruling party was supposed to be a monolithic unified organization that

worked closely with the government. Kenyatta wanted the public to view the party as a unified and solid organization and opposition to the party as prohibited. In reality, however, KANU became a united front behind which political struggles were waged. The party was further marginalized following the resurgence of civil society organizations, particularly ethnic based socio-political organizations, which provided alternative political outlets and which competed with the ruling party for state resources. Ethnic organizations such as the Gikuyu Embu and Meru Association (GEMA), the Luo Union, the Abaluhya Association, New Akamba Union and the Kalenjin Association provided ethnic protection through solidarity in political lobbying for state patronage resources. Most significant of these was GEMA (Tamarkin, 1978:308-309; Miller, 1984:41-42; Oyugi, 1994:173).

GEMA, an ethnic investment company and political agency for the Kikuyu and associated ethnic groups, was formed in 1971, when the Kikuyu governing elite was in the process of further consolidating its control of the state. It was a response to the political crises that followed Mboya's assassination, the proscription of the KPU, and the attempted coup of 1971, in which the Luo and Kamba were implicated. These crises were seen as a challenge to the regime and its major support base. GEMA was to become very powerful as almost to supplant KANU. In effect, through its control of state machinery and political power, GEMA came close to eclipsing the ruling party and one point the organization had to be reminded by Kenyatta that it could not be a substitute for KANU. It increasingly became the vehicle for ensuring the domination of national affairs by the Kikuyu ethnic group. The activities of GEMA and other ethnic organizations during much of the 1970s tended to undermine the standing of KANU in society (Nellis, 1974:14-15; Miller, 1984:43; Ochieng, 1989: 216-217; Himbara, 1994:27&94-95; Oyugi, 1994:171; Ogot, 1995:196; Wanjohi, 1997:78).

During this period, when ethnic organizations served as alternative political outlets through which politicians channeled their political aspirations, the National Assembly became the realm for what remained of KANU's factional rivalry, especially after the 1974 General Election. In that year, a group of young radical leaders, such as George Anyona, James Orengo, Chelegat Mutai and Chibule wa Tsuma, among others were returned to parliament. During lively parliamentary debates they received support

from other government critics and from time to time, they decried the declining stature of the party and often challenged the regime on very sensitive issues. By 1975, they had constituted themselves into a force to be reckoned with, necessitating state intervention to contain them. The crisis that followed the assassination of Kariuki in 1975 provided the setting for the onslaught on the radicals. Not willing to allow any group to take advantage of the situation, the KANU government detained and imprisoned a number of radical MPs. Others fled the country to avoid imprisonment (Miller, 1984:53; Ochieng, 1989:208; Himbara, 1994:119; Oyugi, 1994:171). Though Kenya continued to be nominally ruled by a party, by the time Kenyatta died in August 1978, the party was subordinate to the executive. Kenyatta realized from the outset that KANU, given its nature, was not strong enough to serve as an instrument of control. It was weak and did not control many resources. The state on the other had patronage resources at its disposal, which were used for regime consolidation.

August 1978 saw the death of Kenyatta and the beginning of the Moi era. Moi had been the country's Vice-President since 1967, following the resignation of his predecessor Joseph Murumbi. The Constitution of Kenya stipulates that the incumbent Vice-President assumes and exercises the functions of the President should the latter's office become vacant by reason of death, resignation, or physical or mental infirmity (Kenya, 1992:8-7). This made it relatively easy for Moi to assume power and by the time the KANU Delegates Conference was convened in October 1978 to nominate Moi as the presidential candidate, there was no effective opposition. Being the only political party at the time, its nomination of Moi was legally regarded as his election to a full term as president. His election was followed by party elections for other national officers, the first such since 1966. The November 1979 general elections saw the removal of many of the old Kenyatta guard, and the election to power, of many candidates loyal to Moi, effectively giving him a sweeping mandate and strengthening the regime (Okumu, 1984:63; Miller, 1984:89; Berg-Schlosser, 1990:50).

Throughout 1980, Moi continued to consolidate his power by strengthening the bureaucracy and gaining greater control in Parliament. He reshuffled his cabinet and expanded the number of ministers from twenty-four to twenty five. By also increasing the number of assistant ministers and exercising the right to nominate a few MP's, he raised

the number of government members in Parliament to more than 50 percent of the chamber, effectively curtailing opposition. Towards the end of 1980, Moi dissolved all ethnic organizations on the grounds of national unity, thereby curtailing other alternative formal channels of political expression. Consequently political discontent and tension continued to rise throughout 1980 and 1981 and subsequently, in May 1982, Odinga and George Anyona criticized Moi's government, suggesting it was time to form a socialist opposition party, and attempted to register, the Kenya African Socialist Alliance (KASA). Moi labeled Odinga's actions divisive and destructive and in June 1982, KANU rushed through parliament, a constitutional amendment making Kenya a *de jure* one-party state. The Constitution of Kenya (Amendment) Act, No. 7 of 1982 introduced a new section, 2A, which stated that: "There shall be in Kenya only one political party, the Kenya African National Union" (Kenya, 1987:6). Subsequent to this amendment, all other sections of the constitution dealing with the election of the president and MP's or councillors were changed to provide for the nomination of KANU candidates only, in any subsequent elections. In addition all relevant sections of the National Assembly and Presidential Elections and Local Government Act were changed to make them consistent with the constitution in barring non-KANU members from being nominated and thereby being elected as president, parliamentarians or councillors. Meanwhile, Anyona was detained without trial, while Odinga was placed under house arrest (Currie and Ray, 1984:581; Miller, 1984:89; Kenya, 1987:6; Ogot, 1995:202; Wanjohi, 1997:84; Adar, 1999:350; Kyle, 1999:204).

The effects of this constitutional amendment were felt almost immediately. Almost two months later on 1 August 1982, there was an attempted *coup d'etat* by some officers of the Kenya Air Force. During a radio broadcast to the country, the coup leaders cited the imposition of a *de jure* one-party state as one of their reasons for overthrowing the government. The coup was, however, quelled by forces loyal to Moi (African News, 30 August, 1982:12; Okumu, 1984:65; Ochieng, 1989:209; Kuria, 1991:28;). Though Moi rejected this explanation advanced by the coup leaders, the political effects of the 1 August coup attempt, forced the country to re-examine its organs of the state, including the role of KANU. Consequently, during his speech on *Jamhuri* (Independence) Day on 12 December, Moi announced that the party would be revitalized and transformed into a

mass, disciplined and coherent party. To Moi's critics, however, the speech was merely an amateurish rationalization of political monolithism by KANU. The party was still poorly organized, especially at the grassroots level and it could not reach a consensus or hold party conferences and regular elections as stipulated in its constitution (Okumu, 1984:63; Ogot, 1995:203-204).

During this period, the party also made attempts to control internal factions in a bid to strengthen itself. Factionalism at the district, provincial and national levels, made it difficult for the party to come up with coherent and disciplined policy decisions and strategies that were in conformity with the one-party state. More important, the existence of strong factional leaders within KANU posed a serious threat and challenge to Moi's position and that of his regime. To purge the system of such factional leaders, Moi called for a snap general election in 1983, a full year before they were due. Using state machinery, he successfully rigged out of Parliament, those who were disloyal, bringing in those loyal to him. The era of mass rigging of elections had effectively begun in post-colonial Kenya (Miller, 1984:96-98; Okumu, 1984:63-64; Ogot, 1995:204; Wanjohi, 1997:86-87). The 1983 general elections were of political significance in that they further consolidated Moi's power. Soon after, he began the task of strengthening KANU. Throughout 1984 and during the first half of 1985, Moi devoted his time to KANU's membership recruitment drive all over the country in which more than five million members were recruited. Party elections were also conducted the same year. These were followed by party reforms, which saw the implementation of controversial items, such as the establishment of the notorious disciplinary committee, primarily used to expel errant or rebel members from the party, and more importantly the introduction of the queuing system of voting (Ogot, 1995:205-206).

The queuing system of voting was first used during the 1985 KANU grass-roots elections, even before it was formally endorsed as party policy. In 1986, KANU revised its constitution and formally incorporated queue voting as party policy. In April 1987, the ruling party announced that there would be preliminary elections in which voters would be required to queue behind candidates of their choice. In the February-March 1988 general elections, this system was used as a nomination procedure, followed by secret ballot polls. The controversy was caused by the 70 percent rule, which spelt out that those

who obtained 70 percent and above of the votes cast at the queue-voting nomination were declared elected unopposed. Critics of the queuing system, who largely consisted of representatives of civil society, argued that the system was divisive in that several categories of Kenya citizens, such as the clergy, armed forces and some cadres of the civil service, could not participate in the lining-up nomination exercise for fear of being publicly identified with a particular aspirant. They also pointed out, that the 70 percent rule meant that non-KANU members registered as voters could not exercise their rights to vote in for MPs their constituencies as enshrined in the Constitution of Kenya. The party consensus, however, favoured the queuing system, arguing that the identification with candidates publicly during queue-voting nomination was not any more divisive than openly supporting a candidate during election campaigns. The 1988 general elections were to confirm the worst fears as predicted by critics. Party officials and the provincial administration manipulated the elections, rigging candidates in or out, according to political loyalty. The elections were transformed into state controlled non-competitive elections, and the party became more important than the electorate thus solidifying Moi's power and eroding democracy. The debate on the queuing system continued unabated until the system was abolished in 1991 (Ogot, 1995:207-208; Wanjohi, 1997:89; Adar, 1999:351).

In its pursuit of wider control of social diversities during the 1980's, KANU chose also to co-opt and affiliate key civil society organizations, such as the *Maendeleo ya Wanawake* and the Central Organisation of Trade Unions (COTU). In 1987, the party decided to affiliate the *Maendeleo ya Wanawake* organization, formed in 1952, to KANU. This is a national women's organization, whose affiliation to KANU was aimed at strengthening the party in the rural areas, where the majority of the women are based. The modalities of this affiliation were, however, not clearly worked out. For instance, it was not clear whether *KANU-Maendeleo ya Wanawake* would remain an autonomous body, nor was it clear how the KANU Womens' League, the women's wing of the party, would coexist with *KANU-Maendeleo ya Wanawake*. According to some women leaders, this affiliation was a shrewd political strategy aimed at controlling and sidelining the political demands of Kenyan women. COTU, an umbrella organization for most trade unions in Kenya, was also affiliated to KANU, to widen the party's political strata. This

was also aimed at controlling the labour force and movement in the country (Ogot, 1995: 208; AC, 24 May 1996: 6-7; Adar, 1999:350). Attempts to bring key civil society groups under the control of KANU, particularly women's groups and trade unions was a way of ensuring that the ruling party maintained its control over the largest number of the electorate, namely women and the workers, as well as to ensure firm control over potential areas of political discontent and extra-parliamentary opposition.

By the end of the first decade of the Moi era, KANU had become the supreme political body in the country (Ogot, 1995:208). In his speech to the nation commemorating the twenty-fifth anniversary of Kenya's independence, on *Jamhuri* Day, 12 December 1988, Moi said:

We have made strenuous efforts to strengthen the party ... But we did not strengthen the party to give it dictatorial powers. KANU is the protector of the public against selfish and divisive interests of a few individuals in our society. It is the unifying force by which our people can fully participate in the democratic process, which is one of the most cherished goals of our freedom struggle (Kenya, 1988:12-13).

Moi's speech was ironic in that it was true that KANU had become a powerful party in the political process, but the party had also become undemocratic and authoritarian, despite the fact that its leaders continued to call it democratic. KANU had closed up and usurped all alternative political outlets through which people could channel their political aspirations. The party also prohibited dissenting views. It is against this background of KANU's undemocratic and authoritarian nature that calls arose for the reintroduction of multi-partyism as a political system in Kenya in 1990.

Conclusion

Though the formation of formal political organizations dates back to the early 1920s, meaningful political participation and consequently the politics of control and domination by the liberation movement began during the post-Second World War colonial period. During the 1920s and 1930s, many of these organizations began as welfare associations, and were mainly conservative, small and elitist, advocating socio-economic grievances. As such they did not control broad social diversities and hence

could not be used for any meaningful socialization and mobilization in the struggle against colonialism. It was during this period that there emerged an indigenous African bourgeoisie or capitalist class that was to assume the leadership of these organizations and subsequent political organization.

It was not until the post-Second World War colonial period that there was in essence meaningful political participation in the struggle against colonialism. It was during this period that KANU and its predecessors, KAU and the Mau Mau, emerged to play a dominant role in the liberation struggle, by incorporating new and diverse social forces. The struggle was no longer predominantly the preserve of the conservative or moderate elite, but now incorporated militant radical individuals and civil society organizations such as trade unions and indigenous religious movements. Peasants and the proletariat also became actively involved in the struggle as was evident in the Mau Mau movement. Both the KAU and the Mau Mau managed to enlist the support of, as well as control, civil society in order to mobilize the masses. The proscription of the KAU and the military defeat of Mau Mau led to economic and political reforms that saw the emergence of a new elite and subsequently an easing of the banning of African district-based and later national political parties. This latter period saw the re-organization of the elite as a social force for democratization under KANU and KADU, through elite pacts in the constitution-making and electoral processes of the early 1960s. It was the former that was to dominate and control the processes, as was made evident by its electoral majority in the first post-colonial general elections of 1963.

KANU's postcolonial dominance is, therefore, partly a consequence of its ability to control diverse social forces during the colonial period that were used for political socialization and mobilization against colonialism, and subsequently for electoral purposes. During the post-colonial pre 1992 period, the country was a *de facto* and *de jure* one-party state primarily as a result of the ruling party's authoritarian tactics of achieving single-party rule in a bid to maintain and augment its political power. The politics of domination during this period centered on the attempts by the political elite to control and dominate the political process, using the state and the party itself. Whereas during the Kenyatta era attempts to control and dominate the political process were made primarily through the state and its apparatuses, during the Moi era, this was achieved

through both the state and the party. In other words, whereas the state was supreme over the party during the Kenyatta era, it was the party that became supreme during the Moi era.

CHAPTER THREE

THE DOMINANT ROLE OF THE AFRICAN NATIONAL CONGRESS IN THE LIBERATION STRUGGLE IN SOUTH AFRICA, 1912-1990

3.0 Introduction

In pursuit of their major aims and objectives of achieving independence from minority rule or any other form of domination, national liberation movements normally attempt to control wide social diversities, particularly to political socialization and mobilization. Where successful, they tend to dominate the pre-independence and post-independent political process for a long time. The African National Congress (ANC) was the oldest liberation movement in Africa, dating back to the early 1910s. After that, it came to play a dominant role in the liberation struggle in South Africa due to its ability to control, socialize and mobilize various socio-political forces in the country against apartheid and the apartheid state. This chapter attempts to demonstrate that the ANC's post-apartheid dominance as a political party is partly due to its historical role as the dominant player in the liberation struggle in South Africa.

The chapter is divided into two parts. The first part examines the ANC's politics of control and domination from its formation in 1912 to its banning in 1960. It looks at the growth of the movement from an elitist organization to a mass movement and its relationship with other organizations prior to its banning. The second part examines its new strategies of control, socialization and mobilization, from its banning in 1960 to its unbanning in 1990. Its politics of control and domination are largely examined within the context of social forces involved in the armed struggle, re-organization of the movement, civil society organizations, and the state, international and domestic capital.

3.1 The Early Years, 1912 to 1940

The emergence of territorial African nationalism in South Africa was primarily a response to the racial segregation system extended by the formation of the Union in 1910.

The Union of South Africa Act that was passed by the British House of Commons in 1909 and ratified by the South African Parliament on 31 May 1910 constitutionalised a system of racial segregation and marked the beginning of the consolidation of white minority rule in South Africa. The new state immediately began passing a series of Acts many of which infringed on the fundamental rights and freedoms of non-whites, especially Africans (Luthuli, 1962:87-89; Barber, 1999:64; Meli, 1989:37). Consequently, sixty African delegates from all over South Africa, organized by people like Pixley Ka Isaka Seme, met at Bloemfontein on 8 January 1912 to inaugurate the South African Native National Congress (SANNC) (re-named the African National Congress (ANC) in 1925). The conference approved of the plan to form an organization for the unification of various ethnic groups along national lines. The Congress's aims and objectives centred mainly upon trying to advance African political rights within the existing South African constitution (Thema, 1953:2; Motlhabi, 1987:38-39; Tambo, 1987:6-7; Meli, 1989:37-38).

During its initial and early years, the Congress, like many other African liberation movements was in essence an elitist organization. Though it purported to advocate and advance African political rights, it consisted mainly of African elites whose educational backgrounds were mainly those of missionary institutions or institutions in Western countries. Other than these elites who believed in pursuing their objectives through constitutional means, it did not, therefore, control a variety of social forces. From the very beginning, the moderate SANNC leaders resolved to seek their aims by peaceful means and to encourage mutual understanding and unity across ethnic and racial groups. However, the passage of yet more racial Acts in the 1910s and 1920s that reinforced segregationist policies, and whose main impact fell on Africans, necessitated the establishment of national campaigns of protest (Stanbridge, 1980:67-68; Rich, 1996:16; Barber, 1999:67; Walshe, 1973: Rich, 1996:21-33;)

However, between 1912 and the late 1930s, the ANC was, largely, inactive due to ideological differences between the moderates in leadership, and the emergent radicals, over the question of segregation. As a result, moderate leaders ran out of effective options and for a long time, the ANC lost its vigour and direction. It continued to view its tasks as those of furthering African rights through constitutional means and advocating

constitutional changes to achieve a multi-racial society through the provision of educational and social facilities for Africans and by opposing racial discrimination (Rich, 1996:21; Meli, 1989:48; Barber, 1999:79; ANC, 2000a: 2). By the late 1920s, with the introduction of new racist laws such as the Native Administration Bill of 1927, and the election of militants into leadership positions, the ANC realised that it needed to set up links with other socio-political forces in a bid to achieve its objectives. The ANC hoped to broaden its social base so as to become functionally more effective. The passing of the Native Administration Bill of 1927 into law coupled with the election of the militant and radical Josiah Gumede as its President in 1927, radicalized a conservative section of the ANC leadership and helped swing the movement to the left. Gumede tried to revitalize the ANC in a bid to fight racist policies more effectively by calling for a more militant and radical approach and hoping that the communists would make a contribution to this struggle by cooperating with the ANC. The moderates, however, unhappy with his militant and radical approach, voted him out of office in 1930, replacing him with the more conservative Seme. The election of Seme threw the ANC into a period of inactivity during the 1930s (Rich, 1996:33-34; Barber, 1999:97-98; ANC, 2000a: 2; Meli, 1989:74-78).

The ANC's inactivity during this period consequently led to the emergence of new movements to occupy the political space created. The most notable among these were the Industrial and Commercial Workers' Union (ICU) formed in January 1919 and the Communist Party of South Africa (CPSA) formed in July 1921. The ICU soon became a national African movement incorporating both urban and rural workers. Many Africans in South Africa came to view the ICU as an alternative vehicle for channelling their political aspirations, following the dormancy of the ANC (Wickens, 1978:113; Meli, 1989:66). The ICU was primarily concerned with the immediate day-to-day socio-economic and political affairs of its urban and rural followers. It also advanced broader political aims as the only way to achieve its ends (Rich, 1996:43-44; Roux, 1978:158; Barber, 1999:98-99). The ICU's impact was significant. Initially it managed to put aside political differences and difficulties and spread nationally, skilfully combining the strength of a trade union with the drive of a political party. Like the ANC, it was committed to a united South Africa based on the principle of equality of opportunity and

African political participation in a single society. Though there was no formal cooperation between the two organizations, one of the factors that facilitated the spread of the ICU, was the help and assistance it received from the ANC leaders (Barber, 1999:99; Meli, 1989:66-67). The CPSA on the other hand, emerged out of the combination of a number of groups on the left in South Africa. Its origins lay with radical white workers and intelligentsia and it took some years to build up an African following. The CPSA was committed to the establishment of wide and close contacts among workers of all ranks and races (Ellis and Sechaba, 1992:13-14; Rich, 1996: 51-521; Clingman, 1998:127).

However, despite their initial success, both organizations were soon riddled with problems. The ICU began to decline rapidly, as a result of several factors. It began facing threats from the government, and more importantly, a lack of organizational coherence and discipline. Leadership wrangles based on ideological differences as well as financial difficulties and scandals emerged. Frustrations among the rank and file soon set in and by the early 1930s, the ICU had fragmented into a number of small, ineffective bodies. Notwithstanding its short life, the ICU nevertheless, altered the political landscape of African politics in South Africa as it demonstrated the possibilities of mass political organization (Meli, 1989:68-72; Barber, 1999:100; Rich, 1996:46; Clingman, 1998:133). For the CPSA, political differences on how to achieve harmony between race and class began to emerge. As African membership increased, the CPSA also increasingly began to adopt the doctrine of national liberation, in as much as there was a Euro-centric view that the white working class were the main engine of revolutionary change. Party policy by the late 1920s tended to be increasingly shaped in a single direction by the Comintern headquarters in Moscow imposing a line that suited appropriately its general objectives of winning over the African working class and disparaging contending appeals from Garveyism and Pan-Africanism. Garveyism was based on Marcus Garvey's slogan 'Africa for the Africans' and it was based on the 'Quit Africa' slogan and on the cry 'Hurl the White Man into the sea'. Pan-Africanism, on the other hand, was based on the goal of winning national freedom for African people and the inauguration of a people's free society where racial oppression and persecution would be outlawed (ANC, 1948). By 1929, the CPSA was riddled with factional differences concerning African leadership and

despite attempts by African members to correct these differences the party had lost considerable support in South Africa by 1935. Earlier in August 1931, some leaders had called for an alliance with the ANC, but the mainstream party hierarchy did not favour this (Ellis and Sechaba, 1992:13-20; Rich, 1996: 52-56; Clingman, 1998:127). Unlike the ICU, the CPSA was never a mass party. Party commitment and not size, was its priority. Though it had a substantial number of African members, whites retained a powerful influence over it. Party members spread their influence both directly through party activity and by penetrating other movements. Yet despite all this, it continued to exercise a considerable influence in South African politics (Bundy, 1987:261; Ellis and Sechaba, 1992:25; Clingman, 1998:130-132; Barber, 1999:101-103).

With the collapse of the ICU, the factionalism of the CPSA, and the continued inactivity of the ANC in the 1930s, a new broad-based body, to coordinate African action on African issues soon emerged. This was the All-African Convention (AAC) formed, at Bloemfontein in December 1935, under the chairmanship of Professor D.D.T. Jabavu, as an umbrella organization within which all existing African groups, such as the ANC, ICU and CPSA, could be linked. It was not meant to phase out or replace any organization (Meli, 1989:84; Rich, 1996:57). The AAC intended to unite African opposition to the Native Trust and Land Bill of 1935. It also sought to encourage worldwide condemnation of imperialism in Africa. The AAC recommended that a common citizenship in a single state replace segregation. It sent a delegation to Pretoria to pursue its case, but this was rejected, placing the AAC moderate leaders in a dilemma. During the following conference of the AAC in 1936, Jabavu and other AAC leaders adopted a more militant position, whereby protest meetings were held, strong resolutions passed, new methods discussed and proposals made for action. There was, however, no body organized to take militant action nor were there any leaders willing to take up such action (Meli, 1989:86; Barber, 1999:112-113). The AAC, too, had its internal and organizational weaknesses. It was a consortium of diverse and contradictory forces, expressing both militancy and conservatism, and this made it inadequate to tackle the complex problems it faced. Moreover, it had no organizational bases apart from some splintered and weak factions and in the long run it was the ANC rather than the AAC that held hope for the future

(Meli, 1989:85-87; Simons and Simons, 1969:581; Karis and Carter, 1973:340-346; Gish, 2000:133-134).

Despite its relative inactivity during these early years, the ANC achieved some milestones, notably campaign protests, in pursuit of its aims (ANC, 2000b: 1). The ANC also made attempts to broaden its control and influence of social diversities in the country to help it achieve its aims and objectives. Seme continued to emphasize the need for cooperation between Africans and whites and among Africans themselves. However, he devoted little time to the ANC and political activity as a whole. As a result, the ANC went into decline and factionalism intensified. The ANC was, nevertheless, kept alive by leaders such Rev. Z.R. Mahabane who succeeded Seme in 1937, as president for the second time. Under his leadership, the ANC, from 1939, began a slow revival by appealing to established values and using the few legal channels open to Africans (Barber, 1999:113-114; Meli, 1989:87).

3.1.2 The Resurrection of the ANC, 1940 to 1949

The relative inactivity of the ANC during its early years was the result of a number of factors ranging from organisational weakness to a conservative leadership that usually believed in less militant and more constitutional approaches to the African question. It was not until the 1940s, with the election of Alfred B. Xuma as the President of the ANC, that the organisation began to resuscitate. This was a period that witnessed not only the resurrection of the ANC, but also the adoption of the Atlantic Charter and the African Claims, as well as the formation of the ANC Youth League, which played a leading role in the revitalisation of the party.

Alfred B. Xuma assumed the presidency of the ANC in December 1940. This was a time of rapid change in South Africa due to the Second World War. There was a rapid increase in industrialisation, urbanisation and consequently the dramatic growth of a large urban African class that had a significant impact on African politics. It also witnessed the reorganisation and expansion of African trade unions, townships, and a higher frequency of clashes between township residents and the police. There was the reawakening and emergence of a new period of militant African protest (Luthuli, 1962:98; Karis and

Carter, 1973:79-81; Walshe, 1982:265; Lodge, 1983:11-12; Gish, 2000:110). The organisation Xuma inherited, however, lacked the organisational capacity to meet these challenges. The ANC's membership was small, numbering in hundreds. It was elitist and predominantly composed of professionals, thus lacking mass support. It also lacked adequate financial resources and normally confined itself to issuing periodic resolutions protesting government policy as well as drafting reports on conditions facing Africans. It was against this background that Xuma set out to reorganize and revitalize the ANC (Benson, 1963:95-96; Walshe, 1982: 249-265; Gish, 2000:110-111). To control and influence these new emerging social, economic and political forces in order to meet the new challenges, the ANC had to strengthen its institutional capacity. This required it to develop its leadership, doctrines, programmes, financial and human resources, and societal linkages to make it more effective as an agent of mass socialization and mobilization.

Within six months of taking office as president, Xuma outlined his vision in a document entitled *The Policy and Platform of the African National Congress*, which called upon the movement to re-ignite the spirit of African political initiative (Gish, 2000:111). This vision was based on two main arguments. That, firstly there was an urgent need for improved organization. Secondly, there was also the urgent need for a clear programme. To him, no race could rise unless it expressed itself through a recognized organization for common action. Hence, Africans needed to unite and speak for themselves through their own national organization, one that would explore all constitutional means to gain their right of citizenship. It was only through a strengthened ANC that Africans could achieve their rights and establish harmonious coexistence with other races (Walshe, 1982:265; Gish, 2000:111). To achieve his objectives, Xuma spelt out a wide ranging set of goals, such as secure African voting rights and direct African representation in all governing bodies, among other socio-economic rights (Gish, 2000:111). By the time his first term as president was approaching its end in 1943, the organizational machinery had grown in strength. Its revised constitution ratified at its December 1943 conference also streamlined and democratized the ANC's internal structure. It abolished the upper house of chiefs and established a working committee to administer the organization on a day-to-day basis and also extended equal membership

rights to women for the first time (Gish, 2000:114-115). Xuma also managed to secure grants totaling several hundred pounds from the relatively new Bantu Welfare Trust between 1942 and 1943. The Trust was established by a businessman, Colonel Donaldson, and run under the auspices of the South African Institute of Race Relations (SAIRR). The Trust awarded substantial amounts of money to organizations that promoted African welfare, and it became a steady source of funds for the ANC in the 1940s (Rich, 1996: 103; Barber, 1999:126-127; Gish, 2000:117).

The Second World War also had a significant impact on the ANC and South African politics in general as it provided the foundations for the Atlantic Charter of 1941 and the African Claims. In brief, the Atlantic Charter reaffirmed faith in the dignity of each human being and propagated a host of democratic principles. Its cardinal points were freedom from fear, want and oppression. It clearly stated that a people should be free to determine the type of government under which they lived (Mandela, 1996:110; Walshe, 1982:272; Barber, 1999:125-126). The War provided Xuma and other ANC leaders with the opportunity to argue that the participation of Africans in the war could be used as leverage to call for equal rights. By demonstrating African loyalty to the state, Xuma believed that the state would reciprocate in kind. He sought to base the African case on the moral principles for which the war was being fought (Gish, 2000:118). Though little was done to change the existing legislative structure, the South African government, nonetheless, gave Xuma some cause for optimism. By 1942, the Smuts administration had indicated its intention to shift away from some of the harsh segregationist policies of the Hertzog government and it began to implement some modest socio-economic reforms (Gish, 2000:118-119; Benson, 1963:100-101; Lodge, 1983:12-14; Rich, 1984:74; Walshe, 1982:263-270).

Despite few achievements, Xuma continued to maintain that the war provided opportunities for the reshaping of South African society. Consequently by mid-1942 he decided that the ANC needed to develop a major response to the war. Xuma presented his strategy at the ANC's December 1942 conference where he established a special committee to study the Atlantic Charter's relevance to South Africa from an African perspective, and to draft a Bill of Rights for South Africa for presentation at the peace conference at the end of the war. The Atlantic Charter Committee met at Bloemfontein

on 13-14 December and a document entitled *Africans' Claims in South Africa* was produced. It represented the most comprehensive statement on African rights ever issued by the ANC (Gish, 2000:121; ANC, 1943).

Africans' Claims in South Africa was divided into two sections. The first section 'The Atlantic Charter and the Africans' examined the Charter's eight points in an attempt to clarify their meaning and applicability in South Africa. The second section comprised a 'Bill of Rights' in which Xuma's earlier themes and those of the *Policy and Platform of the African National Congress* were repeated and elaborated. For Africans, the document was to be a challenge to organise and unite themselves under the mass liberation movement, the ANC, in a struggle that was to go on until freedom, right and justice were won for all races to participate in the political process in South Africa (Walshe, 1982:274-276; Meli, 1989:94-95; Gish, 2000:121; ANC, 1943; Barber, 1999:127-128). *Africans' Claims in South Africa* was published as a pamphlet and was adopted by the Annual Conference of the ANC on 16 December 1945. The document became the basic policy statement upon which later ANC documents were essentially based. While it reflected past ideals, it was also supported by the newly formed pressure group within the ANC: the Congress Youth League (Meli, 1989:95; Walshe, 1982:274).

The production of the document and its support by the younger generation was an indicator that the ANC was determined to incorporate new social forces to help turn the organization into a mass movement in preparation for militant action as a means to an end. As the war favourably progressed towards an end, militant black South Africans, such as the African Democratic Party (ADP), formed in 1943, began to question Xuma's leadership and the ANC's moderate constitutional strategies. However, his greatest challenge came from the younger generation within the ANC who eventually formed the African National Congress Youth League (ANCYL) (Karis and Carter, 1973:110-112; R. Bernstein, 1999:199; Gish, 2000:126-130). Xuma, who had earlier recognised the need for independent initiatives and a militant and strong national organisation, encouraged young Africans to join and participate actively alongside the more established leadership consisting of intellectuals and professionals. In response, a new generation of educated young Africans began joining the ANC from 1941. These included among others, Anton Lembede, Nelson Mandela, A.P. Mda, Jordan Ngubane, Walter Sisulu and Oliver Tambo.

Many of them felt that the ANC had become the preserve of a moderate, privileged African elite more concerned with protecting its own rights than those of the masses. They saw the ANC's approach towards the government as regrettably inadequate and proposed that the organisation joins hands with the African masses and adopt new strategies of non-cooperation (Gish, 2000:130-131; Walshe, 1982:350; Mandela, 1996:111-112; Karis and Carter, 1973:102).

The general consensus among the younger generation was that some action had to be taken to rectify the situation. They, therefore, proposed the formation of a Youth League as a way of rekindling the fire under the leadership of the ANC (Mandela, 1996:112). Rather than forming a breakaway faction, the younger members opted to reform the ANC from within under the auspices of a youth league. This proposal was forwarded to the ANC, and in December 1943, the ANC conference formally endorsed the establishment of the ANCYL. In March 1944, the provisional committee of the ANCYL produced the League's manifesto (Benson, 1963:102-118; ANC, 1944: 1). The formation of the ANCYL took place in April 1944 at a meeting in Johannesburg where Anton Lembede was elected president, Oliver Tambo secretary and Walter Sisulu treasurer. A.P Mda, and Nelson Mandela among others were elected to the Executive Committee (Mandela, 1996:114). African Nationalism was their call and their creed was the creation of one nation out of many racial and ethnic groups, the overthrow of white supremacy and the establishment of a truly democratic form of government. Initially, the ANCYL adopted the philosophy of Africanism, developed by Lembede, which revolved around the concepts of race, pride, self-reliance and 'Africa for the Africans' (Karis and Carter, 1973:103; Meli, 1989:131; Mandela, 1996:114; Gish, 2000:132). While acknowledging the criticisms and shortcomings of the ANC, the ANCYL, nevertheless, pointed out in its *Youth League Manifesto 1944* that "The African National Congress is the symbol and embodiment of the African's will to present a united national front against all forms of oppression" (ANC, 1944: 4). The ANCYL further stated in its *Manifesto* that its formation was an attempt to impart to the ANC a truly national character. It was to be the brains trust and power station of the spirit of African nationalism; the spirit of African self-determination (ANC, 1944:5). The ANCYL also emphasised national unity as a guiding principle in the liberation struggle. To that end,

Africanism was to be promoted, as it was the goal of all struggles (ANC, 1944:6-7; Karis and Carter, 1973:318; Motlhabi, 1987:41; Gish, 2000:132). In short the ANC was to be the vanguard of the liberation struggle.

Following the death of Lumbede in 1947 and the appointment of A.P. Mda as president, the League began placing more emphasis on African Nationalism rather than Africanism, implying a reduced emphasis on racial peculiarities (Walshe, 1982:356-375). With the resumption to power by the Nationalist Party (NP) in 1948, the ideology of African Nationalism took on a different meaning and it became more pronounced and more widely accepted within the ANCYL. The 1948 election and thereafter the imposition of apartheid, was not only a triumph for the NP, but was also to usher in a period of Afrikaner Nationalism. To the Nationalists, South Africa was a white man's country (Mandela, 1996:127-128; Mbeki, 1996:5; O'Meara, 1996:43). As a reaction to the imposition of apartheid, segregationist laws and white supremacy, the ANCYL emphasised African Nationalism as the basis for its political, economic, educational, cultural and social programme in its *ANC Youth League Basic Policy Document 1948* (ANC, 1948: 1). Two streams of African Nationalism prevailed, which appeared to be in disharmony as was outlined in this policy document. One centred round Marcus Garvey's slogan on 'Africa for the Africans' and was based on the 'Quit Africa' slogan. To the ANCYL, this brand of African Nationalism was extreme and ultra-revolutionary and hence it adopted the other more moderate brand, which advocated a multi-cultural and non-racial society (ANC, 1948:5). Initially, the ANCYL, being committed to working from within the ANC, was restrained and influenced by the established ideology of the parent body's non-racial ideas and relative moderation. However, as the NP government began implementing its apartheid programme, the ANC decided to embark on yet more militant programmes (Walshe, 1982:352-353; Mandela, 1996:129-130). The ANC had now formally begun to recognise and accept multi-culturalism and non-racialism was an integral part of its ideology if it hoped to incorporate diverse interests in its struggle against apartheid.

In 1948, the ANCYL presented a Programme of Action to the annual conference of the ANC, indicating clearly rising pressures that centred increasingly on its concept of African Nationalism. This ideological discipline was to be allied with mass support,

boycotts, strikes, civil disobedience and non-cooperation (Walshe, 1982:289; Tambo, 1987:34). In accepting the Programme of Action in 1949, the ANC launched a landmark effort to turn itself into a truly mass organisation and it challenged the cautious and committed leadership of Xuma. The ANCYL leaders emphasised that the time had come for non-violent mass action. Its leaders asserted that the ANC had become docile in the face of oppression and pointed out that ANC leaders must be willing to sacrifice their lives, violate the law and if necessary go to prison for their beliefs. Xuma, though in agreement with the goals of the Programme of Action, adamantly opposed the methods of the programme, claiming that such strategies were fatal, premature and would merely give the government an opportunity to suppress the ANC. He also made it clear to the ANCYL leaders that he was not willing to jeopardise his medical career by going to prison (Benson, 1963:173; Walshe, 1982:291; Mandela, 1996:130-131; Barber, 1999:146; Gish, 2000:159-161). This angered the ANCYL leaders who sponsored Dr. J.S. Moroka as an alternative candidate for the presidency at the annual conference of the ANC in 17 December 1949. Xuma lost to Moroka who became the president of the ANC. Sisulu was elected the new secretary-general and Tambo was elected to the National Executive (Walshe, 1982:290; Mandela, 1994:132; Barber, 1999:146). It was at this conference that the ANCYL's Programme of Action was finally adopted. The ANC called for extra constitutional forms of mass action, which was a radical change as the ANC policy had always been to use constitutional and legal means (Walshe, 1982:288-290; Mandela, 1996:130). To the ANCYL, the very process of attempting mass action would activate latent support for the ANC and provide the opportunity to attract a mass following (Walshe, 1982:291). The ANC, in its *Programme of Action: Statement of Policy Adopted at the ANC Annual Conference 17 December 1949*, stated that the fundamental principles of the Programme of Action were inspired by the desire to achieve national freedom from white domination and to attain political independence (ANC, 1949:1). The Programme of Action accepted the Bill of Rights in Part II of *African's Claims*. Self-determination for Africans was to be achieved under the banner of African Nationalism. This did not imply any moves toward a vindictive black racialism, but meant accommodating minority groups, getting rid of foreign domination and white supremacy (ANC, 1949:1-2; Walshe, 1982:291-294).

By committing itself to become a truly mass organization, the ANC began to set up links with other organizations involved in the liberation struggle. These organizations primarily represented other races oppressed under apartheid policies, reflecting the ANC's desire to broaden its social base and its commitment to non-racialism. The ANCYL leaders were now guiding the ANC to a more radical and revolutionary path, and the ANC, supported by the South African Indian Congress (SAIC) and the African People's Organisation (APO), resolved to stage a National Day of Protest on 26 June 1950 against the government's murder of eighteen Africans who were on strike on 1 May 1950. It was also a protest against the passage of the Suppression of Communism Act. The Day of Protest was the ANC's first attempt to hold a political strike on a national scale, and it was a moderate success. It boosted the ANC's morale, making the organisation realise its strength. Thereafter, there were a series of protest demonstrations that culminated in the Defiance Campaign of 1952 (Stanbridge, 1980:71-72; Walshe, 1982:289-290; Meli, 1989:119; Mandela, 1996:132-136).

3.1.3 The Growth of the ANC as a Mass Movement, 1950 to 1960

The 1950's were a period that saw the ANC grow into a mass movement. This was due to a number of activities aimed at intensifying the liberation struggle. The mass actions adopted a militant approach and involved mobilising the masses on a much higher scale than previously via such activities as the Defiance Campaign and the Congress of the People (which led to the drafting of the Freedom Charter and the establishment of the Congress Alliance).

This period saw a variety of socio-political forces come directly and indirectly under the control and influence of the ANC, making it the dominant movement in the liberation struggle against apartheid and the apartheid state. The assumption of power by the NP in 1948 led to the enactment of several apartheid laws aimed at entrenching racial discrimination. Apart from the Suppression of Communism Act, two laws were also passed in 1950 that formed the cornerstones of apartheid. These were the Population Registration Act and the Group Areas Act. The following year, 1951, the government passed two more laws that directly infringed upon the rights of Coloureds and Africans.

The Separate Representation of Voters' Act, on the one hand, aimed to transfer Coloureds to a separate voters' role in the Cape, thereby diluting the franchise rights that they had enjoyed for more than a century. The Bantu Authorities Act, on the other, abolished the Natives' Representative Council, the one indirect forum of national representation for Africans, and replaced it with a hierarchical system of tribal chiefs appointed by the government. The government's aim was to restore power to traditional chiefs and mainly conservative ethnic leaders in order to perpetuate ethnic differences that were beginning to erode (Walshe, 1982:293; Meli, 1989:120-121; Mandela, 1996:141; De Klerk, 1998:14-15; Gish, 2000:177).

The enactment of the Separate Representation of Voters Act had a significant impact among the Coloured people. They rallied against the Act, organising a tremendous demonstration in Cape Town and a successful strike in March and April 1951 respectively. It was in the context of this spirit of activism by Indians, Coloureds and Africans that Sisulu first broached the idea of a national civil disobedience campaign to a small group of people in the ANC. Sisulu outlined a plan under which, selected volunteers from all groups would deliberately invite imprisonment by defying certain laws (Mandela, 1996:141).

The Defiance Campaign was organised by a joint planning council consisting of ANC and SAIC members. Although this campaign was primarily an ANC campaign, "it was all embracing and involved all the democratic forces within South Africa" (Meli, 1989:120-121). Plans for the Defiance Campaign were approved at the ANC's December 1951 annual conference. The Campaign was directed at all racially discriminatory laws, but its immediate targets were the Suppression of Communism Act, the Group Areas Act, The Separate Representation of Voters Act, the Bantu's Authorities Act, the pass laws and stock limitation laws. The ANC gave the government ultimatums to repeal these laws by 29 February 1952, failure to comply with which would lead to the ANC and SAIC launching a mass campaign of defiance of apartheid laws by way of protest. The object of the campaign was to deliberately violate the laws as an act of protest. Their demands were ignored and the executives of the ANC and SAIC announced that the Defiance Campaign would begin on 26 June 1952. The Campaign was intended to serve notice to the whole country that apartheid would no longer be submissively tolerated (Luthuli,

1962:115; Karis and Carter, 1973:413; Meli, 1989:121; Mandela, 1996:142; Barber, 1999:146; R. Bernstein, 1999:134-135; Gish, 2000:177). In response, the apartheid government introduced special legislation to deal with the defiance. In 1953, it implemented the Public Safety Act, which empowered it to declare martial law and to detain people without trial. The government also introduced the Criminal Law Amendment Act, which authorised corporal punishment for anyone breaking the law "by way of protest" (Meli, 1989:121). The latter Act posed critical decisions for the Defiance Campaign leaders and the ANC and SAIC acknowledged that continuing the defiance in such circumstances would be reckless. Both Congresses decided to call a halt to the Campaign (Resha, 1991:90; R. Bernstein, 1999:136).

The ANC, as an initiator of the Defiance Campaign, managed to achieve the task of political socialization and consequently mobilization, by conscientizing other movements on the need to take up a more active role as a united front in the liberation struggle. The Defiance Campaign represented a new phase in the South African liberation struggle. It established two principles. Firstly, there could be no liberation of the oppressed without sacrifice and readiness to face imprisonment. Secondly, the liberation of the oppressed people in South Africa could only come about as a result of extra-constitutional struggle. The Campaign left behind a new mood of black self-confidence and assertiveness. It also proved to be an effective form of training disciplined volunteers and mobilising the masses in non-violent action. It also transformed the character of the ANC, strengthened the leadership and attracted many new members. As a result of the Campaign, its membership swelled to 100,000 "with many times that number of politically conscious supporters" (Lodge, 1983:43-45; Meli, 1989:121; Mandela, 1996:159; Barber, 1999:146-147; R. Bernstein, 1999:138). The Campaign also stimulated the growth of militancy within other black organisations, such as the South African Coloured People's Organisation (SACPO), successor to the APO, and the SAIC. The Campaign leaders also challenged liberal and democratic white South Africans other than those of the South African Communist Party (SACP) who occasionally collaborated with the ANC, to participate in the struggle to end injustice. This later initiated the emergence of the Congress of Democrats (COD), a white group of ANC-oriented persons committed to ANC policy. Many members of the COD were members of the SACP as well (Gerhart,

1978:106-107; Tambo, 1987:35; Meli, 1989:121-122; Mandela, 1996:159-160 &200; R. Bernstein, 1999:135-138). The Defiance Campaign saw many leaders of the ANC arrested, resulting in a leadership crisis within the organisation. Moroka was arrested and brought to trial with others, and was subsequently replaced by Chief Luthuli at the ANC's annual conference in December 1952.

Luthuli's presidency was characterised by the spread of activity and radicalisation of the organisation. It was during his presidency that the ANC involved the masses in direct struggle, transforming it into a mass-based organisation (Meli, 1989:122-123). During the following year, plans to initiate the Freedom Charter were launched. At the 1953 ANC annual conference, Professor Z.K. Matthews, articulated the idea of a Congress of the People (COP) to bring together representatives of all South Africans to draw up a people's charter of rights, the *Freedom Charter*. Within months, the ANC national conference accepted the proposal and a Council of the COP created. It was agreed that suggestions for a new constitution were to be people-driven and the ANC leaders from all over the country were authorised to seek ideas from the people (ANC, 1953:1; Matthews, 1983; Meli, 1989:123; Mandela, 1996:199; Clingman, 1998:233; Barber, 1999:150). A wide range of organisations were invited to participate in the COP including the NP. However none of the white parliamentary parties responded. Nevertheless, the COP generated great enthusiasm and many civil society organisations gave their support. The COP was the beginning of the Congress Alliance, comprising the ANC, the SAIC, the SACPO, the COD, and the South African Congress of Trade Unions (SACTU). There was overwhelming response to requests for suggestions on the Freedom Charter. The ANC branches also contributed a great deal to the writing of the Charter. The Freedom Charter itself was compiled by Rusty Bernstein and reviewed by the ANC's National Executive (R. Bernstein, 1999: 160-161; ANC, 1954:1; Meli, 1989:124; Resha, 1991:90-91; Mandela, 1996:199-201; Barber, 1999:150).

In June 1955, more than 3000 delegates consisting of all races, though predominantly Africans, assembled for the COP at Kliptown where, the Freedom Charter and was accepted by acclamation. The COP adopted the Charter, and various groups in the Alliance also subsequently adopted it at their annual conferences. The Freedom Charter became the common programme enshrining the hopes and aspirations of all the

progressive people of South Africa (Luthuli, 1962:160; Meli, 1989:124; Resha, 1991:91-93; Clingman, 1998:233-235; Barber, 1999:150). It was a statement of aims and ideals. It did not concern itself with the methods of achieving these aims and ideals. The methods of achieving these aims were spelt out in the *Strategy and Tactics Document of the ANC 1969* as outlined later in the chapter. The Freedom Charter extolled the abolition of racial discrimination and the achievement of equal rights for all. It welcomed all who embraced freedom to participate in the making of a democratic, non-racial and non-sexist South Africa (ANC, 1955:1-5).

From the beginning, the Charter attracted much controversy with regard to its drafting, its interpretation, and its implications for the future. Debates revolved around three main issues: race, the role of communists and revolution (Luthuli, 1962:158-159; Kotze, 1993:1-38; Barber, 1999:151-152; R. Bernstein, 1999:160-161). Despite his doubts about communism, Luthuli was confident that the ANC was not under communist control, and he was not prepared to split the party in this matter (Luthuli, 1962: 156; Barber, 1999:152). To the government, the Charter was a revolutionary document whose aim could only be realised by violence and on 27 September 1955, the police made their largest raid yet searching properties and arresting up to 500 people, followed by restriction and banning orders. Subsequently the government made the Charter a central document in the Treason Trial, which started in 1956. The ANC rejected the claim that the Charter was revolutionary in that it was not an attempt to overthrow the government by violent means. For the whites, it was at best an unreliable wish list, and at worst a call to bloody revolution. For the ANC, the Charter helped to hold members together beneath a great umbrella under which all Africans could find shelter. In summary, the Freedom Charter contained a mixture of aims based on liberalism, egalitarianism, and socialism, leaving it open to a variety of interpretations. (Barber, 1999:152-153).

The Treason Trial, which began in December 1956, brought together people of different races and political beliefs. Their common experiences during the Trial forged a new sense of unity among them in opposition to the apartheid government. However, despite this new sense of unity, the ANC found itself fighting an internal battle in the late 1950s: a challenge, which came from the Africanists (Barber, 1999:154). The rise of the Africanists from the mid-1950s posed the most serious threat to ANC unity in the

organisation's history. The Africanists, like the ANCYL, were militant young men, frustrated by what they thought was a lack of drive and initiative in the ANC leadership. They also claimed that the ANC leaders had failed to represent the true aspirations of the majority of the African people. The internal division was aggravated by the ANC's acceptance of the Freedom Charter. Reflecting on Garveyism, the Africanists objected to the Charter's claim that South Africa belonged to all who lived in it; its undertakings to protect the rights of all national and racial groups; and to the prominent role played by whites in drafting it, particularly the COD. The Africanists claimed that they were returning to the ANC's true principles, namely those of 1912 as revived in the 1940s by Lembede. They saw themselves as the rightful custodians of African Nationalism (Motlhabi, 1987:76-77; Mandela, 1996:267; Barber, 1999: 154-155; Gish, 2000:184).

The Africanists initially hoped to reform the ANC from within, like the ANCYL before them. Unable to do so, they broke away from the ANC, at the organisation's Transvaal provincial conference in November 1958. During the conference, the ANC president, Luthuli not only criticized the government, but also those Africans who were emulating the apartheid government in claiming exclusive control of South Africa and thereby developing a dangerously narrow African Nationalism. Angered by this, the Africanists withdrew and were later followed by sympathisers in the Cape and Natal (Karis and Carter, 1977:310; Mandela, 1996:266-267; Barber, 1999:155). On 6 April 1959, the Africanists founded the Pan Africanist Congress (PAC). Robert Sobukwe was elected President and Potlako Leballo National Secretary, both former members of the ANCYL. The delegates adopted a constitution, a manifesto and an oath of allegiance. Their organisational structure was similar to that of the ANC, with local branches and regional executives answerable to a national executive and an annual conference. However, it did not inherit an administrative structure thereby plunging the PAC, from the outset, into organisational problems, which it never fully resolved. The PAC tended to concentrate on grand causes rather than basic needs issues, thereby contributing to limited popular support (Karis and Carter, 1977:315; Mandela, 1996:266; Barber, 1999:155).

The ANC and the PAC claimed to have the same broad goal of creating a non-racial South Africa. Yet the organisations differed in a number of ways: over the means

to attain that goal, their interpretation of non-racialism, and the form of the state they desired. The PAC opposed the non-racialism enshrined in the Freedom Charter and it favoured more militant action against apartheid. It rejected communism in all its forms and considered whites and Indians 'foreign minority groups' or 'aliens' who had no natural place in South Africa. South Africa was for the Africans and no one else. Sobukwe identified three basic PAC commitments. Firstly, that the movement must involve the African masses. Secondly, that an exclusive African Nationalism must be established to provide equality for Africans and to unite the masses in order to create a nation. Thirdly, that the struggle in South Africa was part of a continental struggle, with the ultimate goal of creating a United States of Africa. The Africanists were a small but vocal group and they managed to win a substantial following among the African intellectuals and students (Karis and Carter, 1977:500-513; Mandela, 1996:268-288, Barber, 1999: 155-157; R. Bernstein, 1999:161; Gish, 2000:184).

The late 1950's saw the PAC and ANC increase their mass protest activities against the apartheid government and its policies. Both organizations organized anti-pass campaigns for 21 and 31 March 1960 respectively. During the PAC's campaign, its leader Sobukwe was arrested and sentenced to three years imprisonment without the option of a fine ((Lodge, 1983:203; Mandela, 1996:279-280; Barber, 1999:164-165). The response to the PAC's call was minimal except at Sharpeville, south of Johannesburg and Langa, outside Cape Town. At Sharpeville, a crowd of about 5000 gathered outside the police station offering themselves for arrest. After a long standoff, the police fired into the crowd killing 69 Africans and wounding 186. In Langa, outside Cape Town, some 30,000 people led by Phillip Kgosane gathered and were provoked into rioting by baton-charging policemen. In the process, three Africans were killed and 50 wounded. The massacres drew international condemnation (Motlhabi, 1987:94-95; Mandela, 1996:280-281; Barber, 1999:165; R. Bernstein, 1999:190-191; Goodman, 1999:151). Though it was not the first time that the apartheid police had killed demonstrators, the Sharpeville massacre stood out because of the scale of the tragedy. It was one of the worst massacres in the history of South Africa. Unlike others, the Sharpeville massacre continues to be remembered because it was seen as part of the struggle that was bringing Africans into

power elsewhere in the continent, and which, predicted Sobukwe, would bring freedom and independence to South Africa (Barber, 1999:165; R. Bernstein, 1999:190).

This was also a time when the political climate in the country was grim and the government was threatening to ban the ANC (Mandela, 1996:279). Earlier, the British Prime Minister Harold Macmillan had visited South Africa, where the government ignored his request to meet ANC leaders. He warned Parliament of 'winds of change' blowing across Africa and Prime Minister Hendrik Verwoerd responded by announcing that an all white referendum would be held in October 1960 calling for South Africa to become a republic and end its symbolic connection with the British Crown. Following the referendum in which the pro-republic sentiment won with 52 percent of the vote, the proclamation of the Republic was set for 31 May 1961 (Mandela, 1996:279; De Klerk, 1998:34-35; Barber, 1999:163; R. Bernstein, 1999:220-221; Goodman, 1999:151-153).

Sobukwe was hailed at the domestic and international level as the saviour of the liberation movement, overshadowing the ANC. The ANC responded immediately in a bid to restore its image as an active national liberation movement by calling for a nation-wide burning of passes and a stay-at-home. On 26 March 1960, in Pretoria, Luthuli publicly burned his pass, calling on others to do the same. He announced a nation-wide stay-at-home for 28 March 1960, a National Day of Mourning and Protest in remembrance of the Sharpeville massacre. In Orlando, Nokwe and Mandela burned their passes before hundreds of people and the press (Motlhabi, 1987:97-98; Mandela, 1996:281-282). On 28 March 1960, Africans responded overwhelmingly by staging a massive stay away. Two days later, a mass march of 30,000 Africans into central Cape Town sent a wave of panic throughout white South Africa. Rioting broke out in many areas. The Nationalist government responded to the crisis with an unprecedented show of force. Verwoerd declared a State of Emergency on 30 March 1960 and ordered an immediate crackdown on all dissidents. In April 1960, the government banned both the ANC and PAC (Meli, 1989:140; Mandela, 1996:282; Gish, 2000:195).

The Sharpeville massacre demonstrations organised by the ANC and PAC were a living testimony of African demands. Though they captured African enthusiasm they often ran into organisational problems. However, the greatest obstacles arose from the government's response, which reflected both its concern and determination. Nevertheless,

the demonstrations had their impact. Only a truly mass organisation could have co-ordinated such activities and the ANC did so (Mandela, 1996:282; Barber, 1999:165).

3.2 The New Tactics and Strategies of the Proscribed ANC: The Armed Struggle, 1960s to 1980s

The banning of the ANC in 1960 did not deter it from its course and role in the liberation and democratisation process in South Africa. Though its proscription greatly hindered its operations inside South Africa, the ANC became a movement in exile from where it was to play a dominant and leading role in influencing and shaping the course of political events in apartheid South Africa. This section examines the ANC's attempts at controlling and influencing diverse social forces through the armed struggle, its re-organization as a movement, and its relationship with civil society, the state, domestic and international capital.

The banning of the ANC forced the movement to go underground and adopt the armed struggle as a new strategy, even though many Africans, including Luthuli, were committed to non-violence. The idea of the armed struggle was initiated by the younger and more radical, militant members of the ANC, many of who were initially associated with the formation of and were members of the ANCYL. Though for many ANC members, the final attempt at peaceful pressure on the apartheid government came as a result of the apartheid's government refusal to accept calls made at the All-In African Conference held at Pietermaritzburg on 25 to 26 March 1961, the debate on the use of violence as a tactic dates back to 1952 when Mandela and Sisulu first discussed this option. Both felt that the organisation needed to be set on a new course and they agreed that Mandela raise the issue of the armed struggle within the Working Committee. This was done at a meeting of the committee in June 1961. A month later Mandela, publicly acknowledged at a press conference that the time had come in the liberation struggle to adopt new tactics. Though criticised by the ANC for his remarks, it was abundantly clear that the ANC was already reconsidering its policy of non-violence. However, the committee initially rejected the proposal with Moses Kotane, the secretary of the SACP, arguing that it was not well thought out. At that time the SACP began organising its own

combat groups as well. Later, Kotane suggested that the proposal be forwarded to the secret ANC National Executive Committee (NEC) meeting due to be held in Durban (ANC, 1961a: 1; Mandela, 1961a: 1-2; 1961b: 1-4; 1996:301-321; Karis and Carter, 1977:635; Barber, 1999:165; R. Bernstein, 1999:221-222)

During the meeting, Mandela argued that the state had given the people no alternative to violence. It was wrong and immoral, he said, to subject the masses to state terrorism without offering them some kind of alternative. He emphasised that violence would erupt with or without the initiative of the ANC and soon this would be beyond their control and argued that it was necessary for the ANC to guide the violence according to the principle where lives were saved by acts of sabotage against symbols of oppression rather than attacks on people. The ANC had to take the initiative or face the consequences of becoming a latecomer and follower to a movement it could not control (Meli, 1989:147; Mandela, 1996:322; Barber, 1999:166). Luthuli initially offered resistance, but he finally agreed to the proposal following persuasion (Mandela, 1996:322). The NEC decided that the ANC would not abandon its non-violent struggle. However it recognised that many of its members were willing to explore the possibilities of armed struggle. Luthuli and others suggested that this new resolution be treated as not emanating from the ANC, since they did not want to jeopardise the legality of the organisation's unbanned allies. His opinion was that a military movement should be a separate and independent organisation. It should be linked to the ANC and under the overall control of the ANC, but fundamentally autonomous. There would be two separate forms of struggle. The joint Executive of the Congress Alliance, despite some initial resistance, also authorised the formation of a new military organisation separate from the ANC. Mandela was given the task of forming such an independent organisation, but was to keep the National Executive Committee informed of developments (Mandela, 1996:322-324; R. Bernstein, 1999:225; Shubin, 1999:18).

The new organisation formed in November 1961 was named *Umkhonto we Sizwe* (The Spear of the Nation) or MK for short. MK was formed as a special organisation formally separate from the ANC, but in practice subordinate to its political leadership. This meant that the apartheid government could not accuse the members of the ANC as a whole of direct involvement in the armed struggle. Unlike the ANC, it opened its ranks to

non-Africans. The initial members, drawn from the ANC and SACP, included Mandela, Walter Sisulu and Joe Slovo, who together were all appointed to the National High Command. Mandela became the chairman of the National High Command. Others included Raymond Mhlaba, Govan Mbeki, Wilton Mkwayi, Jack Hodgson, Arthur Goldreich and Michael Harmel among others. Rusty Bernstein was involved in part, in the preparation of MK's Manifesto (Mandela, 1996:322-335&433; Bernstein, 1999:230-231; Shubin, 1999:18). The structure of MK mirrored that of the parent organisation. The National High Command was at the top. Below it were the Regional Commands in each of the provinces, and below that there were local commands and cells. Regional Commands were set up around the country. The High Command determined general targets and was in charge of training and finance. Within the framework laid down by the High Command, the Regional Commands had authority to select local targets to be attacked (Meli, 1989:147; Mandela, 1996:336-337).

The MK considered four types of violent activities: sabotage, guerrilla warfare, terrorism and open revolution. Sabotage was the best option since this form of violence inflicted the least harm on individuals. This type of activity did not involve much loss of life nor would it create civil war. It also had the advantage of requiring the least manpower. The strategy was to engage in acts of sabotage on carefully selected military installations, power plants, telephone lines and transportation links with the aim of hampering the military effectiveness of the state, as well as frightening NP supporters, scaring away foreign investors and consequently weakening the economy. This, it was hoped, would bring the government to the bargaining table (ANC, 1969b: 4-5; Lodge, 1983:234; Ellis and Sechaba, 1992:33; Mandela, 1996:336).

MK carried out its first acts of organised sabotage against South African government institutions on 16 December 1961 (ANC, 1961b: 1; Meli, 1989:145; Mandela, 1996:338-339). The acts which marked the beginning of organised, armed struggle, took the government by surprise and shocked the white South African community into the realisation that the political situation in the country was potentially explosive. Black South Africans too, realised that the ANC was no longer an organization of passive resistance, but a powerful movement that could propel the struggle to the heart of the apartheid regime. The government responded with a swift and violent counter-

offensive aimed at cracking down on MK members (Meli, 1989:147; Mandela, 1996:339-340). Between September 1961 and June 1963, at least 193 cases of MK sabotage came before the courts. At the same time, Mandela as the MK leader was rapidly gaining national and international reputation for his articulate defence of the liberation struggle (Mandela, 1996:316; Barber, 1999:167). In December 1961, the ANC received an invitation from the Pan-African Freedom Movement for East, Central and Southern Africa (PAFMECSA) to attend its conference to be held in Addis Ababa, Ethiopia on February 1962. PAFMECSA, which later became the Organisation of African Unity (OAU), aimed to draw together the independent states and to promote the liberation movements on the continent. The conference provided an opportunity for the ANC to establish important links and for MK a chance to enlist support, funding and training for its members. Mandela was chosen by the underground Executive to lead the ANC delegation. His mission also included visiting other African countries to establish political and economic support for MK and more importantly military training for MK members. In January 1962, Mandela secretly left South Africa to attend the conference, after which he visited Algerian liberation forces outside Algeria. Finally, he went to Europe (Mandela, 1996:342-359; Barber, 1999:167-168; Shubin, 1999:30-31). Later, the ANC acknowledged its links with MK at its consultative conference held at Lobatse, then Bechuanaland (Botswana) in October 1962. The Lobatse conference was convened with the aim of assessing and reviewing the organisation and the situation in South Africa (Meli, 1989:150-154; Barber, 1999:166; Shubin, 1999:50).

Throughout 1962 and the first half of 1963, MK continued the armed struggle it had initiated, planning, recruiting, sending recruits abroad for training and continuing acts of sabotage. The MK High Command usually operated from Lilliesleaf Farm at Rivonia near Johannesburg (Meli, 1989:154; Mandela, 1996:332-335; R. Bernstein, 1999:227-228&248-249). However, on 11 July 1963, the police raided this farm and arrested most of the MK High Command, including Sisulu, Govan Mbeki, Ahmed Kathrada, Mhlaba, Bernstein, Arthur Goldreich and Bob Hepple. They seized documents outlining MK's plans, which were later used in court against the Rivonia trialists and others that were not present. Mandela had been arrested at a police roadblock earlier on 5 August 1962. He was serving a total of five years in prison for inciting people to strike and leaving the

country without a passport. The most incriminating document seized at Lilliesleaf Farm was that of Operation *Mayibuye*, a plan for guerrilla warfare in South Africa (ANC, 1963:1-6; Meli, 1989:154; Mandela, 1996:374-395; Barber, 1999:169; R. Bernstein, 1999:255; Shubin, 1999:55). Dennis Goldberg was also arrested. In one fell swoop, the police had captured almost the entire High Command of MK striking a devastating blow to MK and the ANC. All were detained under the new Ninety-Day Detention Law (Mandela, 1996:415; Mbeki, 1996:31; R. Bernstein, 1999:255-256). MK was, however, not the only organisation involved in the armed struggle at the time. Others included, Poqo, the PAC's armed wing, later renamed The Azanian People's Army or APLA, and much earlier the Armed Resistance Movement (ARM), a quasi-military faction formed by young militants from the ranks of the Liberal Party (Barber, 1999:166-168; R. Bernstein, 1999:233; Shubin, 1999:61).

The Rivonia Trial began on 9 October 1963 at the Pretoria Supreme Court. Sisulu, Govan Mbeki, Kathrada, Mhlaba, Bernstein, Dennis Goldberg, Elias Motsoaledi, Andrew Mlangeni, and Mandela (brought from Robben Island) appeared in court on charges of 193 acts of sabotage. These acts of sabotage were allegedly carried out by persons recruited by the accused in their capacities as members of the High Command of MK (Meli, 1989:154-155; H. Bernstein, 1989:122). The state summoned 173 prosecution witnesses. After a long and tedious procedure in which the prosecution presented its case, the defence case opened on 20 April 1964 with Mandela making a statement from the dock, rather than cross-examination (H. Bernstein, 1989: 144-183). In his statement, Mandela argued that his actions, both as an individual and leader of the African people, were not as a result of external influences, but as a result of his calm and sober assessment of the political situation and experience in South Africa and his pride as an African, hence the formation of MK (Mandela, 1996:432-433). Mandela went on to point out and explain the differences among the ANC, MK and the SACP. He also pointed out that part of the struggle of the ANC was to create a society in which the wide socio-economic inequalities between Africans and whites would be reduced (Mandela, 1964).

Defence witnesses who followed also refused to implicate those who had not been arrested (H. Bernstein, 1989: 198-207). The Rivonia defendants were political people. They set a new standard that would be followed by others in political trials in apartheid

South Africa's future, and as a result, in many subsequent political trials many of the accused refused to testify, thus facing months of imprisonment. All the accused spoke up in defence of their actions; of the movement and of the aspirations of their people. On 12 June 1964, Judge Quartus de Wet passed the sentence of life imprisonment on all the defendants except Bernstein who was acquitted. All except Goldberg, who was imprisoned in Pretoria, were secretly flown to Robben Island (Meli, 1989:155-158).

Despite the imprisonment of almost the entire leadership of MK, its activities resumed in the late 1960s. This time, however, the campaign was stepped up from sabotage to guerrilla warfare. The Wankie military campaign of 1967-1968 was the first attempt by ANC guerrillas to 'hit the enemy' at a time when the armed struggle was being adopted by liberation movements throughout Southern Africa (Meli, 1989:161-162; Mbeki, 1996:32). As a result of these developments, coupled with the desire to co-operate and co-ordinate their efforts in the armed struggle, the ANC forged an alliance with the Zimbabwe African People's Union (ZAPU) in 1967. South Africa was heavily supporting the Ian Smith government and this provided a justification for armed co-operation between the two liberation movements, which were also ideologically close. The decision to operate jointly was approved by the ANC NEC in June 1967. According to Chris Hani, late MK Chief of Staff, the "whole concept of the Wankie Campaign was to build bridges, a Ho Chi Minh trail to South Africa..." (Hani, 1986:1; Meli, 1989:162; Mbeki, 1996:32; Shubin, 1999:77). The plan for the execution of this operation had been proposed in April 1967. After consultations and lengthy debates, an order was issued to the effect that MK units were to cross the Zambezi River toward South Africa. The joint ANC-ZAPU unit was dispatched across the Zambezi River between July 30 and 3 August 1967 (Hani, 1986:1; Meli, 1989:162; Mbeki, 1996:32; Shubin, 1999:77-78). A second detachment was dispatched in December 1967, and two further detachments in February and July 1968. A total of four groups attempted to infiltrate into South Africa, without success. There were also attempts, at the same time, to reach South Africa through FRELIMO units in Mozambique, as well as by boat from East Africa. All these campaigns failed (Mbeki, 1996:32). The Wankie operation was described by the ANC as the beginning of the armed struggle through guerrilla warfare. Prior to that, in the period 1961-1963, actions by MK were purely sabotage operations. Though ZAPU leaders

wanted the ANC to continue joint operations, Tambo refused, fearing that further commitment of the already weakened capacity of MK might lead to its destruction. Wankie was a costly operation. The ANC, however, considered it a worthwhile experience, since it produced the first generation of battle-tested MK combatants who were to play important roles in the subsequent years. Hani later identified the main reason for the failure of these early military campaigns as lack of adequate logistical preparation (Hani, 1986:2-3; Mbeki, 1999:33; Shubin, 1999:78-80).

Following the Wankie campaign, MK activities in South Africa resumed in the mid-1970s. These actions helped consolidate what was later referred to in the ANC struggle as the phase of "armed propaganda". Its primary objective was to announce the resumption of an intensified armed struggle. Initially the South African authorities dismissed such armed actions as insignificant failures, but by late 1977, they were warning the public to be cautious of these armed activities. For Pretoria, the ANC had now become the main enemy (ANC, 1975; Shubin, 1999:176-177). By 1977, the second phase of the armed struggle had begun, which produced a number of young persons who were not only a source of inspiration to others, but also glorified the activities of MK. Thereafter, there was an increase in successful MK armed activities in the country, which gained the ANC popularity among the local populace (Meli, 1989:190; Mbeki, 1996:39-40; Shubin, 1999:203).

Despite these successes, the ANC still faced problems when it came to nurturing its underground structures, which had already been weakened and even destroyed in some regions. MK infiltration's also occurred without co-ordination and linkage with internal organized political structures. The absence of political mobilization also posed two questions for the movement, which assumed greater urgency in the post Soweto period. Firstly, whether armed action by small units operating far from home could ever stir up a full-scale political onslaught against the state. Secondly, whether the military activities were sustainable without an organized political presence inside the country. In order to boost the morale of the combatants, keep the movement going, and maintain the armed struggle inside the country, the movement chose hit-and-run missions (Mbeki, 1996:40-41). The hit-and-run missions continued for some time, but at a certain stage, the movement realized that it had to advance beyond such tactics. Some of its leaders were

becoming increasingly frustrated, arguing that it was not going forward fast enough to secure a permanent presence in the country. Consequently the NEC organized a trip to Vietnam, in 1978, to study that country's struggle against US imperialism. The visit, as pointed out later in the chapter, was significant in that it was to provide an opportunity for the ANC to reassess its strategies in the changing South Africa of the late 1970s (Mbeki, 1996:41).

3.2.1 The Re-Organization and Resurgence of the ANC as an External and Internal Movement, 1960 to 1985

Following the banning of the ANC, the imprisonment of its leadership and that of MK, the underground machinery of the movement was almost completely destroyed. Its leaders were jailed, exiled, banned or placed under some form of restriction. Most of its structures were discovered and uprooted. Consequently, the ANC External Mission took over the running of the organisation as a whole. It fell to the External Mission to revitalise the ANC and take the struggle forward (Meli, 1989:160; Rantete, 1998:3-4).

The ANC's External Mission, initially responsible for fund-raising, diplomacy and establishing a military training programme, was set up by the Deputy-President of the ANC, Oliver Tambo, in 1960. Shortly before the State of Emergency was declared in 1960, Tambo together with a core group of senior officials left South Africa on 28 March, on instructions of the ANC NEC, to establish an External Mission and co-ordinate diplomatic and military support for the movement. The ANC suspecting a clamp-down on its leaders and subsequent banning, decided that certain members needed to leave the country to strengthen the organisation abroad in anticipation of its banning. The first missions were opened in London, Accra, Cairo, and Dar-es-Salaam. By 1980, the ANC had offices and representatives in 32 countries. The external missions worked to win support for the overthrow of apartheid by promoting the cause of the ANC and urging international economic pressure against the South African government. The missions also provided assistance to South African exiles. The External Mission faced the difficult tasks of creating an organisation in exile and trying to revitalise the underground ANC inside South Africa. It began to engage in vital international solidarity work and to

take over the onerous task of training people, infiltrating trained cadres, weapons and ammunition, and resuscitating underground units (Meli, 1989:160-161; Mandela, 1996:289&521; Mbeki, 1996:32; Rantete, 1998:3-4; ANC, 2001:1).

In 1965, a consultative meeting of the NEC was held in Dar es Salaam, Tanzania to assess the Rivonia Trial and the damage it had caused the ANC's internal underground organisation. Participants in the meeting were drawn from the senior ranks of MK, the Coloured People's Congress, SAIC, SACP and SACTU. The purpose of the meeting was to review the political situation in South Africa, set new tasks and improve the ANC organisational set up for vigorously and effectively pursuing the objectives of the armed struggle, particularly the movement of MK units to the home front. The decisions reached at this meeting, presented as recommendations to the NEC, were to provide the basis for a steady recovery of the ANC's initiative. In November 1966, another meeting was held at the same place with participants drawn from the same organizations. The main item on the agenda this time was the role and status of the non-ANC members in the ANC's External Mission especially in its tasks of mass mobilisation in South Africa, preparations for the armed struggle and the building up international solidarity to advance its cause (Meli, 1989:160-161).

At the same time in 1967, the ANC formed its own organisation on Robben Island Prison. Known officially as the High Organ, it consisted of the most senior ANC leaders on the island, the men who had been members of the NEC. These were Mandela, Sisulu, Govan Mbeki and Mhlaba. Mandela served as the head of the High Organ (Mandela, 1996:525). From its inception, its members decided that the High Organ would not try to influence ANC external policy. The members realised that they had no reliable way evaluating the situation in the country, due to their confinement, and concluded that it would be neither fair nor wise for them to offer guidance on matters about which they were uninformed. The High Organ was therefore initially concerned with the welfare of political prisoners on the island. It operated a cell system, with each cell consisting of three members. In the first few years, it also acted as a representative committee for all the political prisoners in its section. By 1969, it was able to meet virtually whenever it wanted. Its meetings were not generally broken up, unless they were too conspicuous. The High Organ also took on the new responsibilities of organizing and conducting

academic and political studies on the Island. Links between the High Organ and the ANC in exile, usually through smuggled letters, were however maintained and from time to time the exiled movement would seek the advice of the High Organ on matters pertaining to the movement and the struggle (Mandela, 1996: 556-557).

The ANC's future was the central question that confronted the ANC in the post-Wankie period. The Wankie operation forced the ANC to reconsider its strategy, not only in terms of theory, but also with regard to practical changes in its organisational cadre work. It was not until 25 April to 1 May 1969 at the Morogoro Conference in Tanzania that the ANC finally put the pieces together and mapped out the way forward (Mbeki, 1996:33; Shubin, 1999:84-85). The decision to convene the ANC conference was taken by the NEC at its meeting on 14 February 1969. This consultative conference had a special character in that it was larger in size, attracted wider participation and it also involved large-scale pre-conference discussions at all levels and centres of the ANC. It was the first national consultative conference of the ANC. Over seventy delegates attended it from various centres, representing ANC branches, units of MK, leaders of the Indian and Coloured peoples and "the revolutionary working class movement" (ANC, 1969a: 1; Shubin, 1996:88). The main objective of the conference was to map and chart new strategies of victory in a democratic process. The ANC therefore decided to involve all its members at all levels and from all its centres in pre-conference discussions which took the form of professional and technical papers, objective analyses, discussions and critiques of the ANC. Proposals aimed at removing shortcomings and ensuring improvements were formulated, which provided a solid basis for future operations. The central issue discussed and partly solved was the problem of locating, for its armed units, a route back to South Africa and the means of communication between external centres and the home front (Meli, 1989:163-164; Mbeki, 1996:33).

Several decisions were made at this conference. Mechanisms were created to deal professionally and effectively with internal reorganisation and propaganda, plans were made for the commencement of sustained armed operations and the injection back into South Africa of trained personnel to form the core of the armed force. These mechanisms were also meant to correct the imbalance between the work of the movement in exile and internally. They also aimed at correcting the priorities of the movement and to justify and

rationalise its existence in exile with respect to the needs of the situation back home. Another major decision taken at this Conference was that non-African political activists and cadres be integrated into the ANC External Mission, to reflect a policy of non-racialism and offer the only real alternative to the policy of white supremacy. The decision also had a moral value in that it bound together, on equal grounds, people with a common cause and suffering, irrespective of race and nationality. Non-Africans, however, could only become members in exile structures and not members of the highest body the NEC (Meli, 1989:164-167; Ellis and Sechaba, 1992: 55; Mbeki, 1996:34; Shubin, 1999:93). The Committee was reduced to nine members as part of the reorganisation. As part of the reorganisation also, the position of MK Commander was abolished and Joe Modise became Chief of Operations. He was later appointed to the NEC. The post of Commander was however restored almost 15 years later (Shubin, 1999: 91-92). The outcome of the discussions on the nature and character of the movement were published and adopted by the ANC in a document entitled *Strategies and Tactics of the ANC 1969*. This document became the guiding programme of the ANC in its struggle for political power. The programme was based on the belief that the struggle in South Africa was between the colonised majority, who were predominantly African and the colonisers, the white minority who dominated through the instruments of the colonial state. Apartheid was a colonialism of a special type, since the coloniser and the colonised shared the same geographical boundaries. The only solution, therefore, lay in the total destruction of the apartheid state. The document described the main political forces participating in the struggle and outlined the social and political changes to be made in post-apartheid South Africa (ANC, 1969b: 12; Mbeki, 1996: 33; Shubin, 1999:89).

The Morogoro Conference was perhaps the most critical moment in the history of the proscribed ANC. The success of this conference was to a large extent due to the wisdom and flexibility of the most influential and respected ANC leaders who managed to handle efficiently and effectively a leadership crisis that threatened to split the movement. The crisis threatened to split the movement between the leadership and the rank and file, mainly the MK fighters. However, Oliver Tambo diffused this crisis, when he selflessly surrendered all powers to the delegates. He was, however reconfirmed as Acting President General. The conference also signalled the intention to work decisively

and covertly in South Africa. Due to increasingly total isolation of the external structures coupled with the prevailing internal repression, many more years were required to put this intention into practice. Though the ANC thereafter claimed in conference statements that the period of restoration and reconstruction was over, in reality the work had just begun (Shubin, 1999:91-93).

The escalation of the ANC's activities after the Soweto uprising also made it necessary for it to undertake major structural re-organization. Oliver Tambo, who had been Acting President-General of the organization since the Morogoro Conference, was finally confirmed President at the July 1977 NEC meeting (Shubin, 1999:184). This NEC meeting also discussed the prospects for the armed struggle inside South Africa. It was concerned that the Military Command was moving ahead of the political organization at home and that the MK soldiers repeatedly acted on their own initiative (ANC, 1977). The following NEC meeting in January 1978 at Lusaka, primarily devoted itself to reviewing comprehensively, every aspect and department of the movement. The meeting confirmed the traditional structures of the top positions, namely President, Secretary General and Treasurer General. An important position, that of Political Secretary in the President's Office and Head of the Political Commission was allocated to Thabo Mbeki. This new structure had considerable responsibilities including studies of the overall political situation at the domestic and international level, recommending new political initiatives and training political cadres (Shubin, 1999: 185). New structures, such as the Regional Political Committees (RPC), subordinate to the Secretary General, were created. Apart from the conferences, the RPCs were the highest political organs of the movement in those countries where ANC members resided. They had the task of ensuring that all members of the organization were integrated in functioning branches and that members were actively involved in the work of the movement. The election of the RPCs was a step towards democracy, which was difficult to maintain in an organization operating under conditions of exile and semi-legality. The growing spirit of the ANC's non-racialism was demonstrated in the election of Eli Weinberg to the post of RPC Chairman in Tanzania (Shubin, 1999: 185). The ANC was unique among many liberation movements in that it managed to preserve its unity over more than three decades in exile. The defection and later expulsion of the Gang of Eight in October 1975, who included among others,

Tennyson Makiwane, was the sole exception, and even in their case the ANC leaders made every effort to keep them within the organization (Ellis and Sechaba, 1992: 64; Shubin, 1999:187).

As part of its strategic re-organization and in particular that of the armed struggle, the ANC NEC in 1978, organized a trip to Vietnam to study that country's struggle against US imperialism. In October 1978, a delegation led by Tambo arrived in Vietnam. Two weeks later, the delegation returned to present its report to a joint meeting of the NEC and the RC in Luanda at the end of 1978. To assess the relevance of the Vietnamese experience to the struggle in South Africa, the Politico-Military Strategic Commission, chaired by Tambo, was requested to make recommendations on future strategies. Its report was based on wide-ranging consultations within the movement. These included the Coloured and Indian people, the leadership of Robben Island, SACTU, the London Research Unit, SACP, and the women and youth sections of the movement (Mbeki, 1996:42). The report of the Politico-Military Strategic Commission, submitted to the NEC in March 1979, was summarized in a document known as the *Green Book*. It was in essence a codification and accretion of the collective experience of the liberation movement in South Africa. It was important in that it restated the movement's priorities, which were drawn from broad-based consultations. Among other issues, it pointed to the formation of a broad-based mass organization and also stated the precise conditions under which a negotiated settlement might prove acceptable to the ANC (ANC, 1979; Mbeki, 1996:43).

From 1979, the ANC leadership decided collectively, to integrate the armed struggle with mass political organizations in South Africa. The movement had by now realized that military campaigns alone would not produce the desired and lasting results. The armed struggle was a necessary pre-condition for networking various political revolutionary bases. Political mobilization came to be seen as the main thrust of the struggle in order to bring about a broad-based and nation-wide unity in the struggle. Most importantly, the Commission saw the ANC as the guiding light in this programme of mass mobilization. The Commission identified medium and long-term priorities. In the short term the Commission argued that it was not necessary to create a single, formal and publicly defined structure. It acknowledged that in the medium and long term, the

changing balance of forces would eventually lead to the creation of a formal, structured popular front in which the ANC would play the leading role (Mbeki, 1996:44).

Unlike the 1970s, when there was an absence of organized structures and the ANC was relatively weak inside South Africa, the 1980s saw the ANC prepare fertile ground in which the ideology and campaigns of broad-based mass political organizations could take place. The revolt of the 1980s was therefore much more politically focused than that of the 1970s (Mbeki, 1996:69). It was during the turbulent 1980s that the ANC held its second and its final National Consultative Conference outside South Africa. The 1985 Kabwe Conference in Zambia, was much larger than its predecessor at Morogoro in 1969. It was attended by 250 delegates from inside South Africa and others representing the twenty-one missions abroad. The Consultative Conference was preceded by regional conferences, which discussed major problems facing the ANC and delegates to the national conference (Barber, 1996:247; Shubin, 1999:278-279).

The conference strengthened the feeling of unity since it took place during the renewed struggle in South Africa. Oliver Tambo, Alfred Nzo and Thomas Nkobi were returned unopposed to their positions of President, Secretary-General and Treasurer respectively. Almost all members of the old NEC were re-elected. The conference decided to enlarge and open membership of the ANC NEC to South Africans of any race, reflecting the form of society the movement sought. The new NEC also had the right to co-opt five more members and later, this provision was used to co-opt Ronnie Kasrils. The opening of the NEC membership to all races resulted in almost the entire Politburo of the SACP entering the NEC (Ellis and Sechaba, 1992:150-151; Barber, 1999:248). The leaders declared that they would not seek a settlement with the apartheid government, other than to negotiate a transfer of power when the white regime was defeated. Consequently, the conference decided to put greater emphasis on mass mobilization to promote an internal uprising so as to make the country ungovernable and apartheid unworkable. The ANC was now calling upon the masses not to leave the country as in the immediate post-Soweto period, but rather to remain in the country and intensify the struggle (ANC, 1985; Kane-Berman, 1993:41; Mbeki, 1996:69; Barber, 1999:247-248). The conference agreed that the MK should intensify its activities inside South Africa to cover both 'soft' and 'hard' targets. 'Soft' targets included civilians such

as prominent government supporters, anti-union officials, and border farmers among others (See Appendix 9 for the ANC and MK structures, camps and commanders from 1985-1994). Other decisions made at Kabwe included the need for the ANC to work more closely with trade unions in South Africa such as COSATU (Barber, 1999:248; Shubin, 1999:280-281). The conference also decided that future ANC Conferences and NEC elections be convened and held every five years (Shubin, 1999:281).

3.2.2 The ANC and its Relationship with Civil Society, 1969 to 1990

The late 1960s and early 1970s witnessed a revival of militant political activity, particularly among the youth. It started with the formation of the University Christian Movement (UCM) by students in 1969. This was the beginning of what was later to become the Black Consciousness Movement (BCM). Black Consciousness was not a centralized movement and ironically was in part nurtured by apartheid in that it gained much of its support in the universities established exclusively for African students. African student organizations of the early 1960s were a manifestation of the political divisions and ideological loyalties of the time. The rising political awareness and consciousness among African youth in the late 1960's and early 1970s led to the emergence of several youth, workers' and journalists' organizations such as the South African Students Organisation (SASO), with Steve Biko as president, and the South African Students Movement (SASM). Others included the Black People's Convention (BPC), which had a wider social base than SASO. These were not covert organizations and although they challenged the government, they recognized that they had to do so by constitutional means. They stressed their commitment to non-violence as a means of achieving a free society based on universal suffrage (Meli, 1989:174; Barber, 1999:192). As an ideology, Black Consciousness fell within the broad Africanist stream. The concept of Black Consciousness was concerned with the condition of the black person in South Africa. According to Biko, blacks were subjected to two forces. Firstly, they were oppressed by the state through its institutions and laws. Secondly, blacks had become alienated from themselves because they associated superiority with whites and inferiority with blacks. Black Consciousness opposed both these forces. The aim of Black

Consciousness was, therefore, to infuse a new pride, to counter the image of blacks as appendages to white society (Biko, 1978: 48-53; Barber, 1999:194).

With the ANC and other political organizations banned and their leaders and activists imprisoned, exiled or banished, the protest against the apartheid regime found expression in the BCM. The approach of the ANC to SASO and other structures of the BCM was one of constructive criticism and engagement. The ANC came to accept that the BCM had become a force to be reckoned with, as it was the only legitimate organization allowed to operate inside the country. As a result, some kind of working relationship had to be established with its members. Until that point, relations between the ANC and the BCM existed only at the clandestine individual level and some BCM members began debating ways in which they could progress beyond their non-violent position since they realized that non-violent means alone would not liberate the country. At the 1972 General Students Council, a section of the BCM, argued that the council should leave, en masse, for military training if it was serious about liberating the country. Though the conference did not take a position on this, many students, nonetheless, left the country to "follow the political logic of the armed struggle" (Mbeki, 1996:35-36; Mandela, 1996: 578; Shubin, 1999:128). The setting up of an official ANC presence in Botswana in 1973 facilitated the establishment of links between the ANC and the BCM and the first contacts were made early in the same year. Increasing number of BCM activists in exile in Botswana wanted, unconditionally, military training from the ANC. However the ANC refused to accept non-members of its movement for military training. Initial contacts between the two movements were frustrated because the BCM representative in Botswana was not primarily interested in forming closer ties (Mbeki, 1996:36; Shubin, 1999:128). The BCM was part of the broader liberation movement in the struggle against apartheid in South Africa and as such, by 1976, the ANC felt that it was time for it to meet the movement's leader, Biko. The ANC was of the opinion that Biko and his colleagues in the BCM believed in four issues with regard to the liberation struggle. Firstly, that the ANC was the leader of the revolution in South Africa. Secondly that the BPC should concentrate on mass mobilization. Thirdly that the BPC should function within the context of the broad strategy of the liberation movement. Finally, that

a meeting between the leadership of the BPC and the ANC was necessary (Meli, 1989:182).

Though BCM leaders advocated non-violence, the government suppressed it as soon as it called for the formation of a broad political movement, forbidding its meetings and serving banning orders on its officials. Despite this, BCM protests, clashes and confrontation continued as the government adopted harsher measures. The government gave the movement no respite, banning, detaining and imprisoning its leaders, and charging them with endangering the maintenance of law and order and conspiring to transform the state by unconstitutional, revolutionary and violent means (Barber, 1999:195-196; Shubin, 1999:128). Biko, already under a ban, was detained without trial in 1976 for 101 days under Section 6 of the Terrorism Act. He was arrested again on 18 August 1977 under the same legislation and died on 12 September 1977, having been treated with extreme cruelty by his captors. An official investigation followed in which no one was found responsible for his death. Though the BCM was suppressed, the ideology of Black consciousness was not killed as it had already taken root and flourished among black youth (Meli, 1989:182; Barber, 1999:196).

The revolutionary fervour of the early 1970s in South Africa exploded in the uprising by students in Soweto, Johannesburg in 1976. It was triggered by the instruction from the Minister of Bantu Education that half of the subjects in schools at Standard 5 and 6 level be taught in Afrikaans. During the first half of 1976, there was mounting tension in the junior schools of Soweto. Students boycotted Afrikaans-medium lessons and refused to write their examinations in Afrikaans. Afrikaans was considered to be the language of the oppressor and oppression (Meli, 1989:186; Barber, 1999:211). SASM played a central role in the whole conflict deciding on 13 June 1976 to hold a mass demonstration against the imposition of Afrikaans. It formed an action committee consisting of two delegates from each school in Soweto, which became the Soweto Students Representative Council (SSRC) (Meli, 1989:186).

On 16 June 1976, the students in Soweto began their protest march and when they reached Orlando Junior Secondary School, they met and clashed with the police who opened fire, killing a thirteen-year old student, Hector Peterson, among many others. Rioting followed, sweeping across Soweto, with several deaths reported (Meli, 1989:186;

Ellis and Sechaba, 1992:81; Barber, 1999:211-212). Though the ANC underground structures were not responsible for the Soweto uprising, the ANC called on the youth to join MK and advised against actions involving a large number of activists, but enjoined the new recruits to strike at the enemy in small groups (Shubin, 1999: 169). Thereafter thousands of young people left the country to join the ANC, through Swaziland and Mozambique (Meli, 1989:186; Ellis and Sechaba, 1992:84). The government reacted by imposing bans on organizations and individuals opposed to apartheid, a tactic that only served to drive people into covert organizations bent on continuing the struggle. The government also renamed the Bantu Educational Department calling it the Department of Education and Training, just as the Department of Native Affairs had been renamed the Department of Bantu Affairs and later the Department of Plural Affairs (Mbeki, 1996:27-28). The Soweto uprising came as a surprise to the government. Though the imposition of Afrikaans was the immediate cause of the uprising, for many Africans, it was an outburst against the injustices and oppression of apartheid. The government accused agitators of responsibility, with Prime Minister John Vorster emphasizing that the uprising was a deliberate attempt on the part of certain organizations and people to bring about polarization between whites and blacks. To him, such disturbances would continue as they were instigated by communists (Mbeki, 1996:28; Barber, 1999:212).

By 1978, the uprising was over, but the tide had turned against the government. It forced the government into reforms that caused deep divisions among whites and changed the political mood by weakening white confidence and giving hope to African nationalists. It also ushered in a period of sustained and brutal conflict (Barber, 1999:214). Brutal conflict, however, did not crush the spirit of resistance among the students. The militant youth, who represented a new radical element in African society, dismissed leaders of organizations such as the ANC as too submissive. In 1979, they formed the Congress of South African Students (COSAS) and the Azanian Students Organisation (AZASO), which continued the struggle at school and university level. COSAS was the first youth movement in the post-Soweto period to align openly with the ANC. It was primarily concerned with maintaining the momentum of the student-led resistance of 1976-1977. However, it largely comprised of ex-students until 1982 and during this period it served more as a general youth organization, in close collaboration

with the ANC in exile, rather than being a student-based organization (Meli, 1989:187; Mandela, 1996:575-576; Seekings, 1993:31-32; Mbeki, 1996:28, Barber, 1999:213).

The Soweto uprising radically changed the political situation in South Africa. Conditions had now become favourable for re-launching and sustaining the armed struggle. For exiled political organizations, the crisis provided new material with which to work and new hope (Ellis and Sechaba, 1992:84; Seekings, 1993: 29; Shubin, 1999:171). The problem that now presented itself to the exiled political organizations was how to establish contacts with the student insurgents due to pervasive political repression. There was also the need to recruit such students into existing organizations so as to prevent them from channeling their energies into new bodies and thereby splitting the nationalist or revolutionary movement. The ANC was well organized and had a coherent strategy. It had set up MK offices in countries neighbouring South Africa and within a short time following the riots, MK offices in Botswana, Lesotho and Swaziland had begun establishing contacts with student activists, urging them to leave the country and join the ANC in exile (Ellis and Sechaba, 1992:84, Seekings, 1993:34). By the end of July 1976, the ANC leadership was facing enormous logistical problems with regard to transporting, accommodating and training recruits. Vigorous efforts were made to place them either in MK or in training institutions in Africa or overseas. The ANC was gravely concerned about the newly recruited and inexperienced cadres, as it regarded them as insufficiently disciplined. This problem was, however, partially solved when in 1977 the government of Tanzania granted to the ANC 600 acres at Morogoro to set up a school. The school was opened in 1979 and was named Solomon Mahlangu Freedom College (SOMAFCO). SOMAFCO became an important centre in the ANC's exile network. Later a vocational centre was set up in nearby Dakawa. Other than logistical problems, the ANC also needed to provide psychological and organizational sanctuary if it was to become a permanent home for the new recruits. This was catered for through political education. The Soweto exodus both stimulated and severely taxed the ANC. During the mid-1970s newly released political prisoners from Robben Island, such as Andrew Masondo, also played an important part in strengthening internal and external ANC structures (Shubin, 1999:172-174).

The 1980's were turbulent times in South Africa. This period saw the emergence of several anti-apartheid broad-based mass political organizations such as the United Democratic Front (UDF). Other organizations that emerged during this period and were involved in the liberation struggle include the Congress of South African Trade Unions (COSATU) among others. Essentially, the UDF was formed following a call for a united front against the apartheid government's new constitutional proposals that were enacted in 1983. When PW Botha assumed the office of Prime Minister in 1978, he declared his commitment to efficiency and reforms (Geldenhuys, 1981:3; Grundy, 1986: 11; Gutteridge, 1995:35-41; Barber, 1999:219-225). He was particularly committed to ensuring the survival of the white state and it was in this spirit that he approached reform. The Botha regime began introducing, gradually, the new constitution, whose new recommendations came before parliament in 1979. A committee, chaired by Alywn Schlebusch, the Minister of the Interior, proposed that the Senate be abolished and replaced by a President's Council of 60 members drawn from the white, Coloured and Indian communities, but with a white majority. Later, the Minister of Co-operation and Development, Piet Koornhof, introduced a package of three bills comprising the Orderly Movement and Settlement of Black Persons Bill, the Black Community Bill and the Black Local Authorities Bill. The latter two Bills later became the Black Local Authorities Act No. 102 of 1982 and the Black Communities Development Act No. 4 of 1984. The Orderly Movement and Settlement of Black Persons Bill, proposed new measures to control and regulate the presence of Africans in urban areas. The Black Communities Development Act provided for, among others, the purposeful development of black communities outside the national states (RSA, 1984: 3). The Black Local Authorities Act made provision for among others, the establishment of local committees, village councils and town councils for Black persons in certain areas (RSA, 1982: 3). It gave the government a range of new powers and responsibilities, while Coloureds and Indians were given limited powers in the tricameral parliament. This in effect co-opted most of them into the regime and the Nationalists, under the guise of reforms, introduced legislation aimed at plugging the holes in apartheid. The tricameral proposals gave an unexpected boost from Pretoria to resistance, culminating in the formation of the UDF (Mbeki, 1996: 56-57; Barber, 1999: 231-232; Shubin, 1999: 250).

The idea of a united front was mooted at an anti-South African Indian Council conference, convened at Johannesburg in January 1983 by the Transvaal Indian Congress (TIC). In his address, Reverend Allan Boesak, President of the World Alliance of Reformed Churches, called for an alliance against the President's Council. He stressed that there was no basis for co-operation with the apartheid government under the new constitutional proposals since they were based on ethnicity and as such, participating in such institutions was unacceptable. The conference endorsed this call and a steering committee was appointed to initiate the front and to consolidate the campaign against the President's Council and the constitutional proposals. Six months later, UDF committees had been formed in the main urban areas and preparations were under way for a national launch (Meli, 1989:192-193; Mbeki, 1996:57-58).

The UDF was formally launched on 20 August 1983, a date considered necessary to pre-empt parliament's debate on the constitutional proposals due to resume on 30 August 1983. Cape Town was chosen in a bid to reduce the divisions within the Coloured and black communities. About 12,000 people representing more than 600 organizations were present at the rally. Archie Gumede, an ANC veteran was elected President, and Mandela named as Patron (Ellis and Sechaba, 1992:142-144, Mandela, 1996:618; Mbeki, 1996:58, Barber, 1999:238; Shubin, 1999:250). Demanding full recognition of fundamental human rights and declaring as its aims, the unity of opponents of apartheid without regard for race, the UDF opposed the forthcoming elections and condemned British and United States (US) imperialism. It also declared its support for solidarity with the workers and attacked the migratory labour system (Lodge and Nasson, 1991:51; Barber, 1999:238).

In December 1983, the UDF held its first conference at Port Elizabeth, where it proceeded to plan strategies for future political mobilization. One of the programmes agreed upon was the 'Million Signatures Campaign' against the election of Coloureds and Indians. The success of the campaign, launched in January 1984, was limited as it fell short of collecting the required number of signatures. However, its tangible results were among others, the revival of the TIC and the Natal Indian Congress (NIC). The TIC and NIC organized communities against participating in the elections and the success of the UDF campaign was evident in the poor turnout for the elections. Within the African

community, campaigns against urban council elections resulted, in most cases, in the absence of candidates for election. In other cases, candidates nominated themselves to the councils, and where there were candidates, the poll was often below 20 per cent. The election boycott dealt a severe blow to the Nationalist government, which had counted on the support of Coloureds, Indians and black local authorities to legitimize the elections and the new apartheid institutions (Lodge and Nasson, 1991:61; Friedman, 1995:538; Mbeki, 1996:59-61). During the course of its struggle against apartheid, the UDF occasionally adopted the ANC tactic of calling workers to stay away from work. The government's response was to summon security forces to active duty in the townships in the hope of intimidating the masses and containing the situation. By the middle of 1985, the state had banned several organizations from holding meetings and declared a state of emergency (Mbeki, 1996:60-63).

The UDF meant different things to different people. To the apartheid government, it was an ANC front. Even among its leaders and activists, there were conflicting views as to the real nature of the relationship between the UDF and the ANC. Though from the very beginning many ANC veterans and underground members took part in its formation and activities, the UDF was not a front organization for the ANC. It had a life of its own and independent decision-making structures based on a constitution. It is best seen as a response to the ANC's call for a united front against apartheid. Its leaders did not necessarily receive direct instructions from the ANC (Shubin, 2002). Its symbiotic relationship with the ANC is best explained by the ANC's 1978/79 Strategic Review, which advocated mass mobilization and the creation of the broadest possible national front for liberation. The ANC concluded that all forms of opposition to apartheid should be recognized and mobilized into a united force with a common purpose (ANC, 1979; Mbeki, 1996:54; Shubin, 1999:250).

The UDF, however, suffered from difficulties related to organization, communication, finance and regional differences. Yet, despite these difficulties, it became a major political force between 1983 and 1990, in its highly visible role in the struggle against apartheid. Its membership was estimated at over two million people drawn from diverse groups, making it difficult for the apartheid government to clamp down on it. However, in the course of time, the government was to charge some of its

leading figures with treason on the grounds that they had conspired with the ANC and SACP to bring down the government (Ellis and Sechaba, 1992: 142-143; Friedman, 1995:539; Mbeki, 1996:52; Barber, 1999:238-239).

The 1980s also witnessed the emergence of COSATU, which became an ally of the UDF. COSATU emerged due to a number of reasons. Despite little encouragement from the apartheid government, trade union activity among Africans had increased steadily since the early 1970s. Unions were stepping up their campaigns for recognition and companies were losing production and profits in an effort to avoid union demands. Consequently, a few leading employers began calling for some accommodation. International pressure on both the state and employers was also growing. It was in this context that the government appointed Professor Nic Wiehahn to head an investigation into the country's labour laws in 1977. Very few emerging unions expected anything meaningful to come from the Wiehahn Commission. The Commission released its first report on 1 May 1979. It recognized the right of black workers to form and belong to trade unions, which no South African government had thus far agreed recognize. The report noted that the unions were growing and that by leaving them outside the system they would escape control. There was need to capture black trade unions to control their political activities (Baskin, 1999: 24-24). The Commission also realized the need to harmonise the dualistic nature of industrial relations between African labour, and employers, into a unitary system of collective bargaining (Southall, 1995: 62).

Following the implementation of the Wiehahan Commission recommendations, union activities increased and the resurgent trade union movement began its long march towards unity. The union unity talks took place between 1981 and 1985. Differences of interests, of political ideology, of personality and organizational techniques had to be overcome before COSATU could be born. Though informal discussions began as early as 1979 among a few emerging unions, unity talks began seriously during August 1981, when over 100 representatives from 29 unions met at Langa, Cape Town. This meeting convened by the General Workers Union (GWU), was attended by all the major emerging unions including the Cape-based Food and Canning Workers Union (FCWU/AFCWU), the newly-formed South African Allied Workers Union (SAAWU) and the affiliates of both the Federation of South African Trade Unions (FOSATU) and the Council of

Unions of South Africa (CUSA) (Baskin, 1991: 34). The purpose of the Langa summit was to develop a united response to the newly introduced labour laws derived from the Wiehahn Report. The emerging unions were conscious that these laws aimed to divide and control them while at the same time extending rights previously denied to black unions. The summit agreed, among others, to establish regional solidarity committees to coordinate solidarity action on a regular basis (Baskin, 1991: 35). The unity talks, however, broke down when unions belonging to the Federation of South African Trade Unions decided to register in order to take advantage of the legal space created by the Wiehahn dispensations. Three years later, unity had not been achieved and black trade unions were facing a number of predicaments regarding their role in the liberation struggle. Later in 1985, a decisive step was taken in tackling the predicament and achieving unity with the formation of COSATU (Adler and Webster, 1994: 5-6; COSATU, 1995:1-4; Mbeki, 1996:55-56; Barber, 1999:242). Although the Langa summit ended with nothing more than the promise of future co-operation through the solidarity committees, it succeeded in placing unity on the agenda, and it was undoubtedly the beginning of the long process culminating in the launch of COSATU (Baskin, 1991: 35)

COSATU immediately became the largest federation of unions in South Africa. It absorbed groups, which were mainly, but not exclusively black, such as the National Union of Miners (NUM), GWU, SAAWU, the Commercial, Catering and Allied Workers' Union (CCAWUSA), Paper Wood and Allied Workers' Union (PWAU) and FOSATU among others (Baskin, 1991: 55; Southall, 1995: 284-285). In all, it embraced unions with about 500,000 members, the largest being the National Union of Mineworkers (NUM) with 100,000. Some unions such as CUSA were not absorbed. Though CUSA stood for black worker control, industrial unionism and a loose federation, it was viewed by many other unions as not preaching the unity message with vigour. As such all not of its affiliates were expected to join a new federation. CUSA's leadership combined the apolitical, even the pro-IFP, with an influential number of people inclined toward Black consciousness (Baskin, 1991: 43). As Baskin adds:

But there was a deeper political problem. The new federation would inevitably adopt political positions, and this required a relatively unified perspective. This had to take account of the political and organizational dominance of the non-racial ANC/UDF tradition. Black consciousness and

to a lesser extent, Africanist views were common within ... Cusa ranks, and they could not accept the dominance of the non-racial tradition (Baskin, 1991: 48-49).

COSATU openly advocated political action. In his opening address to the initial congress, Cyril Ramaphosa, the General Secretary of NUM and convener of the COSATU congress, stated that the workers' struggle could not be separated from the wider struggle for liberty. He called for unity among workers and for COSATU to give firm political direction to the workers. At the congress, Elijah Barayi was elected COSATU President. The congress agreed upon a set of principles and resolutions, which included non-racialism, one union for each industry and worker control of the organization. These resolutions were concerned with current political and security issues revolving around the call for the lifting of the state of emergency, the removal of troops from the townships, and the release of all political detainees. The congress also called for international action including sanctions and disinvestments and rejected Bantustans and a federal constitution for a future South Africa. COSATU committed itself to advancing the struggles of workers both in the workplace and in the community. 1987 saw the highest number of strikes ever, including a strike by over 300,000 mineworkers (Alder and Webster, 1994:6; COSATU, 1995: 1-4; Mbeki, 1996:56; Barber, 1999:242; ANC, 2000a: 5). In 1989, the Mass Democratic Movement (MDM) emerged following the banning of the UDF and curtailment of COSATU's political activity by the government. An MDM leader explained that the new movement was designed to unite the masses and the working classes in the struggle for liberation. In August the same year, the MDM issued a statement saying that it considered all restricted organizations to be unbanned, and announced a countrywide defiance campaign against apartheid institutions (Mandela, 1996:655; Barber, 1999:265). Unlike the 1970s where there was the absence of organized structures and the ANC was relatively weak inside South Africa, the 1980s saw the ANC prepare fertile ground in which the ideology and campaigns of broad-based mass political organizations could take their place. The revolt of the 1980s was therefore, much more politically focused than that of the 1970s (Mbeki, 1996:69).

3.2.3 The ANC, the State, Private Sector, and the International Community, 1986 to 1990

In the mid 1980s, Mandela initiated private and secret talks with the apartheid government on the need to begin peaceful negotiations between the ANC and the government. Emphasizing that he was acting as an individual and not on behalf of the ANC, Mandela pointed out the need to begin such talks in order to achieve a peaceful transition in South Africa. During the talks, which lasted up to the late 1980s, not only did Mandela meet and hold talks with senior government officials such as cabinet ministers, but also met and held talks with Presidents Botha and Frederick de Klerk in 1985 and 1989 respectively, to whom he conveyed his personal views and those of the ANC on a future non-racial and non-sexist South Africa. Mandela also met and held brief talks with prominent international personalities on the same subject matter during this period (Sparks, 1994:39; Mandela, 1996: 619-665; Barber, 1999:251-271; Shubin, 1999; 297&351).

As Mandela was engaged in talks about talks with the apartheid government, the ANC was also initiating similar contacts with the regime. Following the signing of the Nkomati Accord between the governments of Mozambique and South Africa on 16 March 1984, the apartheid regime apparently felt that the ANC had become isolated and weak and therefore could be pressed into talks on the regime's terms. The Nkomati Accord was a non-aggression and good neighbourliness pact that obliged both sides to stop aiding each other's enemies and to set up a joint security commission to monitor the agreement. Part of Article 3 of the Accord stated that the contracting parties would not allow their territories, territorial waters or air spaces to be used as bases, thoroughfares, or in any other ways by other states, governments, foreign military forces, organizations or individuals to commit acts of violence or aggression against the territorial integrity or sovereignty of the other or threaten the security of its inhabitants (Jaster, 1992:28-30; Jaster et al, 1992 162-163). In short, Mozambique was meant to stop providing sanctuary for the ANC, and South Africa would reciprocate by withdrawing its support for the Mozambique National Resistance Movement (RENAMO) and its military attacks in Mozambique. The ANC retained its official mission in Mozambique while South Africa

continued to back RENAMO (Clough, 1992:121; Chan 1990:50; Hall and Young, 1997:192-194; Shubin, 1999:248-264; Mwangi, 2002:124).

The first open hint of the regime's position was a statement from the South African Ambassador to Paris, Robert du Plooy, in May 1984. It stated that, given the rapidly changing political situation in Southern Africa, anything was possible including rapprochement with the ANC. However, the preconditions for such a meeting were the immediate suspension of the armed struggle, the recognition of the sovereignty of the South African government, and that the ANC should break its links with the Soviet Union. The ANC leadership publicly rejected these preconditions, but it had to account to its members and supporters for why it was now engaging in talks about talks with the apartheid regime. In the same month, Tambo acknowledged that there were attempts to bring the ANC into discussions with the apartheid government and that both sides were under pressure to agree. He promised ANC members and supporters that no such action would be taken without consulting them. Two months later, in Gaborone, Tambo said that the question of talks was being discussed, declaring that the ANC would be ready to meet P.W. Botha only after it was sure that there would be serious dialogue aimed at bringing an end to apartheid. The precondition for such a meeting was the release of Mandela and other political prisoners and their participation in the talks. The ANC leadership was, however, skeptical that the apartheid government was ready for serious talks (Shubin, 1999:267-268).

There were mixed reactions from the regime to the very first mention of talks about talks. Prominent businessmen were openly calling for conditional talks with the ANC. By the mid-1980s, it was clear to South Africa's friends and foes that no solution to the crisis in the country could be found that excluded the ANC. Several mediators, among them US Congressmen, were increasingly urging the ANC to accept Pretoria's preconditions for talks. The most important preconditions included the ANC's severance of links with the SACP and the Soviet Union. The first serious sign of concern was seen on 13 September 1985, when a delegation of South African businessmen led by Gavin Relly, Chairman of the Anglo-American Corporation, met the ANC leadership in Zambia at a meeting hosted by President Kenneth Kaunda. The businessmen were concerned about the upsurge of the popular struggle and the evident inability of the apartheid regime

to solve the crisis. Prior to this meeting, emissaries had been sent twice to Lusaka, but the ANC leadership had initially delayed the meeting. However, following, P.W. Botha's "crossing the Rubicon" speech, which dashed hopes for any meaningful changes and reforms from the NP, the ANC realized that the time was now ripe to go ahead (Shubin, 1999:270-272 & 295-296; Davenport and Saunders, 2000: 506). Botha's famous "Rubicon" speech had received advance publicity as heralding a major policy change. Though expected to announce radical policy changes with regard to apartheid, Botha, during this speech, chose to defend the Afrikaners' position on apartheid (Davenport and Saunders, 2000: 511; Harvey, 2001: 93). The ANC agreed to the businessmen's meeting on condition that it should not be secret. The movement wanted to avoid speculation about the possible contacts with the regime (Shubin, 1999:295-296).

At the meeting, the business delegation raised the issue of the ANC's relationship with the Soviet Union. The businessmen were also concerned about MK, which was targeting monopoly companies that had disputes with their workers. They agreed in principle that there was the need to abolish apartheid and create a united democratic South Africa. Later, during a visit to Moscow in October 1985, Thabo Mbeki's assessment was that South African business had drifted away from the NP leadership, but it was worried about the future as conceived in the Freedom Charter. South Africa business leaders hoped to transform the ANC into a moderate force and draw in other groups to achieve a moderate solution, thereby transferring power from the NP to moderate politicians and not to the ANC, at least initially. On 21 September 1985, the Alliance for a National Convention held its inaugural conference. It was hoped that the Alliance would unite all those who were against apartheid and revolution. A delegation of the Progressive Federal Party (PFP) led by Frederick van Zyl Slabbert, visited Lusaka to try and sell the idea of the Alliance to the ANC. However, the ANC refused to support it for two reasons. Firstly, one of the Alliance participants was to be Mangosuthu Buthelezi, leader of the IFP, whom the ANC considered a collaborator with the apartheid regime. Secondly, the Alliance would be in direct competition with the UDF, which was already successfully uniting democratic forces (Shubin, 1999:296).

South Africa also came under extensive discussion at the Commonwealth Summit held in the Bahamas in October 1985. Margaret Thatcher, the British Prime Minister,

held out against the imposition of sanctions against Pretoria. A compromise was reached with the creation of the Eminent Persons Group (EPG), whose aim was to mediate between the government and the liberation movement. The ANC leadership was unhappy with this decision as they saw it as a deliberate attempt on the part of Britain to abdicate and sideline its responsibility of trying to find a political settlement in South Africa. The ANC leadership was also worried that the EPG would become a permanent body like the Western "contact group" on Namibia, which would sideline the UN and OAU when it came to South African issues (Shubin, 1999:297). The first concrete proposals for a political settlement in South Africa were put forward by the EPG. Their brand of shuttle diplomacy failed when the SADF attacked ANC targets in Gaborone, Harare and Lusaka on 19 May 1986 (Shubin, 1999:301). With the exception of the British representatives, the EPG was prepared to adopt a plan to impose sanctions against South Africa in a manner calculated to make it very difficult for the country to reject demands for the effective dismantling of apartheid (Davenport and Saunders, 2000: 536-537).

With pressure mounting for a political settlement in 1987, the ANC leaders began receiving questions from the membership with regard to its policy on current and future negotiations. The ANC reaffirmed that it was ready and willing to enter into genuine negotiations provided that they were aimed at the transformation of the country into a united and non-racial democracy. This and only this would be the objective of any negotiating process (ANC, 1990:10 Shubin, 1999:321). Leaders like Thabo Mbeki, who had all along been involved in international contacts, emphasized the need for early preparation for the talks, since the ANC NEC members felt that a number of questions had to be considered before the talks, for example, who would participate in and preside over such talks, and would there be a Constitutional Assembly? (Shubin, 1999:321-322). In May 1987, there was a serious step in bridge-building with the white community, particularly the Afrikaner community, at a meeting held in Dakar with academics and intellectuals from South Africa. It was organized by the ANC. After this meeting, the idea of a meeting between MK and the South African military establishment was also raised. It finally occurred only in 1990 in Lusaka, though the ANC had since 1987, been receiving messages from influential people in the South African military establishment

claiming that an agreement would have to be reached by 1990 or the country would be destroyed (Shubin, 1999: 325).

The beginning of talks about talks was of grave concern to the ANC. Some of its leaders such as, Joe Nhlanhla, the ANC Head of Intelligence and Security, and Chris Hani were seriously concerned that the process lacked proper guidance and direction. An important step in preparing for a political settlement was made by the ANC in 1988, when it published Constitutional Guidelines for a Democratic South Africa. By that time, many organizations in South Africa had acknowledged the ANC's role in the liberation struggle and were trying to contact its headquarters in Lusaka, looking for guidance (Shubin, 1999:326-350). With regard to the government, President De Klerk honoured his commitment to reforms and changes. On 2 February 1990, in his first address as State President De Klerk, announced the lifting of bans on the ANC, PAC, the SACP and thirty-one other illegal organizations. He also announced the unconditional release of all political prisoners incarcerated for non-violent activities; the suspension of capital punishment; and the lifting of various restrictions imposed by the State of Emergency. De Klerk also declared the start of negotiations for a new political dispensation to embrace everybody. Though he received international commendation for his bold actions, the ANC objected to the fact that he had not completely lifted the State of Emergency or ordered troops out of the townships (Mandela, 1996:666; Mbeki, 1996:108; Barber, 1999:273). On 11 February 1990, Mandela was released, unconditionally from prison after more than 27 years (Mandela, 1993:18; 1996:667-668).

Conclusion

Party dominance is partly a product of the historical remnant of liberation movements that papered over social diversities as a means of achieving national independence. In the late 1940s, the ANC embarked on a programme aimed at controlling diverse social forces in a bid to end white minority rule and create a non-racial and non-sexist democracy. This was a difficult task that required mass political mobilization and the need to control such diverse forces that cut across class, ethnic, racial and professional lines, in a society already deeply divided.

Prior to 1940, the ANC was relatively inactive, since its membership, was small, elitist and largely composed of professional thus lacking mass support. It also lacked adequate financial resources and so lacked the capacity to initiate and effect any meaningful change, let alone mass mobilization. However with the rapid changes emerging in South Africa as a result of the Second World War, the ANC decided to strengthen its institutional capacity in order to control and influence new emerging social forces. The ANC began developing its leadership, doctrines, programmes and financial and human resources, and societal linkages to make it more effective as an agent of mass mobilization and socialization.

It was during the 1940s and 1950s that the ANC began incorporating new social forces into the liberation struggle. The ANC became more militant by mobilizing the masses on a much larger scale than previously, via such activities as the Defiance Campaign and the Congress of the People. This period represented a new phase in the liberation struggle, since the oppressed majority were willing to sacrifice their freedom and lives, and furthermore they realized that meaningful change would only come as a result of extra-constitutional means. The ANC's membership grew in numbers. Its activities influenced other social forces by stimulating the growth of militancy within other black organizations. It was also during this period that the ANC adopted the policy of non-racialism and began incorporating all races into the liberation struggle. Consequently by the time it was banned in 1960, the ANC was already a mass movement.

The banning of the ANC forced it to go underground and into exile. However, this did not deter its commitment to end white minority rule. Nor did it deter its desire to broaden its social base and its commitment to non-racialism. By adopting the armed struggle as a new tactic, the ANC further incorporated new social forces into the liberation struggle. Initially, these were the intelligentsia, the unemployed youth and workers in the urban areas, but were later they were joined by students and school leavers in the post-Soweto period. The ANC also began including and involving school and youth groups into the struggle, as well as the trade union movements. It also began to acknowledge the presence of other civil society organizations in South Africa, such as the BCM, and was later to call for a united front, which saw the emergence of the UDF, a

front comprising several civil society organizations representing diverse social interests in the 1980s. This period also witnessed the emergence of COSATU as an ally of the ANC and UDF, intensifying trade and labour union involvement in the struggle. In exile, the ANC also managed to incorporate international non-governmental organizations, such as the anti-apartheid movements that brought to world attention the plight of the oppressed in South Africa.

It was by controlling diverse social interests or forces along ethnic, racial, class and professional lines that the ANC mobilized the domestic and international communities in the fight against apartheid in South Africa. The ANC also managed to mobilize these diverse social forces for electoral purposes, on a platform of non-racialism, leading to its assumption of political power in 1994 as a majority party. Dominant movements are founded and based upon broad or diverse social interests and not on narrow sectional interests.

CHAPTER FOUR

THE KENYA AFRICAN NATIONAL UNION AND THE CONSOLIDATION OF PARTY DOMINANCE IN KENYA

4.0 Introduction

Kenya's post-1990 multiparty polity has been classified as a dominant party system (Freedom House, 1999:1). The ruling party KANU meets the criteria of what is referred to as a dominant party under a multiparty system. A one-party dominant system is in effect a competitive party system. The party system need not be undemocratic if the dominant party is democratic or pursues strategies aimed at enhancing democratization, or if the polity under which such a system operates well developed democratic and democracy-promoting institutions. However, in countries where the dominant party is authoritarian and political institutions are weak, such a system is undemocratic. This is the case in Kenya. Though the restoration of multi-partyism is a significant step toward democratization and democracy in the country, KANU has, in the post-1990 period, achieved its dominance largely by undemocratic means. The party exhibits electoral, chronological, bargaining and governmental dominance. This chapter examines KANU's strategies aimed at achieving party dominance in the post-1990 period.

The chapter is divided into two sections. The first section is a general historical account of the period from 1990 to 1992. It looks at the main domestic and international factors that led to the restoration of multi-partyism and at the ruling party's attempts at forestalling such changes. The second section examines KANU's tactics and strategies aimed at establishing and consolidating party dominance in the post-1992 multiparty period. This section pays particular attention to the ruling party's strategies of establishing dominance in the party and political system by attempting to control both state and civil society by way of parliamentary, bargaining, and governmental dominance.

4.1 The Restoration of Multi-Partyism in Kenya, 1990 to 1992

4.1.1 The Internal Context of Pressure for Multi-Partyism

Kenya was initially a multi-party state in the early 1960s. However, in 1969 the country was transformed into a *de facto* one-party state. In 1982, the country became a *de jure* one-party state with KANU as the sole legal political party following the introduction of Section 2A of the Constitution. The restoration of multi-partyism in 1991 was as a result of several domestic and international factors. These ranged from rising domestic political pressure due to KANU's authoritarian and repressive tendencies to external pressures emanating from global political trends and donor conditionalities. The ruling party was, therefore, forced, under prescribed terms to re-introduce multi-partyism in the country.

The introduction of political and economic reforms, *Glasnost* and *Perestroika* by Mikhael Gorbachev in the former Soviet Union in 1985-1986, had a significant impact on global political trends, particularly in the developing countries. Not only did these reforms lead to the "collapse" of the Soviet Union, but also lead to the introduction and implementation of political and economic liberalization measures in East and Central Europe and thereafter Africa, leading to the demise of authoritarian party systems. Kenya was not spared from sweeping reforms and by early 1990 the multiparty debate had been re-introduced in the country. The debate was set off by individuals and institutions of civil society. In January 1990, the Reverend Timothy Njoya of the Presbyterian Church of East Africa (PCEA), triggered off the multiparty debate by saying that one-party structures had completely failed to be democratic in East and Central European countries. Several senior politicians in the KANU regime responded immediately by attacking Njoya (Maina, W. et al, 1990:8; Finance, 15 Sept. 1992:12; Macharia and Maina, K., 1992:4). In mid-February 1990, President Moi contributed to the debate by saying that "things happening in Eastern Europe had no relevance to Kenya whatsoever" (Maina, W. et al, 1990:8).

Government criticism and intimidation did not, however, deter or stifle the multi-party debate. Martin Shikuku, a former MP for Butere constituency, joined the debate and

called for the repeal of Section 2A, the dissolution of Parliament and the holding of free and fair elections. Shortly afterwards outspoken Anglican Bishop, Henry Okullu of the Church Province of Kenya (CPK), made similar calls adding that the presidential tenure should be limited to two terms. Okullu who said that "let us accept change or change will change us" received a scathing response from the regime with KANU politicians accusing him of serving foreign masters and interests. Prominent human rights lawyers and members of the Law Society of Kenya (LSK), Kiraitu Murungi, Gitobu Imanyara and Rumba Kinuthia backed Okullu, calling for the re-introduction of multipartyism and the dissolution of Parliament (Maina, W. et al, 1990: 8; Klopp, 2000:16).

The entry of two former Cabinet Ministers, Kenneth S. Matiba and Charles W. Rubia, into the debate stepped up the multi-party campaign significantly. At a press conference on 3 May 1990, Matiba and Rubia called for the re-introduction of multi-party politics, the dissolution of Parliament and the holding of free and fair elections, arguing that the one-party system had outlived its usefulness in Kenya (Bratton and van de Walle, 1992:35). In their press statement, Matiba and Rubia said that:

... we believe that the time is ripe for change ... and positively advocate for (sic) a multi-party system ... our single party system is the major single contributory factor and almost solely the root cause of the political, economic and social woes we now face...the single party system must go now and not tomorrow ... (Matiba and Rubia, 1990a: 55).

In keeping with KANU's style since independence, Matiba and Rubia were dismissed as ethnic chauvinists and puppets of foreign masters. Responding to these accusations, the two former Ministers reiterated their call for the re-introduction of multi-party politics at a press conference held on 15th May, insisting that the one-party system was not conducive to democratic practices since those in power easily manipulated it. They also emphasized that "if that system has gone in most of the countries of the world, Kenya leaders had better accept the inevitable changes which are bound to come." At a later press conference on 13 June 1990, Matiba re-iterated his call (Matiba, 1990:100-103; Matiba and Rubia, 1990b: 70). Their appeals were, however, ignored prompting them to organize countrywide mass rallies to air their views and allow Kenyans also to express their views on the subject, since the government had ruled out the possibility of a national referendum or convention. In compliance with the laws of Kenya, the two

former ministers officially applied for a license to hold their first public meeting on 7 July 1990, at the historic Kamkunji grounds in Nairobi, placing the government in a dilemma. In as much as it wanted to crack down on multi-party proponents, the government was at the same time not willing to appear before its critics as curtailing freedom of expression. Nevertheless, it denied the two a license, President Moi stating at a rally, that the two would not be granted the license as *wananchi* (the public) had already declared their stand. Moi was referring to public meetings in key centres of the country where he had solicited public support for the one-party system. In effect, Moi's remarks pre-empted the issue of any license. The government declared the meeting illegal and warned Kenyans against attending it (Matiba and Rubia, 1990c: 104; Maina W. and Mburu, 1990:13).

Both Matiba and Rubia came under heavy criticism from the KANU leadership and government officials, who called for the detention of the two former ministers. They were dubbed as traitors who needed to be detained for their own safety. On 4th July 1990, three days before the planned meeting, both Matiba and Rubia were arrested and placed in detention. They were accused of participating in subversive activities aimed at undermining and overthrowing the government; organizing an illegal meeting; and of failing to respect the Head of State. Matiba's detention order concluded, "because of these anti-Government activities and in the interests of preservation of public security your detention has become necessary." He and others were detained under the Preservation of Public Security Act (Finance, 16-31 May, 1990:50; The Standard, 21 March, 1990:1; Maina, W. and Mburu, 1990: 20). Several other multi-party advocates were thereafter also arrested and detained, heightening the tense political situation in the country.

On 7 July 1990, thousands of Kenyans turned up at Kamkunji grounds for the public meeting. The meeting became popularly known as *Saba Saba*, the Kiswahili direct translation of seven seven signifying the seventh day of the seventh month of the year. The government deployed its security forces in and around the grounds, setting the stage for confrontation between the public and the government. Consequently, clashes, riots and demonstrations occurred against the government and the one-party system and in favour of multi-party politics. These mass protests spread to many parts of Nairobi, outlying districts and other parts of the country, prompting the government to contain the

situation. By the time the protests were over, several people had been killed and hundreds of others injured. The official figure put those killed at twenty, but unofficial figures put the number of the dead at more than five times the official figure (Maina, W., et al, 1990:11; Bratton and van de Walle, 1992:34; Macharia and Maina, K., 1992:xxiv).

The multiparty debate and the government's repressive response to it further heightened political pressure and tension in the mid-1990s. Consequently the ruling party formed the KANU Review Committee in June 1991 to ease the mounting political tension. The Committee made up of presidential appointees and headed by Vice-President George Saitoti became widely known as the Saitoti Review Committee. Its aims and objectives were to review the party's nomination, electoral and disciplinary procedures. Specific issues included the queue-voting system that required voters to line up behind contestants for parliamentary seats instead of a secret ballot vote and the 70 percent vote rule providing that any candidate who received more than 70 percent of the votes cast in the queue-voting nomination exercise was automatically elected to the National Assembly (Maina, W. and Mburu, 1990:18; Maina, W., et al, 1990:15).

Though the Committee was primarily meant to shift the political focus from political pluralism to KANU and to pre-empt the ruling party's promised national convention, Moi claimed that its purpose was to allow Kenyans to participate in the country's political welfare. The Committee injected new life into the debate, by providing a government-sponsored forum for *wananchi's* grievances without any substantial threat to the government itself. However, from its very first session on 25 July, the Committee faced a barrage of criticisms with regard to the ruling party's policies (Maina, W., et al., 1990:9; Maina, W. and Mburu, 1990:18; Bratton and van de Walle, 1992:36). Several individuals and civil society groups, who presented oral and written submissions, criticized the Committee and called for the repeal of Section 2A of the Constitution and the re-introduction of multi-partyism in the country. Religious groups, such as the Catholic Justice and Peace Commission, pointed out that the Committee was partisan and therefore inadequate and unrepresentative of the Kenyan society (Okoth, 1990:19). Members of the LSK also presented their views and comments on the Committee and the multi-party debate. Lawyers, Gibson K. Kuria and Murungi, in exile following a government crackdown on multi-party proponents, had this to say about the Committee:

It is sad that the KANU Government has chosen the Committee to be the instrument for obstructing the great clamour for the restoration of multiparty democracy in Kenya ... KANU has drawn the Rules of the Review Committee, it is the only player in this political game, it is the goalkeeper, the linesman, the referee, and the spectator ... the basic aim of the Committee is to hoodwink both Kenyans and the aid giving agencies and Governments of the West that Kenya is slowly and methodologically involved in a process of democratization, while in fact retaining KANU's one party dictatorship intact ... (Kuria and Murungi, 1990:25-26).

Former Vice President Oginga Odinga's sentiments were similar to those of many who presented their oral and written submissions. He argued that the formation of the Saitoti Review Committee would not bring about positive and desired changes in the party and electoral process, since it was constituted of the same people who had made and approved the very same draconian rules it was seeking to review. Odinga recommended, *inter alia*, the restoration of multi-partyism; a two-term limit of the president's tenure; the release of political detainees; and prisoners, the dissolution of parliament and the formation of an interim Government of National Unity (Odinga, 1990a: 27-29).

When the Committee's public sittings began, it became clear from the submissions that Kenyans' grievances ran beyond and deeper than the limited scope of the party's terms of reference. Many submissions revolved around the multi-party debate; constitutional amendments, political patronage, nepotism and corruption in the government; queue voting and expulsions from the country's sole political party, the 70 percent rule, and state institutions and accountability. By the time the Committee concluded its countrywide hearings on August 1990, it was clear that the support for pro-KANU reforms had eroded. The Committee compiled a report that was never made public, and made recommendations that were to be the backbone of discussions at the 3rd to 4th December 1990 KANU Delegates Conference held at Kasarani, Nairobi. At the conference, the Committee recommended that Kenya remain a "one-party democracy" a recommendation that was swiftly adopted (Maina, W., et al., 1990:9-15).

On the eve of the 3rd to 4th December 1990 KANU Delegates Conference, Oginga Odinga, in a press statement, once again emphasized the ills and shortcomings of KANU and the one-party system, saying that he and unnamed others were calling for an open

democratic process and KANU was resisting this. He added that they had, therefore, decided without equivocation, to launch a political party that would safeguard democracy in Kenya. The police thereafter questioned him and he reiterated his stand on the question multi-party politics. Later, Odinga re-emphasized, "The entire world is going plural and multi-racial. Kenya must accept multi-partyism without being coerced into it" and concluded by saying, "It has been established that a one-party system is dictatorial, oppressive and corrupt." (Odinga, 1990b: 21; Maina, W. et al, 1990:9).

The KANU Delegates Conference held on 3rd to 4th December 1990, at which it was resolved that Kenya remain a "one-party democracy" saw the year end, displaying KANU's lack of political interest in restoring multi-partyism. The ruling party claimed that it was not in principle against the idea of political pluralism, but insisted that this would not be restored immediately, since the country was not yet ready for multi-party politics. This position, once again, did not deter multi-party activists and proponents from forming and attempting to register political parties and other political organizations. In early 1991, Oginga Odinga declared that 1991 would be the year of multi-party democracy in Kenya and he and others announced the formation of the National Democratic Party. They presented their party's application for registration to the Registrar-General on 13 March 1991. Attempts to register the party were, however, frustrated by the government when the Registrar-General refused the party's registration, arguing that Kenya was constitutionally, a one-party state. Odinga and the unregistered party's leadership were forced to seek court redress, but the process took several months before they realized the futility of seeking redress through a compromised judicial system. Determined to pursue his ideals and principles, Oginga Odinga and five others, Ahmed Bamhariz, Phillip Gacoka, Masinde Muliro, George Nthenge and Martin Shikuku formed the Forum for the Restoration of Democracy (FORD). FORD was initially a pressure group consisting of less than ten persons and as such by law did not require registration. Its principle objective, at the time, was to pressurize for the repeal of Section 2A (Maina, W. and Mburu, 1991; Macharia and Maina, K, 1992: 54).

FORD's first action was to apply for a license to hold a public meeting at Kamkunji grounds on 4 October 1991. The government refused to grant the license and declared the meeting illegal under the Public Order Act, forcing the FORD leadership to

call it off. However, they made another attempt to hold a meeting on 16 November 1991, declaring this time that it would go ahead with or without a license, since it was their constitutional right. Section 80 of the Constitution of Kenya guarantees freedom of assembly and association. Once again, the government denied the group a license, declared the meeting illegal and warned Kenyans not to attend it. Meanwhile FORD leaders urged Kenyans to attend the meeting in thousands, urging them to be peaceful and disciplined. On the day, the government mobilized its security forces and stationed them at and within the surrounding areas of Kamkunji grounds. Like *Saba Saba* day, the previous year, thousands of Kenyans turned up for the meeting. The FORD leaders were, however, arrested on their way to the venue. Those activists and leaders arrested during or before 16 November 1991 were repatriated to the districts of origin where they were charged with organizing and participating in an illegal meeting. The aborted 16 November meeting was followed by mass demonstrations in the capital city of Nairobi and outlying districts that were repressively quelled by the state. The indictment of FORD leaders in district courts also caused mass demonstrations of support countrywide. Realizing that it would face a major political crisis, the government dropped all the charges and set the activists and leaders free. FORD leaders resumed their political activities of pressurizing the government to restore multi-partyism (Finance 16-31 Dec., 1991:40-41; Kenya, 1992a: 53-54; Macharia and Maina K, 1992:55-56).

4.1.2 The External Context of Pressure for Multi-Partyism

Political liberalization in Kenya was also facilitated by pressure from the international community in the early 1990s. The donor community, especially bilateral and multilateral aid-giving agencies and Western governments, played a leading role in ensuring that KANU under prescribed terms implemented political and economic reforms in the country. These political and economic liberalization measures were aimed at effecting democratization in Kenya. The international community expressed concern at the detention of pro-democracy activists, demanding to know the reasons behind their incarceration. The US, which had increasingly begun demanding democratic changes in aid recipient countries, expressed its concern about the political situation in Kenya,

particularly the flagrant abuse of human rights. In a letter addressed to the US Secretary of State, James Baker, five influential congressmen - Howard Wolpe, Chairman of the House Sub-Committee on Africa, Dante Fascell, Chairman of the Committee on Foreign Affairs, Gus Yatron, Chairman of the Sub-Committee on Human Rights and International Organizations, William H. Gray III, Majority Whip and Paul Simon, Chairman of the Senate Foreign Relations Sub-Committee on African Affairs - asked the US Government to freeze aid to Kenya because "private dialogue and public diplomacy both seem to encourage the Kenya Government to respect internationally recognized human rights of its citizens and to consider democratic reforms". They further added "it is extremely important for the US Government to immediately freeze current assistance to Kenya and to reconsider its overall assistance for the 1991 Financial Year (FY 1991)" (Maina, W and Mburu, 1990:15).

Donor conditionality for foreign assistance, particularly "quick-disbursing" aid, contributed much to the implementation of political liberalization measures in the country. Donor conditionality basically entails the use of pressure by the donor to reduce, suspend, terminate or threaten to terminate aid if the recipient does not meet certain conditions. The resumption of aid is made conditional on firm evidence of an improvement in areas such as human rights, democratic reforms, economic reforms and greater accountability in government. Conditionality is, therefore, not an aim in itself, but an instrument by which other objectives are achieved (Robinson, 1994: 47; Stokke, 1995: 12-13; Adar, 2000: 2-7). "Quick-disbursing" aid consists primarily of cash transfers by bilateral and multilateral donors to subsidize budget deficits and current account deficits incurred by the recipient country. At the annual meeting of the Consultative Group (CG) for Kenya, held in Paris in November 1991, the donor community, led by democracy-minded bilateral donors, suspended US\$ 350 million in "quick-disbursing" aid pending macro-economic and political reforms by Kenya. Although "quick-disbursing" aid was suspended, project lending was not. The "democracy-minded" donors are those donors that provide some form of programmatic support to countries making a transition from authoritarian to democratic rule (IFES, 1997: 2). Many of these donors co-ordinate their activities in those countries where they seek to assist democratic transitions. Donors with the most comprehensive bilateral programmes to support democratization included

Canada, Denmark, Germany, the Netherlands, Norway, Sweden, and the US. Some countries as well as several multilateral donors, for example, Japan, the United Kingdom (UK), the European Union (EU), the United Nations Development Programme (UNDP) and the World Bank, refer to these programs in terms of supporting "good governance" rather than democratization. Good governance basically deals with the practice of good government, emphasizing the nature of interactions between the state and civil society actors and among such social actors themselves. Democratization, on the other hand deals with the shift from an authoritarian regime to a democratic regime, through the deliberate construction of democratic and democracy-promoting institutions. In Kenya, the aforementioned donors co-ordinate their activities in this area as participants in the Donors Development Democracy and Governance Group (DDDGG) (IFES, 1997:2; Klopp, 2000:16-17).

The suspension of quick-disbursing aid triggered significant political reforms, but not a full transition to democracy. In an apparent bid to restore critical aid flows, coupled with rising domestic political pressure, President Moi finally conceded to political liberalization. On 2 December 1991, at a stormy meeting of the KANU Delegates Conference, Moi proposed the repeal of Section 2A, a proposal that was accepted and recommended (Finance, 15 March 1992:16-17; Holmquist and Ford, 1992:97-111; IFES, 1997:3; Klopp, 2000:17). Four days later, Oginga Odinga and a lawyer Paul Muite, launched FORD as a political party signaling the end of the one-party state. On 10 December, Moi told a Central Bank of Kenya luncheon he believed Kenyans were headed for an uncertain future following KANU's decision to legalize multiparty politics. He said, "I see chaos ahead of us. This decision [to allow plural democracy] may not benefit Kenyans" (Karanja, 1998:23). That same afternoon, Parliament repealed Section 2A of the Constitution thereby allowing for the registration of other political parties. Kenya was no longer a *de jure* one-party state. During the celebrations marking the country's Independence Day two days later, Moi in his official speech, however, said: "The political changes taking place in our country are intended to enhance our democratic practices ... The KANU Government has, since independence, been receptive and responsive to the needs of Kenyans" (Daily Nation, 13 December 1991:4). On 25 December, the Minister for Health, KANU founder member and a former Vice-President

Mwai Kibaki resigned from the government and with others, launched another political party, the Democratic Party (DP) (Karanja, 1998:23).

The Constitution of Kenya (Amendment) Act No. 12 of 1991, which reinstated multi-party politics, by repealing Section 2A of the Constitution, also amended those sections of the constitution that gave effect to Section 2A, such as those requiring nomination of parliamentary candidates by KANU. Parliamentary candidates, therefore, were no longer required to be nominated by KANU to qualify for the national assembly and presidential elections. Also brought into operation was Section 40, which required an MP to vacate his or her seat if he or she resigned from the party with whose support he or she had been elected (Kenya, 1992a: 20-25). Other amendments regarding multi-partyism were introduced by the Constitution of Kenya (Amendment) Act No. 6 of 1992, which required under Section 5 of the Constitution that a successful presidential candidate garner at least 25 per cent of the votes cast in at least five of the eight provinces. There was also provision for a run-off between the two top presidential candidates in the case of no decisive winners in the general elections. Also introduced, under Section 9 of the Constitution, was a limited presidential tenure of two five-year terms. The constitutional amendments reinstated security of tenure for judges, the Attorney General, Controller and Auditor General (Kenya, 1992a: 6-9). Subsequently, several political parties applied for registration to the Registrar-General. By 12 November 1992, ten parties including KANU had been registered (see Appendix 4) (Kenya, 1992b: 1).

The year 1992 saw the intensification of KANU's state-sponsored terrorism under the guise of ethnic clashes on ethnic communities seen to be sympathetic to the opposition, particularly those residing in the so-called KANU zones. The "ethnic clashes", which were in effect ethnic cleansing began in late 1991, at Metetei farm in Nandi District of the Rift Valley Province. In what appeared to be a land dispute, violence was aimed at members of the farm who were not originally from the district, marking the beginning of a series of "ethnic clashes" that emerged in many parts of the country leaving thousands dead and hundreds of thousands displaced.

The "ethnic clashes" were sparked off by utterances and statements from prominent KANU politicians, calling for the re-introduction of *majimboism* (federalism) and the eviction of non-KANU supporters from KANU strongholds, in response to calls

for the re-introduction of multi-partyism. Consequently, this led to a series of violent attacks targeted at those ethnic groups considered as opposition supporters, particularly the Kikuyu, Luo, Luhya and Kisii communities residing in KANU strongholds in the Rift Valley Province and areas adjacent to such strongholds in the Nyanza and Western Provinces. Hundreds were killed and thousands displaced by these "ethnic clashes." The *Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and Other Parts of Kenya 1992*, put the death toll at 779 and those displaced as more than 50,000 people (Kenya, 1992: 8-10 & 85). As President Moi and the KANU government placed the blame on the opposition, particularly FORD, civil society organizations and opposition politicians accused the government of failing to take appropriate action against the perpetrators. The KANU Government was accused of instigating the "clashes" in a bid to derail the democratization process. In its report, a task force of the National Council of Churches of Kenya (NCCCK) appointed to investigate the root causes and perpetrators of the "ethnic clashes" placed the blame squarely on the state. Interestingly, the Report of the Parliamentary Select Committee, which consisted of KANU members, also accused and placed the blame on high-ranking KANU politicians (Kenya, 1992: 74-76; Finance, 15 Sept. 1992:20-26; Weekly Review, 18 September 1992:11). The KANU government also received international condemnation for its role in ethnic cleansing. In the US, Congressman Joseph Kennedy II told the Congress that the violence was part of a carefully orchestrated campaign by the Kenya Government to forestall openly contested elections and to ensure that President Moi maintained his grip on power (Finance, 15 November, 1992:13-14).

Throughout the year, the ruling party continued making use of positive and negative sanctions to enforce political obedience and loyalty. Many KANU MPs who had defected or had announced their intent to defect to FORD were forced through rewards or punishment to defect back to the ruling party. State patronage resources such as financial loans were recalled or such persons were rewarded with ministerial appointments or prime government land. As part of its electioneering strategy, the ruling party begun using famine relief food as a political instrument to solicit political support in famine stricken areas. In parts of Eastern Province, victims of famine were pressurized to join KANU and to display the party's membership cards to qualify for famine relief. The

party also made extensive use of the provincial administration to prevent opposition political parties from holding public meetings and campaigning in many parts of the country (Finance, 15 March 1992:36-38; 15 November, 1992:18-20; AC, 19 March, 1993:7).

During the nomination process for parliamentary and civic candidates in the run-up to the general elections of December 1992, opposition candidates were harassed, intimidated, terrorized, kidnapped and barred from presenting their nomination papers in the so-called KANU zones by the police, provincial administration and KANU youth wingers. This was observed and noted by various organizations monitoring the 1992 elections. The Chairman of the National Election Monitoring Unit (NEMU), Reverend Samuel Kobia, noted that, "It is ... our view that most of the incidents on nomination day would not have occurred if there had been no connivance or timidity or even actual participation on the part of the police and provincial administration" (Finance, 30 December, 1992:2). Presidential nomination day, 14 December, saw the largest demonstrations against Moi and KANU, including the most vehement attacks and abuses against the person of the President (Finance 30 December, 1990: 3). Fifteen days later the country held its first multi-party general elections in the post-1991 multi-party period.

4.2 The Consolidation of Party Dominance, 1992 to 1997

The 1992 elections ushered in a multi-party parliament with KANU retaining its ruling status in the country. Like in the multi-party elections of the 1960s, the ruling party emerged as the dominant party in the political process. For a party to be dominant it must at least gain an electoral plurality; win elections at least with a plurality for a consecutive number of elections; and it should be in a dominant bargaining position vis-à-vis other parties. It must also dominate governmentally (Pempel, 1990:3-4). The dominant party must dominate both the state and civil society in order to influence and transform society. This section examines the factors that contribute to KANU's dominance and the tactic and strategies it uses to strengthen its dominance as a party in the political process in the post-1992 election period. This will be examined within the context of the party's

parliamentary, bargaining and governmental dominance. It also examines the ruling party's relationship with civil society.

4.2.1 Party-State Society Relations and Dominance

4.2.1.1 Parliamentary Dominance

KANU's dominance as a party in the post-1990 period is a function of its parliamentary and chronological dominance in terms of electoral outcomes. The country's electoral system is that of first-past-the-post (FPTP) and the ruling party won the 1992 and 1997 multi-party elections with a plurality of votes, thus managing to retain its ruling position.

Though the focus of this study is the post-1990 period, it is interesting to note that the ruling party, KANU, initially emerged as a majority party in the 1960s during the multi-party period of 1963 to 1964 and that of 1966 to 1969. As indicated in Chapter two, during the 1963 multi-party general elections, contested among KANU, KADU, APP and Independent candidates, KANU won with a majority by obtaining 62 per cent of the National Assembly seats, while the remaining 34 per cent were shared between opposition parties and independent candidates. In the Little General Election of 1966, which was contested between KANU and the newly formed KPU, the ruling party won with a majority of 77 per cent of the National Assembly seats up for election, whereas the KPU captured only 23 per cent. Though these were brief multiparty periods, the ruling party nonetheless enjoyed electoral dominance.

The re-introduction of multi-partyism in December 1991 consequently led to multi-party general elections in December 1992. In all, 8 parties, including KANU, of 10 political parties that had been registered by 12 November 1992 participated in the national assembly and presidential elections. These were KANU, FORD-A, FORD-K, DP, KNC, KSC, KENDA, and PICK. SDP and LPD though registered, did not participate in the elections (Kenya, 1992b: 1). FORD-A and FORD-K emerged following the split of FORD caused by factional rivalry between Matiba's faction and Oginga Odinga's over the procedure of party presidential nominations.

In an election that saw a turnout of 67.4 per cent of registered voters, KANU retained its ruling position by winning 100 of the 188 parliamentary seats with an electoral plurality of 53 per cent, hence obtaining a dominant position. The remaining 47 per cent were shared among six other political parties, with KANU's closest rivals being FORD-A and FORD-K both of whom captured 31 seats thus, each obtaining only 16 per cent of the seats. In other words, KANU's closest rivals each managed to capture only 30 per cent of what the ruling party obtained (see Table 4.0 below).

Table 4.0 1992 and 1997 Multiparty General Elections Results in Kenya(Elected MPs Only)

1992			1997		
Party	Seats	Percentage	Party	Seats	Percentage
KANU	100	53	KANU	107	51
FORD-A	31	16	DP	39	21
FORD-K	31	16	NDP	21	10
DP	23	12	FORD-K	17	8
KSC	1	1	SDP	15	7
KNC	1	1	Safina	5	2
PICK	1	1	FORD-P	3	1
			FORD-A	1	-
			KSC	1	-
			Shirikisho	1	-
Total	188	100		210	100

Source: Electoral Commission of Kenya (ECK) Final Results 1992 Parliamentary Scores and Final Results 1997 Parliamentary Scores

By the end of 1996, the ruling party, KANU had acquired extra 11 parliamentary seats as a result of by-elections following defections, deaths or the disqualification of opposition parliamentarians. This gave KANU a total of 118 elected seats out 210, boosting the party's majority to 56 per cent. By 1997 the party's number of parliamentary seats had risen to 122 giving it a majority of 58 per cent (National Assembly, 2001:1). In the following multiparty elections of December 1997, KANU once again retained its electoral plurality and hence its ruling position and dominance. This time, 27 political parties contested the civic, national assembly and presidential elections (see Appendix 5 for the participating political parties in the 1997 General Elections). A total of 15 parties participated in both parliamentary and presidential elections whereas 4 participated only

in the national assembly elections (ECK, 1997:1-2; IED et al, 1998:227). National voter turnout in the 1997 elections stood at 65.36 per cent, a figure slightly higher than for the preceding election. In these elections, KANU captured 107 of the 210 parliamentary seats, thus obtaining an electoral plurality of 51 per cent. The remaining 103 seats were shared among 4 opposition and 5 existing and newly registered political parties. KANU's closest rival this time was the DP, which won 39 seats obtaining 21 per cent of the seats. The DP acquired only 36 per cent of what KANU captured (see Table 4.0 above).

KANU's electoral dominance is also evident in terms of its parliamentary strengths according to province following the 1992 and 1997 elections. In the 1992 elections, KANU won with a plurality in 5 of the eight provinces in Kenya with an average of 72.5 per cent. In these five provinces KANU obtained more than 50 per cent of the seats per province. In the 1997 elections it won 4 out of the 8 provinces with an average of 78.4 per cent. KANU in this case managed to acquire more than 60 per cent of the seats per province. In other words, the ruling party captured over 50 per cent of the provinces with a plurality of more than 70 per cent in both elections (see Tables 4.1 and 4.2 below).

Table 4.1 Parties' Parliamentary Strength, 1992

Province	KANU	FORD-A	FORD-K	DP	KSC	KNC	PICK
Nairobi	1	6	1	0	0	0	0
Coast	17	0	2	1	0	0	0
North Eastern	8	0	1	0	0	0	1
Eastern	21	0	1	9	0	1	0
Central	0	14	1	10	0	0	0
Rift Valley	36	4	2	2	0	0	0
Western	10	7	3	0	0	0	0
Nyanza	7	0	20	1	1	0	0
Total	100	31	31	23	1	1	1

Source: ECK Final Results 1992 Parliamentary Scores

Though FORD-K managed to win at least one seat in all 8 provinces in the 1992 elections compared to KANU, which failed to secure a seat in Central Province, FORD-K's parliamentary strength was nonetheless weaker than that of the ruling party. The opposition party managed to secure only 16 per cent of what KANU obtained. The 1992 results also indicate that the ruling party, KANU, had approximately 12.5 seats per

province while the combined opposition parties had approximately 11 seats per province whereas the 1997 results indicate that KANU had approximately 13.4 seats whereas the combined opposition parties had 12.9 seats per province.

Table 4.2 Parties' Parliamentary Strength, 1997

Province	KANU	DP	NDP	FORD-K	SD P	Safina	FORD-P	Others
Nairobi	1	5	1	0	1	0	0	
Coast	18	2	0	0	0	0	0	1 (Shirikisho)
North Eastern	9	0	0	0	0	2	0	
Eastern	17	8	0	1	9	0	0	1 (FORD-A)
Central	0	17	1	0	5	3	3	
Rift Valley	39	7	0	3	0	0	0	
Western	15	0	0	9	0	0	0	
Nyanza	8	0	19	4	0	0	0	1 (KSC)
Total	107	39	21	17	15	5	3	3

Source: Compiled from ECK and Institute of Education in Democracy (IED) et al. *Report on the 1997 General Elections in Kenya 29-30 December, 1997* (Nairobi: IED, CJPC & NCKK, 1998) p 88 and ECK Final Results 1997 Parliamentary Scores.

KANU's chronological dominance is also evident in terms of electoral outcomes. Party dominance also begins to be established when a party wins elections consecutively over a number of years. Though KANU has been in power for more than three decades, 4 of the 9 general elections held in post-colonial Kenya have been multi-party elections. In each of these multiparty elections in the 1960s and 1990s, KANU won with a majority, obtaining 66 per cent in the 1963 elections and 95 per cent in the elections that followed in 1966. It also won chronologically in the multi-party elections of the 1990s. Its electoral dominance has to a large extent been institutionalized due to its chronological dominance under non-competitive and competitive electoral conditions (see Table 4.3 below).

Table 4.3 Multi-party General Election Results in Post-Colonial Kenya (%)

Year	KANU (%) of Seats	Opposition Parties (%) of Seats
1963	66	34*
1966**	95	5
1992	53	47
1997	51	49

* Includes Independent Candidates

** Little General Election

KANU's governmental dominance also stems from its dominance over the legislature. This is not only due to its majority of seats, but also due to the constitutional, institutional and financial weaknesses of the Parliament. As the head of KANU, which controls more than 50 per cent of the parliamentary seats, President Moi and the ruling party, influence significantly the legislative agenda (United States, 1997:11).

According to Kiraitu Murungi, an opposition MP and a leading human rights lawyer, Kenya's Parliament, even in the multi-party era has been severely limited in terms of its constitutional framework, institutional and financial independence. This had made Parliament in the multi-party era, "a façade for masking and legitimizing KANU's *de facto* one-party dictatorship" (Murungi, 1997:9). The constitutional roots of Parliament are weak and precarious. It exists and operates at the absolute discretion of the President. Sections 58 and 59 of the constitution empower the President to summon, prorogue, and dissolve Parliament. For example, on 27 January 1992, hardly a month after he was declared and sworn in as President and one day after the swearing in of the Speaker of the National Assembly and MPs, including himself, Moi prorogued Parliament. In other words, Parliament's life or life span is under the mercy of the President since it does not have a fixed schedule or calendar and Sections 58 and 59 have limited the scope of deliberation on controversial political issues. MPs are entitled to introduce legislation, but in practice it is the Attorney General who normally does so (Kenya, 1992a: 34-35; Finance 15 May 1993:31-32; Murungi, 1997:9 United States, 1997:11).

The institutional independence of the Parliament is also limited. Though the government of Kenya is founded on the doctrine of separation of powers, with the executive, legislature and the judiciary acting as checks and balances, the reality is that the executive has supremacy over the legislature. The Clerk of the National Assembly and members of his staff are not employees of Parliament since the Public Service Commission (PSC), which falls under the executive, hires them. Thus they owe their loyalty to the executive, not to Parliament. In budgetary allocations, Parliament is merely one of the government's departments. The executive through the Minister of Finance tightly controls its expenditure. Thus, although Parliament is supposed to control executive expenditure, the executive controls parliamentary expenditure. This ultimately

determines the effectiveness of Parliament. The executive has also always directly and indirectly controlled Parliament through the office of the Speaker of the National Assembly and KANU plays a key role in the election of the Speaker (Finance 15 May 1993: 31; Murungi, 1997:9;).

The institutional weaknesses of the Parliament of Kenya stem from the shortcomings of the constitution, which in itself is a function of KANU's domination. As one constitutional lawyer put it "Our Constitution is a mongrel law. It combines the predations of the American presidential system and the weaknesses of the British parliamentary system. The result is a presidency without checks and a Parliament without teeth" (Maina, 1997a: 8) As a result, the impact of KANU's dominance on the legislative process manifests itself in the way opposition parties are to a large extent ineffective in the day-to-day workings of parliamentary proceedings. KANU's control of axes of power that is, the speaker, leader of government business, Parliamentary Group and parliamentary committee system has placed constraints upon opposition parties. The parliamentary committee system, which in effect is supposed to ensure accountability and transparency in government and public participation in the legislative process, is controlled by the executive thereby rendering it largely ineffective. By imposing financial control upon parliament through the executive, KANU has ensured that parliament remains institutionally weak. In addition, the parliamentary committee system in Kenya is largely ineffective. It consists of only 15 committees, only two of which are watchdog or investigatory committees. These are the Public Accounts and Public Investment Committees. The rest are six House-Keeping Committees and seven Departmental Committees. KANU chairs eight of the 15 committees, thus controlling more than 50 per cent of the committees (National Assembly, 2001:1-3) (see Table 4.4 below).

Table 4.4 Number of Parliamentary Committees Chaired by KANU as at 2001

Type of Committee	No. of Committees	No. Chaired by KANU
Watchdog/Investigatory	2	0
House-Keeping	6	4
Departmental	7	4
Total	15	8

Source: National Assembly of Kenya Eight Parliament-Fifth Session. Membership of Select Committees 2001

Many of the parliamentary committees, for example, such as the Implementation Committee and the Foreign Regulations Committee were destroyed in 1980 after they were accused of trying to usurp the powers of the Executive. Others such as the General Purposes Committees are not operational as they have been captured and paralyzed by the executive. Committees such as the Public Accounts and Public Investment Committees, though active in their roles, are usually ignored by the executive. On occasion, these committees also lack the finances to enable them to perform their duties effectively (Murungi, 1997:9). Other than being ineffective due to the predominance of KANU, these committees have also been accused of being corrupt. In spite of the numerous revelations of corruption in the public sector by the Public Accounts and Private Investment Committees over the years, the government takes little action to bring the culprits to book (Odinga, 1996:22-23; Anyang-Nyong'o, 2000:16).

Though KANU is the dominant party in Parliament, it does not take advantage of its parliamentary majority to utilise question time and ask many questions. It is the opposition parties that have taken the initiative to utilise question time to their advantage. Between 1993 and 1997, KANU asked 850 (16 per cent) of the 5413 questions asked in Parliament (see Table 4.5 below).

Table 4.5 Questions by Party in Kenya, 1993-1997

Party	No. of Questions Asked
KANU	850
FORD-K	1471
FORD-A	1881
DP	854
KSC	334
KNC	09
PICK	10
NDPK	04
Total	5413

Source: National Assembly of Kenya Submission of Questions by Parties-7th Parliament 1993-97
2001

The ruling's party failure to ask questions can be attributed to a number of factors. Firstly, many MPs including those of KANU, do not have the capacity to play their roles effectively due to the fact that they lack the necessary resources and support staff to assist in research and legislation. They have no system for seeking background information, quick references, facts and statistics. Secondly, many MPs do not have time to study and make resourceful contributions in parliament because of the heavy social burdens imposed upon them by the society. In most cases they are attending social functions in their constituencies (Murungi, 1997:9). Thirdly and most important is the fact that for a long time many KANU MPs have been wary of asking questions or being critical of government for fear that they might be accused of being disloyal to the party or the executive. On many occasions the party chairman has lashed out at those members of the KANU Parliamentary Group who are critical of government policies as well as party policies, accusing them of being disloyal and urging them to leave the party.

4.2.1.2. Bargaining Dominance

A dominant party must have a dominant bargaining advantage and position vis-à-vis other political parties in order to stay in government on a regular basis. KANU realized this prior to the 1997 elections and took advantage of its parliamentary majority to establish a dominant bargaining position vis-à-vis the opposition parties. Since the 1992 multi-party elections, the ruling party, KANU, initially refused to initiate any talks, bargains or negotiated settlements with opposition parties. Three days after he was sworn in as President, Moi said that he would meet the opposition party leaders on his own terms and at his own convenience. Three years later, on 1 March 1996, he met the opposition party leaders and he pledged his commitment to politico-legal and administrative reforms, a pledge that he did not honour. Attempts were also made to establish party co-operation between KANU and FORD-K under the chairmanship of Oginga Odinga, but this fell apart following the death of Oginga. In 1997, KANU agreed, out of political expedience, to talks with the opposition parties. This culminated in the Inter-Parties Parliamentary Group (IPPG) settlements. The IPPG talks were KANU's first meaningful attempts at bargaining with the opposition parties in a bid to secure political

mileage prior to the 1997 general elections (Finance, 15 May 1993:31; AC, 8 September, 1995:4-5; United States, 1997:8; Mutunga, 1999:205).

The Inter-Parties Parliamentary Group (IPPG) was formed in August 1997 through the initiative and backing of President Moi and KANU. It was an attempt to derail the popular push for comprehensive constitutional reforms by the National Convention Assembly (NCA) and its plenary session, the National Convention Executive Council (NCEC). The NCA/NCEC, a civil society lobby group, created to push for meaningful comprehensive constitutional reforms, posed a threat to the regime as it appeared to control public opinion on political change. In an apparent effort to diffuse the looming political crises that threatened the regime due to the constitutional stalemate between KANU and the opposition parties regarding the method of selection and number of commissioners to be appointed to the Constitutional Review Commission, Moi gave the go-ahead to some KANU MPs to initiate talks with opposition MPs. Their first meeting called for a further meeting of MPs from all parties to discuss the welfare of the nation. This was then set for August 26, 1997, through a memorandum circulated in Parliament. Subsequently, though the initial participants were few the meeting formed the IPPG. The IPPG was not an overnight creation. Parliamentary structures and initiatives such as the Inter-Parties Committee (IPC) and Inter-Parliamentary Group (IPG), created earlier as a result of the opposition-backed National Alliance, played a crucial role in the establishment of the IPPG. Following its formation, the IPPG immediately came under criticism from civil society groups such as the NCEC. During the Second Plenary of the National Convention, held from August 26 to 28, the NCEC criticized the establishment of the IPPG. It also refused to allow MPs to represent it on the IPPG and even to state the conditions upon which it would participate in its meetings. More than 18 MPs also refused to join the IPPG. However, some individual NCEC politicians joined the IPPG resulting in it consisting of moderate KANU and Opposition MPs (Kiai and Mutunga, 1999:19, Kibwana, 1998:8; Mutunga, 1999:205-218; Onyango, 1999:12; Southall, 1999:99-102; Barasa, 2000:2).

The Moi-KANU-backed IPPG was primarily designed to implement minimum constitutional pre-election reforms in order to derail the comprehensive constitutional reform process in the country. The IPPG set out to achieve some minimum constitutional

reforms, which it claimed were conducive and necessary for a free and fair general election. Though the IPPG reform proposals were broader than the July 1992 proposals, there is a consensus among critics in civil society such as the Catholic Church, the NCKK, the NCEC and the LSK among others, that these proposals were inadequate, since they did not directly address the question of dismantling the Constitution's one-party structure and enhancing the rights of Kenyans (Kibwana, 1999: 9). On 4 September 1997, the IPPG formed three technical committees aimed at working out reform proposals, namely, the Constitutional/Administrative and Legal Committee, consisting of 10 KANU MPs and 10 Opposition MPs; the Electoral Code (Process) Committee consisting of 7 KANU and 7 Opposition MPs; and the Peace and Security Committee, too comprising of 7 KANU and 7 Opposition MPs (see Table 4.6 below).

Table 4.6 Party Representation in IPPG Technical Committees

Party	No. of MPs	(%)
KANU	23	51.1
DP	7	15.6
FORD-A	7	15.6
FORD-K	7	15.6
KSC	1	2.2

Source: *Daily Nation*, Friday, September 5, 1997 p.1

KANU controlled 50 per cent of the three technical committees, placing it in a dominant bargaining position vis-à-vis the opposition parties that had to share among themselves the remaining 50 per cent. At the close of the session, the IPPG unanimously endorsed a two-fold resolution calling for a commitment to dialogue, reform, peace and security and the continuation of the co-coordinating committee work until the IPPG completed its work. The emphasis was "that the entire work be completed before the forthcoming General Election" (*Daily Nation*, 5 Sept., 1997:1-2; Kibwana, 1998:8; Murungi, 1998:12; Southall, 1998).

Seven days later, the IPPG plenary meeting overwhelmingly adopted wide-ranging reforms proposed by the three technical committees. The 38 KANU and 36 Opposition legislators present agreed to amend or repeal, within a month, 12 colonial-era laws, which reformists insisted, gave President Moi a competitive edge in seeking a fifth

five year term. These included, among others, the Chiefs Authority Act, the Vagrancy Act and the Societies Act. Major constitutional reforms, including a provision to allow coalition governments, would be discussed after the General Election. The group resolved unanimously that the proposed changes in the constitutional, legal and administrative systems, the electoral code (process) and peace and security should be immediately be translated into Bills by the Attorney General and brought to Parliament for enactment before the General Election. According to the NCEC, the recommendations of the IPPG Sub-Committee "... apparently achieved everything Moi wanted, probably beyond even his wildest dreams, and certainly beyond our own nightmares" (NCEC, 1997:1; Daily Nation, 12 Sept., 1997:1).

The administrative, constitutional and legal reforms agreed on by the IPPG became law on 7 November 1997 when Moi signed the Bills. The three Bills became the Constitution of Kenya (Amendment) Act 1997, the Statute Law (Repeals and Miscellaneous Amendment) Act 1997 and the Constitution of Kenya Review Commission Act 1997. The Constitution of Kenya Review Act of 1997 gave the President a major role in directing the then envisaged organs of constitutional review. Happy with the outcome, Moi congratulated and thanked the MPs for their contribution to what he called important changes. The diplomatic community also welcomed the passage of the reform Bills and said it hoped "the changes will be faithfully, thoroughly and promptly implemented nationwide" (Daily Nation, 8 Nov., 1997:1-2; CLARION, 1999:12).

The reform package, proposed by the IPPG and approved by the President, received widespread criticism by various stakeholders in the constitutional review process. They emphasized that some aspects of the minimal or facilitative reforms were inadequate. The Catholic Bishops of Kenya, for example, pointed out that the reform bills were inadequate for a free and fair General Election, and called for extension of the life of Parliament to enact further reforms including limiting the powers of the President. They also questioned the Attorney General's sincerity in drafting the three reform bills as he had ignored specific requests put forward by the Kenya Episcopal Conference, the National Council of Churches of Kenya (NCCCK), the NCEC and the Law Society of Kenya (LSK) (Daily Nation, 8 Nov., 1997:1-2).

The NCA/NCEC, too, criticized the IPPG reforms. In earlier statements issued on 11 September on the Report of the Sub-Committee of the IPPG on Constitutional, Legal and Administrative Reforms, as well as the resolutions passed during the Third Plenary Session of the National Convention Assembly, the NCA/NCEC pointed out and criticized the inadequacies and shortcomings of the IPPG proposed reforms. Later, in its declarations and resolutions of the National Convention Assembly Fourth Plenary Session held from February 26 to 28, 1998, the NCA/NCEC emphasized that the IPPG reform package had hijacked the NCA/Religious sector reform programme. The civil society organization argued that the subsequent reform did not exhaust NCEC/Religious group packages that would have ensured that a proper environment was created which would establish a people-driven constitution-making process (NCEC, 1997:1-6; NCA, 1997:1-8; NCA, 1998:1-2).

Despite criticisms, the IPPG did manage to propose and approve some crucial reforms. The reform package contained some significant changes to Kenya's laws, which if implemented meaningfully, would change the country's democratization trends. According to Willy Mutunga, amongst the most crucial of the reforms that the IPPG passed was the amendment of the constitution of the Electoral Commission, increasing the number of Commissioners. This was a noble idea. On the recommendations of some of the political parties, the President appointed ten more Commissioners, though this did not make the Commission more independent and impartial. Mutunga also points out that the Centre for Governance and Development in Kenya has emphasized that the IPPG reforms opened some political space and formed part of a small democratic opening in the country (Kibwana, 1999:9; Mutunga, 1999:217-219). The reforms were, however, not tested, experienced and implemented, for as soon as they became law, the President dissolved Parliament. It is interesting to note that at the time Parliament was dissolved, one of the main architects of the IPPG, George Anyona, was busy collecting signatures from MPs to support his motion for the postponement of the dissolution of Parliament until January 25, 1998 (Mutunga, 1999:217&233).

The IPPG received support from both KANU and the opposition for several reasons. According to Mutunga, some MPs allied to the NCEC defected to the IPPG at a time when the Moi-KANU regime was faced by options of violence or settlement for to a

number of reasons. The NCEC, he points out, was accused by some MPs of committing several blunders. One of the MPs, who did not quit the NCEC, argues that there were three major reasons why some MPs defected. Firstly, the MPs felt that the NCEC had hijacked their agenda and were thus looking for an excuse to take back the initiative. Secondly, the ruling party KANU gave promises and gifts to such MPs as an inducement. Thirdly, some MPs genuinely believed that KANU was ready to settle the political crisis. Once again, the opposition parties and Kenyans as a whole mistook KANU's tactical retreat as a sign of submission. However, as Mutunga correctly points out, if anything, the IPPG proved that after four and a half years the opposition parties could not form an alliance among themselves, yet at KANU's beckoning they were ready to forge alliances with KANU (Mutunga, 1999:222; Barasa, 2000:2). In his analysis of the defections of NCEC allied legislators to the IPPG, Scott Strauss (cited in Mutunga) argues that the mainstream opposition had as much interest in contesting elections as KANU did and shared some class and ideological interests as KANU. Strauss also argues that neither the mainstream opposition nor KANU supported the call by the radical sections of the NCA to democratize and decentralize the powers of the executive. In his opinion, the IPPG reforms were not an immediate threat to the status quo (Mutunga, 1999:225).

The IPPG's support from foreign interests was due to the policy of gradualism it adopted toward the constitutional review process. The policy of gradualism advocated by foreign interests meant that slow reforms were more likely to be implemented and prove effective. These interests did not find the call for comprehensive reforms by the NCA/NCEC and its programme properly articulated or convincing. Under a comprehensive programme of constitutional reform, the presence and dominance of foreign interests would be a subject of discussion. This discussion would be a basis for agitation against foreign interests, and as an all-inclusive constitution-making programme would, in the opinion of foreign interests, destabilize the country. As Mutunga correctly points out, their support for the Constitution of Kenya Review Commission Act of 1997 is based on the same argument. The Act is an extension of the IPPG and can be said to be gradual in its approach. Though the international community praised the KANU/IPPG initiative, it did not give its assessment, at the time, of the KANU/IPPG reform package,

nor did it take into account that some of the KANU/IPPG architects criticized the reform package (Mutunga, 1999:219 & 232; Daily Nation, 8 Nov., 1997:1-2).

Following the dissolution of Parliament, the General Election was held in December 1997 in which KANU won by obtaining 51 percent of the elected parliamentary seats, re-establishing its dominance. The faulty IPPG agreement paved the way for KANU's triumph in the 1997 General Election and in a way legitimized Moi and KANU's leadership. The eighth parliament came into being through the IPPG-brokered electoral machinery and has led critics to point out that it will never be seen by the entire Kenyan people as an institution fully capable of approving let alone writing a constitution on their behalf. In the post 1997 election period, KANU, through the Attorney-General, initiated the "transformation" of the IPPG into the Inter-Parties Parliamentary Committee (IPPC), primarily with the same motives as those of the IPPG (Barasa, 2000:2; Opanga, 1998:8; Southall, 1999:102-103). The KANU/IPPG minimal pre-election reforms, arguably legitimized KANU's post-1997 election victory, as the pre-election reform package was the result of an elite consensus between the ruling party and the opposition parties. However these pre-election reforms undermined the credibility of opposition parties, since they lost elections in an electoral process to which they had been party. The opposition parties participated in the designing of flawed reforms that were largely in favour of the ruling party, and as such are seen by critics, as partial in the constitutional reform process.

A significant aspect of the IPPG is its contribution to the constitutional reform process. Though it introduced minimal constitutional, legal and administrative reforms, its significance cannot be overlooked. The reforms, to some extent, as pointed out by some constitutional lawyers (Kibwana, 1999; Murungi, 1998), managed to open some political and democratic space. The IPPG reform proposals were much broader than the 1992 KANU proposals. For instance, Parliament passed the Constitution of Kenya Review Commission Act of 1997 as part of the IPPG package. According to Kibwana, a constitutional expert, despite its numerous flaws, the Act attempted to chart a process of constitution making which would have accommodated a large segment of Kenya's population. He also emphasizes that following the 1997 elections, the clamouring of Kenyans for a people-driven constitution review process led to the Bomas and Safari

Park negotiations resulting in substantive amendments to the 1997 Act (Kibwana, 1999:9; CLARION, 1999:12; Southall, 1999:102-103; Ajulu, 2001:202-205).

4.2.1.3 Governmental Dominance

One of the factors that leads to the establishment of party dominance is when the ruling party becomes dominant governmentally. The party carries out a historical project, a series of interrelated and mutually supportive public policies that give shape to the national political agenda. The dominant party seeks to enhance its dominance by using state apparatuses so as to isolate its opposition and strengthen its own electoral position. It is in this latter context that this subsection seeks to demonstrate KANU's use of state apparatuses and resources so as to isolate the opposition and subsequently enhance its dominance in the electoral and political process. Particular attention is paid to the ruling party's use of the executive, the Electoral Commission of Kenya (ECK) and the state owned electronic media.

On 4 January 1993, KANU was declared the winner of the 1992 multiparty elections by the ECK Chairman Justice (Rtd) Zacheus R. Chesoni, and Moi was immediately sworn in as Kenya's president for the next five years. His victory allowed him and KANU, to continue dominating the political process and the government, particularly the executive, legislature and the judiciary in the newly reintroduced multiparty era.

Executive political power in Kenya is vested in the Presidency. The President is both Head of State and Government. According to Section 4 of the Constitution of Kenya, the President is the Head of State and Commander-in-Chief of the armed forces of the country (Kenya, 1998: 6). The President is entirely responsible for the appointment of top members of the executive. The President appoints the Vice-President of the country and Cabinet Ministers under Sections 15 and 16 of the Constitution respectively (Kenya, 1998: 14). Permanent Secretaries are also appointed by the occupant of the office under Section 22. Section 23 of the Constitution states that executive authority of the Government of Kenya vests in the President, and that the occupant may exercise this authority directly or through officers subordinate to him or her (Kenya, 1998: 16-17). This executive authority empowers the President to appoint other high-ranking members

of the executive and the judiciary. The President appoints, among others, the Commissioner of Police, the Attorney-General, the Controller and Auditor-General and Ambassadors or High Commissioners, under Sections 108, 109, 110 and 111 of the Constitution respectively (Kenya, 1998: 76-80). He or she also appoints service commanders of the armed forces and chief executives of state corporations. Members of the ECK and Public Service Commission (PSC) are also appointed by the President under Sections 41 and 106 respectively (Kenya, 1998: 25 & 73). The Chief Justice and High Court Judges are also appointed by the President under Sections 60 and 61 of the Constitution (Kenya, 1998: 35-36). These constitutional provisions, therefore, give the President immense power, authority and influence over the state and its apparatuses. Many of these appointments are carried out on the basis of party political and/or ethnic loyalty. In other words, many high-ranking members of the executive, judiciary and the armed forces are patronage appointees (see Appendix 7 for the power structure of the Presidency in Kenya).

4.7 Regional Distribution of Executive Posts in the First Post-1992 Multiparty Government

Province	No. of Seats	% of Seats	Cabinet Posts	% of Cabinet Posts	Permanent Secretaries	% of P. Secretaries
Nairobi	1	0.5	0	0	0	0
Coast	17	9	2	8	3	14
North Eastern	8	4	1	4	1	4
Eastern	21	11	7	28	3	14
Central	0	0	1	4	4	18
Rift Valley	36	19	7*	28	4	18
Western	10	5	4	16	3	14
Nyanza	7	4	3	12	4	18
Total	100	53.5	25	100	22	100

* Includes the President who is a member of the Cabinet.

Source: Compiled from *Daily Nation* 14 January 1993 pp 1-4.

Though Section 16 (2) allows the President to appoint Cabinet Ministers from among any members of the National Assembly and not necessarily from the ruling party, the new executive appointed by President Moi on 13 January 1993, clearly reflected patronage rewards to regions that voted heavily in favour of KANU. All Cabinet

Ministers were KANU elected and nominated MPs while Permanent Secretaries appointed were also largely drawn from ethnic groups and areas that voted for the ruling party (see Table 4.7 above). The President under Section 22 of the constitution appoints Permanent Secretaries, whose responsibility is to supervise government ministries and department, (Kenya, 1992a: 14-16).

As indicated in Table 4.7 above, the Rift Valley and Eastern provinces, which delivered the highest number of parliamentary seats to KANU, were rewarded with the highest number of cabinet posts, each receiving 7 members, constituting 28 per cent of the Cabinet. Nairobi Province, which delivered one seat, did not get a full cabinet post but was rewarded with an Assistant Ministerial post. Central Province, which did not deliver any seat, saw one of its former MPs, Joseph K Kamotho, KANU's Secretary General nominated as an MP and appointed as a Cabinet Minister. In Nyanza Province, the Luo ethnic community did not deliver a seat to KANU, but it too had one of its former MPs, Dalmas Otieno, nominated and appointed as a Cabinet minister. The other two Cabinet Ministers appointed from Nyanza Province were from the Kisii ethnic community that voted heavily in favour of KANU. With regard to the permanent secretaries, patronage played a key role in appointments as even those from Central and Nyanza provinces were re-appointees from the single-party executive who had demonstrated their loyalty to Moi and KANU (Daily Nation, 14 January, 1993:1-4). The table shows a fairly high correlation between electoral results and patronage rewards, indicating KANU's strategy of enhancing governmental dominance through a patronage appointed executive.

The post-1992 multiparty period has and continues to witness, KANU's dominance over the executive, through its persistent use of the provincial administration to augment and maintain its political power. President Moi exercises sweeping power over the political structure at the provincial, district and local level, by appointing provincial and district commissioners. These administrators derive their authoritarian politico-administrative powers from various Acts of Parliament such as the Public Order Act and the former Chief's Authority Act renamed the Chief's Act. The Public Order Act dealt mainly with control of public gatherings and it severely restricted the freedoms of association, assembly and expression of the people. Though freedom of assembly and

association is enshrined in section 80 of the constitution, the Public Order Act gave the authorities power to control public gatherings. The Act prohibited meetings or processions of 10 or more persons without a license from the district commissioner. The Chiefs' Authority Act gave chiefs and their assistants immense powers with respect to persons under their jurisdiction. Under the Act, a chief or an assistant chief could give orders as far-reaching as restriction of the freedoms of movement and association of their subjects (NCCCK, 1997:12-13; United States, 1997:8).

During this period, the government continued to restrict the right of peaceful assembly by refusing to license or by physically disrupting opposition political meetings, despite a promise made by President Moi during a meeting with opposition political party leaders on 1 March 1996. For example, in 1996, opposition parties reported that the government had blocked 26 public meetings of opposition parties, FORD-K, FORD-A, DP and Safina in the first nine months of the year. Government officials also occasionally denied license to KANU, but almost always denied them to those groups critical of the national party leadership or those politicians considered to be party rebels. Unnecessary restrictions of the freedom of movement and right of assembly of opposition political leaders and representative of opposition political parties using the provincial administration, police and party youth wingers continued, particularly in selected rural areas or the so-called "KANU zones" (IFES, 1997:8-10; United States, 1997:8; Adar, 1999:353-354).

The government also restricted freedom of association by using the Societies Act. The Societies Act states that every association must be registered or exempted from registration by the Registrar of Societies. Political parties in Kenya are currently registered under the Societies Act. After the repeal of section 2A of the constitution, which allowed for the registration of other political parties under multi-partyism, the discretionary power of the Registrar of Societies to register or deny registration to political parties was increasingly questioned. The law regarding registration, refusal to register or deregistration was broad and vague. It was at the discretion of the Registrar to decide on what grounds to register, deny registration and deregister a political party. One result of this was that out of the political parties that applied for registration in 1992, seven were denied registration on flimsy or vague grounds, such as that the interests of

peace, welfare, or good order would suffer if they were registered (IED et al, 1998: 49-51). One of the parties, the Islamic Party of Kenya (IPK) was denied registration on the grounds that it was a religious not a political organization. However, as part of the IPPG package, the Societies Act was amended, requiring the Registrar to inform a party of its registration status within one hundred and twenty days of receipt of the application. The IPPG also recommended that political parties whose registration was pending be promptly registered or informed why they would not be so. Consequently in the run-up to the 1997 elections, 16 new parties were registered bringing the total number of registered parties to 27 by the time of the elections. Both the Public Order Act and the Societies Act seriously restrict free political organization in the country (United States, 1997:9; IED et al, 1998: 49-51).

Government leaders in the country continued to smudge the distinction between the government and the ruling party, KANU. KANU officials and candidates repeatedly use state resources for party purposes while opposition leaders and parties are denied access to these resources. No formal rules or codes of conduct or legislation exist that delineate the boundaries between the ruling party and the state. No informal rules or customs have emerged that specify what is not in this area. President Moi continues to discourage civil servants from joining opposition parties and encourages them to be partisan. For instance, on 14 February 1992, he ruled that civil servants had to show their allegiance to the ruling party KANU, emphasizing that Kenya was not a West European country where civil servants ran governments when political parties lost power. In the 1992 elections KANU repeatedly made use of state apparatuses and resources, especially the administrative and security machinery to declare various constituencies in the country as its exclusive political zones. In 1997, massive use of state patronage and harassment of the opposition to promote his candidacy and that of the ruling party ensured Moi's re-election and that of KANU. KANU, for example, flagrantly used government vehicles during the nominations, campaigns and even on polling day (Finance 15 May, 1993:32; IFES, 1997:11; United States, 1997:9; IED et al, 1998:62-63; Freedom House, 1999:1).

As in the previous multi-party era, KANU has systematically sought to undermine the opposition in various ways. The ruling party has openly urged opposition MPs and local councillors to defect to KANU. On 15 February 1992, a day after warning civil

servants that they owed their allegiance to KANU, Moi promised to assist defectors and would be defectors to win back their parliamentary seats on KANU tickets. KANU also continued to intimidate and pressurize prominent personalities to cease their support for opposition parties. The ruling party also sought to undermine the opposition by initially preventing or limiting any attempts at meaningful dialogue between government and opposition (Finance, 15 May, 1993:32; IFES, 1997:10-11).

As discussed earlier in the Chapter, a party can be identified as a dominant party if it achieves an electoral plurality or parliamentary majority. This plurality or majority can be achieved by manipulating the electoral process through state apparatuses or institutions that are concerned with such processes. In the post-1990 multi-party era, KANU has managed as a result of governmental dominance to manipulate the electoral process particularly through the ECK, a body that lacks statutory independence.

The ECK is a public body created under Section 41 of the Constitution, primarily to manage and conduct elections. Prior to 1992, elections in Kenya were conducted under the Supervisor of Elections, who was an officer in the Attorney General's chambers. When Kenya reverted back to a multi-party state in 1991, the constitution was amended to give the ECK powers to oversee the conduct of elections as an autonomous body. The office of the Supervisor of Elections was abolished and new offices of the Director of Elections and Deputy Director of Elections were created under the National Assembly and Presidential Elections Act of 1992 (Kenya, 1998: 4). The ECK, therefore, arguably lacked statutory independence since its members were political appointees. In 1992, Section 41 (1) of the Constitution of Kenya stated that: "There shall be an Electoral Commission, which shall consist of a chairman and not less than four other members appointed by the President" (Kenya, 1992a: 25; 1998:4; IED et al, 1998:38). Due to this lack of independence, the ECK was and is still considered the most important and fundamental flaw in the electoral system. At the time of the 1992 elections, there were eleven commissioners appointed by Moi, with Justice (Rtd) Chesoni as its chairman. The appointment of Chesoni received nation-wide criticism since he had been declared bankrupt several years earlier and consequently dismissed from the judiciary in the public interest. When the tenure of these commissioners expired in September 1996, most were re-appointed including Chesoni as chairman. The re-appointment of Chesoni among

others and the "selection of members from backgrounds essentially similar to those who had served before did not favourably impress the donors or observers from across the political spectrum of Kenya" (IFES, 1997:11-12; IED et al, 1998:39; Matiba, 1998:17).

The government manipulated the ECK to suit KANU's political interests, primarily through the process of gerrymandering. KANU's electoral victories in both 1992 and 1997 were secured by undemocratic means, notably by gerrymandering of the FPTP electoral system, as well as Moi's shrewd exploitation of cleavages amongst his opponents. The delineation of electoral areas is a controversial issue in working out and assessing any electoral system and in Kenya this is so, because of diverse social, economic, political, and geographical issues. Section 42 of the Constitution of Kenya gives the ECK powers to divide Kenya into constituencies; delineate their boundaries; and assign names to them (Kenya, 1998: 27). The Constitution states that all constituencies should contain as nearly equal numbers of inhabitants as appears to the ECK to be reasonably practical. The objective here is to retain the fundamental democratic principle of "one person-one vote" while also providing for special factors (Fox, 1996:607; IFES, 1997:17; IED et al, 1998:39-40; Southall, 1999:94; May, 2000: 175). The principle of political equality balanced by consideration of other factors is established in Section 42 (3) of the Constitution (Kenya, 1992a: 27).

For both the 1992 and 1997 elections, Moi through his appointees in the ECK, established constituency boundaries that favoured the areas where he and KANU had more support. The number of parliamentary constituencies was increased from 158 to 188 in 1987 prior to the last election held under one-partyism in February 1988. They were increased again in September 1996, when the number of constituencies went from 188 to 210, the maximum permitted by the constitution. The number and boundaries established prior to the 1988 elections were retained for the multi-party elections of 1992, significantly violating the principle of equal numbers of inhabitants and greatly favouring the ruling party, KANU. The 1996 demarcations also favoured regions that had supported the ruling party in the 1992 elections. For example, the Rift Valley province which had 1,919,672 registered voters had 44 parliamentary seats compared to the Central and Nyanza provinces, which were opposition strongholds, with 1,224,981 and 1,205,132 registered voters respectively, and which had only 25 and 29 parliamentary seats

respectively. When the ECK went round the country collecting views regarding the delineation of constituencies in 1996, several factors dented the credibility of the exercise, casting doubts about the ECK's independence. First, President Moi announced the review exercise, an announcement that was supposed to be made by the ECK. He went further and created 8 new districts, a development that was related to the creation of 22 new constituencies. Secondly, the whole exercise was flawed, as it did not follow the principle of demographic equality. Had demographics been the main factor, the distribution of the 22 new constituencies per province would have been as follows: Nairobi 8, Coast 3, North Eastern 0, Eastern 0, Central 3, Rift Valley 5, Western 1 and Nyanza 0 (Fox, 1996:600-607; IFES, 1997:18; IED et al, 1998:40-42) (see Table 4.8 below).

Table 4.8 New Parliamentary Constituencies Created in 1996

Province	New Constituencies Created	Appropriate Number of Constituencies
Nairobi	0	8
Coast	1	3
North Eastern	1	0
Eastern	4	2
Central	4	3
Rift Valley	5	5
Western	4	1
Nyanza	3	0
Total	22	22

Source: Compiled from IED et al. *Report on the 1997 General Elections in Kenya 29-30 December, 1997* (Nairobi: IED, CJPC & NCCK, 1998) pp 41-42.

Out of the 22 new constituencies, 8 were in the new districts of Eastern, Central, Rift Valley and Nyanza provinces. 12 of the 22 new seats, that is, 55 per cent went to KANU, while the remaining 10, that is 45.5 per cent, were shared among the following opposition parties: DP 4, NDP 3, FORD-K 1, FORD-P 1 and SDP 1 in the 1997 elections. Due to physical and psychological state and party harassment, intimidation and violence and the declaration of KANU zones in Moi's stronghold in the Rift Valley

province, over 41 per cent of the candidates were returned unopposed, that is a total number of 18 out of 44 MPs (IED et al, 1998: 43; Adar, 1999:351).

Following the IPPG recommendations in 1997, Moi appointed ten more commissioners nominated by the opposition parties that had participated in the talks. This brought the number of commissioners to 21. It was assumed that the inclusion of opposition nominated commissioners would ensure the independence of the ECK. However, given the results of the 1997 elections, the inclusion of these commissioners in the ECK seemed to have had no significant impact on its independence and conduct of elections. Likewise the departure of Chesoni in November 1997 to become Kenya's new Chief Justice seems too to have made little difference. By the time these changes were effected, except for the nomination of candidates, the whole structure and machinery for the 1997 elections was already in place (IED et al, 1997:39). It is interesting to note that the disgraced Justice Chesoni was sworn in as the country's new Chief Justice barely two month's prior to the announcement of the 1997 election results. It is the responsibility of the Chief Justice to swear in as President, the declared winner of a presidential election, a duty that Chesoni duly performed on 5 January 1998.

One of the ways in which a political party can influence and reshape a country's national political agenda or landscape and hence strengthen its dominance is through the media. Political parties are increasingly turning to the media not only for electoral purposes, but also for mobilization and socialization purposes. KANU continues to make use of the media to enhance its dominant position. Though the ruling party disseminates its views through its sponsored, daily newspaper, the *Kenya Times*, and also through the *East African Standard*, owned by an investment group with close ties with KANU and the government. The East African Standard is owned by, among others, President Moi's sons, Vice President George Saitoti, Cabinet Minister Nicholas Biwott and a top official in Nairobi's State House. In September 1995, these KANU notables had acquired 57 per cent ownership of the newspaper (Africa Confidential, 5 January, 1996:4; Mwangi C, 2000: 2-3). It is the state-owned electronic media, the Kenya Broadcasting Corporation (KBC), however, that KANU utilizes as a political instrument for disinformation, mobilization, socialization and electoral purposes.

The government and KANU's tight control of the broadcast media has fostered biased reporting. KBC normally neglects to give equal reporting to opposition activities. Consequently, in a bid to correct the anomaly, it was agreed as part of the pre-election IPPG reform deal, that KBC would provide equitable access to all political parties. The ECK was given the responsibility for maintaining this. However, the ECK did not take this responsibility seriously and in the end, the goal of free and fair coverage on the state-owned television network was not achieved. The KBC, in line with the IPPG agreement, produced a timetable allocating television and radio airtime to all registered political parties. However, the way in which coverage was given fostered biased reporting. The government maintains its monopoly control of the electronic media through tight control of broadcasting, particularly radio, the principal nation-wide and popular news medium in the country. It controls the KBC, which operates the country's premier radio and television stations. KBC's stations do not criticize the Government, and reflect an obvious bias toward the ruling party. According to the Media Institute and Kenya Human Rights Commission (KHRC), which conducted media monitoring exercises in the run-up to the 1997 elections, KANU received considerably more coverage than the opposition in terms of both the allocated time and general news coverage, and was presented in a consistently more favourable light. According to the reports of the monitoring exercise, 99 per cent of KANU's activities were covered positively and only 1 per cent negatively by KBC radio and television news; only 4 per cent of opposition activities were covered positively while 96 per cent were covered negatively; and defections from KANU went unreported or were mentioned in passing while defections from the opposition got extensive coverage (Finance, 15 November, 1992:18; IED et al., 1997:94-95).

The negative coverage of the opposition did not always mean that KBC was telling untruths. But, its selection of what opposition matters to highlight indicated clear bias toward the negative. KBC also, by political design, proved unable to distinguish between the activities of government officials and party campaigning. Coverage given to the President and cabinet ministers as government officials in this election period proved largely beneficial to their campaigns. Politicians without government portfolios, particularly those in the opposition, were placed at a considerable disadvantage by this practice (IED et al., 1998:95-96).

With regard to the privately owned electronic media, KANU supporters own a television station, the Kenya Television Network (KTN), which airs news programs with more balanced political coverage. This television station is allegedly owned by KANU personalities, including President Moi himself, Nicholas Biwott, and Abraham Kiptanui, a former Comptroller of State House (Kadhi and Rutten, 2001: 249). KANU supporters also opened another television network, Stellavision in June 1996 and a private FM radio station in September the same year (United States, 1997:8). Stellavision is owned by a prominent journalist, Hilary Ng'weno, who is "stridently pro-KANU" (Africa Confidential, 5 Jan. 1996: 5).

4.2.2 Party-Civil Society Relations and Dominance

Party dominance is not only conceived within the narrow scope of dominating state society and political society, but rather within the broader context of the dominant party's relationship with the wider society, namely civil society. Dominant parties normally attempt to control and influence state and civil society in a bid to enhance their dominance, not only in the party system, but also in the political process and polity. It is in this context that the ruling party KANU has also made strenuous efforts at controlling and dominating civil society in the post-1990 period.

Since the repeal of Section 2A of the Constitution, there has been a remarkable resuscitation and vibrancy of civil society in Kenya. Civil society organizations, ranging from civic organizations to formal NGOs, became actively involved in the political liberalization and democratization process leading to the restoration of multi-party politics. Many of these were professional and religious organizations mainly based in urban areas and were part of the pro-democracy movement that called for the restoration of multipartyism in the country. The political and development space created following the liberalization of the political system and consequently the end of political monolithism was largely filled by civil society.

The relationship between KANU and civil society in the post 1992 period has largely been antagonistic. Civil society organizations have taken the role of an extra-parliamentary opposition in providing some degree of accountability and transparency in

the democratization and political process. Unlike the previous political dispensation during single party rule, where KANU controlled civil society through existing statutes and coercion, under political pluralism, the ruling party finds it increasingly difficult to control and influence such organizations through similar methods. Instead it has attempted, with little success, to control and influence, certain groups and organizations of civil society using elites, through negotiated settlements.

Prior to 1990, many civil society organizations confined themselves, under prescribed terms, to socio-economic development activities rather than to governance and political issues. This was largely due to the authoritarian nature of the political system. NGOs and CBOs constructively engaged with the state by playing a complementary role in providing basic social services. However, with increasing authoritarianism and the subsequent shrinking of the developmental and political space, during the late 1980s, some organizations began to criticize the regime on various political issues. Prominent among these were the NCKK, which openly criticized and opposed the queue-voting method and the Green Belt Movement, which also criticized the government on various environmental issues. Consequently, Moi began making calls for more state coordination and monitoring of NGOs arguing that some were engaged in subversive activities. In November 1990, the NGO Coordination Bill was published and introduced in Parliament. It was suddenly withdrawn without any reason being given, but was re-introduced the following month and within two days it underwent the required procedures and was passed as the Non-Governmental Organizations Coordination Act of 1990, following presidential assent in January 1991. Essentially the Act was aimed at increasing government's control of NGOs (Ndegwa, 1993:11-17). Despite the introduction of the Act, various civil society organizations went ahead to call for political reforms in the country. By early the 1990s, the media, professional and religious organizations were calling for the restoration of multi-partyism and democracy. These included, *inter alia*, the Law Society of Kenya (LSK), NCKK, and the Church Province of Kenya (CPK). Other civil society organizations actively involved were drawn from the media, particularly the alternative press. These included, the *Nairobi Law Monthly*, *Society*, and *Finance* magazines. Several pressure groups, such as FORD and the Moral Alliance for

Peace (MAP) also emerged during this period to pressurize the government (NLM, 1991:12-17).

In as much as civil society played an integral role in pressurizing the government to restore multi-party politics in the early 1990s, its role in the democratization process became largely significant in 1994. This was as a result of efforts by civil society movements, which called for the implementation of meaningful constitutional reforms that had been ignored prior to the 1997 general elections. Such reforms were intended to facilitate free and fair elections. Most of these civil society organizations were civic organizations led by lawyers and usually existed as “projects” in order to avoid being captured and controlled or deregistered by the state. Initially they set up seminars, produced plays and released public statements. Ultimately they engaged in mass political action in a bid to socialize and mobilize for reform. Prominent among these were the Citizens Coalition for Constitutional Change (4Cs), itself a conglomeration of, among others, the LSK, the International Commission of Jurists (ICJ), the International Federation of Women Lawyers, the Kenya Human Rights Commission (KHRC), the NCKK, and some other unregistered organizations. The NGO Council, though created by the NGO Act of 1990 as an organization of NGO self-government, enjoyed some autonomy and played a significant role in the reform process. The 4Cs and the NGO Council drew together several participants from the civic and religious sectors to create the NCA, the first attempt at a people’s constitutional convention in Kenya. The NCA’s daily operations and its most pointed political manoeuvres were vested in its executive organ, the NCEC. Though the 4Cs, NCA and NCEC did not exist legally, they were *de facto* forces by virtue of their funding, operational secretariats, and engagement with the government and political parties (Ndegwa, 1998a: 195-196; NCA, 1998A: 1-6).

Despite the significant role of civil society in the democratization process by pushing for meaningful constitutional reform, KANU has managed to sideline civil society through a series of elite pacts with opposition parties thereby derailing the democratization process and diffusing rising political tensions. As previously argued, the IPPG inter-party elite sidelined civil society’s attempts at calling for the implementation of more radical changes, rendering it to a large extent functionally ineffective. In essence, KANU’s dominance was made evident by the fact that civil society was unable to

effectively provide meaningful check and balances in the reform process prior to 1997, despite the end of political monolithism. The ruling party, aware that it did not capture and hence control civil society organizations, opted to use its parliamentary and bargaining dominance to settle for an elite pact with the opposition parties. By doing so, it ensured that constitutional reform and the democratization process became a privilege of the elite and not a people-driven process.

The ruling party also made some attempts at co-opting sectors of civil society through negotiated settlements. These attempts were primarily by means of a series of inter-ethnic talks organized by the political class from various ethnic communities. Initially, it was reported that the talks were aimed at easing mounting ethnic tensions following the ethnic clashes that occurred during the early 1990s, but in essence they sought to establish inter-ethnic political settlements among ethnic groups considered dominant in a democratic setting. In 1993, with Moi's approval, senior KANU leaders from the regime, sought a rapprochement with the so called Kikuyu elders, many of whom were politicians representing the old guard and had served in the Kenyatta regime, while others had been key players in GEMA. These talks between the KANU political elite and the Kikuyu old guard became known as Kikuyu-KAMATUSA (the latter an acronym for the Kalenjin, Masai, Turkana, and Samburu minority ethnic groups). Arguably, the KANU elite, predominantly drawn from the KAMATUSA, felt that it was necessary to seek a political settlement with those ethnic communities that resided in the country's two corridors of power, namely the Central and Rift Valley Provinces that produced the Kenyatta and Moi regimes. According to Ndegwa, these talks were exclusive in at least three ways. First, in class terms, they involved only the wealthy among the Kikuyu leaders. Secondly, in ethnic terms, they excluded other communities that had also suffered greatly from ethnic clashes in the early 1990s. Finally, in outlook, they included only politicians who were willing to discuss reconciliation in terms of group rights rather than individual rights and who made no pretensions of being accountable to the groups they purported to represent. The talks, however, abated in late 1994 with no decisive outcome (Africa Confidential, 2 July, 1993: 5-7; Ndegwa, 1998b: 362; Steeves, 1999:77). Attempts were further made in 1997 to woo the Kikuyu elite in a bid to solicit electoral support from the community. By offering state patronage awards to

the Kikuyu elite, Moi hoped to guarantee the Kalenjin future economic and political support and access to the state (Ndegwa, 1998b: 362-363).

The ruling party has met with little success at controlling and influencing civil society in the democratization process in the post-1992 period. It has, however, managed to dominate the political process to the extent that no radical changes have taken place as a direct consequence of civil society action. KANU attempts at influencing civil society through elites in the state, political and civil society continue with the hope that it will eventually capture and control what it considers as a viable alternative opposition or political outlet. It hopes to control civil society in a bid to shape and re-define the political landscape of the country as part of its agenda of enhancing dominance. This is not to say that the ruling party has no direct links with society at the grassroots. The party does indeed have links with its supporters at the grassroots through its established party structures at the regional and local level. It is these structures that it often uses when it wants to mobilize its supporters for electoral or other political purposes (see Appendix 6 for a figure on the hierarchical structure of KANU).

Conclusion

Following the repeal of Section 2a that made Kenya a *de jure* one-party state and the subsequent holding of multi-party elections in 1992, the ruling party, KANU, has exhibited the characteristics of a dominant party. It has managed to achieve parliamentary, chronological, bargaining and governmental dominance. In other words, it has achieved dominance over the state while at the same time, the ruling party is attempting to exert more control and influence over civil society in order to shape the political landscape of the country.

The nature of party-state relations and dominance is evident by KANU's parliamentary dominance, in terms of electoral plurality and its control over the legislative process. The ruling party won with a majority of more than 50 per cent of the parliamentary seats in the general elections of 1992 and 1997, also indicating chronological dominance. As a result, the party has a significant influence over the legislative process and this is further compounded by the institutional weakness of the

country's parliament. The parliament lacks institutional and financial autonomy as its day-to-day administrative and financial proceedings are to a large extent controlled by the executive. The ruling party controls the main axes of power in parliament, though these are in themselves functionally ineffective largely due to administrative and financial constraints. Thus, although government is supposed to be based on the concept of separation of powers, in reality the legislature has become subordinated to the executive.

A related issue is that of bargaining dominance. A dominant party must have a dominant bargaining advantage and position vis-à-vis other political parties in order to stay in government on a regular basis. The ruling party has now come to realize, out of political expediency, that this strategy is a political necessity for it to maintain political power. Its bargaining dominance over other parties was manifest in the IPPG elite pact reforms prior to 1997 elections. These inter-parliamentary party settlements, dominated by KANU, saw the implementation of minimal constitutional reforms, largely in favour of the ruling party. Consequently, the ruling party won the elections via half-baked reforms thereby legitimizing KANU's victory as the governing party.

The ruling party has also managed to establish governmental dominance. This is, arguably, to a large extent a function of its long-term rule, both as a single and dominant party. KANU continues to make use of the state and its apparatuses to enhance its dominance in the party and political system. It makes use various politico-administrative and legal channels, such as the civil service, Acts of parliament and statutes to delegitimise opposition parties in a bid to render them functionally ineffective. The ruling party has manipulated the provincial administration, the state-owned media and the electoral process to suit its own political interests. As such there is no distinction between the party and government. Party leaders continue to insist that the party is supreme over government, despite the fact that the country is constitutionally a multi-party state.

One of the primary motives for parties striving to achieve dominance over the state society, that is the state and its apparatuses or instruments, is so that they can also influence and transform civil society. KANU is striving to achieve this in the country. However, unlike during the period one-party rule when the ruling party had firm control over civil society, during the multi-party era, KANU has to a large extent lost that firm control. The demise of political monolithism has opened up developmental and political

space that the resuscitation of civil society organizations has been able to fill. There has been a resurgence of civil society vibrancy, as is made evident by its active role in the democratization process, performing the roles of agents of change and extra-parliamentary opposition. Despite its continued use of coercive politico-administrative and legal methods, the ruling party has met with little success in controlling and influencing civil society in the democratization process in the post-1992 period. It has, however, managed to dominate the party and political process to the extent that no radical changes have taken place as a direct consequence of civil society action. KANU attempts at influencing civil society through elites in the state, political and civil society continue with the hope that it will eventually capture and control what it considers to be a viable alternative opposition or political outlet. It hopes to control civil society in a bid to shape and re-define the political landscape of the country as part of its agenda of enhancing dominance.

CHAPTER FIVE

THE AFRICAN NATIONAL CONGRESS AND PARTY DOMINANCE IN POST-APARTHEID SOUTH AFRICA

5.0 Introduction

The South African polity can be described as a dominant party system. Party dominance in South Africa dates back to 1948 when the National Party (NP) took over power and was to remain a dominant party until 1994, when the country held its first democratic non-racial multi-party elections. The dominant party system was re-made when the African National Congress (ANC) emerged as the winner and dominant party in this as well as in the 1999 election. The post-1990 period was crucial and significant for South Africa, as it ushered in the demise of apartheid. Liberation movements were unbanned, apartheid laws repealed, political prisoners released and those in exile were allowed to return home. This chapter examines the emergence and consolidation of party dominance under the hegemony of the ANC in the post-1990 period. It is divided into two sections. The first section is a general historical account of the period from 1990 to 1994. It looks at the ANC's role in the negotiation and transitional processes, such as the agreements, peace accords and talks that occurred in this period, which eventually culminated into the drafting and ratification of an interim constitution in December 1993. The second section examines the consolidation of the ANC's dominance in the post-1994 democratic non-racial multi-party elections. Particular attention is paid to the ruling party's attempts to achieve dominance through arrangements and processes such as consociationalism, constitutionalism, corporatism and transformation of the public service, in order to implement its historical agenda of creating a democratic non-racial and non-sexist society in South Africa.

5.1 The Negotiation Process and Transition to Power, 1990 to 1994

A necessary condition for democracy is the willingness on the part of the elite to compromise, by subscribing to democratic rules. Decisions are taken to come to terms

with the situation by agreeing to peaceful competition for power. This requires the adoption of democratic rules, including the appropriate checks and balances, and the protection of rights. Once such a framework is in place, it may be consolidated by subsequent generations of politicians, elites and voters, and may be adapted to bring previously excluded groups into the political process. Democracy or democratisation emerges when elites in the political system agree to the rules of the game, through compromises and settlements, rather than risk national disintegration. This is precisely what happened during the negotiation process from 1990 to 1994. The two major antagonists, the ANC and the NP became the main protagonists, with the ANC emerging from the negotiated settlement as the leading and dominant actor (Sommer, 1996:58).

The unbanning of political organisations and the release of political prisoners in 1990 was followed by a marked increase in political violence in the townships, culminating into the death of more than 2900 people in 1990. In March that year, troops were deployed in Bophuthatswana, and later in Ciskei, following a coup in the latter homeland. During the same month, police opened fire on a peaceful demonstration of 50,000 ANC supporters in Sebokeng, killing 17 and wounding over 700. The ANC accused the government of the unprovoked killing and maiming of defenceless demonstrators, an accusation which the government denied. Consequently, after consulting the NEC, and speaking on behalf of the ANC, Mandela announced that the ANC was suspending the first formal "talks about talks" scheduled to take place on 11 April 1990 (ANC, 1991a: 1; Mandela, 1993: 18; 1996: 693; Constitutional Assembly, 1997:16).

Despite the explicit bitterness amongst the concerned parties, secret discussions nonetheless continued to take place and on 2 May 1990, they succeeded and the government and the ANC met for their first round of talks at Groote Schuur in Cape Town (Constitutional Assembly, 1997: 16). The ANC delegation consisted of Walter Sisulu, Alfred Nzo, Thabo Mbeki, Ahmed Kathrada, Joe Modise, Ruth Mompati, Archie Gumede, the Reverend Beyers Naude, Cheryl Carolus and Nelson Mandela. The three-day meeting identified obstacles to formal negotiations and worked out a *modus operandi* for overcoming them. At the end, De Klerk and Mandela announced that they had reached a broad agreement, which they named the Groote Schuur Minute. This was the

first agreement on the talks about talks between the government and the ANC. Its main features were: firstly, the establishment of a working group to define political offences, as well as the mechanisms and time scales for the release of political prisoners and the return of exiles. Secondly, the decision that the NEC members, together with certain senior cadres of the ANC, would be allowed to return home to begin the process of establishing ANC offices inside the country. Thirdly, there was to be an undertaking by the government to lift the State of Emergency. Fourthly, there was also to be an undertaking by the government to review all security legislation and to bring it in line with internationally acceptable standards. Finally, communication channels were to be created between the government and the ANC. The Groote Schuur Minute made it clear that "The government and the African National Congress agree on a common commitment towards the resolution of the existing climate of violence and intimidation from whatever quarter, as well as a commitment to stability and to a peaceful process of negotiations" (ANC, 1991b: 1-3; Constitutional Assembly, 1997:16; Mandela, 1996:693-694; Buntman, 1998: 248). Though these were talks about talks, their historical significance cannot be overlooked, as Mandela pointed out:

... the meeting represented not only what the ANC had been seeking for so many years, but an end to the master/servant relationship that characterized black and white relations in South Africa. We had come to the meeting not as supplicants or petitioners, but as fellow South Africans who merited an equal place at the table (Mandela, 1996:693).

An integral aim and objective of the ANC, as outlined in the Groote Schuur Minute, was the desire to define political offences as well as the mechanisms and time scales for the release of political prisoners and the return of exiles. This was to be achieved through the establishment of a working group as set out in Paragraph 1 of the Minute. For its part, the ANC nominated Jacob Zuma, Penuel Maduna, Joseph Nhlanhla, Essop Pahad, and Mathews Phosa among others, as its representatives on the group. The government on the other hand, nominated Minister Kobie Coetsee, Deputy Minister Roelf Meyer and Messrs Van der Merwe, Swanepoel, Louw and Viall, Major General Knipe and Brigadier Kok. At the end of its meetings and deliberations, the working group

produced a report that was adopted by both the government and the ANC on 6 August 1990. The report dealt with the definition of political offences, the question of the release of political prisoners and the return of exiles (ANC, 1991b).

The report of the Working Group established under the Groote Schuur Minute and adopted by both the government and the ANC on 6 August 1990 at Pretoria was to form the basis of the Pretoria Minute. The Pretoria Minute, adopted the same day, was the second most important agreement between the government and the ANC. Its main features included, firstly, the suspension of armed action by the ANC. Secondly, an undertaking by the government to release all political prisoners by 30 April 1991 and allow all exiles to return home. Thirdly, the intention to form national, regional and local structures to address situations of conflict at all levels. Fourthly, an agreement for the commencement of constitutional exploratory talks between the government and the ANC. Fifthly, the establishment of a Working Group to deal with the implementation of the suspension of armed action. The Pretoria Minute reaffirmed both the government and the ANC's commitment to the Groote Schuur Minute (ANC, 1991b; Mandela, 1996:702).

The functions of the Working Group established under Paragraph 3 of the Pretoria Minute were to resolve outstanding questions arising out of the decision to suspend armed action and related activities. After more than six months of extremely lengthy and difficult discussions, the Working Group produced the DF Malan Document. The main features of this document were as follows: firstly, there was to be an undertaking by the ANC to stop attacks by means of armaments, firearms, explosives or incendiary devices; the infiltration of men and material; creating military as opposed to political underground structures; statements inciting violence; threats of armed action; and military training inside South Africa. Secondly, the government agreed to accept the following: that MK was a legal organization and that membership of MK was neither a crime nor in violation of the Pretoria minute; the historical fact that MK placed arms caches within the country; that MK could continue recruiting and training its cadres; that mass action was a legitimate form of protest; that MK's non-automatic firearms would be legalized for self-defence; that the ANC would continue maintaining its existing military underground structures; and that the security forces would take cognizance of the suspension of armed action and related activities, and that all unauthorized activities by them be addressed.

The final feature of the Malan document pointed out the need to create within the Document a Liaison Committee to deal with the implementation of the DF Malan Document. The Liaison Committee met on several occasions but failed to reach a substantial agreement. The regime's representatives sought to turn the suspension of armed action into a complete termination of armed action. However, the ANC's representatives rejected this (ANC, 1991b). Later, on 12 February 1991, delegations of the government and the ANC met and the state president, De Klerk and the deputy-president of the ANC, Mandela, issued a joint statement in which they said that the problems experienced by the Working Group dealing with Paragraph 3 of the Pretoria Minute had been resolved and agreement had been reached with regard to the most pertinent points. They further stated that there was a need for the maintenance of consultations with the Working Group (ANC, 1991b).

Political violence, largely between the ANC and the IFP supporters, continued in the townships throughout 1990. Consequently, Mandela met with the IFP leader Buthelezi on 29 January 1991 and both parties agreed to measures to end township violence. The violence, however, did not stop and on 5 April 1991 the ANC announced that it would pull out of the constitutional talks unless the government took steps to end the violence in the townships. On 12 May 1991, hostel dwellers organized by the IFP attacked the Swanieville squatter camp near Krugersdorp, killing 27 people. Six days later, the ANC broke off talks with the government, insisting that Pretoria take the necessary measures to stop violence in the townships (Mandela, 1993:19; Buntman, 1998:248). Secret government funding to the IFP, a scandal that was to be known as "Inkathagate," was later revealed on July 19, 1991. Consequently, Law and Order Minister Adriaan Vlok and Defence Minister Magnus Malan were relieved of their posts but retained in cabinet ten days later. A National Peace Accord was signed between the government, ANC, IFP and other forces on 14 September the same year. More than forty organizations signed this Accord as a pledge of their commitment to peace. This represented all major political grouping except for the far-right wing groups who refused to sign (ANC, 1991c: 25; Mandela, 1993:19; Buntman, 1998:248).

By mid 1991, most discriminatory laws had been scrapped. Though the tricameral parliamentary system remained, the intention was to replace it with a new non-racial

political system once the negotiations were complete. On 5 June 1991, the Group Areas Act of 1950, the Land Acts of 1913 and 1936, and the Black Communities Act, among others, were repealed. Two weeks later, the Population Registration Act, which classified South Africans along racial lines, was also repealed. Meanwhile, the ANC held its 48th National Conference on 2 to 7 July and Mandela was elected as its President. The repeal of these laws, coupled with the signing of the National Peace Accord in September 1991, paved the way for a new constitutional negotiation process. This became known as the Convention for a Democratic South Africa (CODESA) (Mandela, 1993:19; CA, 1997:17).

The first CODESA meeting in which 17 political parties participated took place at the World Trade Centre in Kempton Park on 20 December 1991. Conspicuously absent were the Azanian Peoples Organisation (AZAPO), the PAC and the Conservative Party (CP). After two days of negotiations, the delegates signed a Declaration of Intent that incorporated the guiding principles of a new democratic order. The IFP and the Bophuthatswana government, however, refused to sign the document (Constitutional Assembly, 1997:17; Buntman, 1998:248). The Declaration of Intent stated in part that:

We, the representatives of political parties, political organizations and administrations, further solemnly commit ourselves to be bound by the agreements of CODESA and in good faith to take all such steps as are within our power and authority to realise their implementation (ANC 1991d).

Throughout the first part of 1992, almost 400 delegates from 19 political organizations met every week in a committee-based negotiating process. Several working groups were set up to negotiate five sets of issues, namely the principles and structures of a new constitution; the establishment of a transitional or interim government; the creation of a climate conducive to peaceful political participation; the constitutional future of the homelands; and the implementation of agreements reached at CODESA (Constitutional Assembly, 1997:17).

A few months after CODESA was convened, the NP called a referendum for 17 March 1992 to obtain a mandate for its political initiatives. President De Klerk called the unexpected referendum, after the right-wing Conservative Party (CP) defeated the NP

decisively in an important by-election in Potchefstroom, an NP stronghold. De Klerk hoped to stun opponents into silence, and consolidate his power base, by securing a large referendum majority for change (Waldmeir, 1997: 198). The results showed a 68.7 per cent endorsement of continued government negotiations on the country's future. This success lured the NP into a sense of control and the party began to make impractical demands in the negotiating process. The NP and the ANC could not agree on an acceptable majority for binding decisions. The NP insisted on a three-quarters majority and the ANC on two-thirds. The NP broke an original compromise of 70 per cent for the adoption of the constitution and 75 per cent for the Bill of Rights, by insisting on 75 per cent for constitutional changes and equal legislative powers for the Senate. The ANC, on the other hand, insisted on 70 per cent, and added that if this were not achieved, the matter should be settled after six months by a simple majority in a national referendum (Davenport and Saunders, 2000: 563). Technical issues such as the period needed by a transitional power-sharing government also marred the negotiating process. Consequently the CODESA talks collapsed in mid May. The NP had overplayed its hand by demanding a power-sharing veto for the white minority. The ANC withdrew when it recognized that the NP wanted a constitutional order that would prevent the ANC from gaining control even if the ANC had a democratic mandate to rule. Furthermore, the ANC constituency had begun to rebel at the top-down nature of negotiations and political violence in the country was on the increase. To many black South Africans, political violence had been instigated or at least tolerated by the NP and its government (Mandela, 1993:20, CA, 1997:17; Friedman, 1995:549; Buntman, 1998:248-249).

The political situation in the country deteriorated in the following four months. On 17 June 1992, over 45 people were massacred at Boipatong, an ANC-aligned squatter camp. Much evidence indicated security force complicity in the attack, leading to a conviction amongst most black South Africans that this was a government ploy to weaken the ANC (Kasrils, 1993: 363-364). The ANC, SACP and COSATU Alliance suspended talks with the government on 23 June 1992, over Pretoria's involvement in violence against township residents and announced a three-month plan of mass action. The impasse in negotiations and the frustration of the ANC's constituency led the ANC to walk out of CODESA. In August 1992, there were several peaceful mass

demonstrations and rallies throughout the country. However on 7 September the same year, troops in the Ciskei opened fire on an ANC march of 70,000 in Bisho, killing 28 people and wounding nearly 200. This was to prove a turning point in the political stalemate. With the political situation in the country tense, bilateral talks between the ANC and the government resumed, culminating in the signing of a Record of Understanding by Mandela and De Klerk on 26 September 1992. This broke the deadlock in the negotiations and multi-party talks were resumed (ANC, 1992a; Mandela, 1993:20; Friedman, 1995:549; Buntman, 1998:249-250).

The Record of Understanding resolved some of the issues that had prevented the continuation of negotiations. The Record of Understanding was notable because, by effectively going into a bilateral agreement with the ANC, the NP realigned the IFP. The deal between the two parties was denounced by all outsiders, including the IFP, the homeland leaders of Ciskei and Bophuthatswana and the CP, which set up the Concerned South African Group (COSAG) (Davenport and Saunders, 2000: 565; Harvey, 2001: 238). Buthelezi's refusal to participate in many negotiating and transitional structures, and his insistence that agreements be on his own terms, made him a liability for the NP. Since 1990, the NP had had Buthelezi as a potential ally and, therefore, to the IFP, any pact between the ANC and the NP was a sign that the two groups were making common cause against it. Furthermore, the Record of Understanding bound the parties to actions that affected the IFP's core interests without consulting them (Friedman, 1995:549; Buntman, 1998:249-250).

Unlike CODESA and various other agreements and forums of the transition, the Record of Understanding was a bilateral agreement, and as such began a period where the ANC and the NP sought political solutions together, often behind closed doors. Both parties made significant concessions designed to demonstrate their good faith. The previous negotiations had broken down in significant part because the NP wanted a power-sharing formula of government that would avoid the loss of power involved in the majority rule that the ANC sought. Slovo, the Chairperson of the SACP, proposed a compromise solution. In an article entitled "Negotiations: What room for Compromise?" that appeared in the *African Communist*, 1992, Slovo argued that, because the ANC was not dealing with a defeated enemy, it had to make certain concessions to firstly achieve

an agreement that would facilitate a constitution and elections, and secondly ensure that a new ANC government would have the bureaucratic and institutional levels of power at its disposal. The ANC could offer the NP limited, but compulsory power sharing, a government of national unity, a general amnesty, and security for the predominantly white civil service. Thus in February 1993, the NP and ANC proposed power sharing and an interim government of national unity for five years after the first democratic election (Slovo, 1992:1-4; Buntman, 1998:250).

Multi-party negotiations resumed in March 1993. They included 26 political parties and organisations covering much of the South African political spectrum. Tragedy, however, struck on 10 April 1993 when a white ultra-rightist cadre assassinated SACP leader Chris Hani, threatening to destroy the talks. The tragedy, however, became a foundation stone. Two weeks later, the ANC National Chairperson Oliver Tambo died. By June, the political parties were talking about a two-phased transitional process which would begin with the installation of a Transitional Executive Council, effectively making parliament a rubber-stamp, and the election of a constitution-making body to draft an interim constitution. On 4 June 1993, a meeting of political parties and organisations set 27 April 1994 as the tentative date for South Africa's first non-racial elections, despite the Freedom Alliance having withdrawn from the negotiating process. During the same month, armed right-wing members of the Afrikaner Weerstandbeweging (AWB), led by Eugene Terreblanche, broke into the World Trade Centre in Johannesburg where the multi-party negotiations were taking place, but the police and security forces made no attempt to halt the attack. From then on the venue became a no-go zone. Security guards, checkpoints, passes and razor wire turned it into a modern fortress (Constitutional Assembly, 1997: 19). Despite this incident, the 27 April 1994 election date was ratified by a multi-party meeting in July 1993 and in August 1993 several transitional bills were passed, among them the Transitional Executive Council Bill, and the Independent Electoral Commission Bill, which allowed for the drafting of an interim constitution and the conducting of the first democratic non-racial election. Finally by November 1993, after turbulent political events, over three and a half years of starting, withdrawing from, and restarting negotiations, and the uneven participation of various parties, an agreement on an interim constitution was reached and the Bill was passed in Parliament in

December 1993 (see Appendix 10 for a list of the Members of the Transitional Executive Council from December 1993 to January 1994) (Mandela, 1993:21; CA, 1997:18-19; Buntman, 1998:251).

5.2 ANC Dominance in Post-Apartheid South Africa

The debate around party dominance in South Africa has become topical and as such is central and significant. It revolves around two main traditions. On the one hand, there is the optimistic assessment of the ANC's dominance, which argues that dominance is likely to stabilise the new order and guarantee democracy, and, on the other hand, there is the diametrically opposite view, which argues that party dominance is rather more likely to close down opposition and, in effect transform democracy into elective dictatorship (Southall, 2001a: 13).

As noted earlier, the fundamental point about party dominant systems is that they are democracies, in that they meet three essential conditions, namely: meaningful political competition between individual and organised groups; political participation in the election of leaders and policies; and the existence of civil and political liberties. In such a system, however, one party monopolises power. Since 1994, party dominance in South Africa has re-emerged and re-established itself under the hegemony of the ANC. The ANC in essence meets many of the criteria advanced for dominant status. As a liberation movement it has a powerful "founding myth" on which to rely. Since its formation in 1912, the ANC has established itself as the dominant movement of majority aspirations for liberation. Like many dominant parties that were initially liberation movements, the ANC relies on the symbolism accrued in the struggle against colonial and minority rule. The ANC's role in spearheading the demise of apartheid and the creation of a non-racial and non-sexist democratic state makes the electorate perceive it as an expression of a nation's or group's desire for self-determination. Such liberation movements usually insulate themselves from electoral challenges for very long periods (Pempel, 1990:5; Friedman, 1999: 98-105).

While the ANC sought to achieve its dominant status as a liberation movement by controlling a diverse number of social forces in the apartheid era, the party has in the

post-apartheid era sought to enhance its dominance as the governing party through a process of institutionalism. This section examines factors that contribute to the ANC's dominance in the post-1994 period. Particular attention is paid to arrangements and processes such as consociationalism, constitutionalism, corporatism and transformation of the state and public service, among others.

5.2.1 The ANC, Electoral and the Legislative Process

South Africa held its first non-racial democratic elections from 26 to 29 April 1994 and the second non-racial elections from 31 May to 1 June 1999 under an electoral system based on national list proportional representation. 19 and 16 political parties contested the National Assembly elections of 1994 and 1999 respectively (see Appendix 11 for a list of all organizations registered as political parties). In both elections, the ANC won with a majority and managed to obtain an electoral majority by capturing 62.7 and 66.36 per cent in the 1994 and 1999 National Assembly elections respectively (Table 5.0 below outlines the national results).

Table 5.0 1994 and 1999 National Assembly Election Results

Party	1994		1999	
	Percentage Votes	Seats	Percentage Votes	Seats
ANC	62.70	252	66.36	266
DP	1.73	7	9.55	38
IFP	10.54	43	8.59	34
NNP	20.39	82	6.87	28
UDM	-	-	3.42	14
ACDP	0.45	2	1.43	6
UCDP	-	-	0.78	3
PAC	1.25	5	0.71	3
FF	2.17	9	0.80	3
FA	-	-	0.54	2
MF	-	-	0.30	1
AEB	-	-	0.29	1
AZAPO	-	-	0.17	1
Total		400		400

Source: Compiled from the Independent Electoral Commission (IEC) <http://www.elections.org.za>

The 1994 elections saw a voter turnout of 86.87 per cent. The ANC won with 62.7 of the total vote, thus acquiring 252 of the 400 National Assembly seats. The other parties

together attained approximately 37.3 per cent of the votes. The NP, the ANC's closest rival, which achieved 20.4 per cent and thereby acquired 82 seats, became the official opposition. 19 parties contested the elections at the national level and 13 of these were recognized as minor parties. Only 7 of the 19 parties that contested the National Assembly elections managed to win seats in the National Assembly (Southall, 1994:636; EISA, 1999:3-4).

The fundamental feature of these results was that the ANC had won a decisive majority. Mandela, elected President by the new Parliament, appointed two Deputy Presidents, Mbeki of the ANC and De Klerk of the NP. Under the terms agreed to for the formation of a Government of National Unity (GNU) (discussed later in the Chapter), Sections 84 and 88 of the interim Constitution of 1993, provided for the appointment of an Executive Deputy President from the winning party, as well as opposition parties and a multi-party Cabinet respectively. Section 84(1) of this Constitution stated "Every party holding at least 80 seats in the National Assembly shall be entitled to designate an Executive Deputy President from among the members of the National Assembly" (RSA, 1993: 48). Section 88(2) stated that:

A party holding at least 20 seats in the National Assembly and which has decided to participate in the government of national unity, shall be entitled to be allocated one or more of the Cabinet portfolios in proportion to the number of seats held by it in the National Assembly relative to the number of seats held by other participating parties (RSA, 1993: 50)

The Cabinet comprised 18 members drawn from the ANC, 6 from the NP and 3 from the IFP. The ANC contested the 1994 election well aware that it represented the hopes of a substantial majority of South African and hence the key question about the election was not whether the ANC would win, but by how much it would win. These elections saw "the ANC transform itself from a movement of liberation into the predominant party of power", thereby setting itself to become the dominant party of government for the foreseeable future (Southall, 1994:639-640; 1997:9). The outcome of the 1994 general elections and the subsequent local government elections indicate that political parties are primarily characterised by the racial identity of their support. Africans predominantly support the majority party, the ANC, with less than 5 per cent of whites supporting it. Likewise, less than 5 per cent of Africans support parties that are

collectively supported by most whites (Lodge, 1995:475; Seekings, 1997:297-300; Habib and Taylor, 1999:262; Schlemmer, 1999:282). In the 1999 elections, the ANC, retained and managed to enhance its electoral majority and hence its parliamentary dominance. National voter turnout stood at 89.30 per cent. The ANC captured 66.36 percent of the votes, thereby winning 266 seats in the National Assembly. Its closest rival the DP, captured 9.55 per cent of the votes and 38 seats, and was declared the official opposition. The ANC had acquired an additional 14 parliamentary seats (EISA, 1999:37-41).

International observers dubbed the 1994 election as generally free and fair and reflecting to a large extent the will of the people (Lodge, 1999b: 7-8). Nonetheless, the electoral process was characterized by irregularities and the use of force. The Independent Electoral Commission (IEC), which organized and supervised the elections, managed to facilitate these elections in about four months. Irregularities in the 1994 elections, such as missing voter lists, were mainly the result of administrative shortcomings and "the calculation of results was a very opaque process" (Buntman, 1998:251; Lodge, 1999b: 2). These elections were marred by political and electoral violence. Pre-election violence between the ANC and the IFP occurred in the run-up to the 1994 elections, especially in Natal and on the East Rand. Parties also identified and declared their "zones" and in many instances denied their political competitors access to these zones. The IEC report referred to 165 such 'no-go' zones. Of these zones, 39 per cent were controlled by the ANC, 27 per cent by the IFP, 15 per cent by tribal authorities, 12 per cent by the 'white right', and one each by the NP, the PAC and the African Christian Democratic Party (ACDP) (Lodge, 1999b: 6-7). Though the ANC was not yet the governing party, as the major liberation movement and vehicle for the aspirations of the black majority, controlling wide social diversities, it was the dominant actor in the political process and had a controlling influence in the black townships. In as much as political zoning was, to some extent, a function of coercion, particularly in areas predominantly ANC, according to the IEC report, such zoning and coercion did not significantly affect the electoral outcome.

The 1999 election was far better conducted than its predecessor. However, there were complaints concerning 'no-go zones', political violence and intimidation. During this year, the IEC recorded 1032 complaints and in many instances these were of

harassment and poster removal (Lodge, 1999b: 197-199). Apart from its historical role as a liberation movement and the fact that racial identities have characterized the South African polity, the ANC's electoral dominance is a function of the electoral system of the country. Indeed the list PR electoral system has made a significant contribution to the emergence of a dominant party system in South Africa. During the negotiations, political parties were greatly concerned with the choice of electoral system, as uncertainty and unpredictability surrounded the electoral outcome. At the launch of a democracy, the political elite are aware that the choice of electoral system is important because it transforms gradually and slightly, thereby, "largely shaping the ruling alliance, the nature of the dominant party's control over its representatives, the extent of its hold over society and the type of opposition that will emerge" (Sisk, 1995:168-169; Southall, 1997: 6; Giliomee and Simkins, 1999:13; Pottie, 2001:153). The ANC initially preferred a constituency-based system during the negotiations and it did not support list PR since it feared that it would necessitate government coalitions by over-representing minority interests. It was assumed that the ANC preferred a constituency-based electoral system on the basis that its wide electoral support would win as other parties split across the left and right of the political continuum. The ANC adopted list PR partially as a compromise with the other political parties in favour of the system. The ANC became aware that such a choice would not be politically detrimental. Decades of ideological commitment by the ANC to non-racialism also encouraged it to select list PR rather than a constituency-based system. Under list PR, the ANC could choose 'correct' demographic proportions of candidates. The choice of such a balanced state of candidates under the FPTP or constituency system would have been much more difficult. The ANC was also concerned that racial and ethnic politics should be undermined as far as possible without authoritarian regulations or limits on party organization (Sisks, Friedman, Mattes quoted in Pottie, 2001:154; Welsh, 2001:26-27). The list PR in the 1994 and 1999 elections managed to give more than 60 per cent to the largest party and secured the minorities' representation in Parliament. It also greatly contributed to the ANC's success in managing its constituency by making it possible for the organization to mobilize Africans as a compact majority (Giliomee and Simkins, 1999:13-16).

The remaking of the constitution as a legislative process provided the governing party with opportunities to enhance its dominance. The interim constitution, which was written by unelected political actors, stipulated that a democratically elected Constitutional Assembly (CA) comprising the 400 MPs and 90 senators sitting together, should draft a new constitution within two years of the post-apartheid parliament's first meeting. This would then finally be certified by a newly established Constitutional Court as conforming to the 34 principles underlying the interim constitution. Though the remaking of the constitution proved a troublesome and tedious exercise, the Constitutional Court, nonetheless finally approved a revised text on 4 December 1996. The enabling Act was signed six days later, and came into effect in early February 1997. The ANC, by virtue of its electoral majority, had the highest percentage of seats in the Constituent Assembly (See Table 5.1).

Table 5.1 Party Representation in the Constituent Assembly

Party	Seats in CA	(%)
ANC	312	63.7
NP	99	20.2
IFP	48	9.8
FF	14	2.8
DP	10	2.0
PAC	5	1.0
ACDP	2	0.4

Source: Strand, P "Finalizing the South African Constitution: the Politics of the Constitutional Assembly" *Politikon*, Vol.28, No.1, 2001, p.48.

The passage of the new constitution provided a basis for firmer control over the machinery of the state by the ANC. The new constitution, unlike its predecessor, is more favourable to the ANC's centralizing project. There are three significant changes in the constitution that contribute the ANC's dominance. The new constitution (as demonstrated later in the Chapter) makes no provision for enforced coalition. Among other things, the provision made by the interim constitution for the leader of the second largest party in parliament to become Deputy-President fell away, thus increasing political power for the presidency and the majority party. Since 1996, ANC members have occupied the posts of President and Deputy President. Furthermore, whereas the size of the cabinet was

formerly restricted to 27, later by amendment, 28, the new constitution, provides the President with complete discretion to appoint any number of Ministers or Deputy-Ministers he or she chooses. It also provides for up to two Ministers to be appointed from outside the National Assembly. This makes it easier for the majority party to centralize political power and dominance through patronage rewards based on political loyalty. Thus as long as a government has a majority in Parliament, it can exercise majority rule though within the limits set by the constitution. The second change favouring centralization is the introduction of the concept of 'Cooperative Government', associated with which is the replacement of the Senate by the National Council of Provinces (NCOP). Provision for the Senate fell under Sections 36 and 48 to 54 of the interim Constitution of 1993. The Senate was composed of 10 senators for each province nominated by the parties represented in a provincial legislature (RSA, 1993: 28). This is clearly in favour of the ANC, since the party controls seven out of the nine provinces. The effective working of cooperative government will be such as to secure its ultimate control over the NCOP. Finally, a change in the constitution, which furthers ANC central control, is the elevation of local government to an independent tier of authority. Local governments are now no less subject than the provinces to financial discipline, rendering them subject to national government intervention if they are deemed to be failing in their responsibilities (Southall, 1998b: 447-450).

The ANC's dominance in the political process is further enhanced by its parliamentary dominance. As the majority party in parliament, the ANC has a domineering control and influence on the legislature, as it controls the five main axes of power in parliament namely: the Speaker; the Secretariat; the Chief Whip of the majority party; the ANC caucus, which consists of MPs; and the Chairs of the parliamentary committees, which wield significant power. These five axes of power, although interlinked, operate independently, with different styles and priorities (CDE, 1998:28). The Chief Whip of the majority party is a key feature and position in any Westminster-type system. Each party in parliament elects a Chief Whip to run its affairs and the organization of its members within. The Chief Whip of the majority party, the ANC, is the most influential. The office of the ANC's chief whip represents the crossroads between the ruling party in the executive and its majority in parliament. The ANC chief

whip probably has more power than the leader of the house in terms of the day-to-day management of government business. The Chief Whip initiates and responds to procedural reforms such as the system of parliamentary questions, and ministers who do not attend caucus or are absent from the National Assembly consistently receive a written reproof from the Chief Whip. This improvement in efficiency has helped the ANC to operate more effectively and efficiently thereby improving the parliamentary system generally (CDE, 1999:28). Given that the speaker, the leader of government business and the chief whips together determine parliament's programme, and these are predominantly ANC members, it is clear that the ANC has steering influence over the legislative assembly.

The ANC caucus, as one of the main axes of power, is also important in the configuration of political power. The caucus meets more regularly than the main ANC party structures and it is the place where the executive and the legislative arms of the party meet. It is also the place where key policy decisions are sanctioned (CDE, 1999, 28-29). The caucus therefore strengthens the dominance of the ANC in parliament, since once policy decisions are sanctioned by it, the ANC acts as a bloc in key parliamentary decisions. The ANC caucus is, however, not formally part of the organisation's constitutional structure and since the caucus is so large, with 312 MP and National Council of Provinces (NCOP) members during 1994-1999, there is little scope for the substantive discussions that take place elsewhere, such as the various ANC study groups, which shadow the parliamentary committees. Given the intimidating atmosphere and the presence of so many political heavyweights in the caucus, it is argued that there is little scope for participation by backbenchers (CDE, 1999:28-29).

The parliamentary committee system is an important mechanism for ensuring accountability and transparency in government and public participation in the law-making process. The National Assembly and the NCOP have committees that oversee government departments and consider legislation produced by and related to those departments. In the National Assembly, the committees are called portfolio committees and in the NCOP they are called Select Committees. The chairpersons of the parliamentary committees, particularly the portfolio committees, therefore have an important role to play in parliament. Since 1994 parliament has reorganized the way in

which the committee system operates. Parliamentary committees are now subject to public scrutiny unlike prior to 1994, when under the NP, committee proceedings were kept secret (Southall, 1998:453-454). There are now 50 committees of which 27 are portfolio committees. As at 2001, 94 per cent of the total number of committees were chaired by the ANC (see Table 5.2).

Table 5.2 Number of Parliamentary Committees Chaired by the ANC as at 2001

Committee	Total Number of Committees	Number of Committees Chaired by ANC	% of Committees Chaired by ANC
Ad Hoc	3	3	100
Joint Standing	8	8	100
Portfolio	27	26	96
Standing	2	1	50
Select Comms.of NCOP	10	9	90
Total	50	47	94

Source: Compiled from the websites of the Parliament of South Africa and the Parliamentary Monitoring Group.

The parliamentary committee system is one important mechanism whereby MPs keep an eye on and monitor the work of the executive. Committees may summon any person to appear before them to give evidence. Rule 138 (a) of the National Assembly states that for the purposes of performing its functions, a committee may “summon any person to appear before it to give evidence on oath or affirmation, or to produce documents” (RSA, 2000c: 33). Ministers and public service officials can therefore be required to account for their work before a parliamentary committee (CDE, 1999:26). In short, the committee system is meant to act as a check on the executive.

The ANC’s dominance of the committee system, has, on the contrary, strengthened the executive. In the committees many ANC MP’s are hesitant to use their influence and power to critically evaluate the performance of the executive mostly due to fear of political harassment or party discipline. Where ANC members of the parliamentary committees have criticized and/or scrutinized individuals and policies, the recipient has always “been a ‘soft target’ politically” (CDE, 1999:26). There are indications that in some cases, to save ministers and their projects from embarrassment,

the party has placed pressure upon ANC MPs in some committees. There are other signs that ministers themselves are attempting to steamroller committees. This situation can be attributed to fact the ANC, as a liberation movement operated, in an environment of secrecy and loyalty and thus it is finding it difficult to adapt to the new political environment, in which transparency and accountability are entrenched in the constitution and as government policy (Southall, 1998b: 454; CDE, 1999:26). ANC dominance in the parliamentary committee system and the apparent loyalty of its committee members to the party is in effect strengthening the executive wing of the party and government.

As the ANC controls over ninety per cent of the parliamentary portfolio committees, and as the executive arm of government appears not to regard parliament as relevant and as a serious site for policy formulation, the ruling party does not, paradoxically, dominate when it comes to parliamentary questions and motions. Questions and interpellations, apart from work on committees, provide opposition parties with opportunities to articulate their interests and influence the policy-making process. They provide the most reliable indication of the substance and content addressed in Parliament. In most instances opposition parties pose questions and interpellations, in order to challenge or dispute ANC policy thus holding the executive accountable. For example between 1994 and 1999, a total of 1, 379 questions were asked in parliament (Calland, 1999:11). Only 216 of these were posed by the ANC, representing only about 16 per cent (Table 5.3 below indicates socio-economic question progress by party, 1994-1999).

Despite its dominance in Parliament, the ANC posed only about 16 per cent of the total number of questions asked. Lia Nijzink advances three reasons as to why the ANC, despite its large majority, rarely asks questions. Firstly, the ANC seems to regard parliament as above all a venue for passing laws initiated by the government and for facilitating policy implemented by the executive. Secondly, as a former liberation movement, the ANC does not have a strong history of individualized and independent behaviour. Finally and probably most importantly, there is the inexperience of many of the ANC MPs in the workings of parliament, though this factor should have diminished over time. In practice, the ANC acknowledges that opposition parties dominate question time (Nijzink, 2001:110). However, its limited use of question time is not an indicator

that the ANC's dominance in the legislative process does not impose constraints upon opposition parties. The parliamentary opposition parties operate within the political constraints imposed by the dominance of the ANC. It has been argued that in all but one case, that of the DP, their inexperience dilutes their impact even further (CDE, 1999:32).

5.3 Questions Posed by Political Parties in South Africa, 1994-1999*

Party	No. of Questions Asked
ANC	216
NP	606
IFP	179
DP	250
ACDP	22
PAC	20
FF	86
Total	1379

* Socio-economic questions

Source: Richard Calland (ed) *The First Five Years: A Review of South Africa's Democratic Parliament* (Cape Town: Idasa, 1999) p. 11.

Arguably, the ANC's inability to dominate question time is healthy for democracy in that it gives the opposition parties an opportunity to challenge ANC policy and hold the executive accountable, while at the same time articulating their interests and influencing the public policy-making process.

The ANC's ability to maintain tight organizational control over its parliamentary representatives through its highly hierarchical party caucus, standing committee study groups and its ability to prevent its MPs from questioning their own ministers is aided by two factors: the list PR electoral system and the anti-defection clause in the Constitution (Jacobs, 1998:9; Giliomee and Simkins, 1999:17-18). Representation in both the National Assembly and the NCOP is dominated by the ANC due to the list PR. This gives the ANC as a political party extensive influence over voting on bills in the National Assembly and the NCOP. The National Assembly is party-dominated, with the chief whip and party caucuses playing a decisive role in voting. In the NCOP, ANC dominance is also strong, but the party influence on bills that require provincial mandates, that is, Section 76 bills is somewhat mediated by whether the ANC dominates a province or not. The ANC controls seven of the nine provinces and a majority of five provinces is needed

to pass Section 76 bills. The party already has a decisive influence on bills on which MPs may vote as individuals in the NCOP (Jacobs, 1998:9).

Party control of MPs is further maintained through an anti-defection clause, retained from the interim constitution. Party discipline is ensured by Section (43) b of the interim constitution, which prevents MPs from crossing the floor of the house and changing party. This anti-defection clause means that an MP loses his or her seat if he or she, for whatever reason ceases to be a member of the party that nominated him or her as a member of the National Assembly (RSA, 1994:26). In other word, the seat in parliament is owned not by the individual MP, but by the party. This measure, while ensuring a stable democracy and maintaining the choices voters make at elections, also increases the power of political party officials, especially party whips, to ensure strict party discipline. This system enables party leaders to impose homogeneity on a caucus and it also serves to freeze allocations of seats and inter-party strengths as determined by the results of the election. Such tight party discipline further fuses the legislative and executive arms of government. The ANC's enforced political homogeneity, therefore, acts as a bridge between the executive and the legislature. This means that many ANC MPs are simply voting provisions as the ANC chief whip becomes increasingly effective and organized (Jacobs, 1998:10; CDE, 1999:27). A fusion of the legislative and executive arm of government only serves to enhance the dominance of the ANC in the political process.

5.2.2 The ANC, Transformation and the Public Service

The ANC is establishing party dominance by seeking to dominate governmentally. It is attempting to fulfil its historical project of creating a non-racist and non-sexist democratic society through a series of interrelated and mutually supportive public policies that will give shape to the national political agenda. In so doing the ANC's dominance is now being further entrenched by a growing centralization and control of its policy-making process, transformation of the public service and political, administrative and financial control of the provinces.

The ANC is also enhancing its dominance by attempting to exert its control and influence over the state and society. The party argues that for South African society to be meaningfully transformed, it is necessary for the state, as a prerequisite, to be transformed. In other word, transformation of society must begin with the transformation of the state. The ANC believes that a transformed state will bolster the transformation of the wider society. According to the organization, the strategic challenge of the current phase is to transform South African society to become truly non-racial, united, non-sexist and democratic. In order to achieve this, it is trying to control and influence the functions and responsibilities of state. The methods of achieving transformation of the state are outlined in its discussion document entitled *The State, Property Relations and Social Transformation: A Discussion Paper towards the Alliance Summit* (ANC, 1998).

There are two interrelated questions that form the basis of the ANC's approach to transformation. Firstly, political power is not attained for its own sake, but to pursue given political and socio-economic objectives. Thus for the ANC, the state cannot be a neutral, non-partisan entity; rather it is an instrument that is used to pursue class interests. Secondly, political power, in the final analysis, is all about resource allocation and reallocation. Thus, at the basis of any revolution is the issue of property relations: how classes or groups relate to capital, in particular, and resources in general. The ANC argues that it is a multi-class organization representing the interests of all those who stand to gain from transformation and as such they share a common interest in the advancement of the cause of social transformation. The objective is not, therefore, to create a classless society. The ANC aims to reshape these property relations in line with its non-racial and non-sexist principles, and at the same time to configure them in such a way that they serve the interests of the overwhelming majority of the people, most of whom are poor. To the ANC, the state and its instruments represent class interests and therefore it is part of, and a player in defining, social relations. It is therefore part of and not above society (ANC, 1998). Power is therefore not only located in the state, but also within society.

The ANC believes that the state guarantees and regulates property relations and the rules of political, economic and social engagement in society. In doing so, it promotes specific social interests. Therefore, it should in its composition and outlook, reflect these interests, and afford the classes and strata it represents the means to carry out their

objectives. It is in this context that the party examines the South African state in the current period and argues that it inherited a state that was illegitimate and structured to serve the interests of a white minority and therefore it cannot use the apartheid state machinery and hope to realize its aims. Thus the apartheid state has to be destroyed in a process of fundamental transformation. The ANC argues that the achievement of democracy ushered in a legitimate government based on a democratic constitution, with elected representatives as the main determinants of policy. The new democratic constitution guarantees democracy by ensuring meaningful political competition, participation and the existence of civil and political liberties. However, despite the introduction of a new democratic constitution, the instruments of state such as the army, police and judiciary, which should be the mechanisms and institutions of implementing the new democratic order and safeguarding democracy, remain largely in the hands of forces that were, and in some cases still are, opposed to social transformation. Hence, much transformation of the state itself is still required for it to become a true representative of the classes and strata that have brought about democratic change. The South African state is, therefore, currently in transition. The kind of state that the ANC wants to build is one in which the democratic forces have the capacity to use state instruments for purposes of social transformation (ANC, 1998).

Transformation of the state entails, first and foremost, extending the power of the ANC over "all levers of power: the army, the police, the bureaucracy, intelligence structures, the judiciary, parastatals, and agencies such as regulatory bodies, the public broadcaster, the central bank and so on" (ANC, 1998). In other words, the ANC is attempting to establish political party control and influence over the strategic instruments of the state. Though the ANC argues that this is not "in contradiction to the provisions of the constitution, which characterise most of these bodies as independent and non-partisan" (ANC, 1998), it becomes increasingly clear that the ANC does not believe in the distinction between party, state and government. Such levers of power become subjected to political party influence as the party augments its political power through such institutions. In as much as it is necessary for these institutions to owe allegiance to the new order so as to ensure democratic consolidation, there is the possibility that such institutions may end up owing their allegiance to the party rather than the democratic

order.

Transformation of the state is also aimed at introducing systematic preventative and contingency measures dealing with counter-revolution, which include "measures aimed at thwarting attempts aimed at establishing "a parallel state" in the form of private security companies, parallel intelligence agencies and so on" (ANC, 1998). This is an indication that the ANC is attempting to create a strong state, by ensuring that it will be in a position where all individuals and organizations in society are under the control of the government. For the ANC, this is necessary, as it has to grapple with the issue of governing an unruly society as is evident from the high rate of crime and violence.

The ANC argues that it is committed to a strong and efficient state that is resolute in its loyalty particularly to the poor. Transformation of the state is not "synonymous with the dismantling of the state, rendering it irrelevant or redefining its role in such a way that the democratic movement ends up with a diffuse system of social cohesion and coercion" (ANC, 1998) This implies that in as much as the ANC acknowledges that there should be a diffusion of political power in society, such power should nonetheless be controlled by a central agency, indicating the party's commitment to centralism.

The public service in any country can be used as an instrument of political control and power over society as long as the party in power is able to exert its control and influence over such an agency. As part of transforming the state and as part of its objective of exerting its control and influence over the state and society, the ANC is engaged in a process of transforming the public service. The public service that the new government inherited in 1994 was designed to support the apartheid order, and was largely geared to serving the interests of the white minority. According to the *White Paper on the Transformation of the Public Service*, the public service inherited by the new government was

... characterised by a number of problematic policies and practices which, if left unchanged, could seriously compromise the ability of the new government to achieve its major goals of reconstruction and development, nation-building and national reconciliation, and community empowerment and democratic participation (RSA, 1995:17).

According to the White Paper, these problematic areas include: (a) lack of representativeness (b) lack of popular legitimacy (c) lack of service delivery (d)

centralised control and top down management (e) lack of accountability and transparency (f) absence of effective management information (g) low productivity (h) poorly paid and demoralised staff (i) conflicting labour relations (j) lack of professional ethos and work ethic (RSA, 1995: 17-18).

The new government's task was to transform the public service from an instrument of control, domination, segregation and patronage into an enabling agency serving the ends of nation-building, reconstruction and development, and democracy. The ANC makes a clear distinction between transformation and reform. Whereas transformation is defined as a "dramatic, focused, and relatively short-term process designed to fundamentally reshape the public service for its appointed role in the new dispensation" reform, on the other hand referred to administrative reform, involving "a broader, longer-term and continuing process that would ensure that the South African public service is kept in step with the changing international and domestic context" (CDE, 1999:66).

The new government identified the following areas for the transformation process: (a) rationalisation and restructuring to ensure a unified, integrated and leaner public service (b) institution-building and management to promote greater accountability and organisational and managerial effectiveness (c) representativeness and affirmative action (d) transforming service delivery to meet basic needs and redress past imbalances (e) the democratisation of the state (f) human resource development (g) employment conditions and labour relations (h) the promotion of a professional service ethos (RSA, 1995:25)

The ANC has made significant progress toward achieving some of these goals, despite setbacks. The huge task of fusing the previously segregated racial/ethnic administrations and creating new structures in line with the new constitution has been completed. Personnel practices that were discriminatory and inequitable have been done away with, and legislation has been drafted to create an entirely new human resources and management framework. The government has implemented right-sizing as a means of fast-tracking appropriately qualified blacks into managerial posts (Southall, 1997:24-25). The White Paper emphasizes that representativeness is one of the main foundations of a non-racist, non-sexist democratic society, and as such is one of the new principles of

the new government. It points out that this is to be achieved through affirmative action, the beneficiaries of whom are black people (in reference to Africans Asians and Coloureds), women and people with disabilities. Affirmative action measures have been spelt out in the Employment Equity Act No. 55 of 1998 (RSA, 1995:52-53; 1998b: 18).

Table 5.4 Profile of the Management Echelon (Director to Director-General) of the former Republic of South Africa Public Service by, Population Group and Gender, 1994 (%)

	African	Coloured	Asian	White	Male	Female
% of Management Echelon	2.0	1.0	3.0	94.0	95.0	5.0
National Population (CSS mid 1995 estimate)	76.0	8.0	3.0	13.0	49.0	51.0

Source: Republic of South Africa, *Developing a Culture of Good Governance: Report of the Presidential Review Commission on the Reform and Transformation of the Public Service in South Africa 27 February 1998. (PRC)* (Pretoria: Government Printer, 1998) p. 124

Table 5.5 Distribution of the South African Public Service, by Race and Skills Level 1999 (%)

	African	Asian	Coloured	White	% of overall public service
Lower Skilled	88	2	9	2	19
Skilled	74	4	9	13	22
Highly Skilled Production	66	4	9	21	55
Highly Skilled Supervision	42	6	6	47	3
Management	28	5	6	61	0
Senior Management	47	7	9	37	0
Proportion of Population	77	3	9	11	

Source: *Public Service Review Report 1999/2000*. Department of Public Service and Administration <http://www.dpsa.gov.za>

The ANC has achieved a significant goal with regard to affirmative action. In 1994, for example, 94 per cent of the public service's management echelon, that is, director to director-general, was white. By 1999, this had changed radically, with 37 per cent of senior management being white compared to 47 per cent African (see Tables 5.4

and 5.5 above). Table 5.5 must be interpreted against the overall distribution of public servants against skills levels. The Table shows that the overall composition of the public service over these six skills levels is so bottom heavy, that the real numbers in the three highest categories together hardly show up on the graphs when they are expressed as proportions of the overall public service (RSA, 2000).

However, as part of transformation, the public service has become a source of patronage and political power for the ANC. Understandably, the ANC has, appointed new senior public servants from within its political loyal ranks. In its report, *Developing a Culture of Good Governance: Report of the Presidential Review Commission on the Reform and Transformation of the Public Service in South Africa 27 February 1998*, the Presidential Review Commission (PRC) notes that many provincial appointments, for example, have not been based on skill alone. In national departments, it found senior public service appointments generally reflecting the ethnic or racial composition of the minister concerned. The report of the PRC stated that

While we understand the rationale for political appointments into the public service, we feel that this should be an interim and not permanent feature of the service, and wish to emphasise that skill and competence, rather than political loyalty, should be the guiding norm in future, especially as the threat of political sabotage diminishes (PRC, 1998a: 16).

Party officials elected to public office such as Members of Executive Council (MECs) in the provinces appear to believe that appointed public servants with ANC party membership cards owe their allegiance first to the party and then only to the constitution. The then ANC National Chairperson, Jacob Zuma, in November 1996, for example, was reported to have said that ANC leaders in government should not regard South Africa's constitution as being more important than the ANC, because once they began feeling above the ANC they would be in trouble. The ANC is nonetheless, already making substantial progress toward the control of the state machinery at the central and provincial level. It is already creating and developing a distinctive bureaucratic class whose goals, via affirmative action and the declared aim of redistribution, will be linked to the furtherance of its own agenda (Southall, 1997: 24-25; CDE, 1999: 73).

Another lever of power that is currently being used to enhance the ANC's dominance in the political process through transformation is the South African National

Defence Force (SANDF). In 1994, about 50 per cent of the personnel of the old Defence Force consisted of blacks. Out of this, less than one per cent were commissioned officers. By 1999, over 71 per cent the personnel of the new National Defence Force was black. Blacks comprised 32 per cent of the commissioned officers. By the same year, the Force had appointed 19 black generals from major-general and above, 14 of who were currently in the service. It had also appointed over 250 black colonels and lieutenant-colonels and over 1000 black majors and captains. Almost 20 per cent of the Department of Defence personnel were women, of whom 13 per cent were uniformed, representing an increase since 1994. A quarter of these were officers. Between 1997 and 1998, a 24 per cent and 8 per cent increase in the promotion of former MK and APLA members respectively was recorded. Similarly there was an increase of 20 per cent in the promotion of Africans (RSA, 1999f: cols. 1553-1555). This is an indication of the ANC's stated desire to control and influence all levers of power in the polity so as to achieve its desired historical agenda or project of transforming the state and society.

Though it is often pointed out that in dominant party systems and where corporatist arrangements exist, the influence of the party in the public policy-making process is usually limited, as a dominant party the ANC still has a controlling influence in this process. The transformation of the civil service to reflect representativeness in the senior echelons has witnessed the appointment of ANC cadres as demonstrated earlier in the chapter. In effect, many of these appointees who owe their allegiance to the governing party are largely responsible for policy formulation and implementation. Though now located in government, they are nonetheless party members who largely subscribe to the ideals, objectives and organisational discipline of the party. In other words members of the new executive in South Africa are predominantly drawn from the ANC and therefore the policy formulated will still reflect to a large extent that of the party. The party, however, has its own policy-making structures.

The extent to which the ANC is trying to influence policy-making in government and hence the public policy agenda, is reflected in the party's policy-making establishment. There is centralization of the ANC's policy-making process. Formally, party structures in the ANC make policy, and the government turns this into legislation and implements it. In reality, however, there is far more of a top-down process in which

much policy originates in government, often with the help of external experts. The ANC's policy-making capacity is largely concentrated in the ANC's national policy department and the NEC's sub-committees on economic transformation, social needs and governance. There are complementing structures in the provinces, where the party has policy departments and policy units in various fields headed by provincial executive committee members and comprising representatives from the provincial caucuses, regions and branches. To a large extent the provinces are implementing policy formulated at the national level. In theory, the ANC's policy-making establishment consists of three sets of processes: those focused around the NEC's subcommittees; those based on the ANC's parliamentary study groups; and the permanent or professionally staffed policy units or departments at the party headquarters. In practice, however, the most important individuals influencing policy formulation are cabinet ministers and their deputies, who constitute more than half of the NEC; their director-generals in the public service; the chairs of NEC subcommittees, who are often ministers; and some ANC parliamentary caucus study groups and portfolio committee chairs (CDE, 1999: 116-132). Many of these are ANC members and as such policy formulated by them and implemented by government clearly reflects the organization's agenda.

Other processes and bodies that ensure policy discussion and formulation within the ANC include the National Consultative Forum that brings together Alliance representatives, provincial ministers, and delegates from student and teacher organizations. The Alliance (discussed in detail later in the Chapter) consists of the ANC, COSATU and the SACP. This Forum makes recommendations, which can be forwarded to the ANC's NEC or National Working Committee (NWC). The NWC is elected by the NEC and is supposed to meet every two weeks. There are also the Alliance Summits and more routinely, fortnightly meetings of the Alliance Secretariat at the party headquarters, and monthly meetings of national office bearers of the Alliance partners also provide opportunities for policy discussion. The Alliance Summits function as arenas of debate and criticism of government policy. As large delegate meetings involving 60 or more people, they provide at best, forums for discussion of policy rather than for decision-making about policy (Lodge, 1999c: 22).

Transformation of the state and public service at all levels of government has in essence enhanced party dominance, since political power resides in the state and its organs. The ANC has realized that political power resides in the state and its organs and not in the party *per se*, and therefore its desire to control and transform all spheres of government to gain effective dominance. In South Africa, government is constituted as national, provincial and local spheres of government, which are distinctive, interdependent and interrelated. The ANC is also attempting to expand and increase its dominance by imposing political and financial controls upon the provinces, particularly the provincial governments. To this extent the party is making use of constitutional provisions, government policies and party political procedures.

The character of the post-apartheid South African polity can be described as a quasi-federal structure consisting of nine provinces. Control of the provinces is first and foremost compounded by constitutional provisions, which give the national government powers to monitor the affairs of provinces. The Constitution provides for direct national monitoring of provincial affairs under prescribed conditions. National government intervention is permitted in order to maintain national security, economic unity, national norms and standards, or to avoid prejudicial activities by any provincial government. Section 100 and Sections 146-150 of the Constitution govern such national supervision in specific instances (RSA, 1999a: 20; 1997b: 2.2). Section 100(1) in part states "When a province cannot or does not fulfill an executive obligation in terms of legislation or the Constitution, the national executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation" (RSA, 1997a: 57). Financial control of the provinces by national government, is also a direct manifestation of constitutional provisions such as Section 227 which states that each province is entitled to an equitable share of revenue raised nationally to enable it provide basic services and perform the functions allocated to it. The section does however, emphasize that there is no obligation on the national government to compensate provinces that do not raise revenue commensurate with their fiscal capacity and tax base (RSA, 1997a: 126).

Political control of most of these provinces by the ANC is a result of the party's electoral victories both at the national and provincial levels in the 1994 and 1999 elections. Whereas in the 1994 elections, the ANC won an outright majority in six

provinces and a plurality in a seventh, in the 1999 elections it won an outright majority in seven of the nine provinces, thus giving the party control at the national and provincial levels. Coupled with such constitutional provisions, the ANC has strengthened its political and governmental positions at the provincial level. While this has served to augment its political power as the party smudges the distinction between party and government, it has also in effect weakened the institutional capacity of the provinces to deliver services. This has further been compounded by inadequate funding and a lack of clear-cut government policies on the relationship between national and provincial governments that have left the latter faced with numerous administrative and financial problems.

The political, administrative and financial crises affecting the provinces, largely as a result of politico-administrative problems, have been acknowledged and highlighted in various government documents. Notable among these are, the *Provincial Review Report of August 1997*, the *Report of the Presidential Review Commission on the Reform and Transformation of the Public Service in South Africa of 27 February 1998*, and the *Intergovernmental Fiscal Review of September 1999*. The *Provincial Review Report* points out that political interference particularly from the Members of the Executive Council (MECs) hampers the administration of departments. The Report states that:

In the majority of the provinces, the relationship between the political leadership and the administration is not well defined. ... in many cases MECs have become involved in the administration of departments and undermined the role of Heads of Departments. MECs bypass normal, and appropriate chambers of management and become involved in recruitment and in the day-to-day running of departments. ... they even see themselves as accounting officers. The problems are made more severe when the political environment in the province is unstable, and especially if public servants are aligned with different political factions (RSA, 1997b: 25).

This is a clear indication of the ANC's attempts at controlling the provincial governments, by blotting out the distinctions between party and government. MECs, the majority of whom are ANC members, run departments on the basis of personal rule. Personal rule leads to an increase in political power while at the same time weakening the capacity of institutions to perform their roles effectively and efficiently. Consequently as political patronage appointees, some public servants owe their allegiance or loyalty

directly to MECs, thus undermining the administrative and decision-making process. This has been acknowledged in the *Provincial Review Report*, which points out that Heads of Departments in some provinces often bypass the Director-General (DG) and instead refer administrative issues and decisions to the political leadership in the province, thereby seriously weakening the authority of the DG, as well as causing lack of coordination within the provincial administration. Such Heads of Departments tend to take submissions to provincial Cabinet through their MECs without it having been submitted to the DG (RSA, 1997b: 25). To this extent the ANC is enhancing its dominance.

The provinces also lack complete autonomy since policies affecting them are normally formulated at the national level. The *Provincial Review Report* and the *Intergovernmental Fiscal Review* pointed out that many new policies are decided on at the national level without due consideration to the organizational, financial and service delivery implications in provinces. This tends to paralyze many programmes in the provinces (RSA, 1997b: 14; 1999b: 2.5-2.6). Furthermore, national government is meant to play a key role in determining the extent of fiscal redistribution between the provinces. There is direct national government with regard to budgets and financial management of provinces. National requirements for budgeting do not allow efficient management of services. National formats exist for the presentation and compilation of budgets, which do not allow managers to take independent decisions on how best to utilize their financial resources. Costs of individual activities are not reflected, rather the costs of the provision of specific kinds of goods or services to institutions and departments. Hence managers are unable to prioritize and have great difficulty managing expenditure. Staff are confused as to the real degrees of financial authority that provinces and departments have (RSA, 1997b: 20). Also the national government's adoption of the financial tenets of neo-liberal policies is leading to the imposition of strict financial controls upon the provinces, which is severely inhibiting their operational autonomy. The national government clearly feels that unless it imposes strict financial constraints upon provinces, it will lose control over the economy, and that its wider objectives will be lost. In broad terms, "the loyalty of the ANC to democratic ideals and institutions, which the new order entrenches, cannot be faulted" (Southall, 1998b: 456-468, 1998c: 11).

The ANC's is attempting to contain provincial autonomy within the party in a bid to consolidate political power and dominance. The party has begun to turn around a declining economy, to reorganize itself by consolidating its structures internally and addressing the numerous needs and expectations of its supporters. The party leadership has attempted to impose a semblance of order upon the political landscape by asserting its authority, using the mechanism of deployment and redeployment to achieve its desired objectives. This approach views the highest levels of the state and the party machinery, and the different levels of the government, as but one employment matrix. For example, as part of transforming the public service in order to render it more representative in terms of race and gender, and simultaneously willing to implement the new government's agenda, there has been the movement of personnel by the ANC from one sphere or level to another according to the dictates of the moment. This has resulted in a blurring of the distinction between politics and administration, notably when some newly appointed high profile civil servants are intimately connected to their ministers (Southall, 1998: 451; PRC, 1998). List PR facilitates deployment and redeployment as it allows the movement of personnel from one sphere to another. Any member of the National Assembly, Provincial Assembly, or the NCOP can resign from that body and be replaced by another representative of his/her party without any reference to the electorate. The ANC leadership has made particular use of this practice to curb in attempts by its new provincial organs to establish their autonomy, by trying to ensure that its choice of provincial premiers or leaders are appointed, as was the case in the Free State, Eastern Cape and Gauteng Provinces in the mid-1990s (Southall, 1998:451-453).

As emphasized in the foregoing chapter, one of the ways in which a political party can influence and reshape a country's national political agenda or landscape and hence strengthen its dominance is through the media. The ANC has been accused of using the media, particularly the state-owned electronic media, to enhance its dominant position, especially during election periods. By doing so, it has negatively impacted upon the elections and the electoral process. In the run up to the 1999 elections, the South African Broadcasting Corporation was accused of biased coverage in favour of the ANC. Reports produced by media monitoring groups such as the Independent Broadcasting Authority

(IBA) and the Media Monitoring Project (MMP) indicate that the ANC received more coverage than any other parties.

Table 5.6 SABC's Coverage of Political Parties in the 1999 General Election

Political Party	Time	% of Total
ANC	23736	26.1
IFP	13152	14.5
DP	10655	11.7
NNP	9722	10.7
UDM	7191	7.9
PAC	6329	7.0
FF	3854	4.2
Government	3414	3.8
AZAPO	1955	2.2
FA	2115	2.3
ACDP	1965	2.2
UCDP	795	0.9
GPCP	945	1.0
MUM	800	0.9
Opposition Parties	795	0.9
ULA	325	0.4
AITUP	340	0.4
SOPA	570	0.6
AEB	340	0.4
MF	570	0.6
DPF	180	0.2
LP	255	0.3
NACOPA	150	0.1
PLP	70	0.1
SPP	70	0.1
AMP	110	0.1
WIVL	180	0.2
XP	290	0.3
Total	90873	100

Total time per Party in seconds

Source: IBA *Elections 1999 Report on Coverage of the 1999 General Elections July 1999* p.26. <http://iba.org.za/monitor.htm>

According to the IBA report, the SABC was at fault in allowing inadequate time for free party election broadcasts. The IBA's *Report on Coverage of the 1999 General*

Elections July 1999, points out that, with regard to the quantitative assessment of news covered by the SABC, the party that received the most coverage was the ANC topping the list at 26 per cent. This was followed by the IFP, DP NNP, UDM and PAC. The small provincial parties like Ximoko PP, received very little coverage (IBA, 1999: 23) (see Table 5.6 above).

Coverage of the ANC, whether favourable or unfavourable, tended to predominate over other parties (Lodge, 1999b: 202-204). Towards the end of the campaign on 28 May, the MMD points out, that the only party to receive coverage on SABC was the ANC. Generally, the DP suffered from under-reportage on SABC radio and television stations and coverage of this party by election day was much more critical than it had been at the beginning of the campaign. A series of staff changes at the SABC in early 1999 effectively placed journalists with strong ANC affiliations in charge of the news. The impartiality of public broadcasting was therefore, much more open to criticism than it had been in 1994 (Lodge, 1999b: 202-204).

The ANC's dominance in state and state institutions such as the SABC had begun taking its toll and its subsequent effect upon the electoral process had begun to have a negative impact. Using its governmental dominance the ANC, attempted through the SABC, to influence voter perceptions to its advantage by discrediting opposition parties. Though some scholars such as (Lodge, 1999b) argue that although the SABC's biased coverage may not have influenced electoral outcomes significantly, the ANC's use of the SABC to influence voting patterns was wrong since the latter, as a media institution is primarily meant to safeguard and promote democracy in the country.

5.2.3 The ANC, Consociationalism and Corporatism

Democratization partly involves the establishment of democratic and democracy-promoting organizations and procedures that will eventually lead to a democratic order. Such procedures may include among others, consociationalism and corporatism. The transition to democracy in South Africa has partly been sustained by these two institutional arrangements.

Consociationalism or consociational democracy has been defined in terms of four basic principles. Firstly, it involves government by 'grand coalition' that is by a broadly representative coalition of all significant groups in the political process. Secondly, it recognizes group autonomy by means of territorial and or non-territorial decentralization and federalism. Thirdly, it involves proportionality, especially with regard to political representation. Finally, there is the existence of minority veto powers concerning issues of vital and fundamental importance to minorities (Lijphart, 1998:145-146). There is therefore, meaningful political competition between individuals and organized groups; political participation; and the existence of civil and political liberties, in the polity.

South Africa was arguably a democracy based on consociationalism between 1994 and 1996. This was primarily a function of the 1994 interim constitution, which embodied all the basic principles of consociationalism. Firstly, government by a 'grand coalition' was evident in the formation of the Government of National Unity (GNU), provided for under the interim constitution. Secondly, group autonomy particularly in the critical area of education was guaranteed. Thirdly, proportionality became the leading principle of election and representation in the National Assembly and provincial legislature as well as in the composition of the GNU. Finally the minority veto power appeared in the form of the two-thirds majority requirement for amending the constitution and for adopting the permanent constitutional text by the Constitutional Assembly (Lijphart, 1998:146).

Consociationalism during this period helped the ANC establish its dominance in the political process. The GNU was one of the outcomes of the negotiated settlement, between the two major protagonists in the negotiations, namely the popular alliance led by the ANC and its allies on the one hand and the former ruling party, the NP and an assortment of its associates on the other. During the negotiations, phrases such as "power-sharing, "sunset clauses" and "horse-trading" entered the national vocabulary. It was believed that these sunset clauses would open the way to the new political dispensation since they would guarantee minority rights, among others. There was common acknowledgment that the pragmatism of Slovo, who had introduced the concept of sunset clauses, had led the ANC to accept the principle of a GNU that would be phased out after a five-year period (CA, 1997:19; Southall, 1998b: 444-445). The election of

1994 provided the basis for the ANC to emerge as the dominant force within a coalition GNU. The outcome provided the basis for the ANC, NP and IFP to take proportionate shares within the GNU, which the interim constitution envisaged as guiding South Africa through the first five years of its democracy. The ANC's control of the Presidency and its majority position of 67 per cent within the cabinet resulted in its domination of the government's agenda and process. The new cabinet was one of national reconciliation and brought together leaders of these three parties. All races and ethnic groups were significantly represented. The installation of the GNU and the new democratic parliament presented the ANC with new challenges. Though it won the 1994 elections, the ANC was still primarily concerned about the elections of 1999. Party strategists argued that the 1999 elections were important because the party that would win, would not be obliged to accommodate other parties, as required by the GNU (Guelke, 1996:92-93; Adams, 1997: 239-240; Gall, 1997: 203; Saul, 1997: 220-222; Southall, 1998: 444-445; Rantete, 1998:251).

The resolution to choose a GNU and power-sharing for South Africa's first years of democracy was a political necessity for the ANC in its pursuit and consolidation of political power. On the one hand, the ANC was not yet a victor in the liberation struggle and had limited bargaining power, as it was negotiating with an enemy it had not defeated, and therefore had to make certain concessions to win a negotiated agreement. On the other hand, there were certain practical, moral reasons for a GNU. As Slovo had pointed out, winning political office in an election would not automatically translate into being able to use the levers of political power. A GNU and guaranteeing civil servants' jobs were the best option to help ensure that the ANC would be able to govern if it won. Furthermore since reconciliation and unity was the moral call of the new government, there was a powerful ethic in the cooperation between the former oppressors and the oppressed (Buntman, 1998:264-265). In 1996, the NP opted to leave the GNU. Although a proportionate share of the posts, which it had occupied in government, were now reallocated to the IFP, the latter remained very much defined as the junior partner, whilst to all intents and purposes the ANC was confirmed as the ruling party (CA, 1997:40-55; Southall, 1998:446-447; CDE, 1999:74).

Though consociationalism has declined since 1996 with the adoption of the permanent constitution, which no longer prescribes a GNU. This does not indicate conclusively that the polity under majoritarianism is likely to end up authoritarian. There remain arrangements and mechanisms in the social, political and economic system that still guarantee, to a large extent some form of power-sharing or decentralization. First of all, with the inclusion of the IFP as a junior partner in government, the cabinet is still not a one-party type such as those found under majoritarian rule and this indicates a semblance of broad government. Secondly, the multi-racial and multi-ethnic character of the ANC, particularly among the ranks of its cabinet ministers and MPs demonstrates a broad representation of all the major racial and ethnic groups in the country. Thirdly, in as much as the ANC may dominate the party and political system, power in the political system may be counterbalanced by power in the economic system predominantly controlled by non-blacks. Power may also reside in those echelons of government that the ANC has yet to dominate effectively. Finally, the mechanisms that safeguard democracy such as the list PR electoral system, a quasi-federal system of government, and a constitution that can be only amended by a two-thirds majority and a constitutional court still exist (Lijphart, 1998: 148-149; Maphai, 1999:95-98).

Party dominance in South Africa has also been enhanced by corporatism. Corporatism is a mechanism that safeguards democracy and political stability, since it ensures that all the major actors in the social, economic and political system advance and safeguard their interests. It is basically a policy arrangement based on consultations and negotiations between government, business and organized labour in a bid to address key socio-economic and political issues facing a country. Corporatism in South Africa has largely manifested itself in the establishment of the National Economic Development and Labour Council (NEDLAC).

NEDLAC's origins can be viewed in the context of the struggle against apartheid, against unilateral decision-making, and demands by society for a more inclusive and transparent decision-making process. It recognizes the importance of consensus in decision-making as a way of ensuring the success of major economic, social and development policies. NEDLAC draws on international experience in tripartite decision-making, as well as the experience of its predecessors, the National Economic Forum

(NEF) and the National Manpower Commission. It also has unique features relevant to the South African situation, which include the traditional social partners involved in corporatism, namely, government, business and labour, but also organizations that represent community interests in the country. NEDLAC is therefore a special type of corporatism. It represents a fourth constituency, namely, community and development. Parties to it seek to reach agreement through negotiation and discussion based on proper mandates. Hence, it is "an agreement-making body rather than an advisory body, and serves as an instrument for ongoing "accord-making" " (Webster, 1995: 25, NEDLAC, 1997: 1).

NEDLAC is currently involved in a number of various programmes under the chambers representing the four constituencies. The current and completed projects fall under the following programmes; HIV/AIDS, public transport, public education, local government, poverty eradication, international migration, labour laws, and pension funds, among others (NEDLAC, 2001). Despite the politico-administrative problems facing it, largely as a result of the socio-economic divisions inherited from the apartheid era, as well the diametrically opposed interests that the organization seeks to contain, at times resultantly inhibiting consensus in the short-term, NEDLAC has nonetheless recorded some achievements. By September 1998, NEDLAC had negotiated 35 agreements. It played a central role in negotiating consensus around the provision of the Employment Equity Bill, the Skills Development Bill, the Competition Bill and codes on picketing, retrenchment and sexual harassment. NEDLAC was also involved in preparations for the Presidential Jobs Summit and the common programme that the summit produced (Cawthra and Kraak, 1999: 69-71). In 2000, NEDLAC successfully dealt with seven cases under Section 77 Notices. Section 77 of the Labour Relations Act allows registered trade unions or federations of trade unions to undertake protest action to promote or defend the socio-economic interests of workers. Before embarking on protest action, the Act requires the trade union concerned to serve notice to NEDLAC stating the reason for the protest action. NEDLAC parties then met with the trade union and other interested parties in an attempt to resolve the dispute. Should the NEDLAC be unable to solve the dispute, workers are entitled to participate in protected protest action (NEDLAC, 2001).

While corporatism in apartheid South Africa was aimed at ensuring political stability at the expense of a democratic order, in the post-apartheid era it has been established as a means of ensuring political stability and democracy. During the apartheid era, it was established by the state to curtail the popular resistant activities of the vibrant trade union movement in the mid-1980s. As a result, popular resistance and the political activities of the Congress movement were to some extent quashed (Habib, 1997:62-63; Lewis and Naidoo, 1999: 217-218). Corporatism in the post-1994 period has ensured political stability, but in this case within a democratic context. Political elites in the new dispensation have established corporatist arrangements as a means of ensuring political order and stability in the transition toward democracy in the country. To forestall any political crises arising from the implementation of new economic and political programmes and strategies, such as the Reconstruction and Development Programme (RDP) and the Growth Employment and Redistribution (GEAR) strategy, the ANC found it necessary to form corporatist arrangements with the key social forces in the country, namely government, business, labour and civil society. Under such arrangements, various class and race interests would be represented in the new political dispensation, such as the beneficiaries of the apartheid regime, cautious of the socialist inclination of the RDP, and the previously disadvantaged groups who were disappointed by the ANC's adoption of the neo-liberal GEAR.

The formation of the Tripartite Alliance among the ANC, COSATU and the SACP, arguably represents some form of quasi-corporatism, as it is an arrangement between political parties and the labour movement. The Tripartite Alliance not only sought to represent broad socio-political and economic interests at its formation, but also later sought to capture political power and to form the government. The electoral victory and consequent formation of government by the ANC, the major component of Alliance has not only ensured political stability in democratization, but has also enhanced the dominance of the ANC in the political process. The ANC's ability to bargain with other organizations so as to remain in and at the core of government, as evident in the formation and sustenance of the Alliance (albeit showing signs of strains), indicates its bargaining dominance as a dominant party.

After the unbanning of several political organizations in 1990, the ANC formalized the Tripartite Alliance, comprising the party, SACP and COSATU on the common commitment to nationalism and substantial redistribution from the previously advantaged to the previously disadvantaged communities of society. Over the next one year, the Alliance carefully began to distance itself from the armed struggle and radical elements in its ranks. During the CODESA talks, the ANC, as one of the key actors, formally established its dominance within the Alliance, and COSATU was reduced to a secondary role, influencing ANC policy through lobbying and pressure rather than wielding a share of direct power over decisions. From this point, political parties, not the civil society organizations, which took on the role internal resistance to apartheid during 1980s, were to be the centre of the transition (Adler and Webster, 1998:20; Giliomee and Simkins, 1999:29; Webster, 2001:84).

Despite the growing strains within the Tripartite Alliance, it is important to start with a clear understanding of what binds this alliance together. These three organizations are bound by several factors. The ANC, SACP and COSATU share a history of common struggle against the apartheid regime and the strong African nationalist sympathies of the labour movement and communists often override their class perspectives. The ANC relies on these organizations for mass mobilization and electoral support. These organizations are also bound by a common heritage of the language and ideas of revolutionary opposition and socialism and a lasting shared conception of 'them' and 'us', enemies against whom they must be vigilant and united, even if now the ANC is in government. It is also important too, to understand that the three organizations in the Alliance have overlapping membership (Adam, 1997:237; CDE, 1999:111)

The South African transition is founded on the normative principle of national unity and this principle is the basis on which the ANC forms political relationships with both foe and friend. The political relationship among the ANC, SACP and COSATU, as a corporatist arrangement, is based on the principle of national unity aimed at strengthening the ANC's position in the formation of government. As Habib puts it:

... the strategic alliance among the ANC, COSATU, and the SACP, prior to, as well as following the 1994 election fostered a co-operative relationship on all sides. The overlap of membership, and the presence of senior COSATU figures on the electoral slate of the ANC and in the

cabinet of the GNU, meant that a repressive response could not be realized without debilitating divisions and tensions within the ruling party itself (Habib, 1997:71).

COSATU, which proved to be by far the best organized component of the ANC electoral machine in the run-up to the 1994 election, gave its support on the condition that the ANC implement an ambitious policy of job creation and social welfare called the RDP, as the new hegemonic national project. The RDP was an integrated coherent socio-economic policy framework, which sought to mobilize all the people and resources of South Africa toward the final eradication of apartheid and the building of a democratic, non-racial and non-sexist future. To ensure that such a socio-economic programme would be adhered to, COSATU further demanded that its officials be included in the ANC election list. The 1994 elections, however, cemented the ANC's leadership within the Alliance and since then the Alliance has come under growing strain following the government's abolition of the RDP office and acceptance in 1996 of a liberal macro-economic framework, GEAR, which emphasizes fiscal discipline, privatization, abolition of exchange controls and lowering of tariff walls. Unlike the RDP's radical redistributive orientation, GEAR served to provide confirmation of the shift to a liberal capitalist, growth-first framework, thus in essence annoying the Alliance partners who were more committed to a radical programme. Despite its adoption of GEAR as a macro-economic framework, the ANC has nevertheless remained firmly committed to the social transformation of society (Lodge, 1995:479; Adams, 1997: 244-246; Gall, 1997:204-215; Saul, 1997: 223-225; Adler and Webster, 1998:24; Maree, 1998:49; Rantete, 1998:89; ANC, 1999:13; Giliomee and Simkins, 1999:29; Habib and Taylor, 1999: 266; Mckinley, 2001: 67; Bond, 2000:53-85). An interesting point to note is that, although the RDP's radical redistributive orientation was committed to the social transformation of society as envisioned largely by COSATU and the SACP, there was no direct Soviet influence in the formulation of this socio-economic programme (Shubin, 2002).

The forging of the Tripartite Alliance with the SACP and COSATU raises important questions about the Alliance and its effectiveness. A close analysis of events in the early mid-1990s, particularly, the adoption of GEAR and the abandonment of the RDP by the ANC, show an increasing marginalisation of working class interests and the

emergence of severe strains to which the partners in the Alliance were subjected to maintain their independence. Despite rhetoric about the role of the workers in shaping the content of, and leading the struggle toward a new political dispensation, in practice this was clearly not the case. The crosscutting leadership within the Alliance served to strengthen the fledgling structures of the ANC, while weakening COSATU by diversifying the energies of its leaders. Nonetheless, in spite of the ANC's dominant role in the Alliance, COSATU was never subordinated. It retained its separate leadership, finances and policy orientations. Furthermore, as it claimed a right to participate in the political process of transition, so it also sought to intervene in the process of restructuring the economy (Gall, 1997: 204-205; Adler and Webster, 1998: 20; Rantete, 1998: 50; Habib and Taylor, 1999:265).

Notwithstanding strains within the Alliance, the ANC has to govern the country as a whole, and in that capacity has to think about, accommodate, and justify its actions in terms of the many different interests throughout the country. According to the Centre for Development and Enterprise (CDE), running the government has exposed the ANC's leaders to many new influences. Critical among these have been exposure to new international realities and the thinking of international leaders of stature, and the harsh reality of the weakness of the South African state as an instrument for effective action. These have pushed the ANC leadership towards a new approach to economic issues, the strength and role of the state and the market, respect for representative democracy, and the limitations of direct popular democracy. The result has been an increasing difference of opinion in worldview between the ANC in government and its political allies (CDE, 1999: 111). In spite of tensions, the Tripartite Alliance between the ANC, SACP and COSATU is likely to continue. Trade union membership has and continues to supplement the ANC election machine.

The extension of corporatism in post-apartheid South Africa was facilitated by a number of factors. Firstly, it was based on the consensual approach to state-society relations in a bid to achieve national unity. This has been part of the ANC's historic and national agenda or project of achieving a non-racial and non-sexist democracy in South Africa. Secondly, given the strategic role of COSATU as the ANC's electoral machine prior to and after the 1994 elections, there was the need by the latter to avoid intensifying

divisions and strains within the Tripartite Alliance. Thirdly and relatedly, there was also the desire not to antagonize COSATU, given that it represented the largest social movement in the country and whose constituency was most vulnerable to political mobilization or discontent. Mass discontent among the populace would have disrupted the transition process (Habib, 1994:71).

Critics of corporatism argue that the arrangements are too cumbersome and time-consuming and undermine the ability of government to deliver on time and effectively on its commitments. They also argue that policy cannot be effectively formulated through a collective bargaining process and that the smudging of distinction between the functions and powers of NEDLAC and Parliament undermines the sovereignty of the latter. Critics further emphasize a system dominated by a powerful national institution like NEDLAC stifles local institutions and duplicates the functions of specialized multi-partite bodies (Lewis and Naidoo, 1999:220).

Some commentators point out that the system of corporatist and quasi-corporatist arrangements such as NEDLAC and the Tripartite Alliance respectively have to a large extent guaranteed stability in the democratization process in South Africa. Key socio-economic and political forces in the country have exhibited their political willingness to maintain a democratic and stable order, through such arrangements, rather than risk national disintegration. The ANC, as the dominant actor in government, the party system as well as the political process, relies on such arrangements to maintain its dominance in order to achieve its desired historic and national agenda. By incorporating labour into government and the decision-making process, the ANC ensured continued dominance and stability in the political process. Likewise by incorporating business in such arrangements and the adoption of neo-liberal macro-economic policies, the ANC has ensured that such key extra parliamentary economic forces can continue to safeguard and advance their interests in the new dispensation in a market society characterized by minimal state intervention. Corporatism in South Africa has therefore reduced potential political and economic challenges facing the ANC.

Conclusion

South Africa can be described as a dominant party polity under the hegemony of the ANC, by virtue of exhibiting the required characteristics of such a system. The condition of party dominance normally develops as a result of several factors ranging from historical to electoral, governmental and bargaining factors. In the historical context, party dominance is a product of liberation movements that controlled social diversities as a means of achieving national independence in various countries. In South Africa as argued in Chapter 3, party dominance in the post apartheid period is partly due to the social diversities the ANC controlled during the liberation struggle as a means of achieving the demise of apartheid. The process of achieving dominance is not yet fully complete and has been uneven.

Party dominance in post-apartheid South Africa has been largely a result of institutionalism. While the ANC sought to achieve the status of a dominant liberation movement through a process of social control and engineering during the apartheid period, it has and continues to achieve dominance, though unevenly, through institutionalism in the post-apartheid era. This has been achieved through constitutionalism, consociationalism, corporatism, and transformation of the state and public service. Through constitutional engineering, the “re-making” of the constitution was largely in favour of the ANC’s consolidation of power. The formation of the GNU as a result of a negotiated settlement likewise was to the advantage of the ANC as it ensured a smooth transition and legitimized the new political order. Corporatism too, is enhancing the ANC’s dominance, since it offers the opportunity for key actors in the political process to safeguard and protect their interests, without challenge to the ANC. Transformation of the public service is also ensuring the ANC’s control of the levers of power and consequently governmental dominance.

By doing so, the ANC is managing to control and contain the major social, economic and political actors of the state and civil society, thereby enhancing its dominance in the party and political system. Party dominance has not confined itself narrowly to party-state society relations, but more interestingly on a wider scale with regard to its relationship with state and civil society. By seeking to contain potentially disintegrative forces through dominance, despite to some extent weakening institutions,

the ANC has so far managed to ensure political order and stability in the democratization process.

CHAPTER SIX

COMPARING THE EVOLUTION OF PARTY DOMINANCE IN POST-1990 KENYA AND POST-APARTHEID SOUTH AFRICA

6.0 Introduction

The condition of party dominance as explained in Chapter One develops due to a number of factors, of which one is historical. Party dominance results when liberation movements that controlled social diversities as a means of achieving national independence or ending minority rule come to power. Kenya and South Africa share a common history: that of liberation movements and a liberation struggle. In both countries, the dominant liberation movements managed to control social diversities by advocating African nationalism, and a commitment to policies of non-racialism, in order to end white minority rule. Hence they were able to represent the aspirations of the majority of the population in their respective countries. Other factors stem from the ruling party's electoral, parliamentary, bargaining and governmental dominance in the polity. KANU and the ANC have both achieved this status.

This chapter is a comparative analysis of the evolution of party dominance in post-colonial Kenya and post-apartheid South Africa. It is divided into two sections. Though the focus of this study and chapter is the post 1990 period in Kenya and South Africa, the first section provides a background to the evolution of party dominance by comparing and contrasting the history of the dominant liberation movements in both countries. This section focuses on the colonial and apartheid era with a view of demonstrating the similar and different trajectories each movement took to gain control of social diversities with the aim of ending minority rule. Historical factors, such as liberation struggles do contribute to the emergence of party dominance, particularly, in developing countries. Particular attention is paid to KANU's and the ANC's transformation from elite organizations to mass movements; their role in the armed struggle; and their dominant roles in the constitutional negotiations of both countries. The second section examines the emergence and consolidation of party dominance in post-colonial Kenya and post-apartheid South Africa, with emphasis on the post-1990 period.

This section also attempts to demonstrate the similar and different course the parties have pursued in their attempts to enhance and maintain party dominance.

6.1 A Comparative History of the Dominant Liberation Movements in Kenya and South Africa

6.1.1 From Elite Organisations to Mass Movements

The history of KANU, which dates back to its predecessor the YKA in the early 1920s, is similar to that of the ANC, which dates back to the SANNC during the early 1910s. Both organisations were very much the product of repressive racist policies imposed upon Africans by white minority rule. Prior to the 1940s, the aims and objectives of these organisations initially centred mainly upon trying to advance several African socio-economic rights, such as the land question and pass system. These grievances later transformed into political grievances. The settler state was viewed as oppressive, as were its policies. KANU's predecessors, the YKA, EAA and KCA, and the ANC during this period also sought, with little success, to seek support from the British government for the African cause in Kenya and South Africa respectively. The organisations also made extensive use of the limited channels of constitutional action made available to Africans within the settler state. However, these organisations were faced with many problems from the onset. They were initially not mass organisations. They were formed by a small group of African educated elite and for several years their membership consisted of this small group. The organisations were also characterised by a lack of organisational coherence. They consisted of older conservative moderates and young radical militants, the former of whom believed in the use of constitutional means to achieve their objectives whereas the latter believed in militant action. This on many occasions paralysed the effectiveness of the organisations. In the pre-1940 period, KANU's predecessors and the ANC leadership were mainly conservative moderates who believed in constitutional means and hence adopted a cautious approach in trying to achieve their objectives making these organisations appear moderate. These conservative leaders believed in a less militant and more constitutional approach to the African

question.

It was not until the 1940s that African political organizations in Kenya and South Africa began having a significant impact in the political process. This period witnessed the emergence and transformation of these organizations into mass movements. Both the KAU and the ANC, while advancing their positions, through constitutional channels, began organizing Africans into authentic mass political movements by raising national political consciousness and creating a sense of unity among the Africans already deeply divided along ethnic, class and racial lines. The KAU was the first serious attempt to form a national political party with nationalistic ambitions in Kenya, while in South Africa, the ANC resuscitated, adopting a clear programme for a common action, since it was through a strengthened organization that Africans could achieve their rights and establish harmonious coexistence with other races. Towards the late 1940s both organizations had in essence transformed themselves into mass movements.

The 1950's witnessed liberation movements in Kenya and South Africa adopt radical and militant approaches against the colonial and apartheid state. While in Kenya, the radicalization and militancy of the KAU eventually led to the adoption of the armed struggle, in South Africa the ANC also stepped up its militancy by adopting extra-constitutional strategies and tactics, such as mass actions, to achieve its desired objectives. In Kenya, the KAU became more militant and active following the party electoral victory of its militants at the party branch level in 1951. Frustrated by the inability to achieve their objectives by constitutional means, the militant leaders of KAU began organizing the Mau Mau, which sought to remove the colonial order through armed struggle. However, following some acts of sabotage and the assassination of a colonial loyalist chief, 187 of its leaders were arrested and a state of emergency declared in 1952. Its top leaders were charged in what culminated in the famous Kapenguria Trial. KAU was proscribed in 1953. The armed struggle under Mau Mau began in 1952 and was to continue until 1954 when the colonial and British governments militarily defeated the movement. The Declaration of the Emergency led to the banning of formal African political parties between 1953 and 1955. As a result, trade unions were at the forefront of industrial conflict and political action. However, following the military defeat of the Mau Mau, the colonial government eased the ban on African political organizations, allowing

the formation of district based political associations in 1955. The Lancaster House Conference at London in 1960 opened a new chapter in African politics with the lifting of the ban on national African parties. Due to the basic divisions among African leaders, a shifting pattern of alliances ensured that eventually crystallized into the formation of two national African parties: the KANU and KADU. In South Africa, mass actions established that the liberation of the oppressed people in South Africa could only come about as a result of extra-constitutional struggle. The ANC's character was transformed; its leadership and membership turning it into a strong mass movement. Mass actions also stimulated the growth of militancy within other black organizations and transformed the nature of the struggle into a non-racial one. The adoption of the Freedom Charter also transformed the nature of the struggle in that it became the common programme enshrining the hopes and aspirations of all the progressive people of South Africa, because it prescribed the abolition of racial discrimination and the achievement of equal rights for all, calling on all who embraced freedom to participate in the making of a democratic, non-racial and non-sexist South Africa. Subsequently, as in Kenya with KAU leaders and the Kapenguria Trial, 156 people constituting almost the entire executive of the ANC leadership and the Congress Alliance were arrested in 1956, and subsequently charged in what culminated as the famous Treason Trial.

Though both countries had similar experiences in their struggle against colonialism and apartheid they, nonetheless had differences as a result of the nature of white minority rule. In the case of Kenya, colonial authority resided in London, and thus the colonizer was located externally, whereas in South Africa, the colonizer shared the same country with the colonized making it a colonialism of a "special type." A major difference in both countries is apparent in the fact that the development of a political or ruling elite aimed at ensuring a smooth political transition took different trajectories. Prior to the end of colonial rule in Kenya, the British government began implementing a series of political and economic reforms aimed at producing a stable indigenous middle class that would eventually take over power in Kenya without much disrupting the status quo. The reforms included among other things, the unbanning of firstly district-based political parties and subsequently of African national political parties. The idea was supposed to produce "sensible and stable" persons who would work their way up from

the local level, gradually assuming greater responsibility in the affairs of the country at a pace controlled by the colonial authorities. The British Government also undertook counter-insurgency economic reform such as the Land Consolidation Programme the aims of which were to create a stable African landowning class with access to capital and income derived from the growth and sale of cash crops that had previously been the preserve of white farmers. The assumption was that this new rural-based middle class would have a modest influence on African politics. These measures were also aimed at ensuring that political power at the end of colonial rule did not fall into the hands of the Mau Mau and KANU radical militants, many of who were perceived to be radical socialists who would disrupt the status quo, particularly with regard to property rights. In contrast, the apartheid government in South Africa, did not institute any national political or economic reforms aimed at creating a national black bourgeoisie that would eventually take over power in a post-apartheid era, (even though there were attempts to develop a black leadership in the Bantustans and at the local level through local government in the early 1980s, just as some sectors of white business selectively encouraged black entry into previously forbidden territory) (Slovo, 1988:1-13). This fell short of success, since such black leaders were viewed as beneficiaries of apartheid by participating in the new apartheid institutions. Furthermore, the development of this local level black bourgeoisie, like the black leadership in the Bantustans or homelands, was not aimed at creating a national leadership, but primarily an ethnic leadership of black polities under the policies of separate development.

Several factors can account for the apartheid's government unwillingness to develop an indigenous bourgeoisie. First and foremost, apartheid was a special type of colonialism, since both the colonizer and the colonized shared the same territory. The perpetuation and maintenance of white minority rule in South Africa, as in many other colonized countries, was based on the control and use of various social, economic and political resources by such a minority. To maintain white minority rule, resources were to be distributed on racial grounds under the policies of apartheid. Furthermore, the white settlers had become "natives" making the country their permanent home. To many whites therefore, particularly those in the NP, apartheid was here to stay, since it would ensure separate development for all races in the country. African nationalism was the antithesis

of Afrikaner nationalism as, for the apartheid government, the development of a national black leadership was never necessary since it initially did not visualize the formation of a black government in South Africa. The development of a black leadership in South Africa was largely as a result of the activities of local and international movements and organizations involved in the struggle against apartheid. Key among these were ANC leaders drawn from Robben Island, the UDF and exile traditions.

The development of a stable and moderate political elite in Kenya by the colonial elite was also influenced by the nature of the struggle against colonialism in the post-Mau Mau period. Unlike South Africa, Kenya did not witness mass political mobilization or actions in the form of campaigns, demonstrations or strikes. The new political elite, unwilling to disrupt the status quo, became cautious and wary in their approach to the struggle. Emphasis on the struggle shifted from extra-constitutional means to constitutional means, as the new elite took up various positions in the Legislative Council and political parties and started making demands for the end of colonial rule through constitutional means. Following their failure to achieve meaningful change through the Legislative Council, these leaders began sending delegations to London to demand a constitutional conference. In the case of South Africa, the apartheid government, in spite of the tricameral parliament, did not put such transitional mechanisms into place to the extent that the emergent and emerging political elite continued to rely on extra-constitutional measures to achieve their desired objectives. From the late 1940s to the early 1990s the liberation struggle in South Africa continued to be characterized by mass political action consisting of, for example, mass campaigns, boycotts, strikes and demonstrations. Political socialization and mobilization through extra-constitutional means, created a culture of defiance among the black majority, the aim of which was to make the country ungovernable. Partly as a result of this defiant ungovernable culture, political violence coupled with crime continued through to the run up of the 1994 elections.

Another major difference in the trajectories that affected the pace of change in both countries was the location of the dominant liberation movements and their leaders. In Kenya, the dominant liberation movement, KANU, and its predecessors were located inside the country throughout the struggle, while in the case of South Africa, the

dominant liberation movement, the ANC was forced into exile, almost fifty years after its formation. As a result of its banning and subsequent adoption of the armed struggle, most of its key leadership was either imprisoned or forced into exile. This slowed the pace for change in South Africa, since the organization had to conduct its struggle largely from exile. Conditions in exile were to prove hostile to the ANC's operations, resulting in a relative decline in its operations during the 1970s and a resurgence following reorganization in the mid-1980s (Barber, 1999: 204-205; Seekings, 1993: 21; Mbeki, 1996:69). The 1980s witnessed a resurgence of ANC or ANC-related activities in South Africa, such as the resumption of the armed struggle, mass action with organizations and movements such as COSATU, the UDF and latter the MDM. Unlike the South African experience, only a few of the key leaders of the liberation movement in Kenya were detained or went into exile. KANU and its predecessor's bases of operations were confined within the country's borders, except for the occasional delegations sent to London to press for constitutional changes. Legal provisions aimed at ensuring a smooth transition largely facilitated its operations as an internal movement.

6.1.2 The Armed Struggle: MAU MAU and Umkhonto we Sizwe

Following similar development from elite organizations to mass organizations the main liberation movements in Kenya and South Africa also underwent a similar experience of the armed struggle. The Mau Mau movement in Kenya was an offshoot of radical militants of the proscribed KCA and KAU. The militants had come to the conclusion that the armed struggle was inevitable and hence necessary, since the colonial government had repressed the limited constitutional means available to Africans. Likewise, the MK in South Africa was an offshoot of radical militants of the ANC and its emergence was as a result of the banning of the ANC in 1960, following the Sharpeville massacre and subsequent demonstrations. Like the young militant leaders of KCA and KAU, the young and militant leaders of the ANC, particularly those of the ANCYL, came to the conclusion that the time was ripe for an armed struggle in South Africa as a result of the apartheid government's repressive policies. MK was formed as a special

organisation; formally separate from the ANC, but in practice subordinate to its political leadership.

Initially both guerrilla movements shared a similar organizational structure. The Mau Mau was initially directed by a Central Committee that administered oaths and coordinated the activities of local leaders in the reserves and townships. The Study Circle, which was composed of KAU and non-KAU members, some of the latter of whom were non-Africans, also advised the Mau Mau leaders. This advisory committee prepared background research on policy matters that the Central Committee might require. Initially, a War Council, primarily made up of civilians, was responsible for overall military planning, but as time passed, the military leaders became increasingly independent of the War Council. This was replaced by the Kenya Defence Council (KDC), which became the Mau Mau's High Command. The military leaders decided that direct confrontations with the government forces would be avoided and attacks would be aimed at the weak points of the enemy. Areas of operation were assigned to divisions of the Land and Freedom Army. The structure of MK on the other hand, mirrored that of the parent organisation. The National High Command was at the top. Like the Study Circle, which initially advised the Mau Mau Central Committee, the MK High Command too opened its ranks to non-blacks. Below it were the Regional Commands in each of the provinces, and below that there were local commands and cells. Regional Commands were set up around the country. Like the KDC, the High Command determined the general targets and was in charge of training and finance. Within the framework laid down by the High Command, the Regional Commands had authority to select local targets to be attacked (see Appendices 2 and 9 military structures of the Mau Mau and MK respectively). Though in later years it engaged in guerrilla warfare, for MK sabotage was at the time the best option since this form of violence that inflicted the least harm against individuals. The strategy was to engage in acts of sabotage on carefully selected military installations, power plants, telephone lines and transportation links with the aim of hampering the military effectiveness of the state.

Both guerrilla movements suffered the fate of having almost their entire leadership arrested, following crackdowns by the colonial and apartheid governments. The Mau Mau's political leaders such as Jomo Kenyatta, Bildad Kaggia, and Paul Ngei,

among others were arrested prior to the declaration of Emergency. Whereas the political leaders were tried and imprisoned in remote maximum security detention camps in the Northern Frontier District, such as Lodwar, its military leaders, such as Kimathi were arrested, tried and some subsequently executed, culminating into the military defeat of the movement. Almost the entire leadership of MK, such as Nelson Mandela, Walter Sisulu and Govan Mbeki, were also arrested and tried during the Rivonia Trial and subsequently sentenced to life imprisonment in maximum-security prisons such as that on Robben Island. This almost completely destroyed the underground movement. Nonetheless, MK operations resumed, though sporadically, in the late 1960's, 1970s and 1980s. Although the Mau Mau and MK did not militarily defeat the colonial and apartheid governments respectively, they still had a significant impact, which led to these minority governments instituting certain counter-insurgency socio-economic and political reforms aimed at weakening the social diversities that such movements controlled.

The guerrilla movements in both countries too had their differences. The socio-economic composition of the Mau Mau was different compared to that of MK. The Mau Mau largely consisted of dispossessed, desperate and impoverished squatters, peasants, and ex-soldiers who had fought in the Second World War, and the unemployed in the urban and rural areas of the White Highlands, mainly drawn from the GEMA communities. Its political leaders were mainly drawn from the proscribed KAU while its military leaders were mainly former soldiers who had served in the Second World War. MK consisted of urban workers and a high number of students and school leavers following the Soweto crisis of 1976. MK cadres, like the ANC, were mostly urban people due to increasing urbanization in South Africa. MK also drew support from the intelligentsia (Shubin, 2002). Unlike the Mau Mau, which was by and large a peasant movement, MK was an urban movement comprising urban dwellers. Whereas the Mau Mau was perceived along ethnic lines, the MK attracted membership on a national basis. The armed struggle against colonialism in Kenya was therefore largely perceived as an ethnic undertaking. In contrast, the armed struggle against apartheid in South Africa is viewed as a national liberation movement.

The physical and financial conditions upon which the movements operated were also different. The Mau Mau was an internal movement operating mainly in the White

Highlands and surrounding areas. The forested areas where its soldiers were based provided the appropriate terrain for guerrilla warfare. It operated with no external financial and military support. Military training was conducted locally and weapons had to be obtained mainly through robbery, as well as being manufactured locally. Its limited financial support was drawn largely from money contributed by peasants. For example in 1954, the movement's income was Kshs 6,637.66 of which Kshs 5,309 were contributions from peasants (Kinyatti, 1987: 115-116). MK, on the other hand was an external movement whose operations were based inside the country. It operated under difficult geographical conditions since the terrain was inappropriate for guerrilla warfare. Military training was conducted externally, mainly in other African countries, Eastern Europe, and the Soviet Union. Through the ANC, it also relied heavily for financial and humanitarian support on the Soviet Union, the Nordic countries, the Organization of African Unity Liberation Committee, the Swedish International Development Agency (SIDA), and the Soviet Afro-Asian Solidarity Committee (SAASC), among others. Limited financial support continued to decline steadily in the case of some of these organizations while from others it increased. For example, whereas in the early 1960s, the ANC received £ 35 000 from the OAU Liberation Committee, in 1974 this had been reduced to £ 11 000 (Shubin, 1999: 68 & 109). In the case of Norway, financial assistance to the ANC in 1977 was NOK 2 million and by 1986 this had risen to NOK 37 million. During the same year, the ANC received SEK 57 million from Sweden (Reddy, 1987: 1-8). By the mid-1980s, the ANC was reportedly receiving some US\$ 24 million per annum in kind from the Soviet Union (Southall and Wood, 1998: 211). In December 1990, the ANC's income comprised 86 per cent grants, 5.3 per cent membership fees, 3.8 per cent other income, 3.7 per cent donations and 0.5 per cent sales. Thus, out of a total of R 11, 341, 598, R 9, 824, 569 came from grants, R 598, 420 from membership fees, R 422, 307 from donations, R 240, 089 from other income, R191, 799 from interest and R 64, 414 from sales. Sweden contributed a total of SEK 120 million through the SIDA for 1991/92. The Finnish Government allocated FIM 7 million to the ANC for 1991, while the Australian Government allocated A\$ 15 million for the period 1990-1993 (Rantete, 1998: 23-24). Most of the funding channeled through the ANC was external. Funding from domestic sources was very minimal (Shubin, 2002).

6.1.3 Constitutional Negotiations and Advance to Power

The unbanning of African political parties and organizations in Kenya and South Africa in 1960 and 1990 respectively, led to the formation of new political parties, as well as a return to overt political activities by the existing political parties and organizations. As part of democratization, the early 1960s witnessed a series of multi-party constitutional conferences held in the United Kingdom to map out the new constitutional order and future for Kenya. The early 1990s also witnessed a series of talks and multi-party constitutional talks held in South Africa to draw up a new non-racial and non-sexist constitution and future for South Africa. In both situations, the dominant liberation movements, KANU and the ANC, played leading roles in these constitutional talks, subsequently emerging as the dominant actors and beneficiaries.

Serious political reforms aimed at the transfer of political power from white minority rule to an African majority, were first discussed during the Constitutional Conferences held in the United Kingdom. These included among others, the unbanning of national African political parties, a programme for political independence, and agreements on the framework of a new Kenya Constitution. As a party, KANU had the highest number of participants. Throughout the sessions, KANU reassured the participants of its commitment to a successful outcome. It also emphasized that its constitutional proposals were intended to provide for constitutional guarantees that would uphold democracy in a united Kenya. However, the entire process was nearly marred by KADU insistence on regionalism as a necessary precondition for settlement. The multi-party Working Party formed under the request of the Colonial Secretary of State to resolve some of these disagreements through negotiated compromises and settlements, finally agreed at the Conference that both parties KANU and KADU form a coalition government to pave the way for fresh elections under the new Constitution. The coalition government remained in power until May 31, 1963, when Kenya gained internal self-rule status with Kenyatta as Prime Minister.

In South Africa, although informal talks about talks between ANC leaders and the apartheid government began in the mid 1980s, formal talks only began in the early 1990s,

following the unbanning of the ANC. The process was constantly marked and marred by a high level of political violence and disagreements among key political actors, which led to the suspension of negotiations from time to time. Despite the continued violence in 1990, two significant Minutes were signed between the ANC and the Government as result of these talks. These were the Groote Schuur and Pretoria Minutes of 2 May and 6 August 1990 respectively. A Working Group was also established under the Pretoria Minute, to resolve outstanding questions arising out of the decision to suspend armed action and related activities. This Group later produced the DF Malan Document. During this period, both parties agreed on a common commitment to conflict resolution, as well as a commitment to stability and to a peaceful process of negotiations. Political violence, largely between the ANC and the IFP supporters continued in the townships in 1991. Attempts by both sides to end the violence did not succeed, forcing the ANC to pull out of the constitutional talks in May 1991. On 14 September, a National Peace Accord was signed between the government, the ANC, the IFP and several other socio-political forces, pledging their commitment to peace and paving the way for the CODESA. The first CODESA meeting in December 1991 witnessed the signing of Declaration of Intent. Throughout the first part of 1992, delegates met every weekly in a committee-based negotiating process. However, like in Kenya's constitutional conferences of the early 1960s, the CODESA talks in South Africa were also marred, when the NP began making unrealistic demands, such as an acceptable majority for binding decisions with regard to constitutional matters. Consequently the CODESA talks collapsed in mid-May. As with KADU, the NP was demanding certain constitutional provisions such as a power-sharing veto for the white minority, forcing the ANC to withdraw. Furthermore, the ANC constituency was becoming increasingly intolerant of the negotiations and the NP government due to the latter's failure to prevent political violence in the country.

The political situation in the country deteriorated in the following months. The ANC, SACP and COSATU Alliance suspended the negotiations with the regime of President De Klerk in June 1992, over the government's involvement in violence against township residents forcing, the ANC to walk out of the CODESA negotiations. However, bilateral talks between the ANC and the government resumed in September 1992 leading to the signing of the Record of Understanding, which resolved some of the issues that had

prevented the continuation of negotiations. Consequently negotiations and multiparty talks resumed. This bilateral agreement heralded a period during which the ANC and the NP sought political solutions together. The Record of Understanding failed to recognize the interests of the IFP and as a result, the IFP formed a right wing alliance, COSAG, with the white right and two homeland governments. Multi-party negotiations resumed in March 1993 and this time participants represented much of the South Africa's political spectrum. By June 1993, political parties were discussing the idea of establishing a two-phased transitional process that would firstly, install a Transitional Executive Council and secondly elect a constitution-making body to draft an interim constitution. The tentative date for South Africa's first non-racial elections set for 27 April 1994 was ratified by a multi-party meeting in July 1993. This meeting also passed several transitional bills, which allowed for the drafting of an interim constitution and the conducting of the first democratic non-racial election. After three years of negotiations, an agreement on an interim constitution was agreed upon and passed in Parliament in December 1993.

The democratic initiatives during Kenya and South Africa's constitutional negotiations were apparently taken by KANU and the ANC respectively. Not only did KANU present comprehensive and detailed views on a constitution that would enhance democracy, but it also accepted compromises through a series of negotiations and settlements. KANU, from the outset, had pointed out that it would be flexible during the proceedings of the Conference. The party also agreed to form a coalition government with the minority party KADU. Its leaders were arguably, more charismatic and more skilful negotiators than those of KADU. It was apparently that KANU was out to ensure that there was a smooth and stable transition process towards independence, rather than risk national disintegration, since it was sure of winning elections and forming government. Likewise, the ANC agreed to compromises on realising that it was not yet a victor in the liberation struggle and had limited bargaining power as it was negotiating with an enemy that it had not defeated, and therefore certain concessions were necessary in order to win a negotiated agreement. The resolution to choose a GNU and power-sharing for South Africa's first years of democracy was, therefore a political necessity, for the ANC in its pursuit and consolidation of political power. Furthermore in pursuit of its goal of creating a non-racial and non-sexist democratic society, it was necessary for

the ANC to institute a policy of national unity and reconciliation. The ANC leadership was not willing to risk national disintegration.

Though there were similarities with regards to constitutional processes and the advance to power in both countries, there were also differences. In the first instance, there were no informal or formal talks about talks of South Africa's nature within any existing legislative and extra legislative process in Kenya. Constitutional negotiations to end white minority rule were basically carried out during the Lancaster House Constitutional Conferences in the early 1960s. In South Africa, informal talks about talks began between Mandela and the government in the mid-1980s and between the ANC and white business outside South Africa more at the same time. This put the ANC at a disadvantage with regard to negotiations, since it was a banned organization negotiating with the oppressor. Secondly, other than the first Kenya Constitutional Conference of 1960, which did not allow for the participation of African national parties, since they had not yet been formed, the following Conferences saw the participation of a cross-section of African political parties. In other words, the constitutional-making process began with the participation of a cross-section of various political interests representing Kenya. In South Africa's case, initially the negotiators were primarily the ANC and the NP, thus excluding diverse political representation from the process. The constitution-making process involved constitutional conferences in the case of Kenya, while the process in South Africa involved talks, agreements and conferences, resulting in the production of various arrangements for the latter, ranging from the Groote Schuur Minute to those of the Transitional Arrangements that culminated in the introduction of the Interim Constitution of 1993. Though the process took about three years in both countries, the South African situation was characterized by several different and more complicated procedures. The constitution-making process and advance to power by KANU in Kenya was marked by less political violence and fewer disagreements among the key political actors, as compared to South Africa. The South African process was accompanied by the deaths of thousands of people as a result of political violence, particularly between the IFP and ANC supporters. The constitutional process was also marred by many political disagreements amongst the various political actors in the country. Political violence of this magnitude did not occur in Kenya. KANU therefore inherited a society that was

more governable compared to that of South Africa, where the ANC had called for civil disobedience in the mid-1980s.

6.2 The Emergence and Consolidation of Party Dominance in Kenya and South Africa in the 1990s.

The emergence and consolidation of party dominance under KANU in Kenya and under the ANC in South Africa in the post-1990 period is characterised by a number of similarities and differences. In both countries, the ruling parties strive to enhance their dominant positions in the party system and political process by seeking to strengthen their electoral, parliamentary, governmental and bargaining dominance. This section compares and contrasts KANU's and the ANC's tactics of enhancing party dominance in the political process.

6.2.1 Party Dominance and the Legislative Process

KANU and the ANC have in the post-1990 period achieved legislative dominance through the electoral and parliamentary processes in Kenya and South Africa respectively. The post-1990 multi-party elections in both countries have seen both parties win with parliamentary majorities in successive elections. Though KANU has won its majority of parliamentary seats with an electoral plurality with regard to the percentage of votes cast, the ANC has won its majority of seats with an electoral majority in the percentage of total number of votes cast.

In each country, two successive multi-party elections have been conducted in the post-1990 period. Whereas Kenya conducted her elections in 1992 and 1997, South Africa conducted her non-racial multi-party elections in 1994 and 1999. In both elections, KANU won more than 50 percent of the parliamentary seats in Kenya, while the ANC won more than 60 per cent. KANU won its seats by obtaining an electoral plurality of 36 and 40 per cent of the total number of votes cast in the 1992 and 1997 elections respectively. The ANC on the other hand obtained an electoral majority of 62.7 and 66.36 per cent of the total number of votes cast respectively (see Table 6.0).

Table 6.0 National Assembly Election Results of the Post-1990 Period in Kenya and South Africa

KENYA					SOUTH AFRICA				
	1992		1997			1994		1999	
Party	Seats	% Seats	Seats	% Seats	Party	% Votes	Seats	% Votes	Seats
KANU	100	53	107	51	ANC	62.70	252	66.36	266
DP	23	12	39	21	DP	1.73	7	9.55	38
NDP	-	-	21	10	IFP	10.54	43	8.59	34
FORD-K	31	16	17	8	NNP	20.39	82	6.87	28
SDP	-	-	15	7	UDM	-	-	3.42	14
Safina	-	-	5	2	ACDP	0.45	2	1.43	6
FORD-P	-	-	3	1	UCDP	-	-	0.78	3
FORD-A	31	16	1	-	PAC	1.25	5	0.71	3
KSC	1	1	1	-	FF	2.17	9	0.80	3
KNC	1	1	-	-	FA	-	-	0.54	2
PICK	1	1	-	-	MF	-	-	0.30	1
Shirikisho	-	-	1	-	AEB	-	-	0.29	1
					AZAPO	-	-	0.17	1
Total	188	100	210	100		99.23	400	99.1	400

The post-1990 electoral outcomes are due to a number of factors in both countries. In both countries, historical events play a key role. Both parties were the dominant liberation movements in the struggle against white minority rule, controlling diverse social forces engaged in the liberation struggle. Furthermore, in the case of KANU, the party had become institutionalized in the political process as a powerful instrument due to its long-term rule as a single party. KANU ruled Kenya as a single party for more than twenty years managing to control key socio-political and economic forces in the country. The nature of the electoral system, arguably, also played a key factor. Kenya and South Africa do not share a similar electoral system. Kenya's electoral system is that of FPTP with single member geographical constituencies and has been subjected to gerrymandering in favour of the ruling party. This helps explain why KANU, wins with a majority of seats but with a plurality of votes. In South Africa, it is the list PR system where the country forms a single electoral district. This electoral system is less subject to a process of gerrymandering. The fact that political parties were

identified with certain racial aspirations may explain the ANC's electoral majority in an electoral system that rarely produces such a majority. The list PR system in South Africa does not allow an MP to claim a particular geographical constituency as his or her focus of representation. In other words, whereas the parliamentary seat in Kenya belongs to an individual, a parliamentary seat in South Africa belongs to the party. Both countries do, however, have anti-defection clauses enshrined in their constitutions that serve to protect parties in parliament. These are outlined in Section 40 and 43 (b) of the constitutions of Kenya and South Africa respectively. These anti-defection clauses have helped KANU and the ANC maintain their electoral majority in parliament, by preventing their MPs from defecting to other parties.

KANU's and the ANC's dominance in the legislative process is also a function of their control and influence upon the day-to-day operations, proceedings and workings of their countries' parliaments. By virtue of their majority of seats, both parties have to a large extent managed to control and influence the main axes of power in parliament. In both countries, members of the respective ruling parties occupy the key post of speaker. In Kenya, the Speaker of the National Assembly, Moses ole Kaparo, is a member of KANU, whereas in South Africa, the Speaker, Frene Ginwala, is a member of the ANC. Other than this key post, in both countries, KANU and the ANC control and influence the parliamentary committee systems. In Kenya the parliamentary committee system is ineffective due to party dominance and the institutional weaknesses of the Parliament. Kenya's Parliament, even in the multi-party era is severely limited in terms of its constitutional framework and institutional and financial independence, making it easy for KANU to exert its control and influence over the Parliament. Many of the parliamentary committees were destroyed in 1980 after they were accused of trying to usurp the powers of the Executive. Others are not operational since they have been subdued, paralyzed and often ignored by the executive. Such committees also occasionally lack the finances to enable them to perform their duties effectively. Compared to Kenya, the parliamentary committee system is an important mechanism for holding government accountable and safeguarding democracy in South Africa. It is one important mechanism whereby MPs keep an eye on and monitor the work of the executive, since committees can summon Ministers and public service officials to account for their work to a parliamentary

committee. Despite the fact that they are more effective than those of Kenya, they, too, have served to enhance ANC dominance by strengthening the executive, since many ANC MPs are hesitant to use their influence and power to critically evaluate the performance of the executive, due mostly to fear of political harassment or party discipline. At 15, the number of parliamentary committees in Kenya's National Assembly is small compared to the 50 in South Africa.

Party dominance in the legislative process is also being enhanced through changes made to the constitution. As majority parties, KANU and the ANC are in a position to influence the constitution-making processes in their respective countries. This was evident in the re-making of the constitution under the CA in the mid-1990s in South Africa and the constitution reform process in late 1997 during the IPPG talks in Kenya. In both exercises, the respective ruling parties had an upper hand. The exercise in South Africa saw the final Constitution of 1996 re-made largely in favour of enhancing the dominance of the ANC in the political process. This was to a large extent due to the high number of ANC members in the CA compared to the rest of the parties in parliament. Many of the resolutions made and passed, particularly those enhancing democratic centralism, reflected the political objectives of the ANC. In the case of Kenya the minimal constitutional reform exercise under the IPPG in late 1997 also reflected the political objectives and interests of the ruling party, KANU. The minimal constitutional reforms adopted served to pave the way for KANU's electoral victory and legitimacy in the multi-party elections held at the end of that year. As in the case of South Africa, this was largely due to the fact that the membership of the IPPG technical committees aimed at working out reform proposals was weighted in favour of KANU. The South African exercise was broad-based, comprising more than 400 representatives drawn from seven political parties compared to only 55 persons drawn from five parties in the case of Kenya. The constitutional reform exercise in Kenya took only three months compared to the more comprehensive South African process that took two years.

Although both parties enjoy parliamentary dominance in terms of their majority of seats as well as their control of the daily workings and proceedings of parliament, neither KANU nor the ANC take advantage of this majority to utilise question time. Mostly, it is the opposition parties that pose questions and interpellations, getting a

chance to challenge or dispute the ruling parties policies, with the objective of holding the executives accountable. KANU's and the ANC's infrequent questions can be attributed to aforementioned historical, administrative, technical and political factors facing both parties, which impact upon their roles in parliament in a detrimental way. The rarity of questions and or inability to dominate question time can be healthy for democracy in a dominant party system in that where the opposition parties are vibrant, it gives them more opportunities to challenge the dominant parties policies and hold their executives accountable in both countries.

6.2.2 Party Dominance and the Executive

KANU and the ANC seek to dominate governmentally in Kenya and South Africa respectively. Both parties argue that they have a historical agenda to achieve and this can only be realized if they dominate the polities governmentally. KANU claims that its historical and national agenda, despite the fact that it has been in power for over thirty years both as a single and dominant party, is among others, to "promote national consciousness" and to "serve as the vigorous conscious political vanguard for removing tribal, racial, social and economic discrimination and exploitation, and all other forms of oppression" (KANU, 2001:1). The ANC's historical agenda is to "transform South Africa as rapidly as possible into a united, non-racial, non-sexist and democratic country" (ANC, 1997). Their similar agendas aimed at creating national unity and a sense of nationalism, stem from the fact that both parties were initially the dominant liberation movements struggling against minority rule in Kenya and South Africa.

In the case of Kenya, though KANU claims the use of the necessary state machinery to achieve its agenda, in reality the party is exerting its control and influence over the government to enhance its dominance in a bid to pursue parochial interests. Unlike the ANC, which is a mass party, KANU has gradually begun degenerating into a sectional party whose interests are primarily to maintain political power as opposed to implementing its original agenda of achieving national unity or a sense of nationalism, as espoused in its name. KANU no longer represents the aspirations of the majority as it did during the 1960s. It represents sectional elite interests under the guise of minority

interests. While the party sought to transform the state and society, in particular the civil service, through Africanization as expressed in the government's *Sessional Paper Number 10 of 1965* during the 1960s, the party now uses the state and its apparatuses, like the civil service and public institutions for patronage purposes, as well as to delegitimise the opposition. For example, in the post-1990 multi-party period, the party chairman repeatedly called upon public servants to shun opposition parties arguing that the public service ought to show its allegiance to the ruling party. In other words KANU insists that government and party are the same and as such the former should be partisan. KANU officials in the government continue to use the state, its apparatuses and resources for party purposes. No formal rules or codes of conduct or legislation exist that delineate the boundaries between the ruling party and the state. No informal rules or customs exist which that what is not in permissible.

The ANC on the other hand, is also trying to exert its control and influence over the state and society by controlling the state and its apparatuses in a bid to transform society. Unlike KANU, the ANC's process is more transparent. The ANC openly acknowledges that in order for it to implement and achieve its agenda of transforming society, it must first of all transform the state. For the ANC, apartheid and its structures were immoral and therefore for moral reasons as well, they have to be transformed. Unlike KANU, the ANC argues that political power is not pursued for its own sake, but to pursue given political and socio-economic objectives. This requires controlling the state and all its levers of power, which includes public service transformation. The process is party political. Transformation is partly being implemented via affirmative action programmes to reflect representivity. Though the focus of this section is the post-1990 period, KANU also embarked on a similar programme of transforming the civil service in the 1960s in a bid to reflect representivity. This was carried out via Africanization programmes. While the target group of KANU's programme was Africans (read blacks), the ANC's target group has been much broader as it also incorporates Asians and Coloured, who were also previously disadvantaged. KANU's Africanization programme of the 1960s entailed the appointment of persons to senior position in government on the basis of ethnic and political party loyalty. The ANC's transformation programme also entails in part, the appointment of party members and loyalists to senior

positions of government. Hence for the ANC too, there is little difference between party and government indicating its progress towards governmental dominance. Though in the ANC's case, there are political and moral reasons for doing so, both parties nonetheless smudge the distinction between party and government in as much as both polities are based on the concept of a separation of powers. However, while KANU does not have a clearly laid down programme of achieving its agenda, the ANC's programme is outlined in its various discussion and policy papers, which acknowledge that it is only through a controlled state that the party can achieve its objectives. KANU was quick to point out that Africanization should not be in contradiction of constitutional provisions that guarantee equal treatment for all citizens, while the ANC points out that transformation should not be in contradiction of the provisions of the constitution, which characterize institutions of the state as independent and non-partisan.

Transformation of the state and public service in effect has enhanced KANU's and the ANC's dominance, since political power resides in the state and its organs in both countries. Political parties *per se* do not wield much political power and as such both parties have decided to control and influence all spheres of government, which has involved the capturing and transforming all spheres of government to gain effective dominance. While, Kenya can be described as a unitary state, it is nonetheless divided into eight administrative provinces that constitute the national government. South Africa on the other hand can be described as a quasi-federal state. The Government is constituted as national, provincial and local spheres of government, which are distinctive, interdependent and interrelated. In both countries, the ruling parties continue to impose politico-administrative and financial control upon the provinces with the aim of not only controlling state structures, but also diverse social, economic and political forces across the polity. KANU controls the administrative provinces primarily through the provincial administration. The ANC is also attempting to expand and increase its dominance by imposing political and financial controls upon the provinces, particularly the provincial governments. To this end the party is making use of constitutional provisions, government policies, and party political procedures.

In Kenya, the provincial administration system is normally used to monitor, control or regulate social, economic and political activities in the provinces. It serves as a

control link between the political centre and the people at the periphery. Provincial and district commissioners are appointed by the President normally on the basis of party and/or ethnic loyalty and as such are answerable to him. President Moi exercises sweeping powers over the political structure at the provincial, district and local level, through such members of the provincial administration. These administrators obtain their authoritarian politico-administrative powers by virtue of various Acts of Parliament. In South Africa, control of the provinces is first and foremost compounded by constitutional provisions, which give the national government powers to monitor the affairs of the provinces. The Constitution provides for direct national monitoring of provincial affairs under prescribed conditions, for the sake of national interests. Financial control of the provinces by national government is also a direct manifestation of constitutional provisions. With such constitutional provisions, the ANC's electoral victories both at the national and provincial levels in the 1994 and 1999 elections strengthened the party's political and governmental position at the provincial level. While this has increased its political power, it has at the same time weakened the institutional capacity of the provinces to deliver services. This has further been compounded by the lack of clear-cut government policies on the relationship between national and provincial governments that have left the latter faced with numerous administrative and financial problems. The politico-administrative problems facing the provinces have been acknowledged and highlighted in various government documents. The *Provincial Review Report*, for example, pointed out that politico-administrative problems facing many departments in the provincial governments were a result of political interference, particularly from the MECs. Public servants at the provincial level have also become party political partisan. At the provincial level, the ANC is also fudging the distinction between the party and the government. Many of the ANC MECs run departments on the basis of personal rule. Consequently political patronage appointees, in these departments owe their allegiance or loyalty directly to MECs, thus weakening the administrative and decision-making process. To this extent, the ANC is enhancing its dominance. Whereas in Kenya there is often a conflict of interests between the provincial administration and elected MPs or party officials, at the provincial or district level, in the case of South Africa, the conflict is between politicians from the provincial legislatures and public servants in provincial departments. This

makes it easier for MECs to manipulate public servants at the provincial level, compared to Kenya where politicians are to a large extent unable to directly interfere with public servants at the provincial level, since the latter are answerable to the parent Ministry and not to politicians.

The provinces also lack complete autonomy since policies affecting them are normally formulated at the national level. Many new policies are decided upon at the national level without due consideration to the organizational, financial and service delivery implications in the provinces. Furthermore, strict financial controls upon the provinces, due to the government's adoption of neo-liberal financial policies, are severely inhibiting their operational autonomy. This financial control of the provinces is an integral part of the ANC's political programme to achieve its desired political objectives. The ANC's move towards centralization and the consolidation of political power and dominance is evident in its bid to contain provincial autonomy within the party. To curb provincial power struggles within the provinces, the party is appointing, through practices such as redeployment, premiers who are considered to be loyal and will thus toe the party line (Khosa, 1998:123-126; Southall, 1998:451-453).

The transformation of the state and its apparatuses has not only enhanced KANU's and the ANC's dominance in the executive, it has also helped both parties achieve dominance in the electoral process by using such state instruments. A case in point is the use of the state-owned electronic media to achieve electoral dominance. The media is one powerful instrument through which political parties influence and change the political agenda of a country in order to achieve their political objectives. This has been the case in Kenya and South Africa. While KANU has tended to use the state-owned KBC for electoral purposes, the ANC has used the SABC for such purposes.

KANU utilizes the KBC as a political instrument for disinformation, mobilization, socialization and electoral purposes. Media monitoring exercises in the run-up to the 1997 elections pointed out that KANU received considerably more coverage than the opposition in terms of both the allocated time and general news coverage, and in a consistently more favourable way. The KBC also did not distinguish between the activities of the government officials and the party, KANU, during campaigns. Coverage given to the President and cabinet ministers as government officials, during this election

period proved largely beneficial to their campaigns. Similarly in South Africa, the ANC has been accused of using the media, particularly the state-owned electronic media, to enhance its dominant position, especially during election periods. By doing so, it negatively impacted upon the elections and the electoral process. During the 1999 election period for example, the SABC was accused of biased coverage in favour of the ANC. Media monitoring groups indicated that the ANC received more coverage than any other party. Towards the end of the campaign the only party to receive coverage on the SABC was the ANC. The DP, the ANC's most vocal opposition party, tended to suffer from under-reportage on the SABC radio and television stations and coverage of this party toward the election day was much more critical than it had been at the beginning of the campaign. Some commentators have attributed this to a series of staff changes at the SABC in early 1999 that effectively placed journalists with strong ANC connections in charge of the news (Lodge, 1999b: 202-204). By controlling, influencing and subsequently weakening such state institutions that are supposed to be non-partisan, both KANU and the ANC are undermining the very same institutions that are supposed to promote and safeguard democracy.

6.2.3 Party Dominance and Civil Society

Party dominance, as argued in chapter one, is not only conceived of within the narrow scope of dominating the state, but also within a broader context of the dominant party's relationship with the wider society, namely civil society. The question of party dominance and civil society in Kenya provides a very interesting scenario in that KANU and the ANC share a similar objective of enhancing party dominance, but their trajectories towards achieving this with regard to civil society differed significantly in the 1990s. On the one hand, the ANC sought to achieve dominance and control over the wider society using specific arrangements such as consociationalism and corporatism; KANU, on the other hand, made no such formal arrangements. The ruling party has only made some half-hearted attempts at holding informal talks with some groups of individuals in civil society. This is due to its authoritarian nature compared to the pro-democracy nature of civil society. Its relationship with civil society has been to a large

extent antagonistic. Its measures for controlling civil society have largely been repressive

Following the repeal of Section 2A of the Constitution, there was a resurgence of vibrant civil society organizations in Kenya. These were actively involved in and continue to be actively involved in the democratization process in Kenya. Many of these were professional and religious organizations based mainly in urban areas that took up the political and development space created by political liberalization and consequently the end of political monolithism. Civil society organizations have taken on the role of an extra-parliamentary opposition in providing some degree of accountability and transparency in the democratization and political process. Due to political liberalization and pluralism, KANU now finds it increasingly difficult to control and influence such organizations through coercion and repression. Instead it has with little success, made attempts at controlling and influencing certain groups and organizations of civil society, using elites, through negotiated settlements. In contrast, the ANC's relationship with civil society, in its attempts to establish party dominance, is best viewed within the context of consociational and corporatist arrangements. The stable transition to democracy in South Africa has partly been sustained by these two institutional arrangements. The ANC's approach to party-civil society relations has been one of constructive engagement rather than destructive disengagement. The ANC has attempts to establish a harmonious relationship based on mutual cooperation and co-existence.

The role of civil society in democratization has become increasingly significant in the post-1992 period in Kenya. Several civil society organizations began calling for the establishment and the implementation of meaningful constitutional reforms aimed at facilitating free and fair elections prior to the 1997 general elections. Despite its significant role in the democratization process, KANU has sidelined civil society through a series of elite pacts with some opposition parties thereby derailing the democratization process and diffusing rising political tensions. The IPPG members sidelined civil society's attempts to call for the implementation of more radical changes, rendering it, to a large extent, functionally ineffective in the process. By doing so, it ensured that the constitutional and democratization processes became a privilege of the elite and not a people-driven process. The ruling party also made some attempts to co-opt sectors of civil society through informal negotiated settlements. These were a series of inter-ethnic

talks organized by the political elite drawn from various ethnic communities in order to establish inter-ethnic political settlements among ethnic groups considered dominant in a democratic setting. The ruling party has met with little success in curbing civil society in the post-1992 democratization process. However, it has managed to dominate the party and political process to the extent that no radical changes have taken place as a direct consequence of civil society action. To this extent, one can argue that, as a result of the ruling party's authoritarian posture towards civil society, KANU has rendered the latter functionally ineffective in the democratization process.

In South Africa, consociationalism as a power-sharing arrangement among key socio-political actors in society has enhanced the dominance of the ANC in the political process. By agreeing to form a GNU as prescribed by the interim constitution of 1993, on the basis of political prudence rather than political will, the ANC also ensured that while the key actors in the political process were part of government, it would dominate on the basis of representation. Furthermore the political elite of the ANC was not willing to risk political disorder at the expense of excluding such key actors with powerful constituencies that might pose a potential threat. The GNU legitimized the ANC's governing status, as it was an inclusive process unlike apartheid, which was an exclusive process. In other words, all major socio-political and economic forces represented by the ANC, NP and IFP on the basis of proportionality felt themselves to be part of government. The acceptance and incorporation of eleven different languages as official languages in the constitution, as well as their acceptance for use in official governmental or parliamentary matters also instilled a sense of group autonomy amongst all the major socio-cultural groups in the country. The recognition of diverse cultural interests in any polity is healthy for democracy since it is also recognition of third generation rights, normally associated with communities or community issues, particularly minorities. The continued inclusion of the IFP as a junior power in government is also healthy for democracy in that it continues to reflect the ANC's call for national unity and reconciliation and it has also helped to reduce the political violence that occurred in the early 1990s between supporters of the two parties.

Unlike South Africa, the ruling party in Kenya did not attempt to make any formal or informal consociational or even quasi-consociational arrangements prior to or

after the 1992 multiparty elections. Though the party did form a short-lived coalition government with KADU to pave the way for fresh elections under the new constitution in the early 1960s, the party made no attempts to do so in 1992. KANU made no serious attempts at forming a GNU, despite repeated calls to do so from opposition parties and civil society organizations. The party claimed that coalitions tend to enhance disunity rather than national unity. As claimed by its party chairman, Moi, "only unity, cohesiveness and nationalism can give coalition meaning and not the other way round. Coalition does not necessarily lead to unity, nationalism or cohesiveness. In fact, it is possible for a coalition to lead to divisiveness" (Moi, 1997:8). Like other civil society organizations, the party's relationship with key opposition parties has been antagonistic. KANU bargains with other political parties and organizations only when there is a looming political crisis it wants to diffuse. The ruling party has also refused to recognize group autonomy and the question of proportional representation in government, under consociational arrangements. Pacts with other political parties or groups in society are temporary. In short, Kenya has not yet been a consociational democracy and thus consociationalism, unlike South Africa, has in no way enhanced KANU's dominance in the party or political system.

The ANC has also taken up corporatism as a route to enhancing its bargaining dominance with key social and economic actors. Corporatism safeguards democracy and political stability, since it ensures that all the major actors in the social, economic and political system advance and safeguard their interests. Corporatism in South Africa has largely manifested itself in the establishment of NEDLAC while quasi-corporatism manifests itself in the formation of the Tripartite Alliance. Both corporatism and quasi-corporatism in post-apartheid South Africa have, arguably, to a large extent ensured political stability and democracy. Political elites in the new dispensation have established corporatist arrangements to forestall any political crises that may be as a consequence of implementation new economic and political programmes and policies, such as the RDP and GEAR. The ANC found it necessary to form corporatist arrangements, whereby various class and racial interests would be represented in the new political dispensation, such as beneficiaries of the apartheid regime, wary of the socialist inclined RDP, and the previously disadvantaged groups and organized labour who were disappointed by the

ANC's adoption of the neo-liberal macro-economic policy GEAR. Under such an arrangement, the ANC, as the party in power enjoys a harmonious relationship with business, labour and civil society. In short, the greatest potential political threats to the ANC in South Africa are, the predominantly black organized labour force, and the economically powerful predominantly white big businesses. However, for the time being, these potential threats appear to be content with the existing corporate arrangements despite their class and ideological differences. The Alliance, on the other hand, represents a broad array of social, economic and political interests in the country. It is also political in nature as it is part of government. Its membership of government, has ensured political stability in democratization, but has also strengthened the dominance of the ANC. The ANC's ability to bargain with other organizations so as to remain in and at the core of government, as is evident in the formation and sustenance of the Alliance albeit growing strains, indicating its bargaining power as a dominant party.

The ANC's national agenda or historic project is based on the concept of national unity, since it seeks to transform a deeply divided society into a non-racial and non-sexist democratic society. As with other consociational and corporatist arrangements founded upon this principle, so is the formation of the Alliance. This too makes it a strategic arrangement for the ANC, since it also serves to embed the political power of the governing party. By incorporating COSATU into the government, the ANC has not only made sure that the interests of labour are represented, but has also subjected the labour movement, one of its greatest potential political threats to the principle of collective responsibility. This makes it difficult for COSATU members in government to challenge or criticize the government, thereby undermining the strength of the labour movement. To this extent, worker or labour interests are compromised. For example, despite the ANC's failure to pursue vigorously the implementation of the COSATU-backed RDP and its adoption instead of the neo-liberal GEAR policy, COSATU is still part of the Alliance. Its continued presence in the Alliance only serves to legitimize the ANC's neo-liberal economic policies, which appear to be in contradiction to those radical social transformation policies of the Alliance partners. The involvement of non-Africans through the SACP has strengthened the commitment to non-racialism in the ANC, and

trade union membership has and continues to supplement the ANC election machine. This further enhances the ANC's dominance in the bargaining process.

As with consociationalism, there are no such corporate arrangements in Kenya. Prior to and following the 1992 elections, KANU made no attempts at organizing and making such arrangements with business or labour at the policy level in a bid to enhance its dominance. Nor did it make such arrangements at the political level so as to form a strategic alliance that would seek political power. This may be attributed to a number of factors. Firstly, labour movement in Kenya is institutionally weak. Due to political interference, it lacks principled and good leadership, and has poor doctrines and programmes. It also lacks adequate financial resources and skilled human resources to enable it develop good doctrines and programmes. The labour movement also lacks the necessary societal linkages to strengthen its institutional capacity. In short, it lacks the institutional capacity to do many things such as mobilizing for electoral purposes. As such it is of no political value as an electoral machine to KANU and other political parties. Secondly, KANU may have not been in a position to enter into any alliance with business, due to the associations that represent their various concerns. Many organizations representing various big business concerns such as the Kenya Association of Manufacturers (KAM) and Kenya Federation of Employers (KFE), among others have occasionally called upon KANU to improve its governing record so as to create an enabling socio-economic and political environment that will build investor confidence and attract more investments. Though they do not openly criticize KANU, their statements indicate that KANU would not be the appropriate choice for a strategic partner. Unlike in South Africa, corporatism in Kenya does not exist and as such the ruling party does not use such arrangements to strengthen its dominance in society and the political process.

Conclusion

The historical and political development of KANU and the ANC as liberation movements in the struggle against colonialism and apartheid are more or less similar, with the exception that the latter had to spend thirty years in exile following its banning

in 1960. By virtue of controlling wide social diversities as a means of ending minority rule, they emerged as the dominant liberation movements in their countries, and this partly paved the way for the emergence of party dominance under KANU and the ANC in Kenya and South Africa respectively.

The establishment of party dominance under KANU and the ANC in the post-1990 period has taken similar and different trajectories. While similarities occur in the way the parties have and continue to enhance their dominance in the legislative process and the executive, a number of disparities exist in the way in which they attempt to enhance their dominance on a wider scope with regard to civil society. With respect to the legislative process, both parties have won the elections with a majority of parliamentary seats in two successive post 1990 elections. Both parties have also managed to enhance their dominance in the operation of parliament by virtue of having a majority of seats. KANU and the ANC have also had an upper hand in constitutional development, in effect producing constitutions that suit their own political objectives, thereby strengthening their dominance.

Party dominance over the executive is more or less similar in both countries. This occurred in Kenya, though in the 1960s, following the country's independence. KANU began asserting its dominance via Africanization in the civil service, which saw senior appointments being made on ethnic and political party terms. Likewise in South Africa, the ANC is exerting its dominance through the transformation of the public sector. This is being carried out by way of affirmative action programmes that have led to the appointment of ANC loyalists in senior positions of government. Following the 1992 elections appointments to senior posts in the civil service were made on political party terms in Kenya. Those appointed to cabinet and senior positions of government were from the areas that voted heavily in favour of KANU. In short, as both parties extend their control and influence over the public service, the more opportunities they open up for patronage and the more partisan it becomes. Despite the fact that Kenya is a unitary state and South Africa a quasi-federal state, both ruling parties are attempting to impose politico-administrative and financial controls upon the provinces, as a means of controlling diverse social, economic and political resources. The aim of this is to extend their control and influence over the state and society.

Most interesting are the trajectories both parties are taking with regard to their relationship with civil society in an attempt to impose their dominance over a wider scope than the state and its apparatuses. While the ANC has made attempts to create a harmonious relationship with civil society through arrangements such as consociationalism and corporatism, KANU's relationship with the civil society is becoming more and more antagonistic. The ANC has to a large extent managed to contain political discontent and avoid political disorder by entering into consociational and corporatist arrangements with foes and friends such as predominantly white business and predominantly black organized labour as it pursues policies that are seen to be antagonistic to such key actors. The formation of the Tripartite Alliance and the GNU, as well as the establishment of NEDLAC, are such examples. KANU has made no such arrangements that affect governance or policy matters. Organized labour in the country is institutionally weak, while big businesses have no confidence in KANU track record of governance. Instead the party has often made temporary agreements with opposition parties, only when it is politically expedient to do so or when it wanted to avert a political crisis. To this extent KANU is making no effort to establish a harmonious and working relationship with civil society as a means of enhancing party dominance and political stability in the country.

CHAPTER SEVEN

PARTY DOMINANCE AND ITS IMPACT UPON DEMOCRATIZATION IN KENYA AND SOUTH AFRICA

7.0 Introduction

Democracy is a system of government that entails three essential conditions. These include, political competition between individuals and organized groups, a highly inclusive level of political participation in the selection of leaders and policies, and a level of civil and political liberties in the polity (Diamond et al, 1995:6-7). Democratization is the process of development towards democracy. It basically involves the shift from an authoritarian regime to the installation and consolidation of a democratic regime. It requires the careful and deliberate construction of strong functional democratic and democracy-promoting institutions that will support and safeguard democracy. Democracy is, arguably, therefore, an end in itself and democratization is the means towards this end. Transitional democracies are therefore political systems undergoing democratization.

Kenya and South Africa are transitional democracies, undergoing democratization processes towards multi-ethnic and non-racial multi-party political systems respectively. Both polities can be described as dominant party systems to the extent that the ruling parties in both countries meet the essential characteristics of a dominant party. However, while South Africa has been described as a democracy under party dominance, Kenya has been described as a *psuedo*-democracy (Diamond et al, 1995:7-9; Freedom House, 1999a; 1999b). This indicates that to a large extent, party dominance and its impact upon democratization is taking different trajectories in both countries.

This chapter compares and contrasts party dominance and its impact upon democratization in post-1990 Kenya and South Africa. It looks at how party dominance has impacted upon the institutions established to support democracy in both countries. Attention is paid to those institutions that ensure good governance as an indication of democratization and subsequently democracy.

For any meaningful democratization to occur in a country, certain functional institutional arrangements or mechanisms must be put in place that will ensure good governance and political stability, since these are pre-requisites for democratic consolidation. Political stability, arguably, occurs when there is a high level of political institutionalization, which ensures that there are enough such arrangements or mechanisms in place to accommodate or serve as alternative outlets to various social, economic and political aspirations.

Good governance, as a signal of democratisation is essential for strengthening democracy in any country. Good governance is the exercise of political power through constitutional means that establishes the rules of political conduct to manage a country's affairs in an accountable and transparent manner. It entails the practice of good government. Party dominance can impact positively or negatively upon political institutions that ensure good governance leading to a condition of either political stability or instability. Establishing strong functional mechanisms or institutions that guarantee transparency and accountability in government, conflict resolution and or prevention in society, a strong electoral process, and a genuine transformation of state and society can enhance good governance and stability. This ensures effective policy implementation and, arguably, reduces socio-political and economic divisions in society. It is in this context that the impact of party dominance upon the mechanisms or institutions that support good governance and political stability in Kenya and South Africa are compared and contrasted.

Kenya and South Africa have more or less similar institutions that are supposed to ensure transparency and accountability in government. These are primarily located in the executive, legislature and the judiciary. Though the structure and functions of such institutions are more or less similar in both countries, their experiences in terms of performance, due to effects of party dominance, differ to some extent. While comparing and contrasting the effects or impact of party dominance, attention is focused on specific institutions, procedures or organizations of the executive, legislative and judicial branches of government that are supposed to ensure accountability and transparency.

7.1 Party Dominance and its Impact Upon Institutions of the Executive in Kenya and South Africa

This section examines those bodies or institutions of the executive that are supposed to ensure transparency and accountability in government and hence good governance. While they are enshrined under different circumstances, due to the different nature of the constitutions of Kenya and South Africa, they are nonetheless categorised here under the executive. These are, constitutionally, state institutions, that do not fall under the legislature, nor are they directly involved in the administration of justice. These include the Offices of the Attorney-General and Controller and Auditor-General in Kenya, and the Public Protector and the Office of the Auditor-General in South Africa.

The powers and functions of these institutions are enshrined and spelt out in the constitutions of each country. In Kenya, although the Attorney-General is the principal legal adviser to the government, the incumbent's executive powers and the Office of the Attorney-General are enshrined in Section 26 (1) of the Constitution of Kenya. This Section fall under Chapter II of the Constitution, which deals with the Executive. Section 26 (1) states "There shall be an Attorney-General whose office shall be an office in the public service" (Kenya, 1998a: 17). The executive powers of the Attorney-General are outlined in Section 26, which among other things, states that the Attorney-General is the legal advisor to the Government of Kenya and that such a person has the powers to initiate and undertake criminal proceedings against any person before any court, other than a court martial. This is in respect of any offence alleged to have been committed by that person. The Attorney-General also has the powers to take over and continue criminal proceedings that have been introduced or undertaken by another person or authority, as well as to discontinue at any stage before judgment is delivered, any such criminal proceedings instituted or undertaken by himself or any other person or authority (Kenya, 1998a: 17). In other words it is at the discretion of the Attorney-General to give consent to prosecute or withdraw a case against a person charged with any offence, subjecting him or her to external influences, despite the fact that Section 26 (8) states that while performing the functions vested in him or her by subsections of this section and other sections of the Constitution, the incumbent of the office shall not be subject to the

direction or control of any other person or authority (Kenya, 1998a: 18). Section 109 (1) states that the Attorney-General is appointed by the President (Kenya, 1998a: 77). In South Africa, similar functions are carried out by the Office of the National Director of Public Prosecutions, whose duties and powers are enshrined under Section 179 of the Constitution of the Republic of South Africa. However, this Office falls under Chapter 8 of the Constitution, which deals with Courts and Administration of Justice (RSA, 1996). This Office can, therefore, be classified under the judiciary.

The powers and functions of the Controller and Auditor-General in Kenya are defined in Section 105 (2) of the Constitution. This subsection states that the duty of the Controller and Auditor-General, is, to satisfy himself or herself that any proposed withdrawal from the Consolidated Fund is authorized by law, and, if so satisfied, to approve the withdrawal. He or she should also be satisfied that all moneys that have been appropriated by Parliament and disbursed have been applied to the purposes for which they were appropriated and that the expenditure conforms to the authority that governs it. The Controller and Auditor-General must audit and report on the public accounts of the government annually. This also applies to the accounts of all officers and authorities of that government, and the accounts of all courts in Kenya, other than courts of which no part of the expenses are defrayed directly out of moneys provided by Parliament. Finally this also applies to the accounts of every commission established by the constitution and the accounts of the Clerk of the National Assembly. Like with the Attorney-General, Section 105 (5) points out that in the exercise of his or her functions under certain subsections of Section 105, the Controller and Auditor-General is not to be subject to the direction and control of any other person or authority (Kenya, 1998a: 72). According to Section 110 (1), the Controller and Auditor-General is appointed by the President (Kenya, 1998a: 78). Tenure provisions relating to the offices of the Attorney-General and Controller and Auditor-General are outlined in Sections 109 and 110 of the Constitution respectively (Kenya, 1998a: 77-79). In South Africa, the Auditor-General's functions are spelt out in Section 188 of the Constitution. These state in part that the incumbent of the office must audit and report on the accounts, financial statements and financial management of all national and provincial state departments and administrations, all municipalities, and any other institution or accounting required by national or provincial

legislation to be audited by the Auditor-General. In addition, the Auditor-General may audit and report on the accounts, financial statements and financial management of any institution funded from the National Revenue Fund or a Provincial Revenue Fund or by a municipality; or any institution that is authorized in terms of any law to receive money for a public purpose (RSA, 1997a: 103).

The Public Protector in South Africa falls under the executive. The functions and powers of the Public Protector are outlined in Sections 182 (1) to (5). These state in part that the Public Protector has the power to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice, as regulated by national legislation. He or she should report on that conduct and subsequently take appropriate remedial action. Section 183 emphasizes that the incumbent is appointed for a non-renewable period of seven years (RSA, 1997a: 100). Both the Public Protector and the Auditor-General are appointed by the President, on the recommendation of the National Assembly as stated in Section 193 of the Constitution. This section also outlines their tenure provisions (RSA, 1997a: 104-105).

While the functions and powers of these institutions as enshrined in the constitutions of each country are similar, it is interesting to note that whereas the Attorney-General and the Controller and Auditor-General are appointed by the President, in South Africa the appointment of the Public Protector and Auditor-General by the President is subject to the recommendations of the Parliament. The incumbents of the office in Kenya are, therefore, more likely to be subjected to undue political influence, since they are answerable to and owe, to a large extent, their allegiance to the President. In South Africa, allegiance to the President is less likely since they are also accountable and answerable to the Parliament. This, however, does not rule out the possibility of party political allegiance in a dominant party system, particularly to the dominant party.

Party dominance has had its effects upon institutions in Kenya and South Africa. As KANU and the ANC continue to exert their control and influence over the state and its apparatuses in order to enhance their governmental dominance or dominance over the executive, these institutions are increasingly compromising their roles as instruments for strengthening transparency and accountability in government. Party dominance impacts

upon institutionalization, thereby strengthening or weakening institutions. Institutionalization is the process in which procedures and organizations acquire value and stability (Huntington, 1968: 12). These values need not be positive for such procedures and organizations to stabilize, but can be negative, leading to the institutionalization of bad or negative procedures and organizations. Where party dominance strengthens such values and stability, institutions become stronger. Where it weakens such values and stability, institutions become weaker. Party dominance can therefore strengthen bad or negative procedures or organizations while at the same time weakening good or positive ones. Institutions such as the offices of the Attorney-General, Auditor-General and Public Protector are useful institutions for upholding democracy, since their role is to ensure transparency and accountability in government. Party dominance can impact negatively upon such institutions, weakening them and subsequently leading to a situation whereby the net effect is the institutionalization of undemocratic practices or procedures, for example, corruption, patronage, nepotism and ethno-centrism among others. This is the trend in Kenya that is also beginning to emerge in South Africa.

Corruption in government has been institutionalized in Kenya. This is as a result of long-term rule by a single party and a dominant party under KANU. In the case of South Africa, though corruption dates back to the apartheid era, it is now increasingly being exposed due to the transparent manner in which democratic and democracy-promoting institutions are operating in the new political dispensation. Corruption in post-apartheid South Africa has also become a function of the transformation process. In Kenya, the offices of the Attorney-General and Controller and Auditor-General are, to a large extent, institutionally weak in the sense that they have been unable to take the appropriate measures to curb corruption in government. Though they continue to expose corruption, they nonetheless lack the political will to ensure that those engaged and exposed in corruption at high-levels of government are appropriately prosecuted and incarcerated. The annual reports of the Controller and Auditor-General continue to highlight corrupt malpractices at high levels in government, but the Attorney-General lacks the political capacity to prosecute high-ranking politicians and government officials involved in corruption. This is largely due to the fact that the Attorney-General is a

political appointee. Where prosecuted, the courts usually dismiss such cases. A case in point in the post-1992 period was what became known as the Goldenburg and 'political banks' scandal. The Goldenburg International Company was at the centre of a racket based on 'ghost exports' of gold and diamonds to Switzerland and Dubai. Through a series of fake papers, for over two years, the Treasury under the Vice-President of the country and KANU, George Saitoti, and the Central Bank of Kenya (CBK), under the Governor, Eric Kotut, also a political appointee since the Governor is a presidential appointee, authorized and paid funds in excess of US\$ 30 million in export compensation to the Goldenburg Company for fictitious gold and diamonds from Kenya supposedly sold to Dubai and Switzerland. A Kenyan Asian Kamlesh Pattni and James Kanyotu, a former Director of the Directorate of Security Intelligence, were named as directors of Goldenburg. From May to March 1993, four 'political banks' with links to Goldenburg and the KANU high command, namely, Exchange, Post Bank, Pan African and Delphis, acquired approximately US\$ 860 million in credit from their respective Goldenburg accounts. Payments were made outside the formal clearinghouse mechanism controlled by the CBK. A month later, the four banks jointly received approximately US\$ 107 million from the CBK supposedly in spot exchange of US\$ 116 million which they did not remit to the Bank. In the following three months, the four banks used the free cash advance to purchase Treasury bills with a yield of 55 per cent per year. Due to increasing domestic and donor pressure, the Attorney-General instituted criminal proceedings against some of the persons involved. However, the prosecution of these high-ranking political and business leaders accused of misappropriation was halted when the case was dismissed by the court (Africa Confidential, 19 March, 1993:7; 8 October, 1993: 4-6; Barkan, 1998:218).

There are several reported cases of corruption involving high-ranking government official and KANU politicians in the post-1992 period. Among others, these include the plundering of public resources from parastatals. Employee pensions in the National Social Security Fund (NSSF), for example have found their way into banks run by families of the KANU hierarchy. The Kenya National Assurance Company (KNAC), which had insured all state property as well as the property of many individuals and firms seeking official favour, went bankrupt in 1994 after being headed by a succession of

politically active chief executives, including Henry Kosgey, who was Minister of Transport at the time. Other forms of corruption that increased sharply during this period include the exemption of politically well connected individuals from paying import and custom duties on goods, most notably sugar, that were then dumped on local markets. The country's budding sugar industry was unable to compete with these cheap imports, forcing many sugar factories to shut down. Politically correct merchants working in collusion with the Treasury, key Cabinet Ministers and senior civil servants, evade taxes running into billions of shillings by pretending to be importing commodities for eventual sale to relief agencies. Corruption reached such appalling depths in the 1990s that Transparency International ranked Kenya the third most corrupt country in the world (Africa Confidential, 2 April, 1993: 6-7; Finance, 31 December, 1995: 8-9; Kiai, 1998: 187-188).

Corruption in all spheres of government in post-apartheid South Africa continues to be exposed by opposition parties and civil society organizations such as the media. Cases of financial irregularities and corruption have also been highlighted in various reports such as those of the Auditor-General and that of other bodies such as the Heath Special Investigating Unit. This Unit, for example, is established in terms of legislation to investigate cases of corruption, fraud and maladministration that have been referred to it by the President. The Unit can institute civil action in the Special Tribunal, upon completion of an investigation, in order to recover, protect or save state assets and monies that have been or could have been misappropriated or misused. It works closely with other anti-corruption bodies such as the South African Police Services Commercial Branch, the Public Protector, the Investigating Directorate: Serious Economic Offences, the National Prosecuting Authority and the Office of the Auditor-General (SIU, 2000:4).

In its Annual Report of 1998/99, the Unit points out that during this period 128 new cases were referred to it resulting in 161,633 individual cases having to be opened. Allegations were received from various sources in state and civil society. High profile investigations conducted during this period, included among others: investigation into ghost pensioners and theft of pension monies and subsequent recovery of monies in the Eastern Cape Province; investigation and recovery of approximately US\$ 718,000 stolen from the Department of Justice in Mpumalanga; investigations into alleged fraud and

corruption within the housing subsidy schemes in KwaZulu-Natal and the Northern Cape Province; and investigation into and recovery of state-owned farms where lease agreements had lapsed, where tenants had abandoned the farms or where the lessees had sub-let parts of the farms contrary to the lease agreement (SIU, 2000:6). Despite its relative success, the Unit has, however, had its share of political interference. During this period, the Unit subsequently came under fire from the Minister of Finance, Trevor Manuel, when he accused Judge Heath, its head, of wanting to be the "Don Quixote of South Africa" saying that he had not seen the "billions the Unit claims to have recovered". The Unit was, however, saved by the Auditor-General who confirmed in his report that it had recovered and saved a total of approximately US\$ 230 million in state funds between January 1998 and January 1999. Opposition parties were quick to criticize the Minister for refusing to recognize the success of the Heath Unit (Daily Dispatch, 22 July, 1999: 1; 23 July, 1999:11). The ANC spokesperson Smuts Ngonyama also accused the Unit of blackmailing the party over the arms deal (discussed later in this Chapter) and reiterated that the party would oppose the appointment of the Unit to probe the arms deal, since the Unit was "hobnobbing with other political parties" (Daily Dispatch, 12 January 2001:2). This was in an apparent reference to opposition political parties.

The Office of the Public Protector in South Africa has begun exhibiting signs of party political partisanship, while discharging its duties or performing its functions. Evidence suggests, that in many cases, the findings and recommendations of the Public Protector have been largely in favour of the executive and the ANC. Prominent and controversial among such investigations are, allegations of nepotism in the government, and the joint investigation into the strategic defence packages. In his *Report on the Investigations of Allegations of Nepotism in Government*, the Public Protector, pointed out that the Executive Director of the New National Party (NNP) Federal Council submitted a letter to his office on 29 October 1997 that referred to an earlier motion tabled by the NP in Parliament in connection with ANC nepotism in government. The essence of the motion was a contention of the occurrence of nepotism based on appointments at different levels of government and the public service of persons that are related as family or friends. Examples were quoted in this motion, and his office was requested to investigate the extent of new appointments since May 1994 that have family

connections in political parties (read ANC), Parliament and/or the Cabinet. The investigation was to look comprehensively at all three levels of government, as well as parastatals to ascertain the extent of this massive problem (RSA, 1999d: 4).

While the NNP cited 20 cases of alleged nepotism, the Public Protector, however, emphasized that the allegations of nepotism by the NP, unfortunately gave no substance to the examples quoted and that there were no specific references made of any evidence of favouritism or impropriety. Furthermore, the request by the NNP that his office conduct a general investigation could not be adhered to due to logistical problems. He also emphasized that most importantly, such a request did not conform to his brief which was clear on not investigating general complaints against government, but rather specific issues of improprieties and prejudice (RSA, 1999d: 7). In his findings and recommendations on these 20 cases, except for one case, the Public Protector argued that they were unfounded, without merit, baseless, unsubstantiated, and not supported by facts. With regard to the other case, the Public Protector, expressed some concern regarding the appointment of the wife of the Minister of Defence, Major-General Mduli-Sedibe in the SANDF. However, he was quick to point out that taking into account her experience and qualities, her appointment and promotion seemed to be justified. General Sedibe was previously a prominent commander in the MK since the early 1980s and and later appointed Chief of Communications in 1983 (RSA, 1999d; 20-26). The Public Protector concluded by saying that the failure by the NNP to provide any substance for the allegation of nepotism left him, in the light of the investigations, with the “unavoidable impression that the allegations made by the National Party were merely assumptions based on the mentioned relationships” (RSA, 1999d: 37). The Public Protector had in essence, with regard to these particular cases, cleared the ANC of alleged nepotism in government, despite the fact that various other government documents (as pointed out in Chapter 5) have acknowledged political appointments and nepotism, at all levels of government.

The controversial joint investigation into the strategic defence packages by the Office of the Public Protector, Auditor-General, and the National Director of Public Prosecutions, indicates to a large extent, the way in which these agencies have compromised their role relative to the ruling party and the executive. With the challenges

of transformation, the government decided in the mid-1990s, to re-equip the SANDF by replacing obsolete equipment. This decision, viewed by the government as a major necessity, was initially estimated to cost approximately US\$ 5 billion. The government claimed that the process of re-equipping the SANDF would add value to the country's economy. In return for this relatively high expenditure, the economy was to benefit by an estimated US\$ 18 billion in new investment, industrial participation programmes and the creation of approximately 65,000 jobs. The then Minister of Defence, Joe Modise, told Parliament in 1999, that teams from the Departments of Finance, Trade and Industry, and Defence were evaluating the proposals. With regard to the transparency and accountability of the process, the Minister assured Parliament that the bids had been gone over with "a fine-tooth comb to ensure an ethical outcome, and this process will continue". He also emphasized "We will ensure that these bids are clean and above any suspicion" (RSA, 1999d: col. 1559).

However, over time, the arms deal increasingly came under public scrutiny, mainly from civil society organizations and opposition parties, for the way in which the procurement process was riddled with corruption and fraud, as well as the flawed governmental contracting position. As a result of the increasing and widespread pressure from sectors of state and civil society, the three agencies set up a joint investigation. In their lengthy *Joint Investigation Report into the Strategic Defence Packages of 15 November 2001*, these three agencies reported that they received numerous allegations most of which were of a criminal nature, referring to issues such as corruption and conflict of interests. The Directorate of Special Operations (DSO) conducted preliminary investigations into these allegations and found that some were unsubstantiated and as such required no further investigation. These allegations were those: accusing Mr. L Swan, a senior official at Armscor of becoming a director of BAe systems, which was one of the prime contractors; alleging that the Chief of Acquisitions of the SANDF, Mr. Shamin Shaik, Messrs. Max Sisulu, M Scott and N Mashimbye received motor vehicles from the prime contractors/bidders; linking the arms procurement under investigation with the Mpumalanga Parks board promissory notes; and those accusing the former Minister of Defence Joe Modise, of paying for shares in Conlog with a bribe received from a successful prime contractor (RSA, 2001b: 19).

There were other substantial allegations that appeared and are currently being investigated. The Parliamentary Standing Committee on Public Accounts (SCOPA) raised the major allegations and concerns requiring extensive investigation by the three agencies. These were related to; firstly, the costs of the entire arms deal to the state. Secondly, the selection of prime contractors. Thirdly, the selection of subcontractors. Of relevance to this point was the suggestion that a potential conflict of interest in respect to the Chief of Acquisitions and the Department of Defence (DoD) could have had an improper influence on decisions pertaining to tenders. Fourthly, a review of the arms procurement process, and fifthly, an examination into the contracts themselves (RSA, 2001b: 20-21). The Report pointed out that persons involved in the overall acquisition process, some of whom were high-ranking officials, received various gifts. In conducting these investigations, the DSO subteams mainly used the provision of Section 28 of the National Prosecution Authority Act (RSA, 2001b: 22-23), which outlines the powers, duties, and functions of the Investigating Director with regard to the conduct of investigations (RSA, 2000b: 14-16). By the time the Report was released, an excess of 102 summonses had been issued. Consequently, more than 57 statements from witnesses, statutory records in excess of 193 entities and numerous documents had been obtained. Subsequently Yengeni, then ANC Chief Whip and a former Chairperson of the parliamentary Standing Committee on Defence, and Mr. Woerful were brought before court on charges of corruption, fraud and forgery (RSA, 2001b: 23).

The key findings and recommendations of the joint investigation were quite contentious, raising serious doubts about the impartiality of the three agencies as mechanisms of ensuring transparency and accountability in government. The key findings were, among others that no evidence was found of any improper or unlawful conduct by the government. The irregularities and improprieties referred to in the findings pointed to the conduct of certain officials of the government departments involved and could not, in the view of the three agencies be ascribed to the President or the Ministers' Committee or Cabinet. As such, there were "no grounds to suggest that the Government's contracting position is flawed" (RSA, 2001b: 373). The joint investigation also found out that fair and competitive procurement procedures for the selection of subcontractors were not followed in all cases where strategic considerations played a

significant role. There was a conflict of interest with regard to the position held and role played by the Chief of Acquisitions of DoD, S Shaik, by virtue of his brother, Shabir Shaik's interests in the Thompson Group and African Defence Systems (ADC), which he held through Nkobi. Shamin Shaik, in his capacity as Chief of Acquisitions declared this conflict of interest in December 1998 to the Project Control Board (PCB), but continued to take part in the process that led to the ultimate awarding of contracts to the Thomson Group and ADS. He did not recuse himself properly. Furthermore, during the course of the investigation, Shamin Shaik did not apply for and did not receive the military security clearances required by law (RSA, 2001b: 376-379).

Despite the Report's length and controversy, with regard to irregularities and improprieties in the entire arms deal, the key recommendations of the three agencies were not very strict and serious. Among the recommendations were that DoD should take the necessary steps to ensure that good procurement practices are adhered to and that compliance with the prescribed tender procedures is strictly enforced. Parliament was requested to take urgent steps to ensure that high ranking officials and office bearers, such as Ministers and Deputy Ministers, are not allowed to be involved, whether personally or as part of private enterprise, for a reasonable period of time after they leave public office, in contracts that are concluded with the state (RSA, 2001b: 379-380). Apart from the controversial ANC Chief Whip, Yengeni, all the other high-ranking government officials, the government and by extension the ANC as the ruling party, were cleared of any irregularities and improprieties by the three agencies conducting the investigation. This has led some commentators to accuse such agencies of being party political partisan or partial. Colm Allan, the Director of the Public Service Accountability Monitor (PSAM), had this to say about such agencies "All, at some point have been closely aligned to the ANC political establishment. Surely for the sake of preserving public confidence in these bodies, this is a set of perceptions that the government cannot allow to become entrenched" (Daily Dispatch, 23 January 2001:9).

Though the Public Protector can arguably be said to conduct his investigations with partiality or in a party political partisan way, as is evident in the findings and recommendations of some of his controversial reports, financial irregularities in government, continue to be exposed by agencies such as the Office of the Auditor-

General. For example, in his Reports on the Accounts of National Government for 1995-96 and 1997-98, the Auditor-General revealed unauthorized expenditure totalling approximately US\$ 25 million and US\$ 127 million respectively (RSA, 1997e: 38; 1999c: 31). While the Department of Correctional Services falls under an IFP Minister, in his *Report on Findings Arising from a Specialised Investigation into Alleged Irregularities Among Senior Officials of the Department of Correctional Services 1999*, the Auditor-General revealed that irregularities did occur, in respect of two awards amounting to R 109,292, which were paid to the Commissioner of Correctional Services. Voluntary severance packages were also granted to 44 members of the previously disadvantaged groups that did not meet the set criteria, to accommodate redundant staff (RSA, 1999e: 9).

While corruption continues to be exposed in Kenya and South Africa, there are still some differences in the outcome. Whereas in South Africa, those exposed and found guilty by such agencies are normally relieved of their duties or forced to resign and thereafter prosecuted, as in the case of Tony Yengeni, who resigned as the ANC's Chief Whip and was later charged in court, in Kenya, such high-ranking government or party officials are rarely relieved of their duties or prosecuted. When prosecuted, the courts tend to dismiss their cases. Corruption in Kenya has been institutionalized as a result of long-term rule by KANU as a single party and a dominant party and South Africa under the ANC is beginning to acquire values, and if not checked these values will soon stabilize leading to a condition where corruption will also become institutionalized.

7.2 Party Dominance and its impact upon the Legislature in Kenya and South Africa

The legislative authority in any country is supposed to play an integral role in promoting democracy. It is an important institution that ensures political participation in the decision-making process, as well ensuring accountability and transparency in the public policy-making process. This section examines the impact of party dominance upon the parliaments of Kenya and South Africa. The composition of Parliament, legislation and procedure in the National Assembly, and summoning, prorogation and dissolution of

Parliament in Kenya, are outlined in Chapter III of the Constitution. This Chapter of the Constitution specifically deals with the Parliament (Kenya, 1998a: 20-35). The powers and functions of the Parliament of South Africa are enshrined and outlined in Chapter Four of the country's Constitution. This Chapter of the Constitution outlines the composition, functions, rules, proceedings and authority of the National Assembly and the NCOP (RSA, 1997a: 27-51). The Parliament of Kenya consists of the President and the National Assembly whereas the Parliament of South Africa consists of the National Assembly and the NCOP (Kenya, 1998a: 20; RSA, 1996). This section focuses on the impact of party dominance upon the parliamentary committee system and its impact upon parliamentary opposition parties.

Parliamentary committees are mechanisms for ensuring transparency and accountability in government and hence good governance. They also ensure public participation in the legislative process. Party dominance in Kenya and South Africa has manifested itself in the way opposition parties are to a large extent ineffective in the day-to-day workings of the parliamentary committees. Many of these committees have been subjected to undue influence and frustration by KANU and ANC majoritarianism.

KANU's control of axes of power that is, the Speaker, the Leader of Government Business, Parliamentary Group, and the parliamentary committee system has placed constraints upon opposition parties. The parliamentary committee system has been captured by the executive rendering it largely ineffective. By imposing financial control upon parliament through the executive, KANU has ensured that parliament remains institutionally weak, an indicator that it has become increasingly difficult to differentiate between the state and party in Kenya. In 1996 for example, the Speaker of the National Assembly, Francis ole Kaparo ruled that President Moi should not be referred to in the Public Accounts Committee report, since this contravened a parliamentary standing order. Opposition MP Martin Shikuku challenged the Speaker's ruling arguing that no one was above the standing orders of the House and urged fellow MPs to "resist such rulings from the chair." Shikuku was ordered to withdraw the remark by the Speaker, an order he refused to obey. As a result of refusing to withdraw the remark, the Speaker him expelled from the chambers (Weekly Review, 5 July 1996:13).

A case in point where the Executive and the Parliament downplayed the role of a

committee was that of the Parliamentary Select Committee on Anti-Corruption set up in 2000 and chaired by Musikari Kombo of FORD-Kenya. On completion of its work, the Committee in its report compiled a corruption "List of Shame" in which it named several prominent Cabinet Ministers, high-ranking KANU politicians and public servants, recommending in most cases their investigation with a view to prosecution. These included among others, Vice-President Professor George Saitoti for his role in the Goldenburg Scandal. The Committee recommended that he be investigated and prosecuted. Cabinet Ministers Nicholas Biwott, Henry Kosgey and Kipngeno arap Ngeny, and President Moi's son, Phillip Moi, were also named. In its report, the Committee also recommended that Vice-President George Saitoti and Nicholas Biwott be investigated for alleged fraudulent investment and abuse of office over a US\$ 11.5 million soya beans project in Kilifi, Coast Province. Cabinet Ministers Kipngeno arap Ngeny and Henry Kosgey were recommended for the investigation and possible prosecution of over the fraudulent purchase of land and with the running down of the collapsed Kenya National Assurance Company. Other Cabinet Ministers referred to were Prof. Sam Onger, Francis Lotodo and Julius ole Sunkuli. They were mentioned in connection with land and property allocations but the Committee only urged that the land revert back to public ownership. Other prominent KANU politicians named included former Cabinet Minister Elijah Mwangale, Assistant Ministers Fred Gumo, Samuel Rotich and KANU MPs Simeon Mkala and Darius Mbela. The Committee also urged that the approximately US\$ 30 million paid out to Goldenburg be recovered in the public interest. Other people who should be investigated with regard to the Goldenburg scandal include two former Permanent Secretaries for Finance, Charles Mbindyo and Dr. Wilfred Koinange, a former Governor of the CBK, Eric Kotut, former Accountant General, Mr. Kibunja, a former official of CBK, Eliphaz Riungu and the former Commissioner of Mines Collins Owayo, among others. President Moi's son, Phillip and an associate evaded duty on six Mercedes Benz cars they fraudulently imported. The Committee recommended that the duty be recovered (Daily Nation, 10 May 2000). The report containing the "list of shame" was later tabled in Parliament in order to facilitate the implementation of its recommendations. However, it was rejected by a simple majority vote by KANU and a loyal opposition party, the National Development Party (NDP).

Other than being ineffective due to the predominance of KANU, these committees have also been accused of being corrupt. Members of the Public Accounts Committee, both opposition and KANU, were accused of receiving bribes from those involved in the Goldenburg scandal, so as to influence the recommendations of this committee. As an opposition MP and member of the Public Accounts Committee said in reference to this scandal:

“There was no difference between the Opposition MPs in the Public Accounts Committee and the KANU crooks. Those MPs are unworthy of public trust and should be barred from seeking public office. On my part for exposing the fraud and bribery, I was thrown out of the Public Accounts Committee by my party ... (Odinga, R, 1996:22-23).

Another opposition MP has also pointed out that in spite of the numerous revelations of accountability in the public sector by the Public Accounts and Private Investment Committees over the years, the government has taken little action to bring the culprits to book (Anyang-Nyong'o, 2000:16).

Party dominance has also had its effect upon the parliamentary committee system in South Africa. Political party representation on the committees is proportional to the number of seats they have in parliament and as such the ANC dominates these committees. Its majority in these committees greatly affects their ability to perform their duties properly. These committees have therefore had to operate under certain political constraints. Opposition parties have only really made a difference in parliamentary committees that adopt a more consociational approach. In those instances and in cases where the opposition parties have individuals who have developed some expertise, the ANC has not only been willing to listen, but also to act on the proposals of opposition members. However, in the case of higher profile, more controversial issues, the scope for such participation is limited (CDE, 1999:32). Many ANC MPs are not willing to be critical of these committees lest they be accused of being disloyal to the party and subsequently face party disciplinary action. In many instances the ANC MPs are not critical and toe the party line when the time comes to vote (Calland, 1999:36-37). A glaring example of this is that of SCOPA and the arms deal. Despite lukewarm support from the ANC and its committee members, SCOPA under the Chairmanship of IFP MP,

Gavin Woods, played a significant part in questioning the role of the Government over the arms deal and also called for the SIU to be included as one of the investigating bodies. This was, however, rejected by the government. During the course of its work on the arms deals, SCOPA received a lot of support from the outspoken and independent ANC MP, Andrew Feinstein, who also happened to be the Chairperson of the ANC's study group and party spokesperson on Public Accounts. On several occasions, he sided with opposition MPs in SCOPA with regard to some of the decisions made. However, the ANC eventually replaced him with Geoff Doidge, a move that was criticized by opposition parties. Democratic Alliance (DA) public accounts spokesperson Raenette Taljaard said that the removal of Feinstein could only be interpreted to mean tighter internal political control for the ANC over the arms probe, and over SCOPA in general. This she, argued, was bad news for a committee battling to remain non-partisan and immune to political interference (Daily Dispatch, 25 January 2001: 2; 30 January, 2001: 2). As Patrick Laurence put it:

Yengeni cracked the party whip to bring ANC members on Scopa back into line. Since then they have put party political interests ahead of their obligation to taxpayers to act as independent watchdogs over government expenditure on the arms deal. In a move that has Stalinist undertones, they have rewritten the fourteenth Scopa report. It now supports the ANC's line that the committee did not agree to a multi-agency investigation into the arms deal (Laurence, 2001:4)

Following the release of the Report on strategic defence packages, opposition MPS in SCOPA refused to vote in favour of a motion tabled by the ANC calling for the adoption of the Report. The fact that the ANC chairs 94 per cent of the parliamentary committees, while KANU chairs 51 per cent of the committees which are dominated by the ruling party, indicates the undue political influence to which they are subject. In both countries party dominance is impacting negatively upon parliamentary committees.

Party dominance is also impacting negatively upon democracy as both dominant parties seek to delegitimise opposition parties. KANU and the ANC are attempting to portray opposition parties as intolerant. In other words both dominant parties argue that opposition parties lack tolerance and toleration. As both parties pursue their historical and national agendas, they are partly delegitimising opposition parties as ethnic and racist. In

both countries, leaders of the dominant party constantly accuse the opposition parties of being stumbling blocks in the course of achieving national unity or the creation of a non-racial and non-sexist democracy. In Kenya, Moi has on many occasions labelled opposition parties as ethnic and lacking a national agenda. In an exclusive interview with one of the leading dailies in Kenya, during the countdown to the 1997 election, Moi labelled opposition parties as ethnic-based with sectional interests and added, with respect to KANU, that:

I am confident that we shall win the coming election because Kenyans are [an] enlightened people who will not vote because of euphoria, as many did in 1992. They will vote for the unity of all Kenyans They will reject tribalism and tribalists. They will join us in the house-cleaning of KANU, the party that won our freedom and Independence, so that the party can be in a position to tackle the challenges facing us into the 21st Century (Moi, 1997:8).

In a bid to delegitimise opposition parties, KANU leaders constantly remind the electorate of the party's historical role in the liberation struggle against colonialism and its role in achieving national unity and political consciousness. Though the party has, since the country's independence, declined from a mass party to a sectional party, it still portrays itself as a mass movement by virtue of winning a majority of seats in parliament though only receiving about 40 per cent of the votes cast in the 1992 and 1997 elections. Many of the opposition parties in Kenya such as the DP, NDP, and FORD-K, have been portrayed as largely Kikuyu, Luo and Luhya ethnic entities respectively. These three ethnic groups combined represent approximately 49 per cent of the country's population, while KANU is an alliance of minority ethnic groups.

The ANC likewise is attempting to delegitimise opposition parties as it pursues its historical agenda. The party and its leaders constantly accuse the mainly white opposition parties of being racist and serving narrow racial interests. The governing party justifies its dominance and racial claims on socio-economic and racial inequalities created by white minority rule during the apartheid era. At the 7th National Congress of COSATU on 8 September 2001, the president of the ANC and the Republic, Thabo Mbeki had this to say of the ANC and opposition parties:

There are some people in our country today who present themselves as being better democrats than you who belong to our historic Congress

Movement these newly born democrats ... tell us that unless they reduce our strength...democracy will be threatened. They say that a strong ANC...put the democratic system in our country in grave danger ... because big support for us would constitute a threat to the very democracy for which we ourselves had fought for many decades. They argued ... that the best guarantee for democracy was that they should get more support ... so that they become a strong opposition. They had to be strong as an opposition because they were the best guarantors of democracy ... while we, if we became too strong, would introduce dictatorship and take away the democratic rights of the people (Mbeki, 2000:1-4).

The president of the ANC was in essence justifying the party's dominance in the political process, while at the same time dismissing the idea of strong opposition. In a bid to delegitimise opposition parties, President Mbeki has, on several occasions, dismissed such parties as racist. For the ANC, party dominance is a guarantor of democracy and stability, while strong opposition is construed as a threat to political and social stability. Mbeki constantly gives opposition parties a tongue-lashing. He once described the DP as "our-home-grown Tories" and the "offspring of Thatcherism" (Daily Dispatch, 1 July 1999: 1). The DP leader on the other hand has accused the ANC of delegitimising the Official Opposition as racist in a bid to stifle parliamentary debates or questions on sensitive issues such as those of transformation or affirmative action (Daily Dispatch, 29 July, 1999). In particular the DP and NP, have been described as intolerant of criticism and have been criticized for their lack of commitment to democratic transformation (Motlanthe, 1998b: 1). As the party's Secretary-General puts it, "They see themselves as opposition parties in the most literal sense of the word - oppose the ANC at all costs, and don't bother too much about developing a viable, sustainable alternative" and that, "The 'swart gevaar' and 'rooi gevaar', now devoid of their previous menace, have mutated into the two-thirds gevaar" (Motlanthe, 1998a: 1). Like KANU, the ANC has fallen back on its historical role in the liberation struggle as a vehicle for the aspirations of the black majority, portraying opposition parties as representing narrow sectional interests. While it has been acknowledged that dominant parties seek to isolate opposition in order to strengthen their own electoral position, the process, as in Kenya, may lead to a situation where opposition parties become functionally ineffective as mechanisms for providing checks and balances against a strong executive.

The nature of the opposition parties in Kenya makes them subject to the ruling

party's dominance within and beyond parliament. Other than their continued ethnic fragmentation making them sectional, opposition parties in Kenya suffer from poor leadership, poor doctrines and programs, and lack of adequate financial resources. Most of all, many parties lack the financial resources to maintain their secretariat, to maintain party branches at the grassroots level and also funds to conduct regular party elections at grassroots level. Many of them have to rely upon funding from their leaders, thus subjecting them to manipulation by such leaders. The constitutions of these parties show that sources of funds include: membership fees, contributions, donations and grants, revenue from fundraising activities, publications, capital investment; and exploring possibilities of state funding. The opposition political parties are unable to raise adequate funds. For example, they receive relatively insignificant financial resources from membership dues, since party cards are usually sold immediately before party or national elections when it is necessary for members to participate in the nomination of party candidates. In other words, party cards are normally used for electoral purposes and this ensures bogus party membership as thousands are normally given free membership card by those seeking party or elective party office. As for state funding, between 1994 and 1999, parliament on four occasions passed motions and resolutions to provide for direct funding of political parties by the state. However the resolutions have not yet been put in place and implemented by the KANU Government (Holmquist and Ford, 1998: 235; Murungi, 1999:8; Warigi, 1999:9). These parties lack organizational coherence and discipline and this manifests itself in the way party leaders give contradicting and inconsistent statements on party matters. They also do not seriously articulate their party programmes or policies and as such are not able to engage in any serious policy advocacy rather than ethnic advocacy. They are institutionally weak in terms of their capacity to offer meaningful opposition to KANU thereby further enhancing the dominance of the ruling party. As one political commentator put it:

The Opposition parties like to moan about the fact that they are victims of a vicious KANU squeeze aimed at asphyxiating them. KANU would certainly not go into mourning if the Opposition perished. But harsh as it may sound, KANU is not in business to keep its opponents happy (Warigi, 1999:9)

In contrast, both public and private funding of political parties is allowed under the Public Funding of Represented Political Parties Act No. 103 of 1997 in South Africa. Political parties obtain funding from their members, other sources both local and foreign, as well as civil society groups. With regard to public or state funding, the Act governs the eligibility of parties and the allocations they receive from the Represented Political Parties Fund. Public funding to political parties from this Fund for any financial year is allocated to parties that are represented in the National Assembly or in the provincial legislature or both. No allocations are made from the Fund to political parties that are only represented in municipal councils nor to those that have no public representative at all (RSA, 1997f: 4-6). Section 5 (1) b of the Act states “the moneys so allocated to a political party may be used for any purposes compatible with its functioning as a political party in a modern democracy (RSA, 1997f: 4). Unlike Kenya, parliamentary opposition parties in South Africa are therefore guaranteed some funding no matter how little it is, rendering them less vulnerable to the ruling party.

7.3 Party Dominance and its impact upon the administration of justice in Kenya and South Africa

A minimum condition of democracy in any country is the existence of civil and political liberties that are enshrined in the constitution and enforced by institutions involved in the administration of justice. Such institutions ensure that individuals and organizations are responsible and responsive in terms of adherence to the rule of law and responsive to societal needs respectively. By doing so, they strengthen the democratic process and subsequently democracy in a country.

Institutions involved in the administration of justice in Kenya, are enshrined under Chapter IV of the Constitution of Kenya, which deals with the judiciary. This Chapter of the Constitution deals with the High Court and the Court of Appeal, and other Courts, as well as the Judicial Service Commission (JSC). It specifically looks at the establishment of these Courts, the appointment and tenure of judges and other judicial officers, among others (Kenya, 1998a: 35-42). In the case of South Africa, such institutions are enshrined under Chapter 8 of the country's Constitution, which deals with Courts and

Administration of Justice (RSA, 1996: 69). This section pays particular attention to the impact of party dominance upon the judicial system in Kenya and South Africa.

The independence of the judiciary in Kenya, been compromised, due to long-term rule by a single-party and as a result of the impact of party dominance under conditions of what has been described in chapter four as *pseudo*-democracy. The Constitution of Kenya does not provide any specific constitutional guarantee of the independence of the judiciary, other than pointing out the tenure of offices of judges of the High Court in Section 61 (Kenya, 1998a: 37-38). In contrast, the judicial authority of South Africa is vested in the courts according to Section 165 of the Constitution. This Section, points out that the courts are independent and subject only to the Constitution and the law. The courts are expected to apply the law impartially and without fear, favour or prejudice. The Section emphasizes that no person or organ of the state may interfere with the functioning of the courts. Through legislative and other measures, the organs of the state must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts. Court decisions are binding to all persons and organs of state to whom or which they apply (RSA, 1996a: 69). The independence of the judiciary authority in South Africa is therefore, enshrined in the constitution.

A point of departure in this argument regarding the lack of independence in Kenya is that the Chief Justice and judges of the High Court in Kenya are political appointees. Section 61 (1) of the Constitution points out that the Chief Justice is appointed by the President, while Section 61 (2) also states that the puisne judges are appointed by the President acting in accordance with the advice of the JSC (Kenya, 1998a: 36). However, the JSC consists of presidential appointees. It consists of the Chief Justice as chairman; the Attorney-General; two persons designated by the President from among the puisne judges of the High Court and judges of the Court of Appeal; and the Chairman of the Public Service Commission (PSC), who is also appointed by the President (Kenya, 1998a: 40-41). In short, the Chief Justice, High Court judges and members of the JSC are all political appointees.

In South Africa, Section 166 outlines the judicial system and points out that the courts are: the Constitutional Court; the Supreme Court of Appeal, the High Courts; the Magistrate Courts; and any other court established or recognized in terms of an Act of

Parliament (RSA, 1996a: 69). The Constitutional Court consists of a President, a Deputy President and nine other judges, while the Supreme Court of Appeal consists of a Chief Justice, a Deputy Chief Justice and the number of judges of appeal determined by an Act of Parliament (RSA, 1996a: 69). The President, under prescribed terms, appoints the judges of the Constitutional Court. Section 173, points out that the President as the head of the national executive, appoints the President and Deputy President of the Constitutional Court, after consulting the Judicial Service Commission and leaders of parties represented in the National Assembly. The President also appoints the Chief Justice and Deputy Chief Justice after consulting the Judicial Service Commission. Other judges of the Court are also appointed by the President following consultations with the President of the Constitutional Court and the leaders of parties represented in the National Assembly. The President also appoints the judges of all other courts on the advice of the Judicial Service Commission (RSA, 1996a: 72). Though these administrators of justice in Kenya and South Africa are appointed by the President acting on the advice of their respective judicial commissions, the South African process is more transparent as it further involves the leaders of parliamentary parties.

The appointment of Kenya's Chief Justice in the post-1990s on political grounds has exacerbated the problem of executive interference in the judiciary. Appointments in this period have been made on the basis of political loyalty. The appointment of Justice Zacheus Chesoni as Chief Justice two months prior to the 1997 elections received widespread criticism. Prior to this appointment Justice Chesoni had served as the Chairman of the ECK since 1992. Several years earlier, Justice Chesoni had been dismissed from the judiciary in the public interest, after being declared bankrupt. The appointment of Justice Chesoni as the Chief Justice was to ensure continuity in the regime following Moi's electoral victory, since it is the duty of the Chief Justice to swear in the candidate who wins the Presidential Elections. As Chairman of the ECK between 1992 and 1997, Justice Chesoni had served President Moi with dedication by ensuring that the ECK was manipulated by KANU in the multi-party era. The appointment of Chief Prosecutor Bernard Chunga as Chief Justice upon Justice Chesoni's death in September 1999 was also widely criticised by the legal community who saw this as a deliberate attempt aimed at further reducing the independence of the judiciary. Chunga

was widely perceived as having been over zealous in prosecuting Government critics, especially since the demands for the restoration of multipartyism began. He was also perceived as having close loyalties to the President personally (United States, 2000).

There have been several cases of executive interference in the judiciary in the post-1992 period. Several cases involving opposition MPs have been ongoing for several years, with the courts repeatedly postponing the hearings, thereby requiring the MPs to appear periodically in court or risk fines or imprisonment. For example, the late opposition MP George Kapten was charged in September 1999 with defamation of a public official, and one month later with subversion for stating that President Moi was the prime suspect in the Goldenburg scandal (United States, 2000). Public statements made by President Moi have conflicted with the *sub-judice* rule on a number of occasions and he has pronounced on matters pending in a court. For example, the President commented on the case against the University Academic Staff Union (UASU), following the strike by academic members of staff at the public universities between 1993 and 1994. The court case was dismissed after this statement. President Moi also stated that the courts should not interfere or intervene in the affairs of public universities or issues relating to political parties. In July 1997, Mr William Mbaya, a retired judge, argued that the President's statements "can only be regarded as being intended to influence the decisions of the Courts" (Amnesty International, 1997). The Chairman of the Kenya Magistrates and Judges Association (KMJA), stated in March 1997 "These pronouncements clearly threaten the rule of law, the independence of the judiciary and the institutional doctrine of the separation of powers" (Amnesty International, 2000). There have been several instances in which judges have spoken out and sought to assert judicial independence. In May and August 1995, a number of magistrates and judges called for greater judicial independence, complaining about the frequency of executive interference in court cases, and urged that the presidential power to appoint judges be transferred to Parliament (United States, 1996: 6).

The judiciary has been accused of corruption on several occasions. In March 1999, for example, Chief Justice Chesoni was accused of taking a US\$ 450,000 bribe to rule in favour of a plaintiff in a case. Justice Richard Kuloba, was soon thereafter, accused of taking a US\$ 75,000 bribe. In 1998, the Chief Justice appointed a special

judiciary commission chaired by Justice Richard Kwach to report on the problems of the judiciary. The Kwach Commission cited "corruption, incompetence, neglect of duty, theft, drunkenness, lateness, sexual harassment, and racketeering" as common problems in the judiciary. The Commission recommended amending the Constitution to allow for the removal of incompetent judges, introducing a code of ethics, improving the independence of the judiciary, overhauling the JSC, and shifting prosecutorial responsibilities from the police to the judiciary (United States, 2000).

A significant way, in which party dominance has impacted upon the judicial system, is the way in which courts have handled election petitions in the country. This has become more significant in the multi-party era. The outcome of election petitions in the post-1992 multiparty period has largely been in favour of KANU. This is due to interference by the executive and has further strengthened the dominance of the ruling party. For example, following the 1997 General elections, 28 election petitions were filed. Out of these 11 were filed against KANU. The outcomes were in favour of KANU, since 8 of the petitions were dismissed while 3 were withdrawn. The remaining 17 petitions were filed against opposition candidates. Out of these 12 were dismissed, 3 withdrawn and in one of the petitions a recount was ordered, but the incumbent MP still retained his seat following the recount. One case was nullified and the court made a ruling declaring the KANU candidate as the authentic MP (Rutte, Mazrui and Grignon, 2001: 635-638).

South Africa exhibits a contrasting scenario. There has been little executive interference in the judicial system. Since the ANC took political power in 1994, the judiciary has to a large extent maintained its independence, despite party dominance. This is not to say that the ANC has not attempted to interfere with certain court cases. The party has done so but this has had practically no influence on the outcome of such court cases. In fact, in many significant cases involving its members or the government, it has lost. It has on occasion condemned the outcome of certain cases, which may be interpreted as interfering with or questioning the integrity of the judicial system. This was the case in the trial of Dr Wouter Basson. Dr Basson headed South Africa's apartheid-era germ warfare programme. In 1996, he was arrested to face charges of murder, conspiracy, fraud and drug possession. In April 2002, Judge Willie Hartzenberg acquitted Dr Basson

on all charges. While the prosecutor accused the presiding judge of favouring Dr Basson, throughout the trial stating that government would appeal the verdict before a panel of judges, the ANC condemned the verdict as completely outrageous and highly immoral. The ANC spokesperson Smuts Ngonyama, said, "The justice system has let us down on this case" and described the verdict as "a clear case of the protection of an individual who has killed people" (BBC, 2000). Another significant trial in which the ANC expressed its disapproval was that of anti-apartheid activist and ANC member, Allan Boesak. In 1995, Allan Boesak was accused of theft and fraud. Following the accusations, the ANC, in solidarity, opened an internal inquiry headed by then Deputy President Thabo Mbeki's legal adviser, Mojanku Gumbi, which cleared Boesak even before the trial began. President Mandela also questioned whether the state should be prosecuting the case (Mail and Guardian, 19 March, 1999). Following the Supreme Court of Appeal's judgment against Boesak in 2000, the ANC criticized the judiciary. The party spokesperson, Ngonyama, referred to the judiciary as totally biased. In response to the ANC's accusations, both Constitutional Court President Judge Arthur Chaskalson and Chief Justice Ismail Mahomed condemned "as deplorable" attacks on the institution of the judiciary as opposed to criticism of individual judgments. Ngonyama subsequently sought to retract his comment, saying that he wanted to "make it abundantly clear that the [ANC] has never accused the judiciary of racism ... and could not question the decision of an institution of integrity such as the Appeal Court (Mail and Guardian, 6 May 2000).

Conclusion

The impact of party dominance upon institutions that support democracy manifests itself in different degrees in Kenya and South Africa. In Kenya, due to the authoritarian nature of the political system, party dominance has had a regressive impact upon the institutions of the executive, legislature and those involved in the administration of justice. In South Africa, evidence suggests that there has been no regressive impact of party dominance upon these institutions. However, there are emerging incidences, particularly in the case of institutions of the executive, which indicate that they appear to be taking a similar trajectory to that of Kenya. Corruption in the institutions of the

executive in post-apartheid South Africa is slowly beginning to emerge, which is to a large extent of laxity on the part of political patronage appointees. This fact has been acknowledged in various government documents. In the case of the legislature, in both countries party dominance has taken a similar trajectory particularly with regard to the both dominant parties' attempts to delegitimising opposition parties. While KANU continues to delegitimise opposition parties on ethnic lines, the ANC continues to do so on racial lines. However, unlike Kenya, party dominance has had very little effect on the institutions that administer justice. The judiciary system, despite political criticism from the ANC, continues to be independent of the executive as well as of the party, a factor that may be attributed to the constitutional provision guaranteeing its independence.

South Africa under the dominance of the ANC continues to be a democracy, unlike Kenya under KANU dominance, which is a *psuedo*-democracy. Democracy in South Africa, has to a large extent been upheld by institutions that support or uphold democracy, and as demonstrated, party dominance has not had as much of a regressive effect as in Kenya. Given that the impact of party dominance on the institutions of executive, that ensure good governance, transparency and accountability, is slowly beginning to have a regressive effect, then South Africa can be said to be heading in a similar direction with Kenya.

CHAPTER EIGHT

SUMMARY AND CONCLUSION

The evolution of party dominance in post-1990 Kenya and South Africa has taken a more or less similar trajectory, particularly with regard to dominance of the state and its apparatuses. A significant difference has been with regard to the dominant parties' attempts to and success in enhancing their dominance over civil society. In the case of party dominance and its impact upon democratization and subsequently democracy, both countries have experienced similarities and differences.

The connection between party dominance and democratization in different African countries presents a very interesting scenario in the sense that while the historical factors that contribute partly to the evolution of party dominance and its consolidation are more or less similar, its impact upon democracy differs. In many African countries, such as Kenya, South Africa and Zimbabwe, the dominant party was initially the dominant liberation movement. Due to their popularity and as vehicles for the aspirations of the majority of the oppressed people, these movements managed to control and influence diverse social forces and mobilize them in the struggle against colonialism and apartheid. At the end of white minority rule, such movements also mobilized the same and new forces for electoral purposes, hence managing to win political power. Upon gaining political power, the dominant parties have taken the same trajectories with regard to enhancing their dominance, particularly over the state and its apparatuses. These dominant parties have taken different trajectories with respect to enhancing their dominance over civil society, thereby making the impact of party dominance upon democratization and subsequently democracy differ in these countries.

In many developing countries party dominance initially had a positive effect upon the transition from white minority rule to black majority rule by ensuring political stability. Party dominance became a stabilizing mechanism whereby the dominant parties like KANU and the ANC, attempted to contain potential disintegrative forces by hegemonizing the political game and economy through elite settlements such as Kenya's Constitutional Conferences of the early 1960s in the United Kingdom, and the formation of political alliances, such as the Tripartite Alliance in South Africa. The political elite

became only too aware of the need to nurture the fragile democracies through compromises and settlements rather than risk national disintegration. During these transitions, the dominant parties allowed meaningful political competition and respected a large measure of civil and political liberties. Initially, democratic and democracy-promoting institutions operated freely without much interference from the dominant party

The post-independence periods of many countries under party dominance present a different state of affairs. In some countries, like Kenya, despite regular elections, party dominance continues to be maintained and enhanced in whole by undemocratic means. In South Africa, so far, it is to a large extent an accurate expression of the will of the people, expressed in democratic procedures. In many African countries, such as Kenya, party dominance has existed under conditions of social stagnation and political control. In those African countries considered to be democracies, like South Africa, party dominance exists under situations of social dynamics and political openness, something akin to industrialized democracies. However, a similarity in all African countries that are governed by dominant party systems is that the dominant party has at one time or the other reshaped its following through the use of state resources, enabling it to pursue its agenda, be this agenda be progressive or regressive. Dominant parties in African countries continue to delegitimise opposition parties on various grounds. This is because of the fact that many African countries are divided societies and therefore many conditions, such as ethnicity, race and class, exist in which the electorate is open to delegitimation. Delegitimising opposition parties has in effect weakened them, thereby rendering these organizations for safeguarding democracy, ineffective to a large extent.

Dominant parties in Africa were or continue to be alliances of diverse social, economic and political interests. These alliances were formed as a result of reconciliation, reward or even pacification. These were partly as a result of the need to create a sense of national unity and political consciousness, a key pre-condition for meaningful democracy, and of the need for national integration. This has made it difficult for such parties to adhere to organizational coherence and discipline. Dominant parties in Africa are usually characterized by intra-party power struggles. Since they are not willing to lose any sections of their support base or political constituency, dominant parties do not enforce strict party discipline. This is evident in the post-1990 period in South Africa and

Kenya. Following the re-introduction of multipartyism in Kenya, KANU has not been enforcing strict party discipline, even among those considered to be party rebels, for fear of losing key sections of its support base.

Since its independence, Kenya, under a single party and multiparty system has been conducting regular elections. The country has held 9 general elections. Despite these regular elections, party dominance in the country has been achieved on the whole by undemocratic means, primarily through the use of the state and its apparatuses. Making use of the executive, KANU has and continues to interfere and manipulate the legislature and the judiciary in order to augment its political power and dominance. It also continues to interfere in other state institutions that are supposed to uphold democracy, such as the ECK, in order to manipulate the electoral process. The manipulation of these institutions of the executive, legislature and judiciary to suit KANU's political interests has led to a condition of bad or poor governance. This has manifested itself in many ways, from a rampant corruption in the country to the ruling party's disrespect for the fundamental rights and freedoms of individuals, organizations and the society. In other words, state institutions that are supposed to support democracy are institutionally weak and hence functionally ineffective. Although KANU has been unable to extend completely its influence over the civil society, the latter's organizations lack effective leadership, doctrines, programmes, and resources, thereby rendering them ineffective as agents for providing a system of checks and balances for the system. Party dominance has had detrimental effects upon democracy in Kenya. The existence of formal democratic institutions such as regular multi-party elections, has masked the reality of authoritarian domination or rule.

Party dominance in South Africa has not had much detrimental effect upon the democratization process and subsequently democracy. In South Africa, party dominance under the ANC is largely an accurate expression of the will of the majority, expressed in democratic procedures. The outcome of the 1994 and 1999 non-racial multi-party elections reflected an accurate expression of the will of the people. In both elections, the ANC captured more than 60 per cent of the votes cast setting the stage for the emergence of party dominance in the post-apartheid era. The ANC is now trying to enhance its dominance through various means, such as transformation and corporatism. The ANC

argues that in order for it to transform South African society into a non-racist and non-sexist one, it needs to enhance its dominance over the state and society. Transformation has therefore taken on a moral dimension, thereby legitimizing the process. The ANC argues that this process is, therefore part of democratization. Forming corporatist and quasi-corporatist arrangements such as NEDLAC and the Tripartite Alliance respectively so that the key social economic and political actors can safeguard and advance their interests is also healthy for democracy. This has helped contain potentially disintegrative forces. To this extent, transformation, as a moral process, and corporatism, as political prudence, are healthy for democracy in South Africa. Party dominance and its impact upon South Africa has also not had any detrimental effects upon institutions that administer justice. The judicial system continues to operate independently of individual and organs of the state as enshrined in the country's constitution. This is despite the constant accusations and criticisms of bias and racism directed by the ANC against the judiciary. There are instances where high-ranking ANC officials, such as Allan Boesak, have been convicted in the courts and imprisoned for various offences. There are many instances where the government has lost significant cases in the Constitutional Court. The administration and application of fair justice is an integral component of democracy in any society.

Though party dominance has had no major detrimental effects upon democracy in South Africa, there are emerging trends that indicate that this might happen in the near future. Party dominance is gradually beginning to have detrimental effects, particularly in the executive and to some extent in the legislature. Party dominance has begun weakening key institutions of the executive that are supposed to ensure accountability and transparency and hence good governance. This has manifested itself in the increasing number of cases of corruption, nepotism and political patronage. Various government reports, such as those of the Auditor-General and the SIU, point to rising corruption at all levels and in all spheres of government. Other reports such as that of the Presidential Review Commission, also highlight the increasing numbers of cases of nepotism and political patronage appointments. These reports also point out the detrimental effects of such appointments. Among the key institutions that appear to be weakening is that of the Public Protector. The Public Protector has on many occasions made decisions that

suggest or appear to suggest that he is party political partisan. On several occasions, the Public Protector has absolved high-ranking government and ANC officials as well as the government itself, of accusations of corruption and nepotism among others. A notable example is the findings of the controversial *Joint Investigation Report into the Strategic Defence Packages*, whereby other than Tony Yengeni, the ANC Chief Whip, all other high-ranking government and ANC officials, including the government as a whole, were cleared of accusations of corruption and fraud. To this extent, it can be argued that South Africa is heading in the same direction as Kenya and many other dominant party systems, such as Zimbabwe. If party dominance continues to have a detrimental effect upon the institutions that ensure transparency and accountability in the executive, then South Africa will eventually end up like Kenya. Kenya has functionally ineffective institutions that are supposed to ensure accountability and transparency in the executive. This as mentioned earlier leads to a condition of bad governance. It is in effect, the beginning of authoritarian domination.

Party dominance is also beginning to have detrimental effects upon the legislature in South Africa. This is to a large extent due to the ANC's majority in the National Assembly and not necessarily to the nature of the party itself. The ANC is so far by nature more democratic than KANU. As in Kenya, party dominance is beginning to have its harmful effects upon parliamentary committees. These committees, dominated by the ANC, operate under political constraints. Where there are cases involving high profile or controversial issues, many ANC MPs in these committees are not willing to be critical lest they be accused of being disloyal to the party. There have been instances where outspoken ANC MPs critical of government decisions, in such committees have been replaced by moderate ones. A case in point is that of ANC MP Andrew Feinstein who as Chairperson of the ANC's study group and party spokesperson on public accounts in SCOPA was replaced by Geoff Doidge, as a result of the arms deal scandal. This emerging trend is not healthy for democracy as these parliamentary committees are also established to ensure transparency and accountability in government particularly the executive. Like in Kenya, parliamentary committees in South Africa may eventually be subordinated to the executive.

Dominant parties usually seek or strive to delegitimise and isolate opposition parties so as to strengthen their own electoral position. This is precisely what the ANC is doing in South Africa. Whereas KANU is delegitimising opposition parties on the grounds of ethnicity, the ANC is also doing so on the grounds of racism. The only difference between the two countries is that while ethnocentrism or ethnic politics is to a large extent a result of KANU's tactics of divide and rule, racism in South Africa is a function of apartheid. It can therefore be argued, that the ANC is delegitimising opposition parties since the moral conditions or grounds exist for delegitimation. This is not appropriate for democracy, since meaningful democratization and democracy requires robust and vibrant opposition parties that provide effective checks and balances. If the ANC continues to delegitimise opposition parties, there is the possibility that such parties will weaken, as in the case of Kenya, leading to a condition of authoritarian dominance.

The nature of authoritarian party dominance in Kenya and the gradual trend towards this undemocratic party dominance in South Africa can be altered. There is a need to strengthen and institutionalize state and civil society organizations that will enhance greater transparency and accountability and hence good governance. There is also the need to formulate and implement good and sound economic policies that will accelerate the economic growth rate, as well as the development of a strong middle class that will safeguard democracy. Constitutional provisions should also be put in place so as to check or control excessive party dominance.

In both countries, civil society must be strengthened and brought in to demand greater accountability and transparency in Government. The state, including all political actors, must create the necessary enabling political environment that will change structures that hinder the expression or potential of civil society organizations. Laws that inhibit the expression of potential organizations of civil society, such as the Non-Governmental Coordination Act of 1990 in Kenya, should be amended or repealed, in order to strengthen the institutional capacity of these organizations. Both countries have vibrant civil societies as is made evident by their roles during the "second liberation" struggle of the early 1990s and the liberation struggle during the 1980s in Kenya and South Africa respectively. Civil society organizations, such as the NGOs and the Community Based Organizations (CBOs) continue to play a significant role in socio-

economic development. This vibrancy can be harnessed and civil society organizations made to play a greater role in ensuring transparency and accountability, both at the macro- and micro-level, or at all levels and in all spheres of government. Placing more emphasis on the nature of interactions between the state and civil society organizations, among civil society organizations themselves will also ensure good governance. Civil society capable of articulating its preferences and serving as a counterpoise to state power should be consolidated. In both countries, organizations of civil society can strengthen their institutional capacity in the political process by designing and implementing effective programmes aimed at enhancing good governance, accountability and transparency in the government. Such programmes, like civic education programmes, are already under way in both countries, despite political interference in the case of Kenya.

Strong opposition parties need to be developed in both countries. Compared to South Africa, Kenya's opposition parties are organizationally and financially weak, which affects their institutional capacity as mechanisms for safeguarding democracy. In both countries due to delegitimation, opposition parties are also becoming ineffective and are thus finding it difficult to perform their roles of ensuring accountability and transparency in government. Opposition parties should be strengthened to support good governance in both countries. In Kenya, there is the need for such parties to develop and improve on their leadership, through regular party elections. Like KANU most of the opposition parties do not conduct regular party elections as stipulated by their party constitutions. The leadership should also be elected in a manner reflecting a sense of nationalism in the parties rather than ethnocentrism. Opposition parties also need to develop their financial resources, by raising funds through membership dues, and contributions or donations from other interested individuals and organizations. The government should also enact legislation, like the Public Funding of Represented Political Parties Act No. 103 of 1997 of South Africa that will entitle all represented political parties in the National Assembly, to state funding. Opposition political parties in Kenya also need to improve on their doctrines and programmes if they to convince the electorate that they are viable alternative governments in waiting. Some opposition parties, like FORD-Asili in 1992, did not even have a serious election manifesto. These opposition parties also need to set up linkages with other organizations of civil society

and the business sector, so as to establish credible networks capable of acting as a check against the abuse of state power by the dominant party. In South Africa, one of the greatest problems facing the major parliamentary opposition parties is their racial composition and the interests they appear to represent. Opposition political parties such as the DP and the NNP are predominantly white and appear to represent white interests. They have thus been subjected to much delegitimation, given South Africa's past political dispensation. Any criticism directed by them at the ANC, be it constructive or not, is termed as racist. This has also rendered them, to a large extent, ineffective as organizations for safeguarding democracy. White South African opposition political parties should start articulating the interests of the majority of the population if they expect to strengthen their membership on non-racial lines. This will make them less subject to delegitimation. By strengthening opposition political parties in both countries, citizen influence upon the policy-making process is bound to increase since, there will be greater political participation and public accountability. Opposition parties need not be adversarial, they can be robust and effective at the same time. However, this is a difficult task for Kenya and South Africa since they are deeply divided societies on ethnic and racial grounds respectively. KANU and the ANC have grounds and conditions for continued delegitimation. Tolerance of opposition parties becomes the first step in strengthening these organizations. Democracy requires the development of strong opposition parties that can filter citizens' demands and thus facilitate compromise.

Despite the relatively strong state institutions in South Africa and weak state institutions in Kenya, there is still the need to further strengthen them in both countries. This can be done through meaningful constitutional provisions that will limit excessive interference from the executive. In both countries, there is a need to transfer some of the executive powers of the President to the legislature. For example, the responsibility of appointing high-ranking government officials, such as the Attorney-General, the Controller and Auditor-General, the Public Protector and the Chief Justice, among others, should be vested entirely in the National Assembly. This will reduce the possibility of unlimited political interference from the dominant party and in turn will make the government more responsible in terms of adherence to the rule of law, and more responsive to the needs to the public. By making such offices completely independent of

the executive, the occupants of such offices will be in a position to perform their duties without fear or favour. In the case of Kenya, constitutional provisions that ensure the participation of parties represented in the National Assembly, in key political decisions, should be enacted. These institutions should be strengthened to the extent that the incumbents of such offices should not be in a position to influence them in a detrimental manner. In other words the institutional capacities of these institutions should be strengthened in such a manner that they are not influenced by individual actions. Granting them greater autonomy and independence from the executive, backed by constitutional provisions guaranteeing this independence ought to be the first step in the process toward strengthening them.

The detrimental effects of party dominance can also be altered by the formulation and implementation of good or sound economic development policies. In other words, good economic development policies are to a large extent some of the pillars of democracy. Surplus resources are generated when meaningful economic development occurs. The surplus resources can be used for redistribution, further legitimizing the democratic process. Parties seeking to enhance their dominance will often attempt to implement good economic development policies. More important is the need to implement economic policies that will facilitate the rapid establishment and expansion of a strong bourgeoisie or middle class. This is particularly so in South Africa's case. There is the need to hasten the transformation process and black economic empowerment so as to create a strong black bourgeoisie middle class that is loyal to the new political dispensation and democracy. This ought to be a strong black middle class that is involved in industrialization, particularly, the manufacturing sector. Rapid industrialization can in turn contribute to meaningful democracy, since surplus resources are generated. Surplus resources generated as a result of industrialization and economic growth can be used for redistribution, further legitimizing the democratic process. A strong middle class can also act as a guarantor of democracy if its interests are safeguarded or protected by such a system.

Finally, with regard to Kenya the authoritarian nature of party dominance can be altered through a meaningful constitutional process that is people-driven and therefore takes a bottom-up approach. A constitutional review process that is carried out in the

National Assembly, which is dominated by KANU, is unlikely to effect any meaningful reforms that will effectively democratize the political process. The country's new constitution ought as does South Africa's Constitution, to make provisions for the establishment of institutions that uphold democracy. It also ought to make provisions for the decentralization of political power by transforming the polity into a federal or quasi-federal state, as is the case in South Africa. This will, to a large extent, limit the problem of too much centralization of governmental and political power.

In as much as the dominant party system is in essence a democracy since there are regular elections, while opposition parties are free to organize and civil liberties are at least to some extent, respected, the condition can degenerate to that level where such formal institutions mask the reality of authoritarian dominance. Party dominance in both countries therefore needs to be checked. If not checked, it can lead to a condition of chaos where the dominant party goes to the extent of disregarding the rule of law and violating the fundamental rights and freedoms of individuals, organizations and the society as a whole. This has been evident in Kenya where, during the election period, the dominant party using state and security apparatuses instigates ethnic violence in a bid to achieve its desired political objectives of retaining or controlling political power in certain regions. While party dominance can be an effective mechanism for ensuring political stability, it can also, if left unchecked, lead to conditions of political instability and disorder.

The comparative study of party dominance in African countries is important in that it develops the academic and policy debate on issues of good governance, democratization and subsequently democracy. Though the findings of this study demonstrate that South Africa is gradually taking a similar trajectory particularly with regard to the executive and legislature, the study itself is not conclusive and as such identifies further areas of research. There is need a for further research on the impact of party dominance upon the political economy of both countries or any other African country or countries, since there is also a controversial academic debate as to whether economic development should precede democracy or not. It will be interesting to study the effects of party dominance on key issues such as economic growth rates, the development of a middle class, industrialization, land reform programmes etc. Further research also needs to be done on party dominance and specific organizations of civil

society that are involved in democratization and democracy issues, such as human rights NGOs and CBOs. This will contribute knowledge in the key area of party dominance democracy and grassroots organizations in African countries

APPENDIX 1

Emergency Statistics up to the end of 1956

	Killed	Captured Wounded	Captured in Action	Arrested	Surrendered
Mau Mau Casualties	11,503	1,035	1,550	26,625	2,714

	Killed	Wounded
SPECIAL FORCES CASUALTIES		
European	63	101
Asian	3	12
African	101	1,469
LOYAL CIVILIANS		
European	32	26
Asian	26	36
African	1,819	916
Total	2,044	2,560

Source: *Historical Survey of the Origins and Growth of Mau Mau (Corfield Report)*. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty May 1960 (London: Her Majesty's Stationary Office, 1960), p. 316.

Cost of Emergency up to 30th June 1959

	UK Pounds (£)
Grants from Her Majesty's Government	24,250,000
Interest free loans from Her Majesty's Government	5,250,000
Borne by the Kenya Government	26,085,424
Total	55,585,424

Source: *Historical Survey of the Origins and Growth of Mau Mau (Corfield Report)* ibid, p.316

KENYA PARLIAMENT

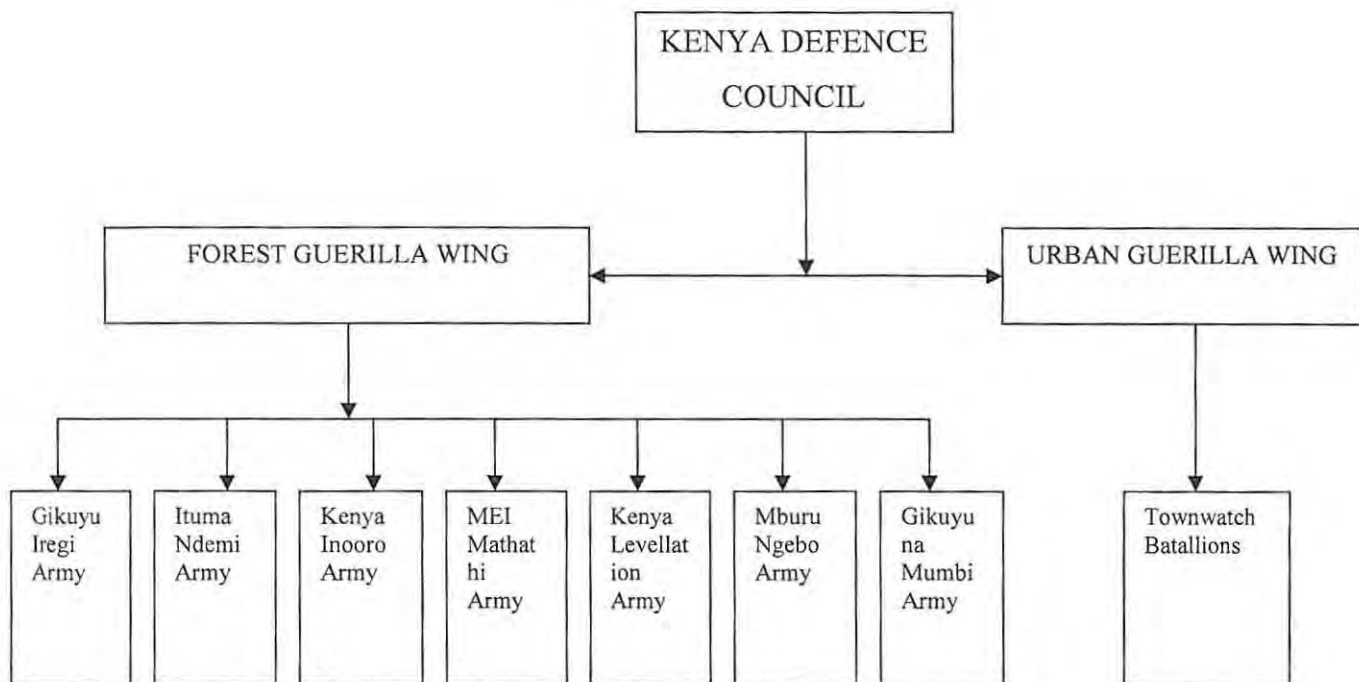
Income and Expenditure Record Year 1953

	Shillings (Shs)
Income	47,622.51
Expenditure	42,906.39
Balance	4,756.12

Source: KINYATTI, M WA *Kenya's Freedom Struggle: The Dedan Kimathi Papers* (London: Zed Books Ltd, 1987), p.115

APPENDIX 2

Military Structure of the MAU MAU Land and Freedom Army



Batallions	Commanders	Areas of Operation
Gikuyu Iregi Army	General Kago General Ihura Brigadier Njatu	Murang'a
Ituma Ndemi Army	General Kahiu-Itina General Kitura	Nyeri
Kenya Inooro Army		Kiambu and Narok
MEI Mathathi Army	General Tanganyika General Achira General Kubukubu General Bamuingi General Mwariama	Mt. Kenya
Kenya Levellat ion Army	General Kariba General Kamani General Mukura	Nyeri countryside
Mburu Ngebo Army	General Gateru General Kimbo General Muraya	Rift Valley
Gikuyu na Mumbi Army		
Townwatch Battallions	General Enock Mwangi	Urban Areas

Source: Created from Kinyatti, M Wa *Kenya's Freedom Struggle: The Dedan Kimathi Papers* (London: Zed Books Ltd, 1987) pp. 6

APPENDIX 3

Participants In The Kenya Constitutional Conference, 1962

I: MEMBERSHIP

Kenya

Elected Members Of The Legislative Council

KADU Parliamentary Group

Sheikh MA Alamoody
Mr. RS Alexander
Mr. MS Amalemba
Sir Michael Blundell, KBE
Mr. RP Cleasby
Mr. WB Havelock
Air Commodore EL Howard-Williams, MC
Mr. AB Jamidar
Mr. AM Jeneby
Mr. EE Khasakhala
Mr. A Kilelu
Mr. JLN ole Konchellah
Mr. RA Macleod
Mr. RS Matano
Mr. B Mate
Mr. DT arap Moi
Mr. PM Muliro
Mr. WC Murgor
Mr. RG Ngala
Mr. PJH Okondo
Mr. SS Patel
Mr. JL Porter
Mr. MJ Seroney
Mrs. AR Shaw
Mr. JK ole Tipis
Mr. T Towett
Mr. W Wabuge

KANU Parliamentary Group

Mr. JH Angaine
Mr. SJ Anjarwalla
Mr. PA Areman
Mr. CMG Argwings-Kodhek

Mr. SA Ayodo
Mr. TM Chokwe
Mr. Zafrud Deen
Mr. FRS de Souza
Mr. DQ Erskine
Mr. JS Gichuru
Mr. AH Jamal
Mr. J Keen
Mr. J Kenyatta
Dr. JG Kiano
Mr. DB Kohli
Mr. BR Mckenzie, DSO, DFC
Mr. PD Marrian
Mr. FMG Mati
Mr. TJ Mboya
Mr. Jan Mohammed
Mr. HN Mulli
Mr. D Mwanyumba
Mr. EN Mwendwa
Mr. G Nthenge
Mr. JJM Nyagah
Mr. FW Odede
Mr. A Oginga Odinga
Mr. LG Sagini
Mr. KP Shah
Mr. C Singh
Mr. V Wokabi

Kenya Coalition

Mr. DL Cole, MBE
Mr. CW Salter, QC
Mr. LRN Welwood

Mwambao United Front

Mr. OS Bassadiq
Sheikh A Nassir

Cross Benchers

Mr. AR Khalif
Mr. AJ Pandya

Advisers

Dr. E Zellweger (KADU PG)
Mr. FM Bennet, M.P (KADU PG)
Dr. B Malik (KANU PG)
Mr. HBW Macallan (Kenya Coalition)

Government of Kenya

Sir Patrick Renison, KCMG, Governor
Mr. AMF Webb, QC
Mr. RE Luyt, CMG, DCM
Mr. FA Loyd, CMG, OBE
Mrs. PI Abwao

United Kingdom

The Rt. Hon. Reginald Maudling, M.P, Secretary of State for the Colonies
The Rt. Hon. The Earl of Perth, Minister of State for Colonial Affairs
The Hon. Hugh Fraser, M.B.E, M.P, Parliamentary Under-Secretary of State, Colonial Office
Sir Hilton Poynton, KCMG
Sir John Martin, KCMG, CB, OBE
Mr. JC McPetrie, CMG, OBE
Mr. WBL Monson, CMG
Mr. FD Webber, CMG, MC, TD
Mr. H. Steel
Mr. PJ Kitcatt
Mr. PR Noakes
Mr. GW St. J Chadwick, CMG
Mr. KA East
Mr. CE Wool-Lewis, OBE

Constitutional Adviser to the Conference

Sir Ralph Hone, KCMG, KBE, MC, TD

Secretariat

Mr. AM MacKintosh, C.M.G, Secretary-General, Cabinet Office
Mr. PJ Kitcatt, Assistant Secretary-General, Colonial Office
Mr. WT Hull, Secretary, Colonial Office
Mr. GO Young, Secretary Colonial, Office
Mr. ER Bright, Secretary, Colonial Office
Mr. LTJ Stapleton, Secretary, Colonial Office
Mr. RW Francis, Press Officer, Colonial Office

Mr. AW Cassey, Documents Officer, Cabinet Office
Mr. AH Grey, Conference Officer, Foreign Office

II: DELEGATIONS RECEIVED

Masai Delegation

Mr. JK ole Sein
Mr. P ole Lemein
Dr. Likimani
Mr. P ole Nambaso
Mr. J ole Tameno
Mr. JK ole Tipis
Mr. J Keen
Mr. JLH ole Konchellah
Mr. P Rurumban (Observer)
Mr. RL McEwen (Legal Advisor)

Northern Frontier Delegation

Mr. YH Abdi
Mr. A Farah
Chief HG Dida
Mr. Murgian
Mr. A Kholkhholli
Sheikh Mohammed
Mr. AR Khalif
Mr. N Lawson, QC

Source: Kenya National Archives (KNA), MAC/KEN/48/8 Confidential Report of the Kenya Constitutional Conference, 1962, Appendix I pp 13-15

APPENDIX 4

Registered Political Parties in Kenya (As at 12th November 1992)

1. Forum For the Restoration of Democracy Kenya (FORD-K)
2. Forum For the Restoration of Democracy-Asili (FORD Asili)
3. Democratic Party of Kenya (DP)
4. Social Democratic Party (SDP)
5. Kenya National Democratic Alliance (KENDA)
6. Kenya National Congress (KNC)
7. Party of Independent Candidates (PICK)
8. Labour Party Democracy
9. Kenya Social Congress (KSC)
10. Kenya African National Union (KANU)

Source: Republic of Kenya, Department of Registrar-General, Registrar-General RG/GEN Registered Political Parties, 12th November 1992 p.1

APPENDIX 5

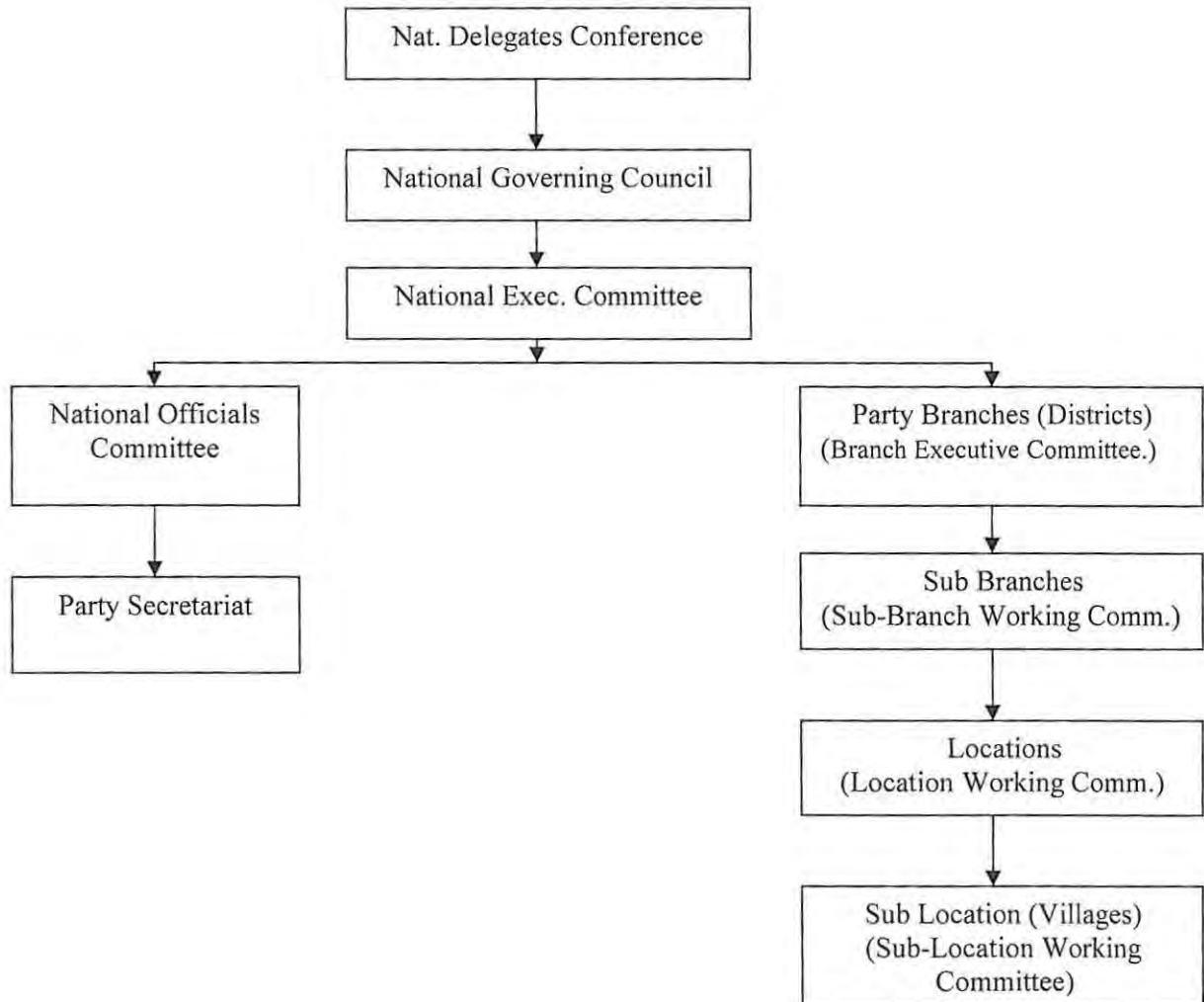
Participating Political Parties in Kenya (1997 General Elections)

1. Party of Independent Candidates of Kenya (PICK)
2. National Development Party of Kenya (NDP)
3. UMMA Patriotic Party of Kenya (UPPK)
4. Labour Party Democracy (LPD)
5. Green African Party (GAP)
6. United Patriotic Party of Kenya (UPPK)
7. Liberal Party of Kenya (LPK)
8. Safina (Safina)
9. Forum for the Restoration of Democracy for the People (FORD-P)
10. Kenya African National Union (KANU)
11. Economic Independence Party (EIP)
12. Kenya Social Congress (KSC)
13. Kenya National Democratic Alliance (KENDA)
14. Kenya National Congress (KNC)
15. Democratic Assistance Party (DAP)
16. Federal Party of Kenya (FPK)
17. Forum for the Restoration of Democracy (FORD Asili) (FORD-A)
18. Democratic Party of Kenya (DP)
19. Reform of Political and Kenya Union (RPKU)
20. New Peoples Democratic Party (NPDP)
21. Forum for the Restoration of Democracy (FORD Kenya) (FORD-K)
22. Kenya Nationalist Peoples Democratic Party (KNPDP)
23. Social Democratic Party of Kenya (SDP)
24. Kenya Socialist Party (KSP)
25. Peoples Party of Kenya (PPK)
26. Shirikisho Party of Kenya (SPK)
27. Kenya Republican Reformation Party (KRRP)

Source: Electoral Commission of Kenya (ECK) Party Codes and Symbols For Participating Political Parties (1997 General Elections) 12th August 1998, pp.1-2.

APPENDIX 6

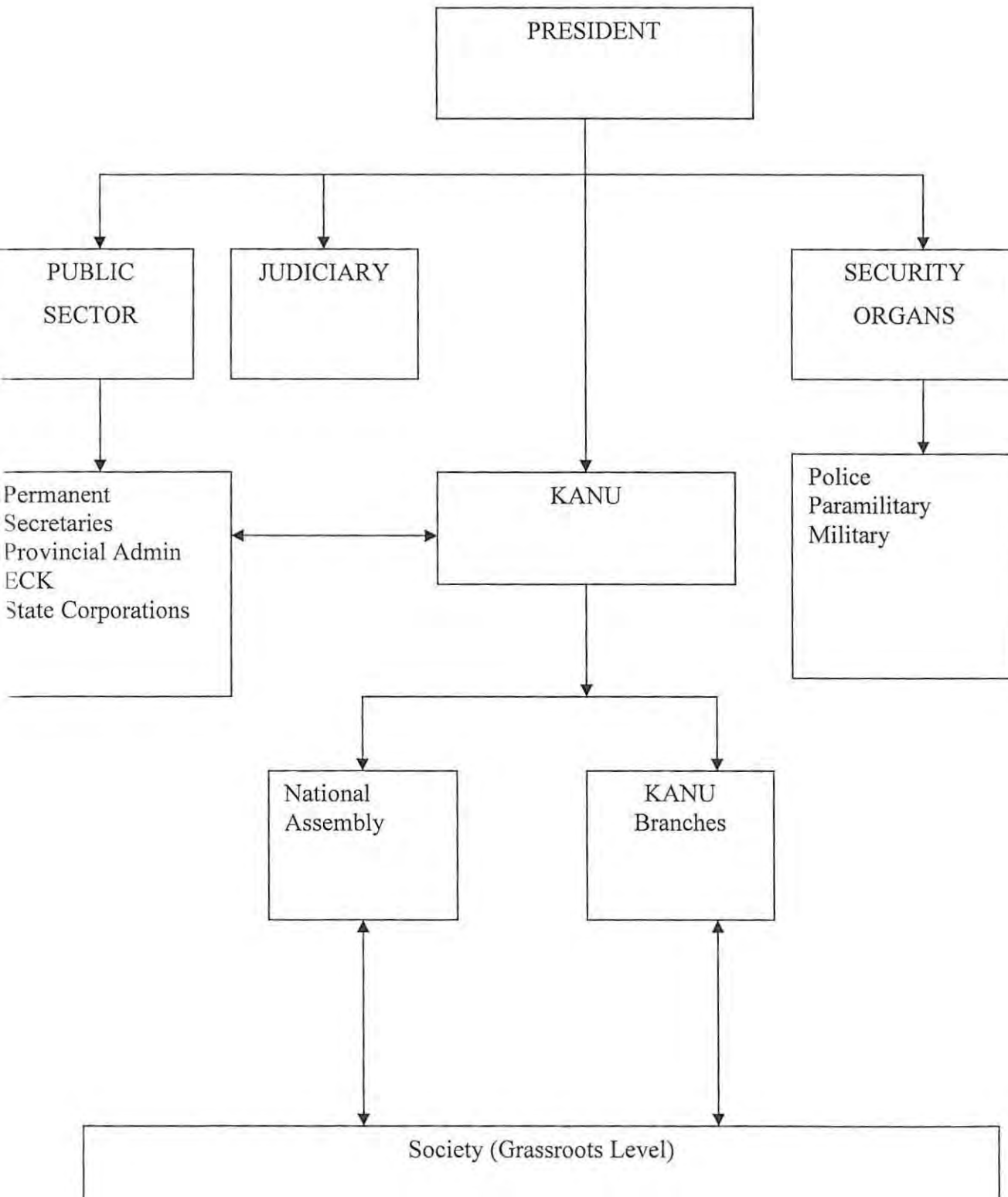
KANU's Hierarchical Structure



Source: <http://www.kanu-kenya.org/hierarchychart.htm>

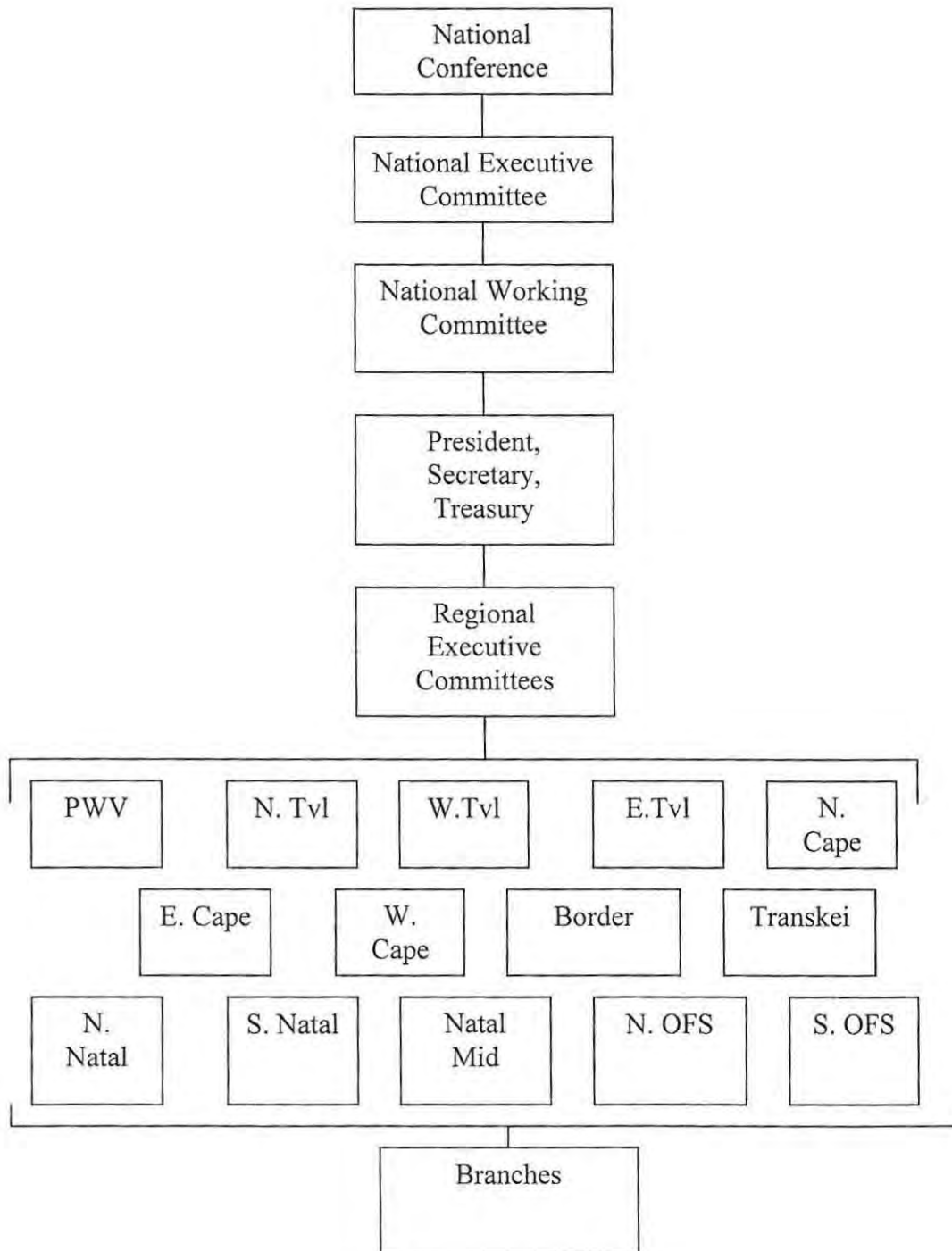
APPENDIX 7

The Power Structure of the Presidency in Kenya



APPENDIX 8

The ANC's National and Regional Organizational Structure (1993)



Orange Free State (OFS)
Pretoria-Witwatersrand-Vereeniging (PWV)
Natal
Northern Cape
Eastern Cape
Western Cape
North-West
Eastern Transvaal (Tvl)

Source: Rantete, J *The African National Congress and the negotiated settlement in South Africa* (Pretoria: J.L. van Schaik Publishers, 1998) p.13

APPENDIX 9

ANC and MK Structures, MK Camps and Commanders, Detention and Rehabilitation Centers, 1985 - 1994

ANC AND MK STRUCTURES, 1985 - 1990

The Kabwe Conference was held in May 1985. In response to the sharp increase in mass struggle inside the country, Political HQ was replaced with a strengthened Internal Political Committee (IPC) in 1987.

Operation Vula was launched in 1986, with Joe Slovo assisting the President. Mac Maharaj and Ronnie Kasrils were among the leading figures in this project. By 1988, Mac Maharaj and Sphiwe Nyanda had been infiltrated into the country.

MHQ was also extended, with the appointment of a number of deputies at HQ level.

A Code of Conduct was adopted. In terms of the general (civilian) Code Of Discipline, three offices were established specifically to better regulate disciplinary procedures, and halt abuses that had been occurring. These were the Review Board, the Officer of Justice, and the National Peoples' Tribunal (NAT).

A Provisional Directorate of Intelligence and Security was created to run NAT, and action was taken to clarify the command structures over NAT personnel deployed in Angola. A President's Council (also referred to as the National Security Committee) was established in the latter half of 1987, and was chaired by OR Tambo; this committee had the brief of overseeing the functioning of NAT and dealing with security issues in general.

The NEC, 1985 - 1990

For the first time the ANC had a fully-elected NEC, consisting of 28 members.

President: OR Tambo

Secretary-General: Alfred Nzo

Treasurer: Thomas Nkobi

Other members: Johnny Makathini, Simon Makana, Joe Slovo, Thabo Mbeki, Chris Hani, Moses Mabhida (until his death in 1986), Tony Mongalo, Dan Tloome, John Motshabi, John Nkadimeng, Mac Maharaj, Cassius Make (until his assassination in Swaziland in 1987), Florence Moposho, Joe Nhlanhla, Joe Modise, Ruth Mompati, Henry Makgothi, Pallo Jordan, Jacob Zuma, Joe Jele, Sizakele Sigxashe, Robert Manci, Gertrude Shope, Francis Meli, Reg September, Jackie Selibi, Hermanus Loots ("James Stuart"), Steve Tshwete, Zola Skweyiya.

Other NEC members were co-opted in 1987: Ronnie Kasrils, Jackie Sedibe, Aziz Pahad,

and "Bra T" (Godfrey Ngwenya) and Sindiso Mfenyane.

The Office of the President, 1985 - 1990

The President's Committee

This committee was established in late 1987.

Chair: OR Tambo

Other members: The Secretary-General, Alfred Nzo; the Treasurer General, Thomas Nkobi; the head of NAT, Joe Nhlanhla; Joe Modise.

The Office of Justice

This Office also reported to the President.

Chair: Zola Skweyiya (appointed by the NEC in 1985.)

The National Review Committee (the Review Board)

The Review Board reported to the President and the NSC.

Chair: Dan Tloome

The National Peoples' Tribunal (the Tribunal)

The Tribunal was appointed for a period of three years by the NEC. The President appointed the Chair from among the members of the Tribunal. The Tribunal would recommend sentences to the President, who would usually refer such cases to the Review Board. After the Board had dealt with a case, sentence would be confirmed by the President and carried out.

Chair: Hermanus Loots ("James Stuart"); appointed in late 1985

Other members: Shadrack Pekane; Z.N. Jobodwana.

External Co-ordinating Committee, 1985-1990

Chair: Alfred Nzo; also Thabo Mbeki, Johnny Makathini, and Hermanus Loots as Secretary.

The PMC, 1985 - 1990

Chair: OR Tambo

The Secretary of the PMC Secretariat was Joe Nhlanhla (1983/84-87), followed by Joe Jele (1987-90)

MHQ representatives on the PMC: Joe Modise, Joe Slovo, Chris Hani, Steve Tshwete, Ronnie Kasrils, Job Tlhabane (until 1987)

PHQ was replaced by the Internal Political Committee in 1987. PHQ/IPC representatives on the PMC during the period from 1985 - 1990 were: Mac Maharaj, Joe Jele, Jacob Zuma, Ruth Mompati, Steve Tshwete, and Joel Netshitenzhe.

NAT representatives on the PMC: Mzwai Piliso (until 1987); and then Joe Nhlanhla and Sizakele Sigxashe

Other members 1984 - 1987 included Moses Mabhida and John Nkadimeng.

The following structures reported to the PMC

Political HQ until 1987, when it was replaced by the Internal Political Committee in 1987

PHQ was led by Joe Jele, with Mac Maharaj, Jacob Zuma, Ruth Mompati, Steve Tshwete and Joel Netshitenzhe.

Military HQ, 1985 - 1990

Army Commander: Joe Modise

Chief-of-Staff: Joe Slovo (1985 - 1987) Chris Hani (1985 - 1992)

Commissar: Chris Hani (1985 - 1987) Steve Tshwete (1987) Godfrey Ngwenya (1987 - 1992)

Chief of Operations: Lambert Moloi (1983 - 1992)

Deputy: Julius Maliba (1987 - 1994)

Chief of Communications: Jackie Molefe (1983 - 1992)

Deputy: Castro Bela (1987 - 1994)

Chief of Military Intelligence: Ronnie Kasrils (1983 - 1989), Keith Mokoape (1989 - 1992) Mojo Motau (acting head as of 1992)

Deputy: Keith Mokoape (1987 - 1989)

Chief of Ordnance and Logistics: Job Tlhabane (1983 - 1987)

In 1987 Ordnance and Logistics were separated into two separate sections:

Logistics: Bogart Soze

Ordnance: Aboobaker Ismail (1987 - 1994)

Special Operations: Aboobaker Ismail until August 1987; then "Tommy Masinga"

The NAT Directorate, 1985 - 1990

After the Kabwe Conference, the NEC appointed a Provisional Directorate of Intelligence and Security to run this Department.

Director: Joe Nhlanhla (confirmed in 1987)

Deputy Director and Head of Intelligence: Jacob Zuma (1988)

Administrative Secretary: M. Timol

Head of CIES/ Processing and Analysis: Sizakele Sigxashe

Head of Counter-Intelligence and Security: "Peter" Tshikari (until 1986); then Jan Mampane

Regional Politico-Military Committees (RPMC's), 1985 - 1990

Swaziland RPMC, 1985 - 1990:

Chair: Ronnie Kasrils (chair, 1984); Ebrahim Ismail Ebrahim, until 1986 when he was abducted; Siphiwe Nyanda (1986 - 87/88); Silumko Sokupa (1988 - 1989)

Other members: Sello Motau ("Paul Dikeledi") (1985 -1987); Thami Zulu (1985 -1988); Vusi Mavimbela (1985 -); Welile Nhlapo (1985 -) Shadrack Maphumulo (1985 -1987, when he was killed).

These committees reported to the Swaziland RPMC:

Political Committee:

"Ivan" chaired the Natal structure

Billy Whitehead ("Archie") chaired the Transvaal structure

Military Committee:

Siphiwe Nyanda headed Transvaal structures

Thami Zulu headed Natal structures

Lesotho RPMC, 1985 - 1990

The RPMC which had previously been working in Lesotho was structured as follows during this period:

Chair: Charles Nqakula

Chair of the Political Committee: Mzukisi Gaba

Chair of the Military Committee: Skenjana Roji

Chair of the Labour Committee: Tony Yengeni.

In 1987 - 1988 this RPMC was restructured as follows:

Chair: Charles Nqakula

Chair of the Military Committee: James Ngculu
Head of Special Operations: Edwin Mabitsela

Security and Intelligence structures remained in place. Additional members taken on in this period were Lindinto Hlekani, Steve Tshwete, and Chris Pepani.

Botswana RPMC, 1985 - 1990

Botswana RPMC, mid-1985

After the Kabwe Conference, an RPMC was established to replace the Co-ordinating Committee.

Chair: Thenjiwe Mthintso, until 1987; then Thabang Makwetla

Military representative: "Naledi" (Patrick Mavundla)

Political representative: Wally Serote

Structures resorting under the 1985 RPMC in Botswana included the following:

Political Committee: chaired by Thabang Makwetla

Military Committee: chaired by Thenjiwe Mthintso

Botswana RPMC, 1986:

In 1986, the RPMC had to change; Wally Serote was withdrawn to Lusaka. .

Chair: Barry Gilder (temporarily), then Thenjiwe Mthintso

Secretary: Thabang Makwetla

Military representative: Dan Hatto and Patrick Mavundla ("Naledi")

Structures resorting under the 1986 Botswana RPMC were as follows:

Political machinery: Thabang Makwetla, Thabo Kubu, James Raditsela, Mapule Raditsela, Hassan Ebrahim, Kgomotso Jolobe.

Military machinery: Patrick Mvundla ("Naldei Sehume", who was killed in the SADF raid of 28/03/88); Boy Molokoane (who was killed in an ambush outside Francistown in January 1988); "Itumeleng" Tsimane, and Dan Hatto.

Botswana RPMC, 1987

After 1986, structures had to change again and the RPMC was composed of the following cadres:

Chair: Thabang Makwetla

Other members: January Masilela, Zakes Tolo, James Ngculu, Barry Gilder.

During this period a specialised structure concentrating on the Western Cape was set up and was composed of the following cadres: James Ngculu, Dick Ngomane, "Blah" Riekets, and later Miranda Ngculu.

Zimbabwe RPMC, 1985 - 1990

This RPMC was only set up in 1985.

Chair: Julius Maliba ("Manchecker")
Secretary: Garth Strachan

Other members: Ngoako Ramatlhodi, Linda Mti, Jabulani Nkabinde, and "Oliver"

The Zimbabwe RPMC had three committees:

Political Committee:

Chair: Ngoako Ramatlhodi (1986 - 1987)
Secretary: Garth Strachan

Other members: Derek and Trish Hanekom; Jimmy Corrigan; Pete Roussos

Military Committee:

Chair: Julius Maliba (1985 - 1986) Jabulani Nkabinde (1986 - 1992)

Other members: "Ali", "Oliver", Benjamin Mongalo

There were also NAT representatives.

Ordinance: the head of the regional Ordnance structure was Benjamin Mongalo, who reported directly to Lusaka. An additional structure was set up under J. Modimo, tasked with infiltrating arms into the country, which also reported directly to Lusaka.

London RPMC, 1985 - 1990

Chaired by Aziz Pahad; also Wally Serote.

Angola, 1985 - 1989

Regional Command:

Regional Commander: Timothy Mokoena (until 1987)

"Ali" Makhosini (1987 - 1989)
Deputy Commander: Mike Sandlana (until 1989)
Regional Commissar: January Masilela (until 1987/8)
NAT representative: Dexter Mbona (1986 - 1989)

Regional NAT structure:

Head: Dexter Mbona (1985 - 1989)
Deputy head: Gabriel Mthembu ("Sizwe Mkhonto"), (1984- 1986)

Uganda, (1989 - 1991)

Commander: Thabi Mofokeng
Head of Regional NAT Directorate: Qesh Dlamini

ANC AND MK STRUCTURES, 1990 - 1994

With the unbanning of the ANC, the release of the ANC leadership from prison and the return of exiles, many changes took place. A range of new structures had to be set up to meet the challenge of negotiations and the return of exiles. Tokyo Sexwale was tasked with attempting to take care of the need of MK cadres until MK HQ personnel arrived in the country. Key structures set up during this period included the Negotiations Commission. In response to the state-sponsored violence that took off in July/August 1990, a Peace Desk was established.

Political structures at HQ were re-organised into an internal re-organisation committee, which Ronnie Kasrils, Steve Tshwete and Sue Rabkin as key officials.

Here we concentrate only on those structures that are of relevance to the mandate of the TRC.

The NEC, 1990 - July 1991

The NEC as constituted after the Kabwe Conference was reinforced by released leaders.

The NEC, 1991 - 1994

At the National Conference in July 1991, the following people were elected:

President: Nelson Mandela
National Chairperson: OR Tambo
Deputy President: Walter Sisulu
Secretary-General: Cyril Ramaphosa
Deputy Secretary-General: Jacob Zuma
Treasurer-General: Thomas Nkobi

The rest of the NEC:

Kader Asmal, Thozamile Botha, Cheryl Carolus, Jeremy Cronin, Ebrahim Ismail Ebrahim, Harry Gwala, Chris Hani, Pallo Jordan, Ronnie Kasrils, Ahmed Kathrada, Terror Lekota, Saki Macozoma, Mac Maharaj, Rocky Malebane-Metsing, Winnie Mandela, Trevor Manuel, Gill Marcus, Barbara Masekela, Thabo Mbeki, Raymond Mhlaba, Wilton Mkwayi, Andrew Mlangeni, Joe Modise, Popo Molefe, Ruth Mompati, Mohammed Valli Moosa, Elias Motsoaledi, Mendi Msimang, Sydney Mufamadi, Billy Nair, Sister Bernard Ncube, Joe Nhlanhla, John Nkadimeng, Siphwe Nyanda, Alfred Nzo, Dullah Omar, Aziz Pahad, Albie Sachs, Reg September, Albertina Sisulu, Zola Skweyiya, Joe Slovo, Marion Sparg, Raymond Suttner, Steve Tshwete, Mcwayizeni Zulu.

Office of the President, 1991 - 1994

This was closed down after 1991.

Military HQ, 1990 - 1994

Commander-in-Chief: Nelson Mandela
Army Commander: Joe Modise
Chief of Staff: Chris Hani (1985 - late 1992) Siphwe Nyanda (1993-1994)
Deputy Chief-of-Staff: Siphwe Nyanda (until late 1992)
Chief of Personnel: Godfrey Ngwenya
Deputy: Johannes Modimo
Chief of Operations: Lambert Moloi (1983 - 1992)
Chief of Communications: Jackie Molefe (1983 - 1992)
Chief of Military Intelligence: Ronnie Kasrils (1983 - 1987) Keith Mokoape (1987-1992)
Logistics: Bogart Soze
Ordnance: Aboobaker Ismail (1987 - 1994)

(Note: most of these posts were no longer operational posts in accordance with the ANC's commitment to suspend armed actions in 1990.)

The NAT Directorate, 1990 - 1994

Director: Joe Nhlanhla
Head of Intelligence: Jacob Zuma, until 1993; Terror Lekota, 1993; Alfred Nzo, 1993 - 1994
Head of Counter-Intelligence: Daniel Oliphanti
Deputy Head, CI: Lizo Njenje
Head of Security: J. Mampane
Head of marshalls/
Deputy head, Security: Nceba Skumbuzo Radu, 1992 - 1994
Administrative Secretary: Billy Masetlha (1991 - 1994)

MK CAMPS AND COMMANDERS

During the period from 1976 - 1980, camps in Angola fell under the command of the late Mzwandile Piliso, at the time head of the department of Military Training and Personnel. In 1980, Simon Shekeshe ("Julius Mokoena") was appointed Regional Commander. He was succeeded by Graham Morodi ("Mashego") in 1982. Godfrey Ngwenya

("Timothy Mokoena") was the next Regional Commander until 1985 when he was injured in a UNITA ambush, and then Ali Makhosini took over this post. The following MK camps were maintained by the ANC in Angola; all camps were closed down in 1989, when military structures were shifted to Uganda and Tanzania.

Gabela Training Camp

This was the first training camp to be opened in Angola by the ANC, in 1976. It catered for the first group of 40 MK cadres to receive military training in Angola, and was under the command of FAPLA and Cuban instructors. Gabela Training Camp was merged with Benguela Camp in 1977.

Engineering Luanda (Transit Camp)

This camp opened in late 1976 and was closed in mid-1977. It catered for only two intakes of cadres who were in transit to training camps. The average number of cadres present was 200.

Commander: Simon Shekeshe, then "Castro" Ramokgopa

Benguela Transit Camp

This transit camp was established in mid 1977 for cadres who had been at Engineering Camp and Gabela camp, and who were on their way to open Nova Catengue Training Camp. The numerical strength was around 300 cadres. The camp was closed in 1982.

Commanders: Simon Shekeshe, followed by "Dlokolo."

Nova Catengue Training Camp

Established in 1976, this camp accommodated around 500 cadres from the transit camps listed above. The camp was destroyed in an aerial bombardment in 1979, based on intelligence supplied to the apartheid regime by infiltrators within MK.

Commander: Simon Shekeshe.

Quibaxe Training Camp

Originally a transit camp established in September 1977, it became a training camp in

197. It accommodated around 200 cadres. The camp closed in 1989.

Commanders: Successively, Parker Tsie (1977 - 1980), Oupa G. Banda, Seremane Kgositsile ("Kenneth Mahamba"), Livingstone Tom Gaza, Herbert Malinga, and Lloyd Mabizela, Sydney Mpila.

Funda Training Camp

Established in 1976, this camp usually had fewer than 100 cadres present at any time. It was closed in 1988. This camp provided specialised training.

Commanders: Zakes Tolo, then Seeiso Morapedi.

Fazenda Military Camp

Fazenda camp was established in 1978. It catered for trained cadres who were undergoing further training courses, including "survival" training. The numerical strength was around 200 cadres at any time. It was closed in 1980 or early 1981 when it was merged with Quibaxe camp.

Commander: Livingstone Tom Gaza

Pango Camp

Founded in 1979 after the destruction of Nova Catengue in April that year. The numerical strength was around 400 cadres at any time. It closed in 1989.

Commanders: Successively, Thami Zulu (1979 - 1981), Seremane Kgositsile, Godfrey Ngwenya, Matthews Nkosi, Phillip Sebothoma, Dumile Thabekhulu, Ben Senokoanyane.

Viana Transit Camp (also known as Camp 001)

Established in 1979, this camp catered for newly recruited members of MK on their way to other camps for military training. The average strength of the camp was around 400 cadres. It closed in 1989.

Commanders: Successively, Dan Hatto, Golden Rahube, Steven Kobe, Johnson Langa, Lawrence Madi, Leepo Modise.

Hoji Ya Henda (also known as Camalundi)

Founded in 1980, the camp was short-lived and was closed in January 1981, when it was shifted to Caculama and became known as Caculama Camp or Malanje. It catered for around 300 - 400 cadres at any time.

Commanders: Mzwakhe Ngwenya, then Godfrey N. Ngwenya

Caculama (Malanje)

Established in January 1981, as described above. Around 400 cadres were accommodated at this camp. It was closed in 1989.

Commanders: Successively, Godfrey N. Ngwenya, Sipho Binda, Thibe Lesole, Dumisane Mafo, Themba Nkabinde, Steven Kobe.

Caxito Training Camp

This camp replaced Funda camp in 1979. The number of cadres varied from time to time but more than 100 were seldom present. Caxito was in a malaria-infested area and was for this reason closed down in 1984.

Commanders: Successively, Andile Ndzanga, Robert Mandita, Dumile Thabekhulu, and Ben Senokoanyane.

Source ANC Further Submissions and Responses by the ANC to Questions Raised by the Commission for Truth and Reconciliation 12 May 1997

<http://www.anc.org.za/ancdocs/misc/trc.html>

APPENDIX 10

Members of the Transitional Executive Council (South Africa) 6 December 1993-21 January 1994

Member	Alternate Member
De Villiers, DJ	Wessels, L
Eglin, CW	Andrew, KM
Hendrikse, HJ	Richards, I (later appointed member in January 1994)
Mahlangu, NJ	Vilankulu, Q
Meyer, RP	Van der Merwe, SS
Moeti, SE	Makhuva, S
Mokoena, LM	Netshimbupfe, MA
Monapi, TJ	Moji, SOM
Mpoeli, RH	Mota, MB
Ngobeni, EE	Shilubana, PT
Nonkonyana, M	Gwadiso, G
Rajah, DS	Reddy, JN
Rabansi, A	Ganie, O (replaced later, by Govender, M with effect from 1 January 1994)
Ramaphosa, C	Mharaj, M
Ramodike, MN	Mahlangu, MJ
Ripinga, SS	Bahoi, FS
Slovo, J	Mtintso, T
Titus, Z	Jajula, NB
Gordhan, PJ	Salojee, C

Source: Compiled from Republic of South Africa Government Gazettes, Vol. 342, No. 15320, 6 December 1993, pp 1-2; Vol. 34, No. 15335, 9 December, 1993, p.1; Vol. 342, No. 15406, 24 December, 1993, p.1; Vol. 343, No. 15462, 21 January, 1994, p.1

APPENDIX 11

Registered Political Parties in South Africa as on 20th November 2001

1. Abbotsdale Community Development Forum (ACDF)
2. Abolition of Income Tax and Usury Party (AITUP)
3. Action Committee (AC)
4. Action Independent Peoples Party (AIPP)
5. Africa Muslim Party (AMP)
6. Africa Woman and Youth Party
7. African Christian Democratic Party (ACDP)
8. African Labour Party (ALP)
9. African National Congress (ANC)
10. African Transformation Efficiency and Affirmative Movement (A-Team)
11. Afrikaner EenheidsBeweging (AEB)
12. Askie Eenheid Belastingbetalers/Action Unity Ratepayers (AE/AU)
13. Alliance 2000+ (ALL2000+)
14. Alliance for the Community (AFC)
15. Alliance of Associated Residents of KZ221 (AAR)
16. Alliance of Independents Midvaal (AIM)
17. Alliansie Noord (AN)
18. Ascora (ASCORA)
19. Azanian People's Organisation (AZAPO)
20. Barkly West Task Team (BWTT)
21. Belastingbetalersvereniging (BBV)
22. Bohlokong Civic Association (BOCA)
23. Breedevallei Onafhanklik (BO)
24. Cape People's Congress (CPC)
25. Christian Protestant Party (CPP)
26. Christian Democratic Party (CDP)
27. Civic Alliansie (CIVIC)
28. Community Initiative/Gemeenskap Inisiatief (CI/GI)
29. Curriculum Vitae Party (CV)
30. Dabolorivhuwa Patriotic Front (DPF)
31. Daveyton Community Peace Committee (PC)
32. Democratic Alliance (DA)
33. Democratic Party (DP)
34. Die Maquassi Hills/Rante Gemeenskapssvereniging
35. Dikwankwetla Party of South Africa (DPSA)
36. Displacees Rate-Payers Association (DRPA)
37. Dube Civic Organisation (DCO)
38. Eastrand Forum/Oosrand Forum (ERF/ORF)
39. Employment Movement of South Africa (EMSA)
40. Ethekeweni Ecopeace (ECOPEACE)
41. Federal Alliance (FA)
42. Feta Kgomo O Sware Motho (FKM)

43. Forum 2000 (F2000)
44. Gay and Lesbian Alliance (GLA)
45. Gemini Movement (GEMINI)
46. George Community Initiative/George Gemeenskapsinisiatief (GGI/GCI)
47. God's People's Party (GPP)
48. Greater Brits Civic Organisation (CIVIC)
49. Helderberg Community Civic Organisation (HECCO)
50. Highvelds Residents Concerned Party (HRCP)
51. Hoeveldrif Inwonersvereniging (INWO)
52. Independent Civic Organisation of South Africa ICOSA)
53. Inkatha Freedom Party (IFP)
54. Isindiso Salvation Christian Voice (ISCVO)
55. Inwoners/Citizens Forum (ICF)
56. Jansenville/Klipplaat Alliansie (JKA)
57. Justice and Freedom Alliance (JAFA)
58. Kayamandi Community Alliance (KCA)
59. Keep it Straight and Simple (KISS)
60. Khayalami Residents Association (KRA)
61. Knysna Gemeenskapsforum (CxForum)
62. Kouga 2000+ (K20+)
63. Labour Party (LP)
64. Mass United Movement (MUM)
65. Merit Party (MP)
66. Middelburg Residents Organisation (MRO)
67. Middle Party (MiP)
68. Minority Front (MF)
69. Mosselbaai Gemenskapsforum (GF)
70. Nasionale Kleuring Party (NKP)
71. National Coalition Party (NACOPA)
72. National United Peoples Organisation (NUPO)
73. New Earth Party (NEP)
74. New National Party (NNP)
75. Noordwes Forum (NF)
76. Oudtshoorn Askie 2000 (OA 2000)
77. Pan Africanist Congress Of Azania (PAC)
78. People's Forum (PF)
79. People's Liberation Party (PLP)
80. People's Party (PP)
81. People's Progressive Party (PPP)
82. Postmasburg-Olifantshoek Residents Association (POSRA)
83. Potchefstroom Inwonersvereniging (PIV)
84. Ratepayers and Residents Party Simunye (RRP)
85. Regte Party/Right Party (RP)
86. Sakhile-Together (SAKHILE)
87. Simunye in Christ Organisation (Simunye)
88. Sindawonye Progressive Party (SPP)

89. Sofasonke Party
90. South African Freedom Alliance (SAFA)
91. South African Political Alliance (SAFPA)
92. Super Party (SP)
93. Thabanorth Iwonersvereniging (TNI)
94. The Green Party of South Africa (GP)
95. The Socialist Party of Azania (SOPA)
96. The South African Region of Independent Churches (SARIC)
97. Thembilihle Masibambane Civic Organisation (T.M.C.O)
98. Thembisa Concerned Residents Association (TECRA)
99. Ulundi Rate Payers Association (URPA)
100. Unemployment Labour Alliance (ULA)
101. United Christian Democratic Party (UCDP)
102. United Democratic Alliance (UDA)
103. United Democratic Movement (UDM)
104. United Independent Front (UIF)
105. Verenigde Gemeenskap Organisasie (VGO)
106. Vision-Visie 2000+
107. Vryheidsfront/Freedom Front (VF/FF)
108. Vukani Utrecht Rate Payers Association (VURAPA)
109. Vukuzenzele Sekusile Party (VSP)
110. Witzenberg Onafhanklik Vereniging (WOV)
111. Workers International Vanguard League (WIVL)
112. Workers Party (WP)
113. Ximoko Party (XP)
114. Zibambeleni Development Organisation (ZDO)

Source: Independent Electoral Commission (IEC) Registered Political Parties as on 20 November 2001. <http://www.elections.org.za/Registered-parties.asp>

REFERENCES

Books, Articles and Internet Sources

- ADAMS, S "What's Left? The South African Communist Party After Apartheid"
The Review of African Political Economy No. 72, Vol. 24, June 1997 pp 237-248.
- ADAR, K The Interface Between Elections and Democracy: Kenya's Search for a Sustainable Democratic System 1960s-1990s in Jonathan Hyslop (ed)
African Democracy in the Era of Globalisation (Johannesburg: Witwatersand University Press, 1999).
- _____ "The Internal and External Contexts of Human Rights Practice in Kenya: Daniel Arap Moi's Operational Code" *African Sociological Review* 4, 1, 2000 pp.74-96.
- _____ "The Interface between Political Conditionality and Democratization: The Case of Kenya" *Politics Administration and Change* No. 33, January-June 2000 pp1-24.
- _____ "Assessing Democratisation Trends in Kenya: A Post-mortem of the Moi Regime" *Journal of Commonwealth & Comparative Politics*, Vol. 38, No.3 November 2000, pp. 103-130.
- ADAR, K and AJULU, R (eds) *Globalization and Emerging Trends in African States' Foreign Policy-Making Process: A Comparative Perspective of Southern Africa* (Aldershot: Ashgate, 2002).
- ADLER, G and WEBSTER, E Challenging Transition Theory: The Labour Movement, Radical Reform, and Transition to Democracy in South Africa. Paper presented to the 1994 History Workshop Academic Conference on "Democracy: Popular Precedents, Popular Practice and Popular Culture" University of the Witwatersrand, 13-15 July 1994.
- _____ "Bargained Liberalisation: The Labour Movement, Policy-Making and Transition in Zambia and South Africa" Paper presented at a Workshop on Comparing Experiences of Democratisation in Nigeria and South Africa, Centre for African Studies, University of Cape Town, 30 May-2 June 1998.
- AFRICA CONFIDENTIAL (AC) Vol. 34, No. 6, 19 March 1993, pp.6-7.

- _____ Vol. 34, No. 7, 2 April 1993, pp.6-7.
- _____ Vol. 34, No. 20, 8 October 1993, pp.4-6.
- _____ Vol. 36, No. 18, 8 September 1995, pp.4-5.
- _____ Vol. 37, No. 1, 5 January 1996, pp 4-5.
- _____ Vol. 37, No. 11, 24 May 1996, pp. 6-7.
- AFRICAN NATIONAL CONGRESS (ANC) Africans' Claims in South Africa
<http://www.anc.org.za/ancdocs/history/claims.html>
- _____ ANC Youth League Manifesto 1944
<http://www.anc.org.za/ancdocs/history/ancylman.html>
- _____ ANC Youth League Basic Policy Document 1948
<http://www.anc.org.za/ancdocs/history/ancylpol.html>
- _____ Programme of Action: Statement of Policy Adopted at the ANC Annual Conference 17 December 1949
<http://www.anc.org.za/ancdocs/history/progact.html>
- _____ Resolutions of the 42nd Annual Conference of the ANC, Queenstown, 18-20 December 1953
<http://www.anc.org.za/ancdocs/history/conf/resol42.html>
- _____ Resolutions of the 43rd National Conference, Durban, 16-19 December 1954
<http://www.anc.org.za/ancdocs/history/conf/resol43.html>
- _____ The Freedom Charter 1955
<http://www.anc.org.za/ancdocs/history/charter.html>
- _____ Resolutions of the All-In African Conference held in Pietermaritzburg 25-26 March 1961 (1961a)
<http://www.anc.org.za/ancdocs/history/allin.html>
- _____ Manifesto of Umkhonto we Sizwe. Leaflet issued by the Command of Umkhonto we Sizwe, 16th December 1961 (1961b)
<http://www.anc.org.za/ancdocs/history/manifesto-mk.html>
- _____ Operation Mayibuye. Document found by the police at Rivonia, 11 July 1963
<http://www.anc.org.za/ancdocs/history/mk/mayibuye.html>

- _____ African National Congress First National Consultative Conference.
Morogoro, Tanzania, 25 April-1 May 1969 (1969a)
<http://www.anc.org.za/ancdocs/history/conf/indexmor.html>
- _____ Strategy and Tactics of the ANC 1969. Document adopted by the
Morogoro Conference of the ANC meeting at Morogoro, Tanzania, 25 April-1
May 1969(1969b)
<http://www.anc.org.za/ancdocs/history/stratact.html>
- _____ African National Congress. National Consultative Report. June 1975.
Report of the National Executive Committee.
- _____ The Green Book. Report of the Politico-Military Strategy Commission to
the ANC National Executive Committee, August 1979
<http://www.anc.org.za/ancdocs/history/mk/green-book.html>
- _____ Report, Main Decisions and Recommendations of the Second National
Consultative Conference of the African National Congress-Zambia June
16-23 1985.
gopher://gopher.anc.org.za:70/00/anc/history/kabrep.txt
- _____ Unite For Freedom. Statements by the African National Congress on the
Question of Unity and Anti-Apartheid Coalition, 1985-1990 (Lusaka, ANC
DIP, 1990).
- _____ ANC and Government Delegations Meet 15 February 1991 (1991a)
<http://www.anc.org.za/ancdocs/pr/1991/pr0125.html>
- _____ Minutes and Accords Between the ANC and the South African
Government May 1990-February 1991 (1991b)
<http://www.anc.org.za/ancdocs/history/transition/minutes.html#GSM>
- _____ National Peace Accord Adopted 14 September 1991 (1991c)
<http://www.anc.org.za/ancdocs/history/transition/npaccord.html>
- _____ Declaration of Intent 1991 (1991d)
<http://www.anc.org.za/ancdocs/history/transition/codesa/declaration.html>
- _____ ADVANCE TO NATIONAL DEMOCRACY: Guidelines on Strategy and
Tactics of the African National Congress, February 1991 (1991e)
<http://www.anc.org.za/ancdocs/history/advance.html>

- ____ READY TO GOVERN: ANC policy guidelines for a democratic South Africa adopted at the National Conference, 28-31 May 1992
<http://www.anc.org.za/ancdocs/history/readyto.html>
- ____ Meeting Between the State President of the Republic of South Africa and the President of the African National Congress Held at the World Trade Centre on 26 September 1992 (1992a).
<http://www.anc.org.za/ancdocs/history/transition/record.html>
- ____ African National Congress Constitution. As amended by and adopted at the 50th National Conference, December 1997.
<http://www.anc.org.za/ancdocs/history/const/constitution98.html>
- ____ Further Submissions and Responses by the ANC to Questions raised by the Commission for Truth and Reconciliation, 12 May 1997
<http://www.anc.org.za/ancdocs/misc/trc.html>
- ____ The State, Property Relations and Social Transformation: A Discussion Paper towards the Alliance Summit. *Umrabulo* No.5, 3rd Quarter 1998.
<http://www.anc.org.za/ancdocs/pubs/umrabulo/articles/sprst.html>
- ____ 1999 Year of Mass Mobilisation for the Renewal of the Democratic Mandate. Statement of the National Executive Committee of the ANC on the 87th Anniversary of the African National Congress, 8 January 1999.
- ____ Mzabalazo: A History of the African National Congress (2000a)
<http://www.anc.org.za/ancdocs/history/umzabalazo.html>
- ____ Milestones in ANC History 1918-1948 (2000b)
<http://www.anc.org.za/ancdocs/history/miles.html>
- ____ ANC Lusaka Mission History
http://www.ufh.ac.za/collections/Library/ANC_Materials/LusakaM_History.htm
- ____ ANC Today: Online Voice of the African National Congress Vol. 1, No.43. 16-22 November 2001
<http://www.anc.org.za/ancdocs/2001/at43.htm>
- AJULU, R "The Left and the Question of Democratic Transition in Kenya: A Reply To Mwakenya" *Review of African Political Economy* Vol. 22, No. 64 1995, pp.229-235.

- ____ "Kenya's Democratic Experiment: The 1997 Elections" *Review of African Political Economy* Vol. 25, No. 76 1998, 275-288.
- ____ "Kenya: One Step Forward, Three Steps Back" *Review of African Political Economy*, Vol. 28, No. 88, 2001, pp.188-202.
- ALILA, P "Kenya General Elections in Bondo and Gem: The Origins of Luo Ethnic Factor in Modern Politics". University of Nairobi, IDS Working Paper, No. 403, June 1984.
- AMNESTY INTERNATIONAL Independence of the Judiciary in Kenya: Violation of Human Rights. Communication between Amnesty International and the Government of Kenya
<http://www.amnesty.org/ailib/intcam/kenya/report/report.htm>
- ANYANG-NYONG'O, P "How the elite have abetted corruption" *Sunday Nation* July 16, 2000, p.16.
- ____ "Struggles for Political Power and Class Contradictions in Kenya" *Contemporary Marxism*, No.7, 1983.
- ATIENO-ODHIAMBO, E 'Politics and Nationalism in East Africa 1913-35' in A.Adu Boahen (ed) *General History of Africa*, Vol. VII (Berkeley: Heinemann and UNESCO, 1985).
- BARASA, M "Constitution: Why the People are Supreme" *The East African*
<http://www.nationaudio.com/News/EastAfrican/Current/Regional/Regional9.html>
- BARBER, J *South Africa in the Twentieth Century: A Political History - In Search of a Nation State* (Oxford: Blackwell, 1999).
- BARCHIESI, F Labour, Neoliberalism and Democratic Politics in Nigeria and South Africa: A Comparative Perspective. Paper presented at the Workshop on Comparing Experiences of Democratisation in Nigeria and South Africa. Centre for African Studies, University of Cape Town, 30 May-2June 1998.
- BARKAN, J 'The Rise and Fall of a Governance Realm in Kenya' in G Hyden and M Bratton (eds) *Governance and Politics in Africa* (Boulder: Lynne Rienner, 1992).
- ____ "Kenya: Lessons from a Flawed Election" *Journal of Democracy* Vol.4, No.3 1993, pp.85-99.

- _____. "Elections in Agrarian Societies" *Journal of Democracy*, Vol. 6, No. 4, October 1995, pp.106-116
- _____. "Toward a New Constitutional Framework in Kenya" *Africa Today* Vol.45, No.2, 1998, pp. 213-226.
- BARKAN, J and NG'ETHE, N 'Kenya Tries Again' in Diamond, L and Plattner, M (eds) op. cit.
- BARKAN, J and OKUMU, J (eds) *Politics and Public Policy in Kenya and Tanzania* (Nairobi: Heinemann Kenya, 1984).
- BARNETT, D and NJAMA, K *Mau Mau from Within* (New York: Praeger, 1966).
- BASKIN, J *Striking Back: A History of COSATU* (Johannesburg: Ravan Press, 1991)
- BENNET, G "The Development of Political Organisations in Kenya" *Political Studies*, No. 2, June 1957.
- _____. *Kenya: A Political History: The Colonial Period* (London: Oxford University Press, 1963).
- BENNET, G and ROSBERG, C 'Political Parties and Interest Groups' in CJ Gertzel et al (eds) *Government and Politics in Kenya: A Nation Building Text* (Nairobi: East African Publishing House, 1969).
- _____. *The Kenyatta Election* (London: Oxford University Press, 1961).
- BENSON, M *The African Patriots: The Story of the African National Congress* (London: Faber and Faber, 1963).
- BERG-SCHLOSSER, D and SIEGLER, R *Political Stability and Development: A Comparative Analysis of Kenya, Tanzania and Uganda* (Boulder: Lynne Rienner, 1990).
- BERMAN, B *Control and Crisis in Colonial Kenya: The Dialectic of Domination* (London: James Currey, 1990).
- BERMAN, B and LONSDALE, J *Unhappy Valley: Conflict in Kenya and Africa* (London: James Currey, 1992).
- BERNSTEIN, H *The World That Was Ours: The Story of the Rivonia Trial* (London: SA Writers, 1989).
- BERNSTEIN, R *Memory Against Forgetting: Memoirs from a Life in South African Politics 1938-1964* (Johannesburg: Viking and Penguin, 1999).

- BEUKMANN, F 'Consolidating Democracy in South Africa: the New National Party Perspective' in *Consolidating Democracy in South Africa*. Seminar Report (Johannesburg: Konrad-Adenauer-Stiftung, 1999).
- BIENEN, H *Kenya: The Politics of Participation and Control* (Princeton: Princeton University Press, 1974).
- BIKO, S *I Write What I Like* (London: Heinemann, 1978).
- BOND, P *Elite Transition: From Apartheid to Neoliberalism in South Africa* (London: Pluto Press, 2000).
- BOND, P and KHOSA, M (eds) *An RDP Policy Audit: By Research Teams of the University of Witwaterstrand Graduate School of Public and Development Management, Johannesburg and The Human Sciences Research Council, Pretoria* (Pretoria, HSRC, 1999).
- BOOYSEN, S "Opposition Politics in a Democratic South Africa" *South African Journal of International Affairs*, Vol. 3, No. 2, 1996, pp.55-75.
- ____ "Election 1999 and Scenarios for Opposition Politics in South Africa" *Politikon*, Vol. 26, No. 2 1999 pp. 249-258.
- BRATTON, N and WALLE, N *Toward Governance in Africa: Popular Demands and State Responses* in Hyden Goran and Michael Bratton (eds.) *op.cit.*
- ____ *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective* (Cambridge: Cambridge University Press, 1997).
- BUNDY, C 'Land and Liberation: Popular Rural Protest and the National Liberation Movements in South Africa 1920-1960' in Marks, S and Trapido, S (eds) *The Politics of Race, Class and Nationalism in Twentieth Century South Africa* (London: Longman, 1987).
- BUNTMAN, F 'South Africa's first democratic elections and their political context' In Mbaku, J and Ihonvbere, J (eds) *Multiparty Democracy and Political Change: Constraints to Democratization in Africa* (Aldershot: Ashgate, 1998).
- BURNELL, P and WARE, A (eds) *Funding Democratization* (Manchester: Manchester University Press, 1998).
- CALLAND, R *The First Five Years: A Review of South Africa's Democratic Parliament* (Cape Town: Idasa, 1999).

- CAWTHRA, H and KRAAK, G "Annual Review: The Voluntary Sector and Development in South Africa 1997/98" *Development Update*, May 1999.
- CENTRE FOR DEVELOPMENT AND ENTERPRISE (CDE) *Policy-Making in a New Democracy: South Africa's Challenges for the 21st Century* (Johannesburg: CDE, 1999).
- CENTRE FOR LAW AND RESEARCH INTERNATIONAL (CLARION) "Your Rights Guaranteed by the Inter-Parties Parliamentary Group (IPPG) Reforms" (Advertiser's Announcement) *Sunday Nation* December 12, 1999 p. 12.
- CHAN, S 'Foreign Policies in Southern Africa: The History of an Epoch, 1978-88' in Stephen Chan et al *Exporting Apartheid: Foreign Policies in Southern Africa* (London: Macmillan Publishers, 1990).
- CHAN, S et al (eds) *Exporting Apartheid: Foreign Policies in Southern Africa* (London: Macmillan Publishers, 1990).
- CHERRY, J "Cynicism at the Grassroots? Political Opposition in Kwazakele Township in Port Elizabeth" in *Opposition in South Africa's New Democracy*. Seminar Report No. 2, 2001 (Johannesburg: KAS, 2001).
- CLAYTON, A (ed) *Governance, Democracy and Conditionality: What Role for NGOs* (Oxford: Intrac, 1994).
- CLINGMAN, S *Bram Fischer: Afrikaner Revolutionary* (Cape Town: David Philip and Mayibuye, 1998).
- CLOUGH, M 'The Superpowers in Southern Africa: From Confrontation to Cooperation' in Robert S Jaster et al *Changing Fortunes: War, Diplomacy, and Economics in Southern Africa (USA: Ford Foundation, 1992)*.
- COMMONWEALTH OBSERVER GROUP (COG) *The Presidential, Parliamentary and Civic Elections in Kenya. The Report of The Commonwealth Observer Group 29 December 1992*. Commonwealth Secretariat, 1993).
- CONGRESS OF SOUTH AFRICAN TRADE UNIONS (COSATU) "Years of Forging Unity: The Stormy Road to Union Unity" *The Shopsteward* Vol. 4, No. 6, December, 1995 <http://www.cosatu.org.za/shop/ss0406-5html>
- ____ "COSATU input to the debate on the role of the progressive trade union movement in the current conjuncture" *The African Communist* No. 153

- First Quarter 2000 pp.46-52.
- COWEN, M and KANYINGA, K 'The 1997 Elections in Kenya: The Politics of Communalism and Locality' in Cowen, M and Laakso, L (eds) *Multiparty Elections in Africa* (Oxford: James Currey, 2002).
- COWEN, M and LAAKSO, L (eds) *Multiparty Elections in Africa* (Oxford: James Currey, 2002).
- CURRIE, K and RAY, L "State and Class in Kenya: Notes on the Cohesion of the Ruling Class". *Journal of Modern African Studies* Vol. 22, 1984, pp 559-593.
- DALAL, K "South Africa: Economic Dimensions of Democracy" *Africa Quarterly*, Vol. 34, No. 4 1994, pp.77-84.
- DAVENPORT, R and SAUNDERS, C *South Africa: A Modern History*. Fifth Edition (Houndsmill: Macmillan Press Ltd, 2000).
- De KLERK, F *The Last Trek - A New Beginning: The Autobiography* (London: Macmillan, 1998).
- DI PALMA, G 'Establishing Party Dominance: It Ain't Easy' in Pempel, T (ed) *Uncommon Democracies: The One-Party Dominant Regimes* (Ithaca: Cornell University Press, 1990).
- DIAMOND, L, LINZ, J and LIPSET, S (eds) *Politics in Developing Countries: Comparing Experiences with Democracy* 2nd edition (Boulder: Lynne Rienner Publishers, 1995).
- DIAMOND, L and PLATTNER, M (eds) *Democratization in Africa* (Baltimore: The John Hopkins University Press, 1999).
- DEMOCRATIC PARTY (DP) *Fight Back for a Better Future; The Democratic Party's plan for South Africa*, 1999.
- DOWNS, J 'Consolidating Democracy in South Africa: the African Christian Democratic Party Perspective' in *Consolidating Democracy in South Africa*. Seminar Report 18-20, August 1999 (Johannesburg: KAS, 1999).
- EDGERTON, R *Mau Mau: An African Crucible* (London: Tauris, 1990).
- ELECTORAL INSTITUTE OF SOUTH AFRICA (EISA) *South African Elections Observer Mission Report June 1999* (Auckland Park: EISA, 1999).
- _____ ELECTION UPDATE 99 No. 10. 16 April 1999.

- ELLIS, S and SECHABA, T *Comrades Against Apartheid: The ANC and the South African Communist Party in Exile* (Bloomington: Indiana University Press, 1992).
- EMERSON, R 'Parties and National Integration in Africa' in J LaPalombara and M Weiner (eds) *Political Parties and Political Development* (Princeton: Princeton University Press, 1966).
- FAURE, M "The Electoral System" *Journal of Theoretical Politics*, Vol. 8, No. 2, 1996, pp.193-208.
- ____ The Electoral Systems Issue in South African Politics. Occasional Paper, February 1999 (Johannesburg: KAS, 1999).
- FOX, R "Bleak Future for Multi-Party Elections in Kenya" *Journal of Modern African Studies*, Vol. 34, No. 4 1996 pp.597-607.
- FREEDOM HOUSE 'Kenya' *Freedom in the World 1998-99*
<http://freedomhouse.org/survey99/country/kenya.html>
- ____ 'South Africa' *Freedom in the World 1998-99*
<http://freedomhouse.org/survey99/country/southafrica.html>
- FRIEDMAN, S (ed) *The Long Journey: South Africa's Quest for a Negotiated Settlement* (Johannesburg: Ravan, 1993).
- ____ 'South Africa: Divided in a Special Way' in Diamond L, Linz J and Lipset S (eds) *Politics in Developing Countries: Comparing Experiences with Democracy*, 2nd edition (Boulder: Lynne Rienner, 1995).
- ____ 'No Easy Stroll to Dominance: Party Dominance, Opposition and Civil Society in South Africa' in Giliomee, H and Simkins, C (eds) *The Awkward Embrace: One-Party Domination and Democracy* (Cape Town: Tafelberg, 1999).
- FRIEDMAN, S and ATKINSON, D *South African Review 7. The Small Miracle: South Africa's Negotiated Settlement* (Johannesburg: Ravan, 1994).
- FRIEDMAN, S and REITZES, M "Democratisation of Bureaucratisation?: Civil Society, The Public Sphere and the State in Post-Apartheid South Africa" *Transformation*, 29 1996, pp.55-73.
- FUREDİ, F "The African Crowd in Nairobi: Popular Movements and Elite Politics" *Journal of African History*, Vol. 14, No. 2, 1973, pp 275-290.

- _____. *The Mau Mau War in Perspective* (London: James Currey, 1989).
- GELDENHUYS, D *Foreign Policy Implications of South Africa's 'Total National Onslaught' Strategy* (Johannesburg: South African Institute of International Affairs, 1981).
- _____. (ed) *South Africa: From Apartheid to National Unity, 1981-1994* (Aldershot: Dartmouth, 1995).
- GERHART, G *Black Power in South Africa: The Evolution of an Ideology* (Berkeley: University of California Press, 1978).
- GERTZEL, C et al (eds) *Government and Politics in Kenya: A Nation Building Text* (Nairobi: East African Publishing House, 1969).
- _____. 'The Political Legacy' in C.J Gertzel et al (eds) *Government and Politics in Kenya: A Nation Building Text* (Nairobi: East African Publishing House, 1969)
- GIBBON, P (ed) *The New Local Level Politics in East Africa: Studies on Uganda, Tanzania and Kenya* (Uppsala: Nordiska Afrikainstitutet, 1994).
- _____. (ed) *Markets, Civil Society and Democracy in Kenya* (Uppsala: Nordiska Afrikainstitutet, 1995).
- _____. 'Markets, Civil Society and Democracy in Kenya' in Gibbon, P (ed) *Markets, Civil Society and Democracy in Kenya* (Uppsala: Nordiska Afrikainstitutet, 1995).
- GILIOMEE, H South Africa's Democratic Surprise. Paper presented at the Workshop on Comparing Experiences of Democratisation in Nigeria and South Africa. Centre for African Studies, University of Cape Town, 30 May - 2June 1998.
- _____. 'South Africa's Emerging Dominant-Party Regime' in Diamond, L and Plattner, M (eds) *Democratization in Africa* (Baltimore: John Hopkins Press, 1999).
- GILIOMEE, H and SIMKINS, C (eds) *The Awkward Embrace: One-Party Domination and Democracy* (Cape Town: Tafelberg, 1999).
- _____. 'The Dominant Party Regimes of South Africa, Mexico, Taiwan and Malaysia: A Comparative Assessment' in Giliomee, H and Simkins, C (eds) *The Awkward Embrace: One-Party Domination and Democracy* (Cape Town:

- Tafelberg, 1999).
- GILIOMEE, H, MYBURGH, J and SCHLEMMER, L 'Dominant Party Rule, Opposition Parties and Minorities in South Africa' in *Opposition in South Africa's New Democracy*. Seminar Report No. 2, 2001 (Johannesburg: KAS, 2001).
- GISH, S *Alfred B. Xuma: African, American, South African* (London: Macmillan, 2000).
- GOLDSWORTHY, D *Tom Mboya: The Man Kenya Wanted to Forget* (Nairobi: Heinemann, 1982).
- GOOD, K "Kenyatta and the Organisation of KANU" *Canadian Journal of African Studies (CJAS)*, Vol. 2, No. 2, 1968 pp 115-136.
- GOODMAN, D *Faultlines: Journeys into the New South Africa* (Berkeley, University of California Press, 1999).
- GREGOR, G "Trade Unions & the ANC in the New South Africa" *Review of African Political Economy* Vol. 24, No. 72, June 1997 pp. 203-218.
- GRIMOND, J "South Africa: Africa's great black hope" *The Economist: A Survey of South Africa*, February 24th – March 2nd 2001, pp1-16.
- GRUNDY, K *The Militarization of South African Politics* (London: Tauris, 1986).
- GUELKE, A "The Impact of the End of the Cold War on the South African Transition" *Journal of Contemporary African Studies* Vol.15, No.2, July 1997 pp. 287-310.
- GUTTERIDGE, W 'South Africa's National Strategy: Implications for Regional Security' in Gutteridge W (ed) *South Africa: From Apartheid to National Unity, 1981-1994* (Aldershot: Dartmouth, 1995).
- HABERSON, J "Land Reform and Politics in Kenya" *Journal of Modern African Studies*, Vol. 9, No. 2, 1971.
- ____ "Guest Editor's Introduction: Political Crisis and Renewal in Kenya-Prospects for Democratic Consolidation" *Africa Today* Vol. 45, No. 2, 1998, pp. 169-184.
- HABIB, A "From Pluralism to Corporatism: South Africa's Labour Relations in Transition" *Politikon* Vol. 24, No. 1, June 1997 pp. 57-75.
- ____ The Transition to Democracy in South Africa: Developing a Dynamic

- Model. Paper presented at the Workshop on Comparing Experiences of Democratisation in Nigeria and South Africa. Centre for African Studies, University of Cape Town, 30 May – 2 June 1998.
- _____'Political Alliances and Parliamentary Opposition in Post-Apartheid South Africa' in *Opposition in South Africa's New Democracy*. Seminar Report No. 2, 2001 (Johannesburg: KAS, 2001).
- HABIB, A and RUPERT, T "Parliamentary Opposition and democratic Consolidation in South Africa" *Review of African Political Economy*, Vol. 26, No. 80, June 1999 pp.261-267.
- HALL, M and YOUNG, T *Confronting Leviathan: Mozambique since Independence* (Athens, Ohio: Ohio University Press, 1997).
- HANI, C "The Wankie Campaign" (abridged) *Dawn: Journal of Umkhonto we Sizwe*, Souvenir Issue, 1986.
<http://anc.org.za/ancdocs/history/mk/wankie.html>
- HARVEY, R *The Fall of Apartheid: The Inside Story from Smuts to Mbeki* (Houndsmill: Palgrave, 2001).
- HAUGERUD, A *The Culture of Politics in Modern Kenya* (Cambridge: Cambridge University Press, 1995).
- HIMBARA, D *Kenyan Capitalists, the State and Development* (Boulder: Lynne Rienner, 1994).
- HIRSCHMANN, D "Civil Society in South Africa: Learning From Gender Themes" *World Development*, Vol. 26, No. 2 1998, pp.227-238.
- HOLLAND, H *The struggle: the history of the African National Congress* (London: Grafton, 1989).
- HOLMQUIST, F and FORD, M "Kenya: Slouching toward Democracy" *Africa Today* Vol. 39, No. 3, 1992.
- _____'Kenya: State and Society the First Year After the Elections' *Africa Today* Vol. 41, No. 4 (1994) pp.5-25.
- _____'Stalling Political Change: Moi's Way in Kenya' *Current History*, Vol. 94 1995, pp.177-181.
- _____'Kenyan Politics: Toward a Second Transition?' *Africa Today* Vol.45, No. 2,

- 1998, pp. 227-258.
- HORNSBY, C and THROUP, D "Elections and Political Change in Kenya" *The Journal of Commonwealth & Comparative Politics* Vol. 30, No. 2, July 1992, pp. 172-199.
- HOWARTH, A *Kenyatta: A Photographic Bibliography* (Nairobi: East African Publishing House, 1967).
- HUDSON, P "Liberalism, democracy and transformation in South Africa" *Politikon*, Vol. 27, No.1, 2000, pp.93-102.
- HUNTINGTON, S *Political Order in Changing Societies* (New Haven: Yale University Press, 1968).
- _____*The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).
- HYDEN, G, JACKSON, R and OKUMU, J (eds) *Development Administration: The Kenyan Experience* (Nairobi: Oxford University Press, 1970).
- HYDEN, G and BRATTON, M (eds) *Governance and Politics in Africa* (Boulder: Lynne Rienner, 1992).
- HYSLOP, J (ed) *African Democracy in the Era of Globalisation* (Johannesburg: Witwatersand University Press, 1999).
- INSTITUTE FOR EDUCATION IN DEMOCRACY (IED) *Political Party Organisation and Management in Kenya: An Audit* (Nairobi: IED, 1998).
- INSTITUTE FOR EDUCATION IN DEMOCRACY (IED), Catholic Justice and Peace Commission (CJPC) and National Council of Churches of Kenya (NCCCK) *Report on the 1997 General Elections in Kenya 29-30 December, 1997* (Nairobi: IED, CJPC & NCCCK, 1998).
- INTERNATIONAL FORUM FOR DEMOCRATIC STUDIES (FORUM) & CENTRE FOR POLICY STUDIES (CPS) *Democratic Consolidation in South Africa: Progress and Pitfalls. Conference Report, October 1998.*
- INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS (IFES) *Toward Credible and Legitimate Elections in Kenya: Part II IFES Assessment Report, May 1997* (Washington: IFES, 1997).
- JACOBS, S 'Parliament's Post Election Performance' in James, W and Levy, M

- (eds) *Pulse. Passages in Democracy-Building: Assessing South Africa's Transition* (Cape Town: IDASA, 1998).
- JAMES, W and LEVY, M (eds) *Pulse. Passages in Democracy-Building: Assessing South Africa's Transition* (Cape Town: IDASA, 1998).
- JASTER, R 'War and Diplomacy in Robert S Jaster et al (eds) *Changing Fortunes: War, Diplomacy, and Economics in Southern Africa* (USA: Ford Foundation, 1992).
- JASTER, R et al (eds) *Changing Fortunes: War, Diplomacy, and Economics in Southern Africa* (USA: Ford Foundation, 1992).
- JOHNSTON, A "South Africa: The Elections and the Emerging Party System" *International Affairs*, 70, 4 1994, pp.721-736.
- _____ "Party Games" *Indicator South Africa* Vol. 14, No. 3, Spring 1997, pp. 6-11.
- _____ 'The 1999 Election and the Prospects of Consolidating Democracy in South Africa' in *Consolidating Democracy in South Africa*. Seminar Report 18-20 August 1999 (Johannesburg: KAS, 1999).
- JUNG, C and SHAPIRO, I "South Africa's Negotiated Transition: Democracy, Opposition and the New Constitutional Order" *Politics and Society*, Vol. 23, No. 3 1995, pp. 269-308.
- KADHI, J and RUTTEN, M 'The Kenyan Media in the 1997 General Elections: A Look at the Watchdogs' in Rutten, M, Mazrui, A and Grignon, F (eds) *Out For the Count: The 1997 General Elections and Prospects for Democracy in Kenya* (Kampala: Fountain Publishers, 2001).
- KAGGIA, B *Roots of Freedom 1921-1963: The Autobiography of Bildad Kaggia* (Nairobi: East African Publishing House, 1975).
- KAGWANJA, M "History, Law and Democracy in the Light of COTU's Affiliation to KANU" *Nairobi Law Monthly* (Special Edition) No. 25, September 1990, pp. 34-35.
- KANE-BERMAN, J *Political Violence in South Africa* (Johannesburg: South African Institute of Race Relations, 1993).
- KANOGO, T *Squatters and the Roots of Mau Mau 1905-63* (London: James Currey Ltd, 1987).
- _____ 'Kenya and the Depression, 1929-1939' in W.R. Ochieng (ed) *A Modern*

- History of Kenya 1895-1980* (Nairobi: Evans Brothers (Kenya) Ltd, 1989).
- KANYINGA, K 'Ethnicity, Patronage and Class in A Local Arena: "High" and "Low" Politics in Kiambu, Kenya, 1982-92' in Gibbon, P (ed) *The New Local Level Politics in East Africa: Studies on Uganda, Tanzania and Kenya* (Uppsala: Nordiska Afrikainstitutet, 1994).
- KARANJA, M "Reportage in the Time of Clashes" *The Executive* April, 1998 pp 23- 24.
- KARIMI, J and OCHIENG, P *The Kenyatta Succession* (Nairobi: Transafrica, 1980).
- KARIS and CARTER (eds) *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882-1992* (Stanford: Hoover Institution Press, 1997).
- KARIUKI, J *Mau Mau Detainee* (London: Oxford University Press, 1963).
- KASRILS, R *Armed and Dangerous: From undercover struggle to freedom* (Bellville: Mayibuye & Jonathan Ball Publishers, 1998).
- KENYA AFRICAN NATIONAL UNION (KANU) *Nomination Rules* (1988).
- _____ The Constitution of Kenya African National Union (Revised Edition) 1991
<http://www.kanu-kenya.org/constitution/constitution.htm>
- _____ KANU History from the 1920's: Brief Historical Background about KANU
<http://www.kanu-kenya.org/history.htm> (2001a)
- _____ 'The Public Service' (2001b)
<http://www.kanu-kenya.org/publicservice.htm#pluralism>
- _____ List of KANU Members of Parliament
<http://www.kanu-kenya.org/membersandstats.htm> (2001c)
- KENYATTA, J KANU Opening Statement at Lancaster House Conference, 1962.
- KHADIAGALA, G "Kenya: Intractable Authoritarianism" *SAIS Review* Vol.15, No. 2 1995, pp. 53-73.
- KHOSA, M ' 'A Ship Full of Holes?: The Culture of Good Governance in South Africa's New Provinces' in Khosa, M and Muthien, Y (eds) *Regionalism in the New South Africa* (Aldershot: Ashgate, 1998).
- KHOSA, M and MUTHIEN, Y (eds) *Regionalism in the New South Africa*

(Aldershot: Ashgate, 1998).

KIAI, M "Commentary: A Last Chance for Peaceful Change in Kenya" *Africa Today*, Vol. 45, No. 2 1998 pp.185-192.

KIAI, M and MUTUNGA, W "Clergy Key to National Salvation" *Sunday Nation* September 26, 1999 p.19.

KIBWANA, K Reform Talks: KANU Must be Prepared to Cede Some Power
Sunday Nation August 2, 1998 pp 8-9.

_____ Constitution: All Must Have a Say *Sunday Nation* September 12, 1999 p.9.

KINYATTI, M WA *Thunder from the Mountains: Mau Mau Patriotic Songs*
(London: Zed, 1980).

_____ *Kenya's Freedom Struggle: The Dedan Kimathi Papers* (London: Zed, 1987).

KIRKMAN, W *Unscrambling an Empire: A Critique of British Colonial Policy, 1955-66* (London: Chatto and Windus, 1966).

KITCHEN, H and KITCHEN, J (eds) *South Africa: Twelve Perspectives on the Transition* (Westport, Praeger, 1994).

KLOPP, J Pilfering the Public: The Problem of Land Grabbing in Contemporary Kenya *Africa Today*, Vol. 47 No.1 Winter 2000.

KOFF, D "Kenya Little General Election" *Africa Report*, Vol. 2, No.7, October 1966.

KONRAD-ADENAUER-STIFTUNG (KAS) *Consolidating Democracy in South Africa*. Seminar Report 18-20 August 1999.

_____ *Opposition in South Africa's New Democracy*. Seminar Report January 2001, No 2 (Johannesburg: KAS, 2001).

KOTZE, D 'Debates about the Freedom Charter' in Hill R, Mueller, M and Trump, M (eds) *African Studies Forum Vol. II* (Pretoria: HSRC, 1993).

KOTZE, H 'The Potential Constituency of the DA: What Dowries do the DP and the NNP Bring to the Marriage?' in *Opposition in South Africa's New Democracy*. Seminar Report No. 2, 2001 (Johannesburg: KAS, 2001).

KURIA, G and MURUNGI, K "Without Prejudice: What the KANU Review Committee Should Recommend" *The Nairobi Law Monthly* Special Edition, No. 25 September 1990.

- KURIA, G "The Struggle Continues" *Finance*, 16-30 October 1991.
- KYLE, K *The Politics of the Independence of Kenya* (London: Macmillan, 1999).
- LANE, J-E and ERSSON, S "The Probability of Democratic Success in South Africa" *Democratization*, Vol. 4, No. 4, Winter 1997 pp. 1-15.
- LANSBERG, C and KAMBEMBA, C Working to a Foreign Text? International Democratisation in South Africa. Paper presented at the Workshop on Comparing Experiences of Democratisation in Nigeria and South Africa. Centre for African Studies, University of Cape Town, 30 May – 2 June 1998.
- LAURENCE, P "Conflicts of interest" *Focus* Issue 23, September 2001, pp.2-6.
- LAWRENCE, A "Codetermination in Post-Apartheid South Africa?" *Politikon* Vol. 27, No. 1, May 2000 pp 117-132.
- LEHLOESA, T "South Africa's Growth, Employment and Redistribution Strategy in the Context of Structural Adjustment Programmes in the South" (Unpublished Master of Arts (International Studies) Thesis, Rhodes University, Grahamstown, January 2000).
- LEWIS, D and NAIDOO, J 'Social Partnership in South Africa: Is it a Sustainable Mode of Governance? in Maharaj, G (ed) *Between Unity and Diversity: Essays on Nation-Building in Post Apartheid South Africa* (Cape Town: Idasa and David Philip, 1999).
- LEYS, C *Underdevelopment in Kenya: The Political Economy of Neo-Colonialism 1964-1971* (London: Heinemann, 1976).
- LINZ, J 'Change And Continuity in the Nature of Contemporary Democracies' in Marks, G and Diamond, L (eds) *Reexamining Democracy* (Newbury Park: Sage, 1992).
- LIJPHART, A "South African Democracy: Majoritarian or Consociational?" *Democratization*, Vol. 5, No.4, Winter 1998, pp.144-150.
- LEDUC, L, NIEMI, R and NORRIS, P (eds) *Comparing Democracies: Elections and Voting in Global Perspective* (Thousand Oaks: Sage, 1996).
- LODGE, T *Black Politics in South Africa Since 1945* (New York: Longman, 1983).
- ____ "The South African general election, April 1994: results, analysis and implications" *African Affairs* Vol. 94, No. 377, October 1995 pp 471-500.

- _____. *South African Politics Since 1994* (Cape Town: David Philip, 1999) 1999a.
- _____. *Consolidating Democracy: South Africa's Second Popular Election* (Johannesburg: Witwatersrand University Press, 1999) 1999b.
- _____. "Policy processes within the African National Congress and the Tripartite Alliance" *Politikon*, Vol.26, No.1, May 1999 pp. 5-32 1999c.
- LODGE, T and NASSON, B (eds) *All Here and Now: Black Politics in South Africa in the 1980's* (Cape Town: Ford Foundation & David Phillips, 1991).
- LONSDALE, J "KAU's cultures: imaginations of community and constructions of leadership in Kenya after the Second World War" *Journal of African Cultural Studies*, Vol. 13, No.1, June 2000, pp. 107-124.
- _____. 'The Moral Economy of Mau Mau' in Berman, B and Lonsdale, J *Unhappy Valley: Conflict in Kenya and Africa* pp. 265-504. op. cit.
- LUTHULI, A *Let My People Go: An Autobiography* (London: Collins, 1962).
- MACHARIA, K and MAINA, K *Matiba: Let The People Decide* (Nairobi: BERISCO, 1992).
- MAHARAJ, G (ed) *Between Unity and Diversity: Essays on Nation-Building in Post Apartheid South Africa* (Cape Town: Idasa and David Philip, 1999).
- MAINA, W Reform Talks: Why We Must Watch Out *Sunday Nation* September 7, 1997a pp8-9.
- _____. IPPG Deal: What Signal is the Government Sending Out? *Sunday Nation* October 19, 1997b p.9.
- MAINA, W and MBURU, C "The Multi-Party Debate Fallout" *Nairobi Law Monthly* No. 24 September 1990.
- MAINA, W, MBURU, C, NDOLO, C and 'OCHOLA, A "1990 The Year in Review" *Nairobi Law Monthly* No. 28 December 1990.
- MAIR, P 'Party Systems and Structures of Competition' in Leduc, L Niemi, R and Norris, P (eds) *Comparing Democracies: Elections and Voting in Global Perspective* (Thousand Oaks: Sage, 1996).
- MALOBA, W *Mau Mau and Kenya: An Analysis of a Peasant Revolt* (Bloomington: Indiana University Press, 1993).
- _____. 'Nationalism and decolonization 1947-1963' in W.O Ochieng (ed) op.cit.

- MANDELA, N 'General Strike' Statement by Nelson Mandela on behalf of the National Action Council following the stay-at-home in May 1961, 3 June 1961a
<http://www.anc.org.za/ancdocs/pr/1960s/pr610603.html>
- ____ 'Letter to the United Party' Letter written by Nelson Mandela to Sir de Villiers Graaf, Leader of the White Opposition United Party 23 May 1961b
<http://www.anc.org.za/ancdocs/pr/1960s/pr610523.html>
- ____ "I am Prepared to Die" Nelson Mandela's Statement from the Dock at the Opening of the Defence Case in the Rivonia Trial. Pretoria Supreme Court, 20 April 1964 <http://anc.org.za/ancdocs/history/mandela/1960s/rivonia.html>
- ____ The Mandela Document. A document presented by Nelson Mandela to P W Botha before their meeting on 5 July 1989. 1987
<http://anc.org.za/ancdocs/history/mandela/doc890705.html>
- ____ *Nelson Mandela Speaks: Forging a Democratic Nonracial South Africa* (Cape Town: David Philip, Mayibuye and Pathfinder, 1993).
- ____ *Long Walk to Freedom: The Autobiography of Nelson Mandela* (London: Abacus, 1996).
- MAPHAI, V 'The New South Africa: A Season for Power-Sharing' in Diamond, L and Plattner, M (eds) *Democratization in Africa* (Baltimore: The John Hopkins University Press, 1999).
- MAREE, J "The COSATU Participatory Democratic Tradition and South Africa's New Parliament: Are They Reconcilable?" *African Affairs*. Vol. 97, No. 386, January 1998 pp. 29-52.
- MARKS, G and DIAMOND, L (eds) *Reexamining Democracy* (Newbury Park: Sage, 1992).
- MARKS, S and TRAPIDO, S (eds) *The Politics of Race Class and Nationalism in Twentieth Century South Africa* (London: Longman, 1987).
- MATIBA, K 'The Case For Multi-Party Democracy in Kenya' in Macharia, K and Maina, K *Matiba: Let The People Decide* (Nairobi: BERISCO, 1992).
- ____ "Kenya: A Mess That Must Go!" A Message to Kenyans, 6 January 1998.
- MATIBA, K and RUBIA, C 'Kenya Should Be a Multi-Party State Now. A Public

Appeal For the Repeal of the 1982 Constitutional Amendment in Order to Legally Enable any Interested Kenyan to Form Other Political Parties if they so Desire. 3 May 1990' *Finance* 16-31 May, 1990 pp. 55-56 (1990a).

_____'One Party Stifles Criticism Ruthlessly. 15 May 1990' in Macharia, K and Maina, K, *ibid.* (1990b).

_____'Application For License. 11 June 1990' in Macharia, K and Maina, K, *ibid.* (1990c).

MATTHEWS, Z *Freedom for my people: the autobiography of Z.K. Matthews, Southern Africa 1901-1968* (Cape Town: David Philip, 1983).

MAXON, R 'The Colonial Roots' in WO Oyugi (ed) *Politics and Administration in East Africa* (Nairobi: East African Educational Publishers, 1994).

_____'The years of revolutionary advance 1920-1929' in W.O Ochieng (ed) *op.cit.*

MAY, R "The Limits of Democracy in Commonwealth Africa" *Journal of Commonwealth & Comparative Politics*, Vol. 38, No. 3, 2000, pp. 171-180.

MAZRUI, A and TIDY, M *Nationalism and New States in Africa* (Nairobi: Heinemann Educational, 1984).

MBAKU, J and IHONVBERE, J (eds) *Multiparty Democracy and Political Change: Constraints to Democratization in Africa* (Aldershot: Ashgate, 1998).

MBEKI, G *Sunset at Midday: Latshon 'ilang' emini!* (Braamfontein: Nolwazi Educational Publishers (Pty) Ltd, 1996).

MBEKI, T *AFRICA: The Time Has Come: Selected Speeches* (Cape Town: Tafelberg/Mafube, 1998).

_____'Statement of Deputy President Thabo Mbeki at the Opening of the Debate in the National Assembly on "Reconciliation and Nation Building" National Assembly, Cape Town, 29 May 1998

<http://www.anc.org.za/ancdocs/history/mbeki/1998/sp980529.html>

_____'Speech at the Youth Conference on Nation Building. Centurion City Hall, June 16, 2000.

<http://www.anc.org.za/ancdocs/history/mbeki/2000/tm0616.html>

MBOYA, T *The Challenge of Nationhood: A Collection of Speeches and Writings*

- (Nairobi: East African Educational Publishers, 1993).
- MCHENRY, D "Review Essay: The South African Debate over Democratic Transition" *African Studies Review* Vol. 36, No. 2 1993 pp.95-101.
- MCKINLEY, D "Democracy, Power and Patronage: Debate and Opposition within the ANC and the Tripartite Alliance since 1994" in *Opposition in South Africa's New Democracy*. Seminar Report No. 2, 2001 (Johannesburg: KAS, 2001).
- MEISLER, S "Tribal Politics Harass Kenya" *Foreign Affairs*, 49, October 1970.
- MELI, F *A History of the ANC: South Africa Belongs to Us* (London: James Currey, 1989).
- MICHIE, J and PADAYACHEE, V (eds) *The Political Economy of South Africa's Transition: Policy Perspectives in the Late 1990s* (London: The Dryden Press, 1997).
- MICHIE, J and PADAYACHEE, V 'South Africa's Transition: The Policy Agenda' in Michie, J and Padayachee, V (eds) *The Political Economy of South Africa's Transition: Policy Perspectives in the Late 1990s* (London: Dryden Press, 1997).
- MILLER, N *Kenya: The Quest for Prosperity* (Boulder: Westview Press, 1984).
- MOI, D "Moi on pluralism, graft and the future" Interview with the Managing Editor of the Sunday Nation, *Sunday Nation* 28 December 1997 p. 8-9.
- MORRIS, P "Democracy, Governments and Partnerships with Institutions of Civil Society and the Private Sector" *Development in Southern Africa*, Vol.12, No. 3 1995, pp. 423-24.
- MOTLANTHE, K A Two Thirds Majority: The New 'Swart Gevaar' May 1998 (1998a) <http://www.anc.org.za/ancdocs/misc/sg9803.html>
- ____ Opposition Parties Must Learn to Tolerate Criticism May 1998 (1998 b) <http://www.anc.org.za/ancdocs/misc/sg9801.html>
- MOTLHABI, M *The Theory and Practice of Black Resistance to Apartheid: A Social Ethical Analysis* (Johannesburg: Skotaville Publishers, 1987).
- MUELLER, S "Government and Opposition in Kenya" *Journal of Modern African Studies* Vol. 22, No. 3, 1984.
- MUIGAI, G "Kenya's Opposition and the Crisis of Government" *Issue: A Journal*

of Opinion Vol. 21, Nos. 1 & 2, 1993 pp. 26-34.

MURUNGI, K A Way Out of the Reform Crisis *Sunday Nation* Mar. 8, 1998 pp. 12-13.

____ "The Struggle for Political Participation in Kenya During the Colonial Period 1895-1963" *Nairobi Law Monthly*, No. 32, April/May, 1991.

____ "Parliament need not be quite so toothless" *Sunday Nation* April 20 1997, p. 9.

____ "Deals that make KANU unbeatable" *Sunday Nation*, 5 December 1999, p.8.

MUTISO, G *Kenya: Politics, Policy and Society* (Nairobi: East African Literature Bureau, 1975).

MUTUNGA, W *Constitution-Making From The Middle: Civil Society and Transition Politics in Kenya, 1992-1997* (Nairobi: SAREAT & MWENGO, 1999).

MWANGI, C "Coverage of Kenya's 1992 Parliamentary Election Petitions by Daily Nation and Kenya Times: A Study of Bias in News Reporting" (Unpublished Master of Arts (Communication) Thesis, Daystar University, Nairobi, May 2000)

MWANGI, O 'Mozambique's Foreign Policy: From Ideological Conflict to Pragmatic Cooperation' in Adar, K and Ajulu, R (eds) *Globalization and Emerging Trends in African States' Foreign Policy-Making Process: A Comparative Perspective of Southern Africa* (Aldershot: Ashgate, 2002).

NATIONAL CONVENTION ASSEMBLY (NCA) Resolution 12 National Convention Assembly Third Plenary Session. Limuru-Ufungamano 3, Nairobi 27th-29th October 1997.

____ Resolution 15/NCA/February 1998. Declaration and Resolutions of the National Convention Assembly's Fourth Plenary Session at Ufungamano House, Nairobi on February 26-28, 1998.

NATIONAL CONVENTION EXECUTIVE COUNCIL (NCEC) Statement by the NCEC on the Report of the Sub-Committee of the IPPG on Constitutional, Legal and Administrative Reforms September 11, 1997.

____ *Why Kenyans must reject the Constitution of Kenya Review Commission*, January 1998 (Nairobi: NCEC, 1998).

____ Towards a Multisectoral Forum on the Establishment of a Framework for

- the Comprehensive Review of the Constitution. A Memorandum prepared by the National Convention Executive Council (NCEC) to be presented to the Attorney General Hon. Amos Wako. Nairobi, Kenya 20th April 1998 (1998b).
- NATRASS, N Economic Factors and the Transition to Democracy in South Africa. Paper presented at the Workshop on Comparing Experiences of Democratisation in Nigeria and South Africa. Centre for African Studies, University of Cape Town, 30 May – 2 June 1998.
- NDEGWA, S “NGOs as pluralizing Agents in Civil Society in Kenya” Institute for Development Studies (IDS), University of Nairobi, Working Paper No. 491, May 1993.
- ____ “Civil Society and Political Change in Africa: The Case of NGO’s in Kenya” *International Journal of Comparative Sociology* Vol. 35 Nos.1/2 1994, pp. 19-36.
- ____ “The Incomplete Transition: The Constitutional and Electoral Context in Kenya” *Africa Today* Vol. 45, No. 2, 1998, pp. 193-212 (1998a).
- ____ “Citizenship Amid Economic and Political Change in Kenya” *Africa Today* Vol. 45, No. 3-4, 1998, pp. 351-368 (1998b).
- NELLIS, J *The Ethnic Composition of Leading Kenyan Government Positions*. Research Report No. 24 1974 (Uppsala: Scandinavian Institute of African Studies, 1974).
- NIJZINK, L ‘Opposition in the New South African Parliament’ in *Opposition in South Africa’s New Democracy*. Seminar Report No. 2, 2001 (Johannesburg: KAS, 2001).
- NGUNYI, M ‘Religious Institutions and Political Liberalisation in Kenya’ in Gibbon, P (ed) *Markets, Civil Society and Democracy in Kenya* (Uppsala: Nordiska Afrikainstitutet, 1995).
- NZOMO, M ‘Kenya: The Women’s Movement and Democratic Change’ in Villian, L and Huxtable, P (eds) *The African State at a Critical Juncture: Between Disintegration and Reconfiguration* (Boulder: Lynne Rienner, 1998).
- OCHIENG, P “Is DP going the way of other opposition parties? *Sunday Nation*, 1 June 1997, p. 9.
- OCHIENG, W (ed) *A Modern History of Kenya 1895-1980* (Nairobi: Evans, 1989).

- _____'Independent Kenya' in WR Ochieng (ed) *A Modern History of Kenya 1895-1980* (Nairobi: Evans, 1989).
- ODINGA, O "Disregard for Human Rights Has Brought the Current Crisis" *Nairobi Law Monthly* No. 24 September 1990. 1990a.
- _____"We Must Stand Up Against What We Believe is Wrong" *Nairobi Law Monthly* No. 28 December 1990.
- _____*Not Yet Uhuru: The Autobiography of Oginga Odinga* (Nairobi: East African Educational Publishers, 1995).
- ODINGA, R "Raila Speaks" *Finance*, September 15 1996, pp. 20-25.
- OGOT, B 'The Decisive Years 1956-1963' in Ogot B and Ochieng W (eds) *Decolonization and Independence in Kenya 1940-93* (London: James Currey, 1995).
- _____'The Politics of Populism' in BA Ogot and WR Ochieng (eds) *Decolonization and Independence in Kenya 1940-93* (London: James Currey, 1995).
- OGOT, B and OCHIENG, W (eds) *Decolonization and Independence in Kenya 1940-93* (London: James Currey, 1995).
- OKOTH, Z "The Position of the Catholic Justice and Peace Commission" *The Nairobi Law Monthly* Special Edition, No. 25 September 1990.
- OKUMU, J 'Party-State Relations in Kenya and Tanzania' in JD Barkan and JJ Okumu (eds) *Politics and Public Policy in Kenya and Tanzania* (Nairobi: Heinemann, 1984).
- O'MEARA, D *Forty Lost Years: The Apartheid State and the Politics of the National Party, 1948-1994* (Johannesburg: Ravan Press, 1996).
- ONYANGO, D In Kenya, Brinkmanship before Constitution" *Daily Nation* March 12 1999 <http://www.nationaudio.com/kenyapolitics/full.php3?NewsId=9>
- OPANGA, K Much Heat, Little Light Mark Bomas Meeting *Sunday Nation* May 17, 1998 pp. 8-9.
- ORKIN, M "Building Democracy in the New South Africa, Civil Society, Citizenship and Political Ideology" *Review of African Political Economy* Vol. 22, No. 66 1995, pp.525-537.
- ORWA, K "Political Recruitment in Mbita Constituency: A Study in Electoral

- Politics” Seminar Paper No. 3, Department of Government Seminar Series on General Elections in Kenya, University of Nairobi, 2 March, 1984.
- OSBORN, E “Why Gear Isn’t Working: An Update” *Indicator South Africa* Vol. 14, No. 3, Spring 1997, pp. 26-30).
- OTTAWAY, M (ed) *Democracy in Africa: The Hard Road Ahead* (Boulder: Lynne Rienner, 1997).
- OYUGI, W (ed) *Politics and Administration in East Africa* (Nairobi: East African Educational Publishers, 1994).
- ____ ‘Uneasy Alliance: Party-State Relations in Kenya’ in WO Oyugi (ed) *Politics and Administration in East Africa* (Nairobi: East African Educational Publishers, 1994).
- PAVLIS, P “The Maasai and the Mau Mau Movement: Avenues for Future Research in Kenya” *Kenya Historical Review* Vol. 5, No. 2, 1977.
- PEMPEL, T (ed.), *Uncommon Democracies: The One-Party Dominant Regimes* (Ithaca: Cornell University Press, 1990).
- ____ ‘Introduction. Uncommon Democracies: The One-Party Dominant Regimes’ in Pempel, TJ (ed) *Uncommon Democracies: The One-Party Dominant Regimes* (Ithaca: Cornell University Press, 1990).
- PINKEY, R *Democracy in the Third World* (Buckingham: Open University Press, 1993).
- POTTIE, D “The Electoral System and Opposition Parties in South Africa” in *Opposition in South Africa’s New Democracy*. Seminar Report No. 2, 2001 (Johannesburg: KAS, 2001).
- PRICE, R and ROSBERG, C (eds) *The Apartheid Regime: Political Power and Racial Discrimination* (Cape Town: David Philip, 1980).
- RAMOS, M “In Defence of GEAR: Comment from the Department of Finance” *Indicator South Africa* Vol. 14, No. 3, Spring 1997, pp. 37-40.
- RANTETE, J *The African National Congress and the negotiated settlement in South Africa* (Pretoria: J.L. van Schaik Publishers, 1998).
- REDDY, E Contributions of Nordic States to the Oppressed People of Southern Africa and Frontline States, January 1987.

- REYNOLDS, A *Electoral Systems and Democratization in Southern Africa* (New York: Oxford University Press, 1999).
- RESHA, M *Mangoana Tsoara Thipa Ka Bohaleng: My Life in the Struggle* (London: SA Writers and Congress of South African Writers, 1991).
- RICH, P *State Power and Black Politics in South Africa, 1912-51* (London: Macmillan, 1996).
- ROBINSON, M 'Governance, Democracy and Conditionality: NGO's and the New Policy Agenda' in Clayton, A (ed) *Governance, Democracy and Conditionality: What Role for NGOs* (Oxford: Intrac, 1994).
- ROSBURG, C and NOTTINGHAM, J *The Myth of "Mau Mau": Nationalism in Kenya* (New York: Praeger, 1966).
- ROTHCHILD, D "Ethnic Inequalities in Kenya" *Journal of Modern African Studies* Vol. 7, No. 4 1969 pp 689-711
- ROUX, E *Time No Loner Than Rope: A History of the Black Man's Struggle for Freedom in South Africa* (Madison: Wisconsin University Press, 1978).
- RUTTEN, M, MAZRUI, A and GRIGNON, F (eds) *Out For the Count: The 1997 General Elections and Prospects for Democracy in Kenya* (Kampala: Fountain Publishers Ltd, 2001).
- SABAR-FRIEDMAN, G "Church and State in Kenya 1982-1992: The Churches' Involvement in the "Game of Change"" *African Affairs* Vol. 96, No. 382 1997, pp. 25-52.
- SANGER, C and NOTTINGHAM, J "The Kenya General Election of 1963" *Journal of Modern African Studies*, Vol. 2, No. 1, 1964.
- SAUL, J "Liberal Democracy vs Popular Democracy in Southern Africa" *Review of African Political Economy* Vol. 24, No. 72, June 1997 pp. 219-236.
- SCHLEMMER, L 'Democracy or Democratic Hegemony: The Future of Political Pluralism in South Africa' in Giliomee, H and Simkins, C (eds) op.cit.
- SCHRIRE, R "The President and the Executive" *Journal of Theoretical Politics*, Vol. 8, No. 2 1996, pp. 159-175.

SEEKINGS, J "Trailing Behind the Masses: The UDF and Township Politics" *JSAS*, Vol. 18, No.11, 1991.

_____ *Heroes or Villains? Youth Politics in the 1980s* (Johannesburg: Ravan, 1993).

_____ "From the Ballot Box to the Bookshelf: Studies of the 1994 South African General Election" *Journal of Contemporary African Studies* Vol.15, No.2, July 1997 pp.287-310.

_____ Popular Movements and Democratisation in South Africa. Paper presented at a Workshop on Comparing Experiences of Democratisation in Nigeria and South Africa, Centre for African Studies, University of Cape Town, 30 May – 2 June 1998.

_____ *The UDF: A History of the United Democratic Front in South Africa 1983-1991* (Cape Town: David Phillip, James Currey & Ohio University Press, 2000.).

SHEZI, S 'South Africa: State Transition and the Management of Collapse' in Zartman, W (ed) op.cit.

SHUBIN, V *ANC: A View from Moscow* (Cape Town: Mayibuye Books, 1999).

_____ Interview with Professor Vladimir Shubin Deputy Director, Insitute for African Studies, Russian Academy of Sciences, and Visiting Professor at the Department of Political Studies and International Studies Unit, Rhodes University, Grahamstown, South Africa, 22 March 2002.

SIMONS, H and SIMONS, R *Class and Colour in South Africa 1850-1950* (Hamondsworth: Penguin Books, 1969).

SISK, T "Perspectives on South Africa's Transition: Implications for Democratic Consolidation" *Politikon*, Vol. 21, No. 1 1994, pp. 66-75.

_____ *Democratisation in South Africa: The Elusive Social Contract* (Princeton: Princeton University Press, 1995).

SLOVO, J "Negotiations: What room for compromise? Joe Slovo opens the debate on a negotiations strategy"
<http://www.sacp.org.za/people/slovo/negotiations.html>

SOMMER, H "From Apartheid to Democracy: Patterns of Violent and Non-Violent Direct Action in South Africa 1984-1994" *Africa Today* Vol. 43, No. 1, Jan-Mar. 1996, pp. 53-76.

- SORRENSEN, M *Land Reform in the Kikuyu Country* (Nairobi: Oxford University Press, 1967).
- SOUTHALL, R "The South African Elections of 1994: the Remaking of a Dominant-Party State" *Journal of Modern African Studies*, Vol. 34, No. 4 1994, pp. 629-655.
- _____ *Imperialism or Solidarity? International Labour and South African Trade Unions* (Cape Town: UCT Press, 1995).
- _____ "Party Dominance and Development: South Africa's Prospects in the Light of Malaysia's Experience" *Journal of Commonwealth & Comparative Politics*, Vol. 35, No. 2, July 1997, pp. 1-27.
- _____ "Moi's Flawed Mandate: The Crisis Continues in Kenya" *Review of African Political Economy* No. 75, 1998 pp. 101-111 (1998a).
- _____ "The Centralization and Fragmentation of South Africa's Dominant Party System" *African Affairs*, 1998, 97, pp. 443-469 (1998b).
- _____ "A deepening of democracy? Establishing provincial government in South Africa" *Africa Insight* Vol. 28 No1/2 1998 pp. 5-18.
- _____ "Reforming the State? Kleptocracy & the Political Transition in Kenya" *Review of African Political Economy* No. 79, 1999 pp. 93-108.
- _____ "Dilemmas of the Kenyan Succession" *Review of African Political Economy* Vol. 27, No. 84, 2000, pp. 203-219. (2000d).
- _____ "The State of Democracy in South Africa" *Journal of Commonwealth & Comparative Studies*, Vol. 38, No. 3 November 2000, pp.147-170. (2000c)
- _____ 'Opposition in South Africa: Issues and Problems' in *Opposition in South Africa's New Democracy*. Seminar Report No. 2, 2001 (Johannesburg: KAS, 2001) (2000a).
- _____ 'Conclusion: Emergent Perspectives on Opposition in South Africa' in *Opposition in South Africa's New Democracy*. Seminar Report No. 2, 2001 (Johannesburg: KAS, 2001) (2000b).
- SOUTHALL, R and WOOD, G "Local Government and the Return of Multipartyism in Kenya" *African Affairs* Vol. 95, No. 381 1996, pp.501-528.
- _____ 'Political party funding in southern Africa' in Burnell, P and Ware, A (eds)

- op. cit. (1998c).
- SPARKS, A *Tomorrow is Another Country: The Inside Story of South Africa's Negotiated Revolution* (Sandton: Struik, 1994).
- SPENCER, J "The Kikuyu Central Association and the Genesis of the Kenya African Union" *Kenya Historical Review* No. 2 1974.
- _____*The Kenya African Union* (London: KPI, 1985).
- STANBRIDGE, R 'Contemporary African Political Organisations and Movements' in Price, RM and Rosberg, CG (eds) *The Apartheid Regime: Political Power and Racial Discrimination* (Cape Town: David Philip, 1980).
- STEEVES, J "The Political Evolution of Kenya: The 1997 Elections and Succession Politics" *Journal of Commonwealth & Comparative Politics*, Vol.37, No.1 1999, pp.71-94.
- STRAND, P "Finalizing the South African Constitution: the Politics of the Constitutional Assembly" *Politikon*, Vol. 28, No.1, 2001, pp47-63.
- STOKKE, O 'Aid and Political Conditionality: Core Issues and State of the Art' in Stokke, O (ed) *Aid and Political Conditionality* (London: EADI, 1995)
- STOKKE, O (ed) *Aid and Political Conditionality* (London: EADI, 1995)
- SWAINSON, N *The Development of Corporate Capitalism in Kenya 1918-1997* (London: Heinemann, 1980).
- SZEFTTEL, M "Negotiated Elections in South Africa, 1994" *Review of African Political Economy*, Vol. 21, No. 60 1994, pp.185-189.
- TAYLOR, R and HOEHANE, T "Interpreting the South African election of June 1999" *Politikon*, Vol. 26, No.2, 1999, pp. 133-144.
- TAMARKIN, M "The Roots of Political Stability in Kenya" *African Affairs*, 77, No. 305, July 1978 pp 297-320.
- TAMBO, A *Preparing for Power: Oliver Tambo Speaks* (London: Heinemann, 1987).
- THEMA, S "How Congress Began" *Drum* 1953
- <http://www.anc.org.za/ancdocs/history/congress/began.html>
- THROUP, D "The Origins of Mau Mau" *African Affairs* Vol. 84, No. 336, 1985.
- _____"Elections and Political Legitimacy in Kenya" *Africa*, Vol. 63, No. 3 1993, pp.371-

- TIGNOR, R *The Colonial Transformation of Kenya: The Kamba, Kikuyu, and Masai from 1900 to 1939* (Princeton: Princeton University Press, 1976).
- TRANSPARENCY-INTERNATIONAL KENYA Corruption in Kenya: Findings of an Urban Bribery Survey
http://www.tikenya.org/documents/urban_bribery_index.doc
- UNITED DEMOCRATIC MOVEMENT (UDM) *A Critical Analysis of the Party and State of Nation*. UDM Discussion Document 2000, 1 June 2000.
- VILLAN, L and HUXTABLE, P (eds) *The African State at a Critical Juncture: Between Disintegration and Reconfiguration* (Boulder: Lynne Rienner, 1998).
- WALSHE, P *Black Nationalism in South Africa: A Short Story* (Johannesburg: Ravan Press, 1973).
- ____ *The Rise of African Nationalism in South Africa: The African National Congress 1912-1952* (London: C. Hurst and Co. (Publishers) Ltd, 1982).
- WAMWERE, K *The People's Representative and the Tyrants* (Nairobi: New Concept Typesetters, 1992).
- WANJAU, G *Wa Mau Mau Author in Detention* (Nairobi: Heinemann Kenya, 1988)
- WANJOHI, N *Political Parties in Kenya: Formation, Policies and Manifestos* (Nairobi: Views Media, 1997).
- WANYANDE, P "The Media as Civil Society and their Role in Democratic Transition in Kenya" *Africa Media Review* Vol. 10, No. 3 1996, 1-20.
- WARIGI, G "Opposition parties losing relevance" *Sunday Nation*, 5 December 1999, p.9.
- WEBSTER, E "NEDLAC – corporatism of a special type?" *South African Labour Bulletin* Vol. 19, No. 2 May 1995, pp. 25-29.
- ____ 'The Alliance Under Stress: Governing in a Globalising World' in *Opposition in South Africa's New Democracy*. Seminar Report No. 2, 2001 (Johannesburg: KAS, 2001).
- WELSH, D "Government shifts on voting reform" *Focus*, Issue 23, September 2001, pp. 26-27.

- WICKENS, P *The Industrial and Commercial Workers Union of Africa* (Cape Town: Oxford University Press, 1978).
- WIDNER, J "Kenya's Slow Progress toward Multiparty Politics *Current History* May 1992.
- _____ 'Political Parties and Civil Societies in Sub-Saharan Africa' in Ottaway, M (ed) *Democracy in Africa: The Hard Road Ahead* (Boulder: Lynne Rienner, 1997).
- ZARTMAN, W (ed) *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder: Lynne Rienner, 1995).
- ZELEZA, T 'Kenya and the Second World War 1939-1950' in W.R. Ochieng (ed) *A Modern History of Kenya 1895-1980* (Nairobi: Evans, 1989).

Government Publications

- COLONIAL OFFICE (KENYA) *Native Affairs Department Annual Report 1924* (Nairobi, 1925).
- _____ *A Plan to Intensify the Development of African Agriculture in Kenya (Swynnerton Plan)* (Nairobi: Government Printer, 1955).
- _____ *KENYA Proposals for New Constitutional Arrangements*.
Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty November 1957 (London: Her Majesty's Stationery Office, 1957).
- _____ *Kenya Legislative Council Debates 26 June 1958* (Nairobi: Government Printer, 1958).
- _____ KENYA. *Dispatch on the New Constitutional Arrangements*. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty February 1958 (London: Her Majesty's Stationery Office, 1958).
- _____ *Historical Survey of the Origins and Growth of Mau Mau (Corfield Report)*.
Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty May 1960 (London: Her Majesty's Stationery Office, 1960).
- _____ KANU/KADU Committee 1961. Kenya Constitutional Conference, 1961 Documents.

- ____ MAC/KEN/48/8 *Confidential Report of the Kenya Constitutional Conference 1962*. (1962a)
- ____ KANU Opening Statement. Lancaster House Conference. By Hon. Jomo Kenyatta, M.L.C. President KANU, 1962. (1962b)
- ____ K.C.C(62)3. Kenya Constitutional Conference Document. Constitutional and Related Matters: Memorandum by the KANU Delegation 14 February 1962. (1962c)
- ____ K.C.C.(62) 16TH Meeting Record of Sixteenth Meeting held in the Music Room, Lancaster House, S.W.1. on Monday, 19th March, 1962, at 3.00pm. (1962d).
- ____ K.C.C. (SG)(62) Kenya Constitutional Conference, 1962 Documents
- ____ *Report of the Kenya Constitutional Conference, 1962*. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty April 1962 (London: Her Majesty's Stationery Office, 1962).
- ____ *Report of Kenya Constitutional Conference 1963* (Nairobi: Government Printer, 1963)
- CONSTITUTIONAL ASSEMBLY (CA) *The Making of the Constitution: The Story of South Africa's Constitutional Assembly, May 1994 to December 1996* (Churchill Murray Publications, 1997).
- ELECTORAL COMMISSION OF KENYA (ECK) 'Final Results 1992 Parliamentary Scores.'
- ____ "Party Codes and Symbols For Participating Political Parties (1997 General Elections)."
- ____ 'Final Results 1997 Parliamentary Scores.'
- INDEPENDENT ELECTORAL COMMISSION (IEC) 'Party Funding'
http://www.elections.org.za/Party_funding.asp
- INDEPENDENT BROADCASTING AUTHORITY (IBA) *Elections 1999 Report on Coverage of the 1999 General Elections July 1999* <http://iba.org.za/monitor.htm>
- NATIONAL ASSEMBLY OF KENYA (NA) Eight Parliament-Fifth Session.
Membership of Select Committees, 2001a
- ____ Submission of Questions by Parties - 7th Parliament 1993-97, 2001b

NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL (NEDLAC)

National Economic Development and Labour Council Annual Summit 24 May 1997. Report on NEDLAC Activities For the Period April 1996-31 March 1997, and Report on social and Economic Developments in South Africa.

____ Annual Report 2000-2001

<http://www.nedlac.org.za/docs/reports/annual/index-f.html>

REPUBLIC OF KENYA *National Assembly, House of Representatives Report,*

Hansard Vol. III, Part I, 1964 (Nairobi: Government Printer, 1964) (1964a).

____ *Official Report, House of Representatives, 21 October 1964* (Nairobi: Government Printer, 1964) (1964b).

____ *Official Report, House of Representatives, First Parliament, Second Session, Vol. III, Part III, 10 November 1964* (Nairobi: Government Printer, 1964.) (1964c).

____ *Sessional Paper No 10. African Socialism and its Application to Planning in Kenya* (Nairobi: Government Printer, 1965) (1965a).

____ *High Level Manpower Requirements and Resources in Kenya 1964-1970* (Nairobi: Government Printer, 1965) (1965b).

____ *Official Report, House of Representatives, First Parliament, Fourth Session, Vol. X, Part I, 28 September 1966* (Nairobi: Government Printer, 1966) (1966a).

____ *Official Report, House of Representatives, Fourth Session, 14 October 1966* (Nairobi: Government Printer, 1966) (1966b).

____ *Official Report, House of Representatives, Fourth Session, Vol. X, October 1966* (Nairobi: Government Printer, 1966). (1966c)

____ *Message to the Nation 12 December 1982* (Nairobi: Government Printer, 1982).

____ *Results of Parliamentary Elections and KANU Nomination 1988* (Nairobi: Government Printer, 1988). (1988a)

____ *Message to the Nation 12 December 1988* (Nairobi: Government Printer, 1988). (1988b)

- ____ Non-Governmental Organizations Coordination Act, 1990 (Nairobi: Government Printer, 1990).
- ____ *Report of the Parliamentary Select Committee to investigate Ethnic Clashes in Western and Other Parts of Kenya 1992* (Nairobi: Government Printer, 1992).
- ____ *The Constitution of Kenya*. revised edition 1992 (1987) (Nairobi: Government Printer, 1992). (1992a)
- ____ Department of Registrar-General, Registrar-General Ref. RG/GEN Registered Political Parties, 12th November 1992 p.1. (1992b).
- ____ *Kenya Gazette Supplement* (Special Issue) No. 42 (Bills No.9) 23 June 1995.
- ____ *The Eight National Development Plan For the Period 1997 to 2001* (Nairobi: Government Printer, 1997) (1997a).
- ____ Budget Speech for the Fiscal Year 1997/98 (1st July-30th June) by Hon. W. Musalia Mudavadi, EGH, MP. Minister for Finance (1997b).
- ____ *The Constitution of Kenya* revised edition (1998) 1992 (Nairobi: Government Printer, 1998) (1998a).
- ____ The National Assembly and Presidential Elections Act (Chapter 7). Revised Edition 1998 (1992) (Nairobi: Government Printer, 1998) (1998b).
- REPUBLIC OF SOUTH AFRICA (RSA) Black Authorities Act 1982 (Act No. 102 of 1982) *Government Gazette*, Vol. 205, No. 8293, 7 July 1982, pp. 1-53.
- ____ Black Communities Development Act 1984 (Act No. 4 of 1984) *Government Gazette*, Vol. 225, No 9080, 2 March 1984, pp. 1-103.
- ____ Proclamation by the State President of the Republic of South Africa, No 127, 1993. Transitional Executive Council Act 1993 (Act No. 151 of 1993) *Government Gazette*, Vol. 342, No. 15320, 6 December, 1993, pp. 1-2.
- ____ Proclamation by the Acting State President of the Republic of South Africa, No 131, 1993. Transitional Executive Council Act 1993 (Act No. 151 of 1993) *Government Gazette*, Vol. 342, No. 15335, 9 December, 1993, p. 1.
- ____ Proclamation by the State President of the Republic of South Africa, No

- 135, 1993. Transitional Executive Council Act 1993 (Act No. 151 of 1993) *Government Gazette*, Vol. 342, No. 15406, 24 December, 1993, pp. 1.
- ____ Proclamation by the State President of the Republic of South Africa, No 7, 1993. Transitional Executive Council Act 1993 (Act No. 151 of 1993) *Government Gazette*, Vol. 343, No. 15462, 21 January 1993, p.1.
- ____ *Constitution of the Republic of South Africa, 1993 Government Gazette* Vol. 343, No. 15466, 28 January 1994, pp. 1-227 (1994a).
- ____ White Paper on Reconstruction and Development, 15 November 1994 WPJ/1994 Notice No. 154 of 1994 *Government Gazette*, Vol. 353, No. 16085, 23 November 1994, pp.1-81 (1994b).
- ____ White Paper on the Transformation of the Public Service 15 November 1995 *Government Gazette*, Vol. 365, No. 16838, 24th November 1995, pp. 1-120.
- ____ Growth, Employment and Redistribution: A Macroeconomic Strategy 14 June 1996 <http://www.polity.org.za/govdocs/policy/growth.html>
- ____ *Constitution of the Republic of South Africa. Act No. 108 of 1996 Government Gazette*, Vol. 378, No. 17678, 18 December 1996 pp. 1-147. (1996a).
- ____ *The Constitution of the Republic of South Africa, 1996. Act 108 of 1996.* As adopted on 8 May 1996 and amended on 11 October 1996 by the Constitutional Assembly; and amended by the Constitution of the Republic of South Africa Amendment Act, 1997. (Act No. 35 of 1997) (1997a).
- ____ *Provincial Review Report 1997* Department of Public Service and Administration (1997b)
- ____ *Structural Relationships Between Government and Civil Society Organisations. A Report by the Advisory Committee. Prepared for the Deputy President The Honourable Mr Thabo Mbeki March 1997.* (1997c).
- ____ *Report of the Auditor-General on the Accounts of the National Government for 1995-96.* Office of the Auditor-General, 1996, RP 40/1997 (1997e).
- ____ Public Funding of Represented Political Parties Act, No. 103 of 1997 *Government Gazette*, Vol. 390, No. 18517, 19 December 1997 pp. 1-13 (1997f).
- ____ *Developing a Culture of Good Governance: Report of the Presidential*

Review Commission on the Reform and Transformation of the Public Service in South Africa 27 February 1998. (PRC) (Pretoria: Government Printer, 1998).(1998a)

____ *Employment Equity Act, No.55 of 1998 Government Gazette, Vol. 400, No 19370, 19 October 1998, pp. 1-55. (1998b)*

____ *Intergovernmental Fiscal Review 1999. Department of Finance, September 1999 (1999a).*

____ *Medium Term Budget Policy Statement. Trevor A Manuel, MP, Minister of Finance, Department of Finance, 29 October 1999 (1999b).*

____ *Report in Terms of Section 8 (2) of the Public Protector Act 23 of 1994.*

Report No 10 (Second Half-Yearly Report 1996) for the Period 1 July 1996 to 31 December 1996. Office of the Public Protector. RP 80/1999 (1999c).

____ *General Report of the Auditor-General on the Accounts of the National Government for 1997-98. Office of the Auditor-General, 1999 RP 96/1999 (1999c).*

____ *Report in Terms of Section 8 (1) and (2) of the Public Protector Act, 1994 (Act 23 of 1994) Report No 11 (Special Report) Report on the Investigations of Allegations of Nepotism in Government. Office of the Public Protector, 15 April 1999 RP 98/1999 (1999d).*

____ *Report of the Auditor-General on Findings Arising from a Special Investigation into Alleged Irregularities Among Senior Officials of the Department of Correctional Services. Office of the Auditor-General, 1999 RP 123/1999 (1999e).*

____ *Public Service Review Report 1999/2000. Department of Public Service and Administration (2000a).*

<http://www.dpsa.gov.za>

____ *Budget Speech Minister of Finance TA Manuel 23 February 2000, Department of Finance (2000c).*

____ *Medium Term Budget Policy Statement 2000, National Treasury 30 October 2000 (2000d).*

____ *National Prosecuting Authority Amendment Act, Act No. 61 2000*

Government Gazette Vol. 426, No 21878, 11 December 2000 pp. 1-35
(2000b).

____ *National Assembly Rules Issued June 1999 2nd edition January 2000* (2000c).

____ Budget Speech. Minister of Finance TA Manuel 21 February 2001,
Department of Finance. (2001a).

____ Joint Investigation Report into the Strategic Defence Packages 15
November 2001. PDF Format (2001b).

<http://www.polity.org.za/govdocs/reports/arms/index.html>

____ "Parliamentary Committees"

<http://www.parliament.gov.za/committees/index.asp>

____ "Select Committees of the NCOP"

http://www.parliament.gov.za/committeesX/committee_list.asp

SPECIAL INVESTIGATING UNIT *Heath Special Investigating Unit Annual Report*
1998/1999 25 January 2000.

STATISTICS SOUTH AFRICA (SSA) *Bulletin of Statistics June 2001*, Vol. 35,
No. 2(Pretoria: Statistics South Africa, 2001).

UNITED STATES Kenya Country Report on Human Rights Practices for 1996. Released
by the Bureau of Democracy, Human Rights, and Labor. Department of State.
January 30, 1997. <http://www.state.gov>

____ Kenya 1999 Country Report on Human Rights Practices. Released by the Bureau
of Democracy, Human Rights, and Labor. Department of State. February 25 2000
<http://www.state.gov/www/globalhuman-rights/1999-hrp-report/kenya.html>

Newspapers and Magazines

Africa News, 30 August, 1982 p.12

____ 18 October, 1982 p.19

BBC News 11 April 2002

<http://news.bbc.co.uk/hi/english/world/africa/newsid-1923000/1923000.stm>

Daily Dispatch, 1 July, 1999 p.1

____ 14 July, 1999 p.2

- _____ 16 July, 1999 p. 13
- _____ 22 July, 1999 p. 1
- _____ 23 July, 1999 p. 11
- _____ 29 July, 1999 p. 13
- _____ 12 January, 2001 p.15
- _____ 15 January, 2001 p. 2
- _____ 23 January, 2001 p.9
- _____ 25 January, 2001 p. 2
- _____ 30 January, 2001 p. 2
- _____ 16 November, 2001 p. 3
- Daily Nation*, 2 August, 1969 p.5
- _____ 30 March, 2000
<http://www.nationaudio.com/News/Daily Nation/Today/News/News41.html>
- _____ 6 April, 2000
<http://www.nationaudio.co...lyNation/Today/Features/Features0.html>
- _____ 13 December, 1991 p. 4
- _____ 14 January, 1993 pp. 1-4
- _____ 5 September, 1997 pp.1-2
- _____ 12 September, 1997 p. 1
- _____ 8 November, 1997 pp. 1-2
- _____ 30 March, 2000
<http://www.nationaudio.com/News/Daily Nation/Today/News/News41.html>
- _____ 6 April, 2000
<http://www.nationaudio.com/News/Daily Nation/Today/Features/ Features0.html>
- Finance*, 16-30 June 1990 p. 38
- _____ 15 September 1996 p. 13
- _____ 16-31 May, 1990 p. 55
- _____ 16-31 December; 1991 pp. 40-41
- _____ 15 March, 1992 pp. 16-17 & 36-38
- _____ 15 September, 1992 pp 12 & 20-26
- _____ 15 November, 1992 p. 18

_____ 30 December, 1992 pp. 2-3

_____ 15 May, 1993 pp. 31-32

Mail and Guardian 19 March 1999

<http://www.mg.co.za/mg/news/99mar2/19mar-boesak.html>

_____ 6 May 2000 <http://www.sn.apc.org/wmail/issues/000526/NEWS11.html>

The Nairobi Law Monthly (NLM) No. 24 September 1990 p. 18

_____ September 1991

_____ No. 39, December 1991b, pp. 12-17

The Standard Wednesday 21 March, 1990 p. 1

Weekly Review 8 May 1997 p. 5

_____ 18 September 1992 p. 11

_____ 5 July 1996 p. 13

