



# Kenya

**Assessment: Poor**

**Trend: ↔**

Capital: Nairobi

Type of Government: Republic

Head of Government: President Daniel Toroitich arap Moi (since 14 October 1978)

Foreign Minister: Marden Madoka

Population: 30,765,916

Human Development Index Ranking 2002: 134

## EXECUTIVE SUMMARY

Kenya has a **poor** record of support for democracy abroad and has often condemned democracy-promoting activities of other countries as external interference in Africa's internal affairs. It has done little to respond to coups and has defended regimes engaged in human rights abuses. Kenya has not only failed to condemn controversial elections in Uganda, Tanzania (Zanzibar), Zambia and Zimbabwe, it has often supported the outcomes as reflecting the "will of the people." Daniel arap Moi, Kenya's president for 24 years, has been a staunch opponent of multi-party politics. He has consistently disagreed with supporters of political pluralism over what constitutes a fair election, and argued that Western standards should not apply to the African continent.

## FOREIGN RELATIONS BACKGROUND

From the day it gained independence in 1963, Kenya adopted a cautious foreign policy toward its neighbors in East Africa and the rest of the world. At the sub-regional level, Kenya took the position that a policy of mutual understanding between neighbors was the best method for ensuring the security of both its people and its territory. Furthermore, Kenya was convinced that African states lacked the means to carry out adventurist foreign policies.<sup>1</sup> Thus, from the start, respect for territorial integrity, peaceful cooperation and co-existence in Africa, and non-alignment in East-West power conflicts have been the cornerstones of Kenya's foreign policy.

Even after the end of the cold war, Kenya has maintained a low profile on many of the burning issues in Africa and beyond. It has defended the principle of non-interference in the internal affairs of other African states, a principle enshrined in the original 1963 Charter of the Organization of African States (OAU). When Kenya has chosen to take a stand with respect to important regional issues, it has preferred to work through the OAU, the Commonwealth and the United Nations.

Kenya's traditionalist foreign policy reflects Moi's self-interest in defending himself against international criticism directed at his government. Moi rejected multi-party politics when calls for political liberalization in Kenya first arose in 1989. Moi claimed that a multi-party system was not suitable for a country such as Kenya, because political differences were based not on issues, but instead on tribal and ethnic lines. It was not until December 1991, in the face of domestic unrest and pressure created by the suspension of \$350 million in "quick-disbursing" aid by the country's bilateral donors, that Moi allowed opposition parties to compete in the 1992 presidential and parliamentary elections. However, both the 1992 and 1997 elections were marred by political repression, state control of the media, and dubious electoral procedures.<sup>2</sup> The upcoming election, scheduled for December 2002, is considered to be one of the most important and likely hotly contested elections in post-independence Kenya. Moi, who is barred by the 1991 constitution from running for office, has handpicked a successor in a possible attempt to continue to control the government after his term is up. However, Moi's party, Kanu, faces tough competition from several other candidates pushing for greater democratic reform.



## RESPONSE TO OVERTHROW OF DEMOCRATICALLY-ELECTED GOVERNMENTS

Kenya has a mixed record with respect to its policy towards the overthrow of democratically-elected governments. When coups swept across West Africa in the mid 1990s, leading to the downfall of democratically-elected governments in The Gambia (1994), Niger (1996), Sierra Leone (1997) and Cote d'Ivoire (1999), Kenya did not take an independent stand. For example, in the case of The Gambia, Kenya left it to the Commonwealth Ministerial Action Group, led by then Ghanaian Foreign Minister Obed Asamoah, and deputy ministers from Canada and New Zealand, to pressure Gambian coup leader Lieutenant Colonel Yahya Jammeh to restore constitutional rule.

Nor did Kenya make its voice heard with respect to human rights violations perpetrated by General Sanni Abacha's military government in Nigeria. In 1995, Abacha executed Ken Saro-Wiwa, a human rights activist, despite international appeals. He also imprisoned former president Olesegun Obasanjo and Mashood Abiola, the legitimate winner of the democratic elections of 1993. At the Commonwealth Heads of Government Meeting (CHOGM) in Auckland, New Zealand on 10-13 November 1995, Nigeria was suspended after strong action from Nelson Mandela and Robert Mugabe. But President Moi, who was present, "was not a force at the meeting."<sup>3</sup>

One exception to Kenya's passive stance was its response to the overthrow of the constitutionally-elected government in Burundi. On 25 July 1996, Major Pierre Buyoya, the coup leader and a Tutsi former President himself, joined up with radical Tutsi military generals to grab power from the elected government of Hutu President Sylvester Ntibantunganya. Buyoya proceeded to outlaw all political parties, disbanded parliament and suspended the constitution. The coup drew immediate reactions from Kenya and Tanzania. In Nairobi, the government issued a strongly worded statement "joining the international community in condemning the coup in Burundi and calling on all the parties...to undertake unconditional negotiations".<sup>4</sup> A week after the coup, Kenya, along with Tanzania, Uganda, Rwanda and Ethiopia, imposed immediate economic and trade sanctions on the tiny, landlocked country. The sanctions were considered a success; six weeks after their imposition political parties and the national assembly were restored. The regional

reaction came in part from the recent emergence of democracy in the region and the desire for self-preservation. Another possible factor contributing to Kenya's reaction are Moi's close relationship with the Hutu leadership in both Burundi and Rwanda.<sup>5</sup>

## RESPONSE TO MANIPULATION OF ELECTORAL PROCESSES

The Moi regime has refrained from criticizing incumbent governments in Eastern Africa despite obvious evidence of electoral malpractice. Instead, such subversions were often described by Kenya as "reflecting the will of the people" of the countries concerned.

When Tanzania held its first multi-party elections in 1995, the ruling party *Chama Cha Mapinduzi* (CCM-the Revolutionary Party) was declared the winner in Zanzibar with a narrow win of 50.2 per cent to 49.8 per cent for the Civic United Front (CUF), the main opposition party. But this victory was widely discredited because of poll chaos and allegations of vote fixing. This happened again when the island's elections were held in November 2000. The CCM was declared the winner once again and, as in 1995, the elections were marked by allegations of vote rigging. Violence and widespread human rights violations followed, and more than a dozen of Zanzibar's 50-member parliament fled to Kenya to escape state-sponsored repression. Yet Kenya did not condemn the fraudulent results of either the 1995 or 2000 elections. Instead, Kenya supported the CCM, and President Moi even attended President Benjamin Mkapa's swearing-in on 9 November 2000.

Kenya has strictly adhered to the principle of non-interference in other elections in the region as well. It did not raise its voice concerning Yoweri Museveni's "no-party" democracy in Uganda, or regarding the Ugandan President's now famous remark that "losing is completely hypothetical. It will not happen," which he made when he was campaigning for re-election in February 2001.<sup>6</sup> And Kenya continued to remain quiet in the face of government harassment of the leading opposition candidate Kizza Besigye. When the elections were held on 13 March, Museveni emerged the winner with 69 per cent of the vote. Moi personally attended the inauguration party in Kampala. In Zambia Kenya again refrained from condemning the results of the much disputed December 2001 presidential elections, in which Levy Mwanasawa of the ruling party's Movement for Multi-party Democracy



(MMD) won with less than 30 percent of the vote. Similarly, Kenya was not engaged during the 2002 constitutional crisis that engulfed its Indian Ocean neighbor, Madagascar. Instead, it allowed distant Senegal and the OAU to take the lead in resolving the stalemate.

The March 2002 elections in Zimbabwe provide further evidence of Moi's lack of concern for democracy and human rights abroad. In spite of widespread international condemnation of state terror, intimidation, arrests and prosecution of journalists and manipulation of the electoral process in the weeks preceding the vote, the Secretary General of Kenya's ruling party, KANU, accused the West of once again failing to understand Africa. When the Commonwealth debated possible responses to the Zimbabwean electoral crisis at its meeting in Australia in March this year, Moi opted for solidarity with other African leaders in support of Mugabe. And when President Mugabe was declared the winner with 56 per cent of the vote, Moi promptly congratulated him, calling his victory "a testimony of the confidence and high esteem the people of Zimbabwe hold in you."<sup>7</sup> Moreover, Kenya, unlike Tanzania, Uganda, Namibia and South Africa, did not send election monitors to observe the Zimbabwean elections.

### **PROMOTION OF INTERNATIONAL DEMOCRACY**

Kenya has done little to promote democracy abroad, and instead has strictly adhered to the principle of non-intervention in the domestic affairs of other countries. This position is reflected in its voting record at the UN General Assembly on human rights issues and on issues concerning electoral malpractice. During the period 1994-2001, Kenya regularly abstained from votes with respect to human rights abuses in Bosnia and Herzegovina, Cuba, the Democratic Republic of Congo, Kosovo, Iran, Iraq, Nigeria and Sudan.<sup>8</sup> On the question of whether support for electoral processes abroad constitutes an infringement of the principle of national sovereignty and interference in the internal affairs of other states, Kenya voted "yea" all five times in the period between 1989 and 2001 that the issue was raised in the UN General Assembly.<sup>9</sup>

### **POLICY TOWARDS ENTRENCHED DICTATORSHIPS**

President Moi, who, like many dictators, takes direct charge of the nation's foreign relations, has defended his authoritarian regime against international criticism and lobbied other African heads of state to ignore international criticism of his

and other dictatorial regimes, as well. His own policy towards other entrenched dictatorships, therefore, has been one of solidarity. While addressing the Ugandan Manufacturers' Association (UMA) in Kampala on 19 May 1998, Moi answered his critics, stating, "I am not a dictator. I just say what is good. I say things direct."<sup>10</sup> Moreover, while addressing the launching of the Common Market for Eastern and Southern Africa (COMESA) Free Trade Area in Lusaka in 2000, Moi advised member countries to recommend measures to curb "loss of sovereignty" caused by foreign influences that were bent on causing discord in the region.<sup>11</sup> As already noted, Kenya also took a back seat when the Commonwealth debated sanctioning Nigeria for human rights violations at its meeting in Auckland in 1995.

In addition, Kenya has maintained excellent relations with a number of entrenched dictatorships in the East African region, most notably with the late Mobutu Sese Seko of the former Zaire. When Mobutu was overthrown by Laurent Kabila's rebels supported by Uganda and Rwanda in 1998, Moi became furious over what he termed Ugandan and Rwandan interference in Zaire's "internal affairs." Further evidence of Kenya's relationship with dictators and human rights violators is seen in the country's ambivalence towards the 1994 genocide in Rwanda. After the Rwandan Patriotic Front (RPF) took over in Kigali, Moi granted asylum to the perpetrators of the genocide. Most of them found comfortable homes in Nairobi. Furthermore, Kenya initially protected the leading criminals of the Rwandan genocide, with Kenya's Foreign Minister, Kalonzo Musyoka arguing that nobody could pinpoint the perpetrators of the Rwandan massacre.<sup>12</sup>

In its own neighborhood, Kenya has failed to condemn human rights violations in Uganda, where Museveni's 16-year war against the Lords Resistance Army (LRA) in the northern part of the country has caused repeated civilian casualties and led to the displacement of large rural populations. Kenya has also maintained relations with the Sudan, notwithstanding Khartoum's callous disregard for human rights and continued indifference to international opinion. Indeed, on 12 April 2002, at the annual meeting of the United Nations Human Rights Commission, Kenya, along with Algeria, Burundi, Libya and Sierra Leone, voted unsuccessfully to stop the renewal of the mandate of the UN Special Rapporteur on Human Rights in Sudan, despite reports from Gerhart Baum, former German Interior Minister, of government atrocities on the Sudanese civilian population in the south.



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<sup>1</sup> John Okumu. "Kenya's Foreign Policy", in Aluko, Olajide, ed. The Foreign Policies of African States. London: Hodder and Stoughton, 1977.

<sup>2</sup> Freedom in the World 2001-2002, p. 335.

<sup>3</sup> Africa Confidential, 36.23 (1995): Moi may have been worried that he would be liable for similar sanctions because of his proxy war in the Rift Valley of Kenya.

<sup>4</sup> Kenya Times 2 August 1996.

<sup>5</sup> McKinley Jr., James C. "As the West Hesitates on Burundi, Leaders in Africa Make a Stand." The New York Times 24 August 1996: A1.

<sup>6</sup> Africa Confidential 42.16 (2001)

<sup>7</sup> Daily Nation, Kenya 14 March 2002; Daily News, Dar es Salaam 14 March 2002.

<sup>8</sup> Out of the 43 times when human rights situations in eight authoritarian states were tabled before the UN General Assembly over this period, Kenya abstained from voting 41 times, earning an abstention record of more than 95 per cent.

<sup>9</sup> Although this study confines itself to the period after 1992, the inclusion of the votes taken in 1989 and 1990 were included to show the consistency with which Kenya has applied the principle of non-intervention.

<sup>10</sup> Africa Confidential 39.11 (1998)

<sup>11</sup> Kenya Times 1 November 2000.

<sup>12</sup> Africa Confidential 36.11, 26 (1995)