

PARTY ORGANIZATION IN KENYA

“Democracy is Inconceivable without Organization” – Robert Michels (2001:19)

Introduction

In the various writings about political parties in Africa, a prominent theme is their skeletal nature. Although parties in most countries are not lacking in quantity, they have been consistently criticized on their quality or lack thereof. African parties have, in particular, been faulted for being highly personalistic, electoralist in nature, and unconcerned with advancing any tangible programmatic or ideological agenda (Sandbrook, 2000; Suttner, 2004; Tordoff, 2004). Furthermore, it has often been observed that African political parties lack any real membership and that these parties are only “resurrected” in the months or weeks towards elections.

Parties in Kenya have been described as personal instruments of their leaders. Despite the fact that party constitutions lineate fairly complex organizational structures and party organs with defined responsibilities, these structures have been described as being more theoretical than real (Kanyinga, 1998; Jonyo and Owuoché, 2004; Oloo, 2010; Kanyinga, 2003). Since the reintroduction of multi-partyism in 1992, few parties have been able to sustain themselves from one electoral period to another. This phenomenon is even more intriguing when considering the fact that many of the elite actors occupying leadership positions of successive parties are the same. Another issue also facing Kenyan parties is the absence of internal democracy. Allegations and claims about party leaders handpicking candidates in controversial nominations, and delegates in party conventions and congresses, respectively, have been rife. Whether this is symptomatic of the *founders syndrome*, or some other related malaise, is subject to much debate and warrants further investigation. However, all these traits illustrate serious flaws in the organizational character of Kenyan parties.

A long standing trend in stasiologist literature has been to write about party system institutionalization (See Huntington, 1965; Dix, 1992; Mainwaring & Scully, 1995; Randall & Svasand, 2002). Similarly, a lot has been written on intra-party democratic culture, or internal coherence (Huntington, 1965; Anderson, 1968 cited in Janda, 1993; Janda, 2005). However, surprisingly little has been written about party organization, especially organizational complexity (See Janda, 1993). Janda (1993: 186) acknowledges this

discrepancy and notes that this approach, namely party institutionalization has been “criticized” for being analyzed on its own without much regard for other aspects of party organization (cf. Pierre, 1986). Although there is truth to Randall and Svasand’s (2002:12) statement that the process through which parties become institutionalized doesn’t necessarily follow from a party’s organizational development, it could also be posited that a party’s organizational development is a crucial first step towards this aim. If it fails in this, a political party is likely to remain an “ephemeral party”, as noted by Janda (1993), or an ad hoc entity that contests elections solely on the strength of its top candidate’s personality. Richard Gunther and Larry Diamond note that “The correlation between the organizational thinness/thickness of the party and the temporal dimension is not accidental” (Gunther and Diamond, 2003: 173). If political parties are to be understood not simply as electoral vehicles, but as vital intermediaries through which the governing and the governed interact, there is need to explore the party organization theme, with the hope of understanding how these shape the social contract that is established between the body politic and the leaders they elect (Gunther & Diamond, 2003). Parties could be considered as important soapboxes through which popular grievances and aspirations find meaningful expression and political attention. There is a need to understand both their internal and external aspects and how these impact their ability to perform their traditional functions of aggregation, articulation, mobilization, checking government excesses and formulating policy alternatives. This chapter will seek to answer the following questions: *What are the origins of political parties in Kenya? What types of party organization are found in Kenya and what are their characteristics? To what extent do they perform traditional party functions of recruitment, mobilization, socialization, articulation and aggregation and political education? Why are parties that formed to contest elections abandoned and new parties formed by the same party members, despite the electoral success of the former parties? What does party organization say about party institutionalization in Kenya?* In addressing these questions, this chapter looks at the origins of party organizations in Kenya, their internal aspects, such as their organs and structures and at the external aspects, such as party finance and legal frameworks of parties.

Party type and organization

As mentioned in the above, the organizational development of political parties is a crucial first step towards the institutionalization of political parties in general. It is argued that if political parties develop a robust organizational infrastructure, then it becomes possible for these parties to outlive their founders.

Although it is safe to assume that all parties more or less have similar aims, i.e. recruit members, propagate their ideologies and compete in elections for the sake of capturing office and implementing their programmes and policies, parties actually differ on a number of other levels. These differences may be classified according to their organizational structure, ideological stance, programmatic commitments and whether they are tolerant and pluralistic, hegemonic or proto-hegemonic.

Elite-based parties (caucus)

Although the “caucus” may be considered more of a political club, given the fact that it does not have many members, and appears to have no cogent political agenda, it may be considered as an “archaic type of political party” (Duverger, 1990: 37). Its small numbers can be accounted for by the fact they recruit on the basis of property qualification. These entities did not have an elaborate organizational structure. Although caucus parties may have established networks country-wide, these were fairly autonomous from each other. Duverger notes that they had “weak collective organization and predominance of individual considerations. He notes that these parties very often operated on an ad-hoc basis, usually during election periods (See also Neumann, 1990).

Mass party

Under the mass party category, Richard Gunther and Larry Diamond identify (2003) class-mass parties, Lenninist parties, nationalist parties, and ultra-nationalist parties. Typically, the membership base of these parties is drawn from the working class (Gunther & Diamond, 2003). According to a manual produced by the Olof Palmer International Centre (OPIC), entitled, *How to Run your Own Party*, the branch is the “most important” structure of the party because it constitutes the “root and foundation” of the party (OPIC, 2010: 12). It goes on to note that “the stronger this foundation, the stronger the party as a whole is.” (ibid.). Maurice Duverger also emphasizes its importance by noting that “the branch is extensive and

tries to enrol members, to multiply their number and to increase its total strength” (Duverger, 1990: 39). In essence the branch is the principal entry point for ordinary members. It is also said that the branch members serve as “best ‘ambassadors’ of the party since they are able to talk directly to people in the communities” (OPIC, 2010:12). OPIC also states that “A branch with active members and many activities that reach out to society are a party’s best assets” (ibid.). As a result, the branch has more or less become a common feature of almost all political parties.

Class-mass parties

Class-mass parties are parties that are specifically based on the working class and, as such, they organize either directly through a network of branches across the country, or through other organizations such as trade unions and civic organizations, or through both (See Duverger, 1990; Gunther & Diamond, 2003). Although, theoretically, the party congress is the supreme organ of decision-making in the class-mass party, the central committee and the political and organizational bureau/secretariat are usually tasked with the role of managing the party’s day to day affairs. According to the tenets of *democratic centralism*, the political bureau/secretariat, whose members are elected from the central committee, is charged with the responsibility of making important decisions and policies in the interim, as the party congress may only meet every four or five years¹.

Leninist parties

Marxist-Leninist parties are not based on the branch system, but on a system of cells (Gunther & Diamond, 2003). These tend to be vanguard parties, which are governed by elites who are presumed to be the most capable due to their expertise and dedication to party ideals and the party line (ibid.). As a result, discipline and loyalty and strict adherence to party principles are the cornerstone of the party, and these attributes are demanded of their party members. Due to these requirements, recruitment into these parties is not done on a voluntary basis, but through rigorous selection (ibid.). These parties are proto-hegemonic and seek to dismantle existing institutions.

Plural nationalist parties

¹ Perhaps due to the infrequency of meetings at the Congress level, the Central Committee and/or the political bureau usually end up exerting greater influence if not power over party affairs.

Plural nationalist parties are similar to class mass parties in that they organize both through branch-based systems and also via ancillary organizations, in particular cultural organizations. However, pluralist nationalist parties differ from the latter in that they do not just mobilize along class lines, but mainly on the basis of a national identity, whereby the presence of a common culture and language are key. Gunther and Diamond (2003) note that these parties more often than not demand some measure of “territorial governance”, either autonomy or full independence. However, they are not ideologically extreme, they are mainly concerned with attaining the reins of power within an existing polity than replacing it entirely with another altogether.

Ultra nationalist parties

Unlike plural-nationalist parties, ultra nationalist parties are more extreme, as they profess a right-wing ideology of cultural or racial purity and, as such, they have little or no tolerance for minority groups. It has been noted that these parties are proto-hegemonic, i.e. anti-system (ibid.). Consistent with their anti-system nature, these parties also maintain para-military outfits, given the fact they seek to totally dominate both political and social space with little or no tolerance of any other parties or civic entities except, those that agree to subordinate themselves to the ultra-nationalist party agenda. Given their proto-hegemonic status, they share a number of traits with Marxist-Leninist parties, for instance the importance that they place upon discipline and rigorous selection.

Electoralist parties

On appearance, electoralist parties appear similar to elite parties in the sense that they are organizationally thin, are office-seeking and hence are active mostly during elections and are led by charismatic elites. However, electoralist parties differ from elite parties in a number of ways. To begin with, the latter are considered as being mainly concerned with individual representation and were demarcated by clientelistic ties (See Weber, 1990; Neumann, 1990; Duverger, 1990; Gunther & Diamond, 2003). Furthermore, elite parties were not parties that appealed to the masses, as they are the preserve of local notables. Elite parties are, in this sense, the predecessors to mass parties. However, there are three types of electoralist parties, which don't all have the same features (Gunther & Diamond, 2003).

Catch-all parties

Catch-all parties may be described as successors to the mass parties (See Kircheimer, 1990). Although they tend to have mass followings, they could not be considered as mass parties as they typically do not aim to educate the masses and to have them involved in daily routinized tasks of the party at all levels. Catch-all parties seek to maximize the number of votes across class, religious rural and urban lines. These parties do not articulate any interests in particular; rather they seek to represent as many constituencies as possible (Gunther & Diamond, 2003). As such, these parties can be considered more as parties of *aggregation* than parties of articulation. In order to achieve electoral success, these parties are also heavily reliant on the charisma of their leaders, not only to secure votes, but also to secure resources.

Programmatic parties

Programmatic parties have all of the classic hallmarks of electoralist parties. They are thin in organizational infrastructure, are electorally motivated, and also utilize the charisma of the party leader to gain electoral advantage. However, these parties depart from the catch-all party in one key way. Gunther and Diamond (2003) state that these parties differ from the typical *electoralist* party in that they do actually advocate a particular programmatic agenda. As such, these parties' programmes are not just campaign platforms, but are in effect the tangible business of these parties once in office. Despite this, they still aggregate diverse interests.

Personalistic parties

According to Gunther and Diamond (2003), *personalistic* parties are the most electorally motivated among the different types of electoralist parties. They revolve almost entirely around the personalities of their leaders. Due to the fact that this type of party is very often funded by its party leader, its organizational complexity is not as elaborate as most other parties, since, in Gunther and Diamond's words, "... its *only* [original emphasis] rationale is to provide a vehicle for the leader to win an election and exercise power". As such it could be deduced that personalistic parties very likely do not perform other functions such as education, recruitment of members and elites, and only perform the functions of articulation and aggregation to a limited extent.

Origins and the transformation of party organizations

A political party comes into existence within a specific, social and technological context that may evolve over time, and this “founding context” can leave a lasting imprint on the basic nature of a party’ organization for decades. Parties are a channel of intermediation between political elites and voters, and a particular organizational type ability to mobilize voters effectively is highly contingent upon the context. (Gunther & Diamond, 2003: 174)

One of the most prominent insights has come from both Max Weber (1990) and Maurice Duverger (1990). Their central arguments on the nature of party organization was that the way a party was organized and the way it behaved had in part to do with the manner in which it originated. Weber posited a gradualist approach towards party development, whereby modern parties transformed from Aristocratic parties composed of local notables to professional entities designed to “capture” newly enfranchised publics, with the coming of universal suffrage². Weber notes that the modern parties are “children of democracy, mass franchise” and arose out of the “necessity too woo and organize masses, and develop the utmost unity of direction and the strictest discipline” (Weber, 1990:35). With the drive to capture the masses, the various party machines that had previously served as the platforms of notables are captured by what Weber describes as “professional” politicians. Whereas previously most political activity took place within legislatures, where distinct programmes and ideological positions developed, Weber cites a transfer of party control from the legislative politicians to the newly enlisted professional politicians, whose principal aim is to popularise and to increase the membership of the party³. He further states that as a consequence of increased membership, parliamentary candidates are chosen not by notables and financial powerbrokers but from the rank and file members. In addition, he notes that those in control of the party machine are the same ones who are able to keep the legislative members in check. He goes on to state that the individual whom the machine selects as their leader becomes the overall party leader above even the parliamentary leader (ibid.).

² Gunther & Diamond (2003: 175) lament that prior to the introduction of universal suffrage, these elite parties typically did not have an extensive organizational infrastructure given that they mostly appealed to men of property, who were small in number and could be easily mobilized. These elite parties typically did not have centralized bureaucracies.

³ The distinction between legislative and professional politicians arises out of the fact that the legislative politicians are not career politicians and that their positions are more honorary in nature. Professional politicians i.e. campaign agents are paid specifically for their duties which are ongoing and not periodic.

Duverger's contribution builds upon this, by concentrating on whether the parties were formed internally or externally (; Duverger, 1990).⁴ His internally formed party, corroborates Weber's own view of modern party organization, that is initially formed as a result of the collusion of legislators in parliament, on a common set of issues. These organizations are thought to attain organizational complexity, in the form of territorial scope and penetration as result of the extension of suffrage (See Duverger, 1955, cited in Lapalombara & Weiner, 1990: 25-26). Examples of internally created parties are the Conservative and Liberal parties in Britain and the Republican and the Democratic parties in the United States. However, he notes that externally created parties, on the other hand, are those parties that are created outside of the legislature. Given that these parties are not formed out of existing political institutions, they tend to be highly centralized, ideologically coherent and disciplined (Lapalombara & Weiner, 1990; see also Duverger, 1955). In addition, it is thought that since these parties were spawned out of extra-parliamentary processes that were previously dominated by the aristocracy, they did not have vested interests within the political and socio-economic institutions in existence (Lapalombara & Weiner, 1990:28). Gunther and Diamond (2003) state that externally created political parties inaugurated the arrival of the *mass* party. Amongst these parties are communist, socialist and fascist parties that emerged in both Western Europe and Russia. The emergence of the mass party in Europe took place during a period of great political, economic and social change (Neumann, 1990; Gunther & Diamond, 2003). Otto Kirchheimer notes that growth of the mass party was broadly a reflection of the sociological transitions across Western Europe that saw societies move from agrarian to industrial societies. It could also be stated that this variation in party types had to do with the specific nature of socio-economic change that was taking place in each country. Barrington Moore links the emergence of the different types of political parties to the nature of socio-economic change within different countries. He essentially argues that the development of different political regimes, i.e. communist, socialist, fascist had to do with the changing relationship between peasants, landed gentry and the urban bourgeoisie (Moore, 1966). Given the fact that mass parties are not connected to the existing financial institutions, they essentially financed their activities through members contributions (Duverger, 1990; Lapalombara & Weiner, 1990; Gunther & Diamond, 2003). Due to the fact that these often

⁴ Max Weber 's basic premise on the development of party organizations in Western Europe were essentially aristocratic in nature and franchise was based on the property qualification. He states, that these early parties were active only during elections due to the fact that politics was an "avocation". Typically candidates for parliament in these parties were not elected but selected.

sought to create a cohesive membership base, these parties typically put a lot of emphasis on their ideologies and programmes, be they socialist, communist, fascist or religious in nature. As such, these parties tend to be quite active between elections, principally through the dissemination of their ideas. This is done through newspaper publications, recreational activities and regular meetings of party branches. In the case of proto-hegemonic parties, this is achieved mainly through cell meetings and other closed off forums. However, the golden age of mass parties came to an end in the aftermath of significant political events. The zenith of ultra-nationalist parties such as the Nationalist Socialist Party (Nazi) in Germany and the Fascist Party in Italy ended when they were banned soon after World War II in 1945. Similarly, Leninist parties of the Comintern were either banned or became obsolete after the collapse of the Berlin Wall 1990. Other mass parties simply went out of vogue. Due to the polarized political climate that resulted from the ideological struggles of these parties on either side of the left/right spectrum, a particular section of the electorate basically went unrepresented. In addition, the advent of television, through which political elites were able to appeal to mass audiences and communicate their messages directly, greatly weakened the bonds between these parties and the masses.

The decline of mass parties coincided with the rise of what may be termed as electoralist parties. Changes in socio-economic demographics also attenuated the linkages between parties and their members. Increased social mobility and greater living standards in general also lessened the appeals of these parties. These demographic changes also signalled changes in political preferences. The swelling ranks of the middle-classes who had attained relative social security showed a preference for particular issues, such as taxation and public spending, revealing shifts on the left-right continuum towards the centre (Kircheimer, 1966; Guther & Montero, 2003). With the relative decline in party identification, the electoral market was opened for parties to capture this uncatered for demographic. *Electoralist* parties, it could be argued, represent post-materialist values, as they seek to garner votes from as many segments of a given population as possible, relying mainly on electoral machines. The decline of party memberships has thus led to the rise of the professional politicians.

However, it is important to note that this particular narrative of party development/transformation is really a reflection of the experience of industrialized democracies and, more particularly, Western Europe. This notion is also captured by Gunther and Diamond:

It cannot be assumed that typologies based on the characteristics of West European parties in the late nineteenth or early twentieth centuries will be valid for all time even within that single region. The socio-economic context and communication technologies continue to evolve, and these have important implications for the structure, resources, objects and behavioural styles of political parties (Gunther & Diamond, 2003: 190)

Party organizations in Africa

In similar fashion to Guenther and Diamond, Gero Erdmann contends that mass party as an ideal is virtually reducible to the experience of German Social Democratic Party. He says of it:

[i]ts image is a party with a clear cut ideology, a programme, a paying mass membership, a bureaucratic organization which reaches or builds up from grassroots, democratic participatory structures, close links to ancillary organizations, and a fairly stable electorate. This image or concept of a party is an idealisation based on such parties as the German Social Democratic Party (SPD). It should be clear that by no mean all of Western Europe's many parties in old democracies, in particular the US (Erdmann, 2007:51).

Similarly, Giovanni Carbone (2007) also acknowledges that typologies of parties that have often been written about describe the characteristics of party organizations that developed in the West and, more specifically, Western Europe (See also Erdmann, 2007). He builds his analysis of African political parties upon Gunther and Diamond's typologies of parties. In his analysis, he focuses on the elite, mass and electoral parties and evaluates their relevance in the African context. He finds that these party labels are inappropriate for describing the party organizations that have emerged in Africa (Carbone, 2007). He also says that the description of parties that are led by local power barons with clientelistic ties in their communities closely resembles the party of local notables (see Weber, 1990; Duverger, 1990). However, he is quick to note that there are important differences. Unlike the local notables in 19th Century Western Europe, the local notables in Africa often did not have an independent resource base of the state (Carbone, 2007; c.f. Fanon 1962). The resources that these elite parties in Africa accrue are typically derived from their positions in the state structure. As such, he makes the distinction between the two by describing the former as *elite-based parties*, whilst he refers to the latter as *party-based elites*. He also concedes that the latter description is somewhat problematic as it gives credit to party structures (ibid.: 7).

Moreover, Carbone finds fault with the designation of the anti-colonial African parties with mass followings as mass parties. He argues that although liberation movements such as the Guinean Democratic Party in Guinea (Conakry) had a mass following that cut across ethnic

lines and generally exhibited other characteristics of mass parties such as popular mobilization and recruitment, they were in fact not mass parties. He contends that after independence, contrary to performing the traditional functions of a mass party, these liberation movements-cum nationalist parties were not able to do so due to the fact that the most capable party functionaries were redeployed to state departments and, as such, party organs atrophied (Carbone, 2007; see also Kasfir, 1976; Zolberg, 1966). Zolberg argues that with the rise of military regimes and one-party states, the development of healthy party organizations were inhibited by the fact that they did not perform the functions of interest aggregation. Aristide Zolberg notes that parties in the 1960s and 1970s transformed and acted more as transmitters and enforcers of government policy (Zolberg, 1966). Exceptions to the general trend are Tanzania's Chama Cha Mapinduzi (CCM) and Rwanda's Mouvement Révolutionnaire National pour le Développement, which were vibrant entities (Carbone, 2007; Okumu, 1979). Carbone (2007) further notes that Marxist-Leninist parties, with their emphasis on "scientific socialism" and the selective recruitment of militants, that existed in Mozambique, Angola and to lesser extents in Ethiopia and Somalia, were more the exception than the rule in Africa. Of nationalism in Africa, he says "... 'nationalism' [emphasis original] in Africa largely equates with the politicisation of demands put forward by sub-national or ethnic communities" (ibid.: 8). Ultra-nationalist parties, fundamentalist and denominational mass party models respectively are also not relevant in the African context (ibid.). Despite well documented accounts of parties "coming alive" towards elections and due to the fact that they tend to revolve around political personalities, Carbone argues that the requisite social and technological changes that took place in Kircheimer's (1990) European context did not take place in Africa⁵. Despite conceding that important social, economic and technological changes have taken place on the continent, he maintains that these changes were not significant enough to precipitate any conscious and meaningful organizational changes in parties (Carbone, 2007).

With the exception of parties such as the African National Congress (ANC) in South Africa, CCM in Tanzania, and perhaps a few others, most parties do not engage in any sustained political mobilization, other than just prior to elections, and few conduct any meaningful recruitment drives (ibid.). Whilst it is true that few parties in Africa resemble the ideal types described within their constitutions, it is important to remember that in most countries these

⁵ For more on electoralist parties also see Panebianco (1982).

parties (re)-emerged after long periods of forced absence. In discussing the characteristics of these parties in new democracies, John Carey and Andrew Reynolds (2007:266) state that “Party origins are particularly relevant in young democracies emerging from periods of civil/conflict and/or from non-democratic regimes.” They further state “In a new democracy governing parties morph out of organizations present under the old regime and the nature of these organizations potentially shapes the strength of those parties in government.” (ibid:266). Even though their analysis focuses mainly on parties in government, the same could also be said of parties outside of government. However, it should also be noted that a large portion of the problems currently facing political parties stem also from external factors. In particular, the political and legal environment could be cited as key external factors, as many opposition political parties continue to face harassment from both old and new ruling parties (See Olukoshi, 1998; Carey & Reynolds, 2007). Resource limitations, given the high levels of poverty in many African countries, are also a major impediment towards the organizational development and institutionalization of political parties (Olukoshi, 1998; Abrahamson, 2000; Randall, 2006; IDEA, 2007). Further Randall (2006) also contends that the advent of globalization, more specifically economic globalization has had very serious implications upon party development in the way of ideological growth. However, this aspect of party development is covered extensively on the chapter on party discipline.

Party funding

The renewed interest in political parties in African democratization can be attributed to the high electoral volatility that has come to characterize the majority of democratic systems in Africa (Kuenzi & Lambright, 2005). The literature on the political parties in Africa has tended to explain their relative ineffectiveness as being the result of weak structures, poor records of internal democracy, weak ideologies and programmes, ethnic orientation and poor linkages with the broader electorate (see, Chege, 2007; Kuenzi & Lambright, 2005). The literature on parties in Africa has implicitly tended to portray these attributes as being the causes for their short time horizons. Although several initiatives have been established to assist in their development by the United States Agency for International Development (USAID), the United Nations Development Programme (UNDP), the International Institute for Democracy and Electoral Assistance (IDEA), and the National Democratic Institute (NDI), among others, only a handful of these organizations have investigated extensively the role that funding has upon political party development and democratic consolidation. The literature concerned with democratic consolidation, which has mostly focused on either party

institutionalization or party system institutionalization (see Diamond, 1989; Dix, 1992; Mainwaring and Scully, 1995; Randall and Svasand, 2002, Kuenzi and Lambright, 2005) has only addressed the problem of party funding anecdotally. The issue of party system institutionalization has also been addressed to a degree by Duverger (1954) in his discussions of how 'first past the post' electoral systems tend to produce stable two-party systems. This is also addressed by Lipset and Rokkhan (1967:50) in their discussion of 'frozen' party systems, in which they assert that party systems remain stable as long the preferences of the electorate remain fixed, as they correspond to social cleavages in society. However, these views on democratic consolidation assume a situation in which political parties are well resourced. Johanna Birnir highlights this issue in saying "Due to scant attention paid to the effects of state funding in the current literature, both the absolute role of state funding and the relative importance of state and private funding in party system stabilization are underspecified" (Birnir, 2005: 917). Przeworski et al (1996: 39-35) have argued that the survival of democracy is not contingent upon its resilience over time, but upon the levels of economic development (See also Burnell, 1998: 3). Roger Southall and Geoffrey Wood state that "There has been no systematic treatment of funding of political parties in Africa" (Southall and Wood, 1998:202).

The important role that funding plays in political party development is well established in the literature on Western political parties and party-systems (Duverger, 1951; Heidenheimer & Langdon, 1968; Pinto-Duschinsky, 1981; Panebianco, 1988; Burnell & Ware, 1998; Mule, 1998; Hopkin, 2004; Cox & Thies, 2000; Birnir, 2005; Katz & Mair, 1995). Burnell (1998:3) explicitly states that "in order for there to be political competition, resources - particularly money - are essential". In discussing the relationship between party system institutionalization and funding, Birnir also says that "The expected pattern of party system institutionalization in systems where state support to political parties is negligible or non-existent is party system instability in the short term" (Birnir, 2005: 916). The critical part that finance plays, especially in election campaigns, has also been well documented in the literature of party development of some "second wave" democratic countries in Europe. In his discussion of Spanish political parties in the post-Franco period, Richard Gillespie illustrates the direct relationship of finance with party expansion (Gillespie, 1998:80). He says:

Determined to establish a public presence after forty years the parties had to devote substantial resources to the building of infrastructure, although it must be said that most of them opted for a particularly costly model of party building, based on establishing a network of local party headquarters throughout Spain, often with well paid officials (ibid.).

Mule (1998:48) also notes the role that funding has in the transformation of political parties: "...the way in which parties were funded often shaped their structure and policy". This point is also corroborated by Arthur Schlesinger, as he attributes the changes in party strategy from policy-seeking to office-seeking in response to changes in the sources of party funding (Schlesinger, 1984: 387-8). Mule also cites the case of how funding transformed cadre parties in mass parties: "It is important to note that the transformation from cadre to mass party was triggered by the introduction of different types of different funding procedures," (Mule, 1998:53) In describing the political parties in Germany, Britain and Italy, she highlights the importance of political finance not just in the campaigning period but also between elections: "The survival and functioning of the party delicately hinged on the collection of money and so the possibility that this vital activity could be either denied or halted constituted an uncertain situation for party leaders" (Mule, 1998:48). In recounting the experience of the Brazilian Democratic Movement, PMDB, Maria D'Alva Gil Kinzo says that 40 percent of the party's budget went to meeting the party leaders travelling expenses and publication costs, with the remainder going to the payment of officials. Similarly, Hopkin (2004) notes how the sources and types of funding may also influence the distribution of power within parties. He also describes how party financing in the case of clientelistic parties could help assist in their institutionalization (Hopkin, 2004: 632).

The importance of political party funding in Africa has very often been addressed from the point of view of its relationship with corruption and its impacts if unregulated (See Barkan & Henderson, 1997; Bryan & Baer, 2005; Leys, 1976 ; Mwangi, 2008). Mwangi (2008) highlights the importance of political finance in his discussion on the two grand corruption cases in Kenya, namely Goldenberg and Anglo-leasing⁶. He states that both scandals were conceived with the sole purpose of expediently 'mobilizing' resources for political parties to

⁶ The Goldenberg Scandal was a huge scandal that took place during the early 1990s in which a fictitious company named Goldenberg illegally siphoned \$860 million through the fake exports of gold, a mineral resource that is not natural to Kenya, by senior members of the KANU regime. Similarly, Anglo-Leasing was a big government scandal that was uncovered in the government's attempt to replace its outdated passport printing system. The tender which would have cost 6 million Euros had it gone to a French firm was given to Anglo-Leasing at a cost of 30 million Euros, which in turn would have outsourced the procurement to the French firm. It was later discovered the Anglo-Leasing was also fictitious company.

contest elections (Mwangi, 2008:276). Rita Abrahamsen cites the lack of necessary resources, such as money and education, as predominant barriers precluding ordinary people's ability to compete for office (Abrahamsen, 2001). This is also corroborated by Beatrice Onsarigo who noted from a survey on women's participation in rural western Kenya that the key constraints were lack of resources (funding), coupled with low literacy levels (Onsarigo, 2005). According to Abrahamsen (2000) and Beetham (1992), representative democracy is structured in such a way that the opportunities for wider participation in politics beyond voting are made dependent upon the availability of resources such as time and money, which usually tend to be very unevenly distributed in society.

In his discussion of mass parties, Hopkin (2004) argues that the active participation of ordinary citizens in political parties is motivated by what he terms as 'purposive' and 'solidary' incentives. In looking at the development of many of the mass parties that emerged in the aftermath of World War II in Europe, it should be acknowledged that although the continent was undergoing a process of reconstruction, it could be argued that the social-economy of that continent was at a level that enabled ordinary citizens to contribute to the development of parties through their membership contributions.

Party organization in Kenya

Let us not deceive our people that we have a party which is well run. It is not. Party funds are not well looked after while officials are not elected by the people. Let us have elected officials and not those appointed. (G.G. Karikuki, quoted in the *Daily Nation* August 21st 2003).

Political parties in Kenya, as has been mentioned previously, have been noted for their structural weaknesses. It is important to note that there are internal as well as external factors that affect party organization in Kenya. Since the reintroduction of political pluralism in December 1991, a fair number of political parties have emerged in Kenya. Although the birth of political parties in the "Second Liberation" era could be characterized as having been born out of the pro-democratic movement that transformed itself into what appeared to be a mass-based political party, the initial fragmentation of the original FORD into two entities and the appearance of a third political party also disaggregated the mass following of the opposition according to the local popularity of each leader within their respect regions (Grignon, 1994; Ogot, 1994). As such, other than the ruling party KANU, no other party was able to produce significant numbers in the elections of 1992 (Kanyinga, 1998; Throup &

Hornsby, 1998). Whilst the various party constitutions, i.e. Democratic Party of Kenya (DP), FORD-Asili, FORD-Kenya, Kenya Social Congress (KSC), NARC-Kenya, KANU, Social Democratic Party (SDP), and the National Democratic Party (NDP), outline the various party organs and overall party structures, the rules, regulations and responsibilities of office-holders, it can be said that few of these political parties resemble the characteristics or perform the duties outlined in them. These parties [KANU, SDP, NARC, NARC-K, DP, ODM, FORD-Kenya, FORD-Asili] are also riddled with a lot of infighting and confusion..

Party structures

As mentioned earlier, Kenyan parties have displayed serious weaknesses in their structural aspects (See Owuoche & Jonyo, 2004; Mitullah et al, 2005). Although a perusal of the party constitutions [DP, FORD-Asili, NARC-K, KSC and a number of political parties, both old and new], reveals a hierarchy of party branches and sub-branches based at the district and location/ward levels, respectively, these structures appear fictitious when attempts are made to identify them in reality. Although this researcher did not get the opportunity to venture into rural areas, mere observation of some of the parties that were visited in the capital city, Nairobi, led the researcher to presume that some of these parties could not have much of a presence elsewhere given the nature of their main party headquarters. Visits by this researcher to some party offices also revealed that they were poorly manned, with only the receptionist and security guard being present on some occasions. In visits to the major parties, (ODM, PNU, NARC, NARC-Kenya, KANU) the senior party officials were absent, with the exception of Forum of Non-parliamentary parties whereby the author managed to speak to the chairman and executive directors in their offices (these offices were used for other businesses as well). In all cases the writer had to visit senior party officials in their private offices. Party offices, where they do exist, tend to be located mostly in the urban areas (Kibwana, 1996). In 1995, Kiraitu Murungi, (at the time FORD-K MP for Imenti-South) noted that all political parties in Kenya were in terrible shape. He observed that some parties only existed in the realm of press conferences (*Hansard*, April 12th 1995: 34). He also noted that parties lacked offices, telephone numbers, and structures throughout the country (ibid.: 34). This is also confirmed by the Registrar of Political Parties who notes that, in the case of the smaller parties, no knowledge of their regional and locational offices is available, as these

parties typically tend to only list the details of national officers⁷. Those privileged to have offices outside of Nairobi tend to have them mostly in their regional strongholds and, even then, these offices are poorly staffed (Oloo, 2007). In most cases, the support of these parties at the grassroots is not organized through party structures, but mostly through patronage networks (CGD n.d.)⁸. According to (Kibwana, 1996: 177) "... the only significant presence a party may have in the rural area is a rented office painted in the party's colours". The only exception to this is KANU, which has had party structures at all levels throughout the country for a long time, by virtue of the fact that it was in power for 40 years. However, these structures now lie dormant (information gathered from Interview with KANU organizing Secretary Hon. Mr Justin Muturi 11/10/2010). Mwangi, (2008: 269) notes:

Parties also lack qualified personnel and adequate financial resources to run them administratively on a daily basis, as well to enable them to perform their functions effectively during electoral and non-electoral periods⁹.

So serious is the issue regarding party structures that in the case of some parties this has led to the descriptions of them as "briefcase parties"¹⁰.

Membership base

Another key challenge that many parties have faced is one of membership. Most parties have been both unable and, to a degree, unwilling to recruit new members (FES, 2010). Although parties such as KANU, DP, NARC-K, ODM, ODM-K, to mention a few, have clearly defined categories of membership within their constitutions, such as life membership and ordinary membership, most parties can only account for life members and not ordinary members. Parties have struggled to keep updated members rosters and, in consequence, few, if any, can really account for their members¹¹. This is further aggravated by the fact that parties often struggle to enforce regulations regarding the distribution of party cards, as party cards may be bought in bulk by senior party members and distributed for free to perceived

⁷ Taken from interview with Ms Lucy Ndungu, Registrar of Political Parties, November 4th 2010, Anniversary Towers, Nairobi.

⁸ Information also gathered from interview with Centre for Accountable Political Finance (November 24th 2011).

⁹ See also Barkan and Henderson (1997:27-28).

¹⁰ It is necessary to mention that although these parties are conspicuous ironically by the very absence of any tangible structures, these parties in some cases may not be formed with the express intention of developing as organizations and institutions. As such these parties will be discussed in a later section.

¹¹ Information gathered from interview with Rebecca Wahu, legal officer at the Registrar of Political Parties, Anniversary Towers (November 4th 2010)

party supporters. In his contribution to parliament, Kiraitu Murungi notes a situation whereby, he met an individual who possessed multiple party membership cards because he was of the belief that multipartyism *allowed* him to be a member of more than one party (*Hansard*, April 12th 1995: 34). Thus, in many situations, it has become difficult to determine who *real* party members are. This has resulted in additional burdens for parties, particularly during crucial periods such as party nominations for choosing flag bearers. Cases have been documented of parties being “infiltrated” by unknown members perceived to belong to other parties. The idea of parties being able to identify “false” party members is interesting considering that parties very often do not have updated party membership lists from party branches. More recently political parties have been faulted for registering ordinary citizens as party members without their knowledge and consent by using their M-Pesa (Mobile Banking) details from various M-Pesa outlets (*The Standard*, January 12th 2013). However, the problem of membership is not always restricted to ordinary members of the party, even the so-called “life” members are also not as entrenched in their respective parties as would be imagined. However, this aspect of party membership is dealt with more comprehensively in the chapter on Party Discipline. Despite this, it is important to note that these challenges in part have to do with the timing and the manner in which these parties originated after the reintroduction of political pluralism.

Party origins

The timing between the repeal of Section 2A of the constitution and the 1992 general elections was extremely short, 11 months in total. The available time was simply not enough to erect structures nationally at all levels that paralleled those of KANU (Owuoche & Jonyo, 2002). The transformation of FORD from a loose-knit pressure outfit into a political party almost overnight meant that the internal party organs were also hurriedly constituted. McHenry Jr states “the FORD- Leadership found it challenging to transform a democracy movement into a political party, and they drew upon the only one they were really familiar with: KANU. So FORD ended up reproducing KANU’s organizational structure” (McHenry Jr., 2004 cited in Kaiser & Okumu, 2004; Throup & Hornsby, 1998). It is similarly noted by Kibwana (1996: 77) that FORD’s constitution and manifesto were modelled on KANU out of expedience to meet the requirements of registration. However it could also be argued that the decision by the opposition leaders to replicate KANU’s organizational structure was also primarily an exercise in caution. There was always the strong likelihood that these parties would be denied registration if they adopted a structure that was radically different from that

of KANU. Ever since the closure of the Lumumba Institute in 1965 and the subsequent banning of KPU in 1969, virtually every attempt to register a party with a remotely socialist bent in either structure, substance or both was denied registration¹². Similarly, in 1992 Sheik Khalid Balala a Mombasa based politician of Arab descent tried to register the Islamic Party of Kenya was also denied registration. Section 11 subsections 2 (b) and (c) of The Societies Act (1992) which stated that:

(2). The Registrar shall refuse to register a society where

(b) “he has reasonable cause to believe” that the society has among its objects, or likely to pursue, or be used for any unlawful purpose or any purpose prejudicial to or incompatible with peace, welfare of good order in Kenya, or that the interests of peace, welfare of the good order of Kenya would otherwise likely suffer prejudice by reason of the registration of the society or

(b) The Minister has under paragraph (ii) of the proviso to section 4 (1) of this Act, declared it to be a society dangerous to the good government of the republic

Given these fears of being denied registration it is very plausible that party leaders were apprehensive registering any socialist oriented or religious parties.

An additional challenge that these parties face is that of the inner workings of the party. Given this “makeshift” [own emphasis] structure, it is clear that there were no tangible mechanisms for conflict resolution and so differences amongst party leaders could not be contained and party splits¹³ resulted, as was the case with FORD¹³. The new parties had to rely on the personalities of their founder members in each region as substitutes for party structures, as these traditional units of recruitment and mobilization could not be established

¹² Probably the closest that Kenya came to having a Marxist Leninist party was in 1964/65 when the Lumumba Institute that was to serve as a training ground for party activists was opened. The institute sought to instil the virtues of scientific socialism, in party. It was hoped that institute would transform KANU into a vanguard party with strict ideological tenets. However after an attempted take-over of the party in July of 1965 by the institutes youthful cadres it was immediately closed down and the Russian and Chinese instructors were summarily deported from Kenya (*The Standard*, July 19th 2004; *Daily Nation*, March 13th 2010). With exception to the KPU, Oginga Odinga the eventual leader of FORD-Kenya, had tried to register the Kenya Socialist Alliance with George Anyona in 1982 but were stopped by the legislation of a one-party state. Similarly Odinga had tried in early 1991 to register the National Development Party but was similarly denied partly because it was perceived to be socialist in orientation (Ogot, 1995; Kinyatti, 2001) .

¹³ FORD split into FORD-K (Odinga) and FORD-Asili (Matiba)

in such a short time-frame (Owuoche & Jonyo, 2002)¹⁴. The manner in which these parties came into existence was haphazard, to say the least. Whilst the failure to establish robust structures nationally immediately prior to the 1992 general elections is understandable given the reasons mentioned above, it still does not adequately explain why parties failed to do so in the 10 year stretch that followed from the time KANU was dislodged from power. *What accounted for the failure to develop robust party structures nationally?*

The failure to develop party structures can be linked to a myriad of factors. In the course of this study, it became apparent that a number of recurring factors were responsible for shaping the state of affairs within the parties that were studied. Among these are government interference, scarcity of funds, the dominance of the “bigmen”, and ethnicity. Due to the enduring influence that ethnicity has had in Kenyan politics, it warrants greater attention in a chapter of its own. The other three factors are discussed below.

Government Interference: Provincial administration and zoning of political parties

... in a KANU zone a *mwananchi* rides on the KANU bus because there is no other bus to ride on. You cannot ask him why he is there. He is there because KANU is there. In Luoland the only bus you can use to come to *bunge* is called FORD (K). So you cannot blame a *mwananchi* from that area for being a FORD (K) because that is the only bus he can ride on. The same applies to areas dominated by FORD-Asili and DP (excerpt from a statement made by former KANU minister Professor Ng’eno, *Hansard*, October 11th 1995: 1951).

Although opposition MPs themselves concede that ethnic and regional mobilization of support is a less costly endeavour when compared to national mobilization, which requires resources and non-ethnic appeals, it should be remembered, however, that this scenario (i.e. limitations in territorial scope and penetration) is not entirely of their making. One of the main constraints that has affected the territorial spread of political parties across the national political landscape in Kenya has been the Provincial Administration. This was particularly true following the return of political pluralism in 1992. A perusal of the main daily newspapers, the *Daily Nation* and the *Standard*, shows numerous headlines and stories of opposition parties and their activities being thwarted and/or obstructed, either by the KANU

¹⁴ Anyang Nyong’o’s contribution to parliament July 21st 1999 also reveals that in the absence of funds to carry out conventional forms of campaigning ethnic mobilization was the most expedient and least costly in terms of time and money, as bonds would not have to be constructed anew but built upon those that were already in existence (cf. *Hansard*, July 21st 1999: 1483)

youth wingers, the provincial administration, the police or all of them in combination. To a great extent, the inability of the various Kenyan parties to establish a national presence had to do with the “zoning” activities of the government. Quite often party leaders and officials ventured into “KANU Zones” at great peril and amidst threats from senior government officials. One news headline of the *Daily Nation* read, “Do not visit us, opposition told”.



Figure 1: Courtesy of the *Daily Nation*

On this occasion the then Minister of Local Government, William ole Ntimama, openly accused FORD-Asili officials of trying to disturb the peace in Narok District. The minister said, “We do not have any opposition supporters in Narok and for FORD-A to convene a meeting here is a total provocation of the existing peace” (*Daily Nation*, August 28th 1995). Another article was also titled, “Saitoti rally ‘bans’ Raila”. The statement on “banning” Raila Odinga from visiting Kajiado District, also a KANU zone, was made following what was described by Assistant Minister Philip Singaru as a provocative visit made by the former in the area without the knowledge and, by extension, permission of the latter (*Daily Nation*, June 1st 1993)¹⁵. Similarly, in another disturbing incident, a plane carrying NDP officials to Hola in North Eastern Province was almost prevented by police and other authorities from landing on

¹⁵ A long standing tradition in Kenyan politics is that if a politician visits a constituency other than his own official government or party business, it is common courtesy to inform the area MP and to invite him or her to the function in question. A failure to do so is often taken as an affront. In 1983 when Elijah Mwangale visited Nyeri District the, home of then Vice-President Kibaki, without the latter’s “permission” Mwangale was referred to as a “political tourist” by the Vice-President. It was widely believed he Mwangale was angling for Kibaki’s job in the elections that took place later that year.

the airstrip (*Hansard*, September 24th 1997: 2525)¹⁶. Parties not only experienced difficulties trying to organize public meetings, but also various fundraising activities. A case in point is a funds drive that was organized by the then unregistered party SAFINA in aid of a secondary school in Nyeri. The funds drive had initially been licensed by the District Commissioner, but was subsequently barred by the District Officer, who prevented party officials from both addressing the crowd and presenting their donations (*Daily Nation*, August 28th 1995). Materials produced by the members of the opposition were also suppressed and confiscated. The release of Kenneth Matiba's book titled *Kenya: Return to Reason* was obstructed as the publisher, Colourprint Publishers, was raided by police (*The Standard*, January 14th 1994)¹⁷. The book was subsequently banned by the government. Beyond the prohibitions on organizing public gathering, private political meetings and publishing material, the other major challenge to organizing was also arrest and detention without trial, of a number of opposition party officials, both senior and junior in status. In one incident, FORD-Asili Secretary-General, Martin Shikuku, together with Kamau Icharia, a one time MP for Kiambaa constituency, were arrested in Kiambu District without warrants and without charges. It is almost certain that this particular incident was prompted by a statement made previously by Martin Shikuku, in which he stated that the party had been subjected to enough harassment and was prepared to go underground: "Ford Asili members have had enough of police brutality and we are not prepared to take anymore" (*The Standard*, June 1st 1993). Newspaper columnist, Kwendo Opanga, cognisant of the challenges that the opposition faced, noted:

[a]ll too often opposition leaders are in the news for being barred from carrying out one function or another no matter how innocuous it appears to be. In fact, 25 opposition parliamentarians are of out police custody on court bonds or bail (*Daily Nation*, June 1st 1994).

Although there were clearly no laws that prohibited the establishment of party offices at the branch and sub-branch levels across the country, or licences toward the same, many parties were obstructed in their attempts to both open and visit party branch offices or hold party seminars. In parliamentary proceedings, it was revealed by an MP that Martin Shikuku had been prevented from attending a FORD-Asili Lari Sub-Branch executive committee meeting

¹⁶ It was reported by Raila Odinga among other passengers of the aircraft that giant logs and stones had been deliberately put on the airstrip runway to prevent the plane from landing or cause it to crash.

¹⁷ Several literary magazines that were critical of the KANU Government saw several of their editors and proprietors arrested. Among those arrested were Njehu Gatabaki, proprietor of *Finance* magazine, and Jamlick Miano, editor of the *Watchman* magazine and a reverend in the Presbyterian church (*Daily Nation*, May 4th 1995; See *Standard*, June 1st 1993).

by the area Officer Commanding Station (OCS) on March 19th 1994 (*Hansard*, April 5th 1994: 283). On 19 October 1994, FORD-K and its leader Michael Wamalwa were prevented by provincial administration from opening an office in Mbeere in Eastern Province (*Hansard*, October 19th 1996). And in yet another instance, NDP offices in Tana River District were taken over by some local residents led by some local KANU sympathisers, who repainted the NDP offices to KANU colours whilst declaring that the area was a KANU zone (*Hansard*, September 24th 1997: 2525).

Party funding

Kiraitu Murungi (FORD-K, Imenti-South MP) has noted that the failure of political parties to develop institutional capacity is due to the lack of funds (*Hansard*, April 19th 1995). He has observed that the lack of resources has had a detrimental effect upon the management and organizational integrity of many parties, such that they were virtually indistinguishable from each other, in light of the common challenges they faced. Consequently, the parties are only distinguishable through their party leaders (*ibid.*). Raila Odinga (the Prime Minister of Kenya at the time of writing) also lamented on this funding challenge faced by political parties. He brought particular attention to the fact that lack of funding had severely limited the capacity of opposition parties to operate and to compete with the ruling party (*Hansard*, October 1st 1997 pg 2640).

KANU

During the Kenyatta era, KANU was structurally very weak (Odinga, 1967; Good, 1968; Goldsworthy, 1982; Okumu, 1984; Oyugi, n.d; Widener, 1992). Mwangi (2008) notes that KANU atrophied to a significant extent partly as a result of financial difficulties accruing from years of neglect (See also Leys, 1976; Hornsby, 2012)¹⁸. During the Nyayo era, there was very little distinction between government and party and, as such, part of KANU's resource mobilization strategy was to "levy" funds from the salaries of civil-servants, who were forced to become members of KANU (Widener, 1992)¹⁹. After the reintroduction of multi-partyism, mega financial scandals significantly contributed to party financing. Grand corruption scams, such as Goldenberg, were engineered to generate electoral finance for

¹⁸ However it is also apparent that there was no clear linkage between the party and government as one MP Khalif would ask what the relationship KANU had with the executive (*Hansard*, February 3rd 1966: 476). In another in 1963 when the treasurer of the party Joseph Murumbi was asked about the state of the party in organizational and financial terms he replied "they don't exist" (See Good, 1968: 118)

¹⁹ In a contribution made by one MP there was no provision for funding KANU in the budget. However, the rentals from the Kenyatta International Conference Centre were amongst the many sources that KANU got money.

KANU in the 1992 general elections (CGD, 2005; Bosire Report, 2005; Mwangi, 2008). The *Report on the Judicial Inquiry Into the Goldenberg Affair* (also known as the Bosire Report) noted that as part and parcel of KANU's resource mobilization, political banks such as Posta Bank, Eurobank, and Trade Bank, among others, were created and used to divert embezzled money to the party. This was often done through the party's youth wing, YK92, which was headed by Cyrus Jirongo and Davy Koech (CGD, 2005; Bosire Report, 2005; Mwangi, 2008). It is noted that part of the money accrued from Goldenberg went towards the purchase of food for voters and vehicles for candidates during the 1992 general elections (Bosire Report, 2005). In addition, KANU, as the ruling party at the time, managed to use state resources, such as government vehicles, government printers, and state television and radio to prop itself up during election years. One of the most significant ways that the party generated funds was by renting the Kenyatta International Conference Centre (which served as the party's headquarters for a long time) to other organizations and agencies. According to Justin Muturi (former KANU Organizing Secretary and MP for Siakago), businessmen and contractors also made significant donations to KANU. He concedes, however, that members of KANU were not always sure where all of the party's funds came from exactly. He also says, "[i]t's correct to say there have been businessmen or benefactors contributing to political party funding. However, how they benefited after that, I've no idea." (*Daily Nation*, April 24th 2006). It is not known what the exact difference in earnings is between when KANU was the ruling party and since it lost power, however as of October 2010, its total assets were listed at Ksh 7.5 million, with approximately Ksh 4.88 million being generated from Parliamentary Group Contributions (*Saturday Nation*, October 9th 2010).

FORD-Kenya

At its inception, FORD-Kenya was funded by the party leaders and their closest associates and friends. After the death of its founder, Jaramogi Oginga Odinga, allegations of financial impropriety began to emerge. Raila Odinga, a one-time Deputy Director of Elections in FORD-Kenya, was accused of withholding funds from the Jaramogi Oginga Odinga Foundation, which were believed to have been kept in trust for the party (*Daily Nation*, May 11, 1995). In addition, it is believed that additional party funds were stored in "secret accounts", as the identity of account holder(s) remained anonymous (ibid.). However, according to Raila Odinga, only Ksh 322,900.00 was in the account at the time of Oginga Odinga's death (ibid.). The struggle over the control of the party accounts and the Foundation, amongst other issues, culminated in a power struggle which saw Raila Odinga

leave the party. It is not entirely clear how Raila Odinga's departure affected the party financially. What is known is that the party eventually moved its headquarters from Agip House to small premises along Argwings Khodek Way, in Kilimani²⁰. In April 2002, Musikari Kombo's motion for the enactment of a political parties bill that would introduce public funding also suggests that FORD-Kenya was under-funded after Odinga senior's death (*Hansard*, July 10th 2002: 1567)²¹. Kombo would later concede that the fiscal position of the party was not robust. In discussing the issue of funding Michael Wamalwa's presidential bid Kombo says, "[i]t was a struggle. His friends borrowed. We even sold some of our assets. That is why Wamalwa's presidential campaign was really underfunded" (See *Daily Nation*, April 24th 2006). Soita Shitanda (a former FORD-Kenya MP for Malava and current Minister of Housing) reiterated, "We didn't have money as such... Mr Wamalwa mainly depended on well-wishers for the little he had" (*ibid.*). Commenting separately, Bifwoli Wakoli (Assistant Minister for Lands and member of FORD-Kenya) is quoted as saying, "So far the party has no funds and no one is willing to shoulder the expenses. We are banking on some revenue we will generate from registration of members." (*The Standard*, December 31st 2009). As of October 2010, FORD-Kenya's total income stood at Ksh 10.5 million, which it is noted was largely derived from membership fees and applications to the party's National Executive Council. It is not immediately clear how this money was used or whether this money was sufficient for the party's sustenance as a whole (*Saturday Nation*, October 9th 2010). As this researcher was conducting field work in October 2010, difficulties were encountered in trying to locate the Party at the latter premises, as the writer was informed that the party had been evicted, for arrears in rent. However, the party's secretary for human rights and democratization Chris Mandu later confirmed that the party was in arrears of Ksh 600,000.00 over their rent payments for sometime although Foreign Affairs Minister Moses Wetangula helped to pay off the debts (*The Star*, September, 9th 2010). Mandu squared the blame on the party chairman for whom he stated froze the party accounts following a dispute over party elections (*ibid.*).

FORD-Asili

²⁰ Agip House, is an imposing building located along Waiyaki Way in Westlands, However the headquarters that the party moved after Raila's departure is an nondescript house along Argwings Khodek Road in Kilimani.

²¹ Kombo who is the former MP for Webuye, became the Chairman of FORD Kenya following the death of Wamalwa, former vice-president.

Like its counterpart FORD-Kenya, FORD-Asili's finances are reported to have been injected in by its leader, Kenneth Matiba, in addition to other interested parties. It has been documented by Charles Hornsby and David Throup that the party received a substantial amount of money from the Chairman of BAT-Kenya, who was reputed to have close links to the Kenyatta family (Hornsby & Throup, 1998: 359-382). Matiba's own financial power was based on his ownership of a hotel chain, flower farms and prestigious primary and secondary schools in Nairobi. Following the failure of Matiba and FORD-Asili to snatch power from KANU in the 1992 elections, the party has been rocked by infighting (IED, 1998). Following the fallout between Matiba (Party Chairman) and veteran politician Martin Shikuku (former FORD-Asili Secretary-General), which saw Matiba suspended from the position of Party Chairman, the party moved its headquarters from Muthithi House to Ngumo Estate. Although the exact financial state of the party following Matiba's ousting is not clear, a statement made by Shikuku on the matter of party defections implies that the party was not well off financially²². He stated that defectors to other parties would be required to pay a fee of Ksh 2 million in compensation to FORD-Asili (*Daily Nation*, November 4th 1997). A statement by Lawrence Sifuna (Former Kanduyi MP) is also quite revealing as it states that Matiba believed that he was the party leader because of his wealth: "Wealth is not a ticket to leadership. In any case we are not interested in Mr Matiba's wealth" (*The Standard*, November 8th 1994)²³. Following Matiba's departure and Shikuku's exit from politics, the party has been extremely quiet, having failed to front a candidate in the 2007 general elections. Attempts were made by the writer to visit the party offices in Upper Hill Nairobi, but those attempts were unfruitful, as the writer was also informed in this occasion that the party had moved locations. Further attempts to reach the new party headquarters were made by phoning the party's Executive Director. However these also bore no fruit²⁴.

National Development Party (NDP).

The National Development Party was "formed" following Raila Odinga's departure from FORD-Kenya. Clause 111 of its constitution notes that membership fees for ordinary

²² According to Hornsby and Throup (1998: 545-546), Matiba became ill after suffering a stroke in detention. His illness, which saw him become increasingly unsound, resulted in his inability to read and write. Consequently he granted the Power of attorney to his wife who would sign documents on his behalf. A move was made by Njenga Mungai to have him retire but this was stopped upon considering the fact that the party would not survive on its own until the 1997 general elections, were it to lose his sponsorship.

²³ Although the party constitution stipulates for the direct election of the party chairman, it is noted that this particular procedure is more expensive than the use of the delegates/electoral college system.

²⁴ In a news item aired in May 2012 there were strong signs that FORD-Asili was likely to face de-registration, (see Youtube Clip "End of FORD-Asili" available at http://youtube.com/watch?v=A1hoTvAdz-U&desktop_url=%2Fwatch%3Fv%3DA1hoTvAdz-U&gl=GB (accessed 2/03/2013).

members is KSh20.00 annually, whilst that for “covenant” members, .i.e. life members, is KSh5,000.00 upon entry and KSh1,000.00 annually. Although there is no way of determining exactly the total amount of revenue the party generated, of the 21 member MPs who contributed Ksh 5000 each for six months only Ksh 630,000 was generated for the purpose of Raila Odinga’s presidential campaign (*Daily Nation* April 24th 2006). Despite the fact that it is difficult to determine exactly ordinary membership contributions, it can be assumed that it was not adequate to run the party secretariat, let alone for election campaigning. It is noted that the remaining funds came from other sources such as friends and business associates. Just before the eve of the 1997 general elections, it appears that the party was still struggling to secure more funds. During this period, Raila Odinga issued a statement in which he appealed to members of the business community to contribute towards the party’s campaign kitty (*Daily Nation*, November 15th 1997). Following this, in July 1999 Raila Odinga moved a motion in parliament calling for state funding of political parties. In this address, he conceded that all political parties were in bad shape financially and were in dire need of state assistance (*Hansard*, July 12 1999). NDP was later dissolved after its ill-fated merger with KANU in 2002.

Democratic Party (DP)

The Democratic Party, which was formed in December of 1991 by Mwai Kibaki (the current President of Kenya) and his associates, is said to have been endowed with a lot of finance from Kikuyu entrepreneurs (Hornsby & Throup, 1998; Kanyinga, 1998). Apart from Kibaki, who was and still is a wealthy businessman and landowner in his own right, DP could boast of other leading financial luminaries in its membership. Among these were Njenga Karume, a wealthy landowner and GEMA leading light, Ngengi Muigai, a wealthy and politically ambitious nephew of President Jomo Kenyatta, George Muhoho, Kenyatta’s brother-in-law, among other prominent Kikuyu businessmen. Although there are no exact figures on the financial situation of the Democratic Party, it is clear that the party did not suffer financially under Kibaki’s tenure as Party Chairman. This, in part, can be seen through the nomination fees that the party charged for various positions. Presidential aspirants were required to pay KSh10,000.00, whilst parliamentary and civic aspirants were required to pay KSh5,000.00 and KSh2,000.00, respectively (IED, 1998). Maina Kamanda (former MP for Starehe Constituency, Nairobi) stated on one occasion, “We also fund-raised at Charter Hall, where in a good night, we could net between Sh5 to Sh10 million” (See *Daily Nation*, April 24th 2006). DP also employed other strategies of resource mobilization; it had a wing called DEMO 2000

that did some fundraising on behalf of the party's flag bearer (ibid.). Funds were also raised through a "monthly check-off system" through which MPs would make contributions in kind (ibid.). It has also been reported that 70 per cent of the party's finances were raised by prominent industrialists. However, following Kibaki's apparent departure²⁵ from DP, the financial situation of the party appears to have declined somewhat. The party itself appears to have lost its key financiers after the formation of NARC. However, since becoming part of the PNU coalition in 2007, the party is scheduled to get KSh3.5 million in public funding following Justice Rawal's judgment on the monies to be paid to PNU and its affiliate parties (*The Star*, March 21st 2011).

Social Democratic Party

The Social Democratic Party, which was established just before the 1992 general elections, came to prominence in the period just before the 1997 presidential elections, when Charity Ngilu became the party's presidential candidate. Although the party used to raise funds through public fundraisers (*The Standard*, August 14, 2006), it also relied on foreign funding. According to Shem Ogola Oketch, executive officer, the party used to receive foreign funding from the Germans, however due to the fact that the party did not have an account in its own name, money was channelled to the party through the bank account of one of its top leaders, Charity Ngilu (information from interview). This, in fact, precipitated a conflict among two other top party leaders over control of the funds. These wrangles resulted in loss of funding from German donors. The wrangles resulted in a fall out which saw, Ngilu, decamp to found another political party. Since the 2002 general elections, the party has been more or less moribund. According to party documents that the reader was fortunate enough to have been given by Ogola Oketch, the party received KSh638,295.00 from on 16th December 2009 and a further KSh688,758.50 from Registrar of Political Parties on February 15th 2010. The document notes that there are currently only 2 officers that are signatories to the party account²⁶ and that, as a result, the NEC has resolved that all operations on the account be suspended until the Treasurer and Secretary-General are included as signatories of the

²⁵ Kibaki, never officially resigned his post as party chairman when he became NARC's presidential candidate. Even after the apparent collapse of the NARC coalition, the president did not return to DP he instead chose to vie on the Party of National Unity ticket which he founded. This was all despite the fact that the party "selected" president Kibaki to its flagbearer for the 2007. It was revealed by former Executive Director Mr. Laban Gitau, that the president's decision not to return to DP was influenced by members of his immediate circle such as Kiraitu Murungi. Mr Gitau noted that since Mr. Murungi was not a founder member of DP he was not likely to have had much influence in the party. Therefore it was preferable to establish a new party altogether (Interview October 20th 2010 The Democratic Party of Kenya headquarters Lavington, Nairobi).

²⁶ According to the document entitled current party issues, the party now has an account of its own.

account. The party appears to have only one office, which is a one room office along Monrovia Lane in the City Centre. At the time of writing, there is big dispute between the party Chairman and members of the NEC over the inclusion of new party members in the party.

NARC

As mentioned elsewhere, the National Rainbow Coalition (NARC) was composed of the National Alliance Party of Kenya (NAK), the Liberal Democratic Party (LDP) and an alliance of 13 other smaller organizations. It is not exactly clear how the party received its funding, although it is clear from statements made by some party leaders that contributions were made to varying degrees by well-wishers, members of the business community and the main founders of the party, who are known to be wealthy individuals in their own right (CGD, n.d). Prime Minister Raila Odinga affirmed that the party was funded by well wishers and members of the business community: "There were a number of business people whom we appealed to, besides ourselves who put in personal funds." (*Daily Nation*, April 24th 2006). According to the Centre of Governance and Development, in the run up to the 2002 general elections, the party was able to generate a substantial amount of money (ibid.). This was largely achieved through the fees that parliamentary and civic aspirants paid, which were KSh 40,000.00 for parliament and KSh10,000.00 for civic seats, to which there was no shortage of aspirants. Moreover, the parties did not have to disclose the amount of money they raised. The bulk of money that was raised largely went to cater for the campaign costs, which were astronomical. However, following its successful capture of power, the party fell, ironically, into financial distress. The party failed to pay its rent and its staff for 13 months (CGD. n.d). It is believed that the Anglo-Leasing Scandal, which saw approximately KSh 15 billion siphoned from government coffers, was in essence an exercise in resource-mobilization. According to Mwangi (2008), the money was also intended to finance both party elections and general elections, but it is not clear whether this figure was also meant to cater for the day to day activities of the party²⁷. Following the apparent withdrawal of some coalition partners, the departure of some members to NARC-Kenya, ODM and ODM-K, and the ostensible departure of the party flag bearer, President Mwai Kibaki , the party has been left with very few members. Since NARC did not officially front any candidates in the 2007

²⁷ It is important to note that soon after the irregular payments of Anglo-Leasing were revealed the money was hurriedly returned to government coffers, leading the then minister of Justice and Constitutional Affairs to quip that Anglo-Leasing was "the Scandal that never was". (*Daily Nation*, January 14th 2005).

general election, despite officially being the governing party at that time, it is not clear whether the party is officially entitled to receive state funding. The Political Parties Act 2011 Section 30 subsection 3 a) states that

Fifteen percent of the money from the Consolidated Fund will be shared equally amongst all political parties (the total amount disbursed by the Consolidated fund was Ksh 200 million in 2009). Whereas subsection 3 b) states that:

Eighty percent shall be distributed proportionally by reference to the total number of votes secured at the last general election by each political party's presidential parliamentary and civic candidates (Political Parties Act, 2011: 16 Cap. 7A)

NARC got 3 parliamentary seats in 2007. However, according to an article published by the Daily Nation, NARC's total income was Ksh 5 million, with Ksh 3.2 million coming from the Political Parties Fund (*Saturday Nation*, October 9th 2010). During the campaigns for the referendum on the new constitution, the party did not mobilize any voters, as it did not mount any campaign.

Party of National Unity (PNU)

Considering that PNU, which was designated the president's re-election vehicle, was formed barely 3 months to the 2007 general elections, it is likely that the party was funded by close allies of the president both in government and out of government. Although there is no concrete evidence, it is safe to assume that the president's close associates who had helped to fund his former party, DP, were also amongst his key financiers. Since the enactment of the Political Parties Act in 2008, PNU has not received any funding despite its eligibility to do so, according to PNU Secretary-General Kiraitu Murungi. He stated, "We were supposed to receive money from the political parties fund but NARC Kenya went to court. We defeated them there. Now they have gone to the Political Parties Disputes Tribunal and the matter is stuck there," (*The Star*, March 21st 2011). In the course of this research, it was established by the writer that PNU has shifted its headquarters on at least two occasions. It is not clear whether these moves were prompted by problems with rent payment, though it is very likely that this was the case, as Murungi noted that the lack of funds had brought the party's operations to a halt (*Daily Nation*, September 22nd 2010).

Orange Democratic Movement

The Orange Democratic Movement (ODM) is, by all accounts, a party that has not been short of financial backers. In the run up to the 2007 general elections, the party is thought to have raised and spent approximately KSh 1.9 billion in the campaigns alone (CAPF, 2008: 50). However, a document that appears to be an internal memo, dated 9th November 2007 from an ODM MP in charge of the Campaign Resources Accounting to the National Treasurer of the Party, shows the party as having received a total of KSh 1,772,560,000, a difference of about KSh115,440,000²⁸ from the amount cited by CAPF. This discrepancy aside, it is clear that the party was clearly financially well geared for the elections. Although four separate visits to the party's headquarters with the intention of interviewing party senior officers were unsuccessful, this writer was able to observe that the party did have full time staff at their secretariat. Attempts to get information about the party's income and expenditure from the Registrar of Political Parties were also unsuccessful. Although a report run by the *Saturday Nation* revealed that in that financial year the party received an income of about Ksh 81.8 million (*Saturday Nation*, October 9th 2010). A large proportion of its funds comes from the Political Parties Fund which amounted to Ksh 59.1 million and in the 2009/2010 financial year it received Ksh 20.3 from MPs contributions (ibid.).

Narc-Kenya

Whilst information on the Narc-Kenya's exact financial standing at its formation in 1996 Narc-Kenya is not available, it is presumed that the party suffered no shortage of funds. This is on account of the large number of prominent members that it attracted, who included the likes of Professor George Saitoti, former Vice-President Moody Awori both of whom are known to be quite wealthy in their own right. The principle reason for this was based on the assumption that since president Kibaki was unlikely to go for a second term on a NARC ticket it was necessary for his close allies to have a ready made party waiting for him once he finally decided to leave NARC. However, following the latter's surprise move to form his own Party of National Unity a lot of the president's close allies left Narc Kenya and joined him in PNU. What is clear is that as of October 2010, Narc-Kenya's financial standing was

²⁸ Whilst the document is fairly detailed listing 72 major contributors to the party, among them senior politicians from other African countries including a major party in the US, the authenticity of this document cannot be established. This is due to the fact that in the course of the campaign several counterfeit documents on various parties circulated widely through the public domain. Further, attempts to get the data from the Registrar of Political Parties for verification purposes were also unsuccessful. However, what can be said for sure is that some of the individuals listed are known supporters of the party and are known to have contributed substantial amounts towards the ODM's election kitty. (See <http://africanpress.me/2007/12/30/organizations-and-persons-funding-odm/>) [accessed 23/05/2012]

Ksh 8.4 million and that networth of the party's asses stood at Ksh 7.8 million (*Nation*, October 9th 2010)

Forum for Non-Parliamentary Parties

Forum for Non-Parliamentary Parties (FORUM) is an amalgamation of 30 political parties that were unsuccessful in obtaining one parliamentary seat or the requisite 5 civic seats during the 2007 general elections. In interviewing Benjamin Gitoi and Amos Mugambi, Secretary-general and National Coordinator respectively of FORUM, the researcher learned that this coalition of parties suffered two main challenges, namely the issue of finance and access to the media. They cited that previously they were received technical assistance and finance from Scandanavian donors however reductions funding resulted in the collapse of some party structures that were in the process of being erected. Mr Mugambi cited media bias towards the bigger parties as being a major impediment affecting their ability to reach potential supporters in the electorate. However, he further noted despite the financial challenges they were able to provide training to party the various members of FORUM through their association with the Centre for Multiparty Democracy.

Economic context

As can be seen from the above the the establishment of an elaborate party organization is a capital-intensive venture (see also Throup & Hornsby, 1998). As mentioned previously, party offices are required throughout the country at various administrative levels, full time, competent staff have to be employed, a printing press may be necessary to print out copies of the party constitution, party manifesto²⁹, and newsletter/newspaper for the communication of party headquarters to its members. In election years the costs to a party would presumably skyrocket, as party conventions and party conferences all need to be done to select flag bearers and candidates and campaigns mounted. This is not to mention the other costs, such as the printing of posters, t-shirts, the organization of rallies, galas, tv and radio airspace, campaign vehicles, amongst other miscellaneous costs. Being in the opposition is “expensive”, to use the words of Musalia Mudavadi (current Deputy Prime-Minister of Kenya). In the 1992 election shortly after the re-introduction of multipartyism, opposition political parties that were vying for power found themselves up against a party that had no

²⁹ The need for party manifestos and party constitutions is necessary as the party must have these stocked at any given time to distribute to prospect party members and other members of the public who they may want to attract to the party.

shortage of resources as the party in government. With the ruling party that enjoyed the advantages of incumbency (i.e. access to funding, media coverage, vehicles etc) for 30 years, and that had over the years developed an organizational infrastructure that was “married” to the state such that the line separating the two was blurred, the opposition parties as singular entities were no match for the ruling party (Hornsby & Throup, 1998). In a context where strict capital controls on foreign exchange existed, it is difficult to see how significant foreign funding in these elections would have occurred³⁰.

Figures from Kenya’s Central Bureau of Statistics show that rural poverty in 1992 was 48 percent³¹. This figure had risen to 53 percent in 1997, the year of Kenya’s second multiparty general elections. Similarly, the level of urban poverty, which was 45 percent in 1992 had risen to 52 percent by 1997. According to the United Nations Development Programme’s (UNDP) Kenya Human Development report, notes the level of income poverty had risen from 40.3 percent in 1994 to 52.3 percent in (Kenya Human Development Report, 2001: XVII). The report further notes that “Existing data reveal that incomes in Kenya are heavily skewed in favour of the upper quintile. The bottom 20 percent of the population gets only 2.5% of the total income while the top 20% receive more than 50%.”

Given this scenario, it is difficult to imagine how ordinary citizens, or *wananchi*, could be a steady source of finance for political parties. In the absence of state support, funding for political parties could only come from wealthy individuals, both within the parties and those affiliated with them. This is corroborated in a report by the Centre of Governance and Development entitled *Money and Politics: The Case of Party Nominations in Kenya*. The report notes that opposition parties are financed by party leaders and their associates who inject millions of shillings from their own pockets. The report further notes that:

In Kenya the culture of financing political parties is non-existent and this is probably a function of the biting poverty, the low levels of income as well as illiteracy. Over the years Kenyans have joined political parties not to help sustain them but rather with the expectation of receiving material gains from the parties or their leaders. Parties and candidates are therefore expected to “treat” voters, which includes direct payment as well as the delivery of monetary valuables. It is thus only a few friends or associates of the parties that shoulder the financing of the parties as opposed to the rank and file of the said parties (Centre of Governance and Development, n.d.)

³⁰ This is not to say that there was no foreign funding of any kind, it is plausible that money have been channelled through other non-governmental organizations working within the country.

³¹ Central Bureau of Statistics, Welfare Monitoring Survey, 1994 and 1999.

One blogger even quipped “ [i]n some cases I have heard voters shouting that they need “standing allowances” before they can listen to political speeches at political rallies”³²

Musikari Kombo, (current leader of FORD-K and former MP for Webuye) and Otieno Kajwang’ (Minister of Immigration and MP for Mbita at the time of writing) also concede this. In their respective contributions to the National Assembly on July 10th , they revealed that the funds they receive from the public are simply inadequate to finance the running costs that parties incur between election periods (*Hansard*, 10th July 2002, pp. 1567-1568). Although poverty is arguably the most immediate impediment towards direct funding from the public, it may not be the only reason. The challenge of direct funding from ordinary *wananchi* may also have much to do with a general reluctance to contribute. Given past experience of the Nyayo state, whereby KANU operatives would routinely acquire dues through monthly deductions from the salaries of civil servants and also from market traders (See Widener, 1992:170), it may be argued that there is a residual reluctance to contribute towards political parties in general. Whilst a more in-depth investigation along those lines would be of interest, it is beyond the scope of this study.

Until very recently, the problem of political party funding was exacerbated by the absence of any regulatory framework governing the *operationalization* of political parties in Kenya. Whilst at the time of writing Kenya had adopted a new constitution, not all sections of the new constitution have come into effect, as some will only be fully operationalized after the 2013 general elections. Among these is the section dealing with the regulation of political parties. The previous constitution was virtually mute on the role and scope of political parties, let alone stipulations on party funding. Ironically, this absence of any constitutional limitation has in essence inadvertently created opportunities for political parties to engage in grand corruption. As mentioned earlier, the two biggest corruption scandals, namely Goldenberg and Anglo-Leasing, were elaborate scams designed to facilitate resource mobilization for the parties in power (CGD, 2005). However, this has not precluded the opposition, as some members of one opposition party were noted as beneficiaries of the Goldenberg scandal (See Bosire Report, 2005). The issue of party funding has been of grave concern, such that five motions on the need to enact legislation that allows for the regulation and funding of political parties have been introduced in parliament as a way of rectifying the

³² To see the full blog visit. <http://tribe46thkenyan.wordpress.com/>

problem. Although the writer was not permitted to view the individual statements of accounts of each registered party as the audits were not yet completed, an interview with the officers at the office of the Registrar of Political Parties (November 4th 2010) nonetheless confirmed that many of the political parties were financially in bad shape.

Despite these circumstances, there may be reason to believe that beyond an absence of funds, some of the financial challenges facing parties are also the result of poor financial management. It was revealed that many of the political parties do not have sound accounting practices and that their statements of accounts very often did not balance (information gathered from interview at Office of the Registrar of Political Parties November 4th 2010). There are few records and no receipts for assets and donations to the party. This largely has to do with the fact that, in most parties, those persons designated as party treasurers may have little or no knowledge of financial accounting, let alone the professional qualifications that merit their appointment to those posts. As such, these appointments tended to be highly titular and more political and strategic in nature than substantive. It was also revealed that there was an element of reluctance to try and address this situation, as few parties bothered to send representatives to workshops on financial management. This state of affairs in political parties is further confirmed by the Centre of Multi-party Democracy, through RSM Ashvir Auditors, whom they enlisted to investigate the financial conduct of political parties (*Daily Nation*, May 28th 2009).

In a scenario where parties received no public/state funding and inadequate financing from membership fees, political parties have had to rely on the contributions of “anonymous well wishers”, party patrons and donations from organizations (CGD, 2005; RECESSPA, 2006). The inadequacy of funds from ordinary members, coupled with the infusion of finances from the party leadership, has affected the structure of parties significantly, such that they have become top-down entities with power concentrated at the top and with no power vested in the grassroots.

Parties, bigmen and the struggle over party ownership and internal democracy

He who pays the piper calls the tune (Musikari Kombo, speaking in Parliament, Kenya National Assembly Official Record, *Hansard*, 10th July 2002)

The injection of finances into most political parties in Kenya, as mentioned above, has mostly come from party leaders/patrons, in addition to other “interested parties” (own emphasis) (CGD, 2005; RECESSPA, 2006). Subsequently, this situation has more or less transformed political parties into the personal property of political leaders and political patrons (Mutua, 2006). According to a report by the Regional Centre for Stability and Security and Peace in Africa (RECESSPA), elite donations into Kenyan political parties has in essence transformed them into “private clubs” or private ventures and has distorted them in such a way that two types of parties may be identified. The report goes on to identify these two party types as “sole-proprietory”, i.e. parties that are owned solely and financed and controlled by individuals or families; and “shareholding”, i.e. parties owned, financed and controlled by a group of politicians.

KANU as a sole-proprietory party

KANU under the former President Moi has often been cited as an example of a party with sole-proprietory status (See *Daily Nation*, February 23rd, 2003; RECESSPA, 2006). Following the controversial nomination of Uhuru Kenyatta as the party’s presidential contender in the 2002 elections, in the absence of credible party elections and in face of heightened opposition from other aspirants, President Moi issued a very telling statement. He said, “KANU has its owners... he who has not known this should know” (*Daily Nation*, August 2nd 2002). Although the former president was not involved in the day to day running of the party and may not have been the looming figure behind the new party chairman, Uhuru Kenyatta, as asserted by Justin Muturi in 2010, evidence suggests that he [former President Moi] was, at the time of the interview, still very influential, if not powerful, in the party’s affairs. After the retirement of the latter from the chairmanship of the party, his influence was clearly visible in the affairs of the party following the aborted attempt of KANU to join ODM-Kenya. As Uhuru Kenyatta and a section of his supporters at the time adamantly asserted that KANU should join ODM, Nicholas Biwott, a key power baron under the former President strongly opposed the move (*Daily Nation*, November 14th 2006).

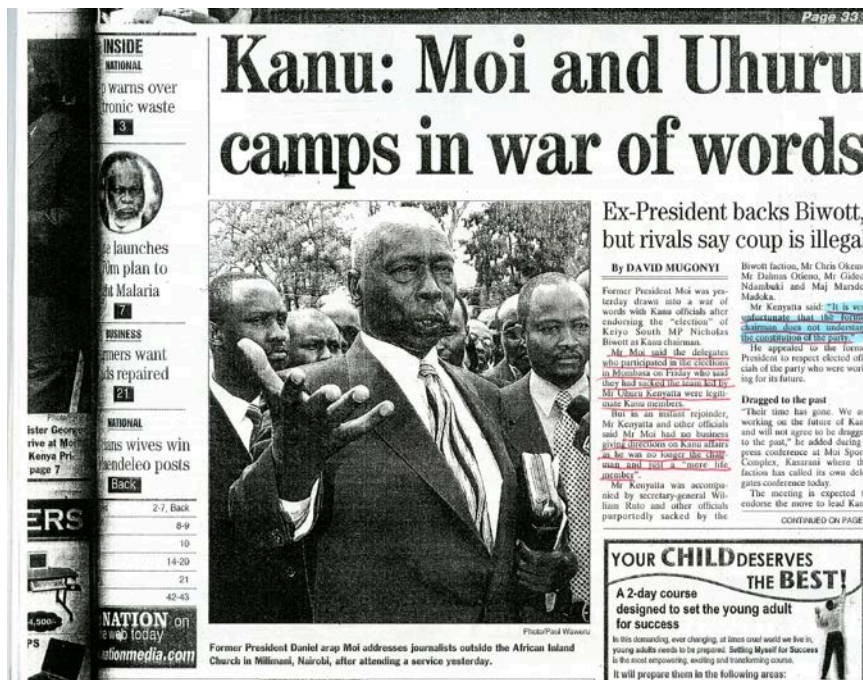


Figure 2. Courtesy of *Daily Nation*

Although Biwott was at the forefront of the opposition, the retired president emerged to voice his opposition towards the proposed partnership of KANU and LDP to form ODM-Kenya. The struggle between the two KANU factions saw Biwott “officially” registered as the new chairman of KANU (See *Daily Nation*, November 29th, 2006). In order to understand the relationship between ownership and control a bit more, it is necessary to digress a little by discussing the events above in more detail.

During this struggle over party control, former President Moi was reported to have held secret talks with his successor, Mwai Kibaki, at State House (See figure 2 below). Whilst it remains the subject of speculation as to what was discussed between the two men, the time of the meeting is curious. The meeting between the two men is said to have taken place on the 21st of November, barely three days after president Moi publicly aired his discontent at the proposed partnership of KANU and ODM (See *Daily Nation*, November 23rd 2006).

The decision to join ODM was to have been put to the National Delegates Congress (NDC) scheduled for November the 27th by the party’s National Executive Committee. However, a rival NDC was organized for November 24th by the Biwott faction. This rival NDC which was held on the 24th took the decision to “officially” oust Uhuru Kenyatta and his associates from

the party leadership. It must be remembered that organizing a party delegates conference is an expensive exercise, involving millions of shillings, as delegates have to be transported, accommodated and fed over the duration of the NDC. Presumably, the official NDC meant for November 27th had been in the offing for sometime, as resources needed to be mobilized and logistics put in place for such a gathering. The fact that the rival NDC was promptly organized, with 4,000 delegates attending, is very telling. According to the Daily Nation (November 24th 2006) the 4,000 delegates were paid KSh 600.00 each for their lunch. This would mean that approximately KSh 2.4 million was spent on lunch alone for the delegates. Given that the rival NDC took place in Mombasa, the country's second capital at the coast, bus tickets for these delegates at KSh 1,000.00 one way would have amounted to approximately KSh 8 million, assuming that all delegates present travelled by bus. Although Nicholas Salat, a member of the Biwott faction, informed the reporters that the expenses for the NDC were being paid by "well wishers", it is puzzling how the colossal amounts of money were raised in so short a period considering that no official fundraising efforts were announced immediately prior to the NDC³³. What is clear, however, is that soon after this episode, Uhuru Kenyatta eventually re-emerged as the bona fide leader of KANU and, soon after, recanted his earlier stance of KANU joining ODM on the grounds that the latter was an 'amorphous' entity. Although Uhuru did not contest the 2007 elections due to what was generally perceived to be his reluctance to spoil President Kibaki's chances, it will not escape the attention of analysts of Kenyan politics that the former president also declared his intention to support Kibaki's candidature instead of his own protege. Although, as mentioned earlier, the former president was not involved in the day to day management of the party, it is clear that the line separating ownership from control did not preclude the "owners" from directly intervening in party affairs during highly strategic periods.

The Democratic Party as a shareholding party

The Democratic Party of Kenya, as mentioned earlier, was formed in 1991 by Mwai Kibaki and his close associates, and could be described as a party with shareholding status. Prior to the 1997 general elections, attempts were made by Charity Ngilu, and later by Mrs Agnes Ndeti, to become the party's presidential candidates. Although their failure to clutch the party's nomination can be attributed to factors such as gender, ethnicity, age, low public

³³ It is interesting to note however that on November 6th 2006 ODM-K interim chairman, Henry Kosgey accused the former president of financing KANU insiders to break up the ODM-K partnership. The former president was swiftly defended Biwott (Daily Nation, November 6th 2006).

profile etc, it is also likely to be because they were not major financiers of the party, so that their respective candidatures were still- born. Their subsequent departure from the DP did not disturb the foundations of the party, due to the fact that the key financiers of the party were known to be wealthy businessmen and some financial luminaries from prominent political families. Perhaps a good example of this scenario had to do with the unexpected departure of Njenga Karume, a key Kibaki ally and financier of KANU on the eve of the 2002 general elections. A quote by Noah Wekesa (current Minister of Forestry and Wildlife, and MP for Kwanza Constituency) reveals how Karume may have viewed KANU as another “investment” that would have provided him with higher returns if Uhuru Kenyatta succeeded president Moi. He said that Karume was “looking at his bank account which he wants to maintain and improve” (*Daily Nation*, September 3rd 2002). Perhaps an even more telling quote on this episode comes from Stephen Ndicho (former Juja MP), who was defending Karume’s decision after he [Karume] was publicly denounced by Kibaki:

We never expected Mr Kibaki to get personal with Mr Karume. He should not have talked about his wealth or property since we know very well that Mr Karume spent millions on DP in 1992 and 1997 when Mr Kibaki contested the presidency (*Daily Nation*, September 6th 2002).

CONSTITUTION
You risk jail term, court warns Ghai
 By NATION Team

Now Kibaki attacks 'tribal chief' Karume

Clash of titans

Kenyans have already seen through the cabal of disgruntled and disgraced elements that the Uhuru Project has assembled. Hon Karume is now part of this group and will have to live with this unenviable tag.
 — Mr Mwai Kibaki

I have no contract with Kibaki that I will always support him or the DP. Shouldn't I hold my own opinions? I have not said anything personal against him but if he persists, I will say what I know about him.
 — Mr Njenga Karume

Kiambaa MP retorts: DP boss is a thankless friend

By MIBIRU MWANGI

That is a well-spoken, an angry Mr Karume said. "I have no contract with Kibaki that I will always support him or the DP. Shouldn't I hold my own opinions? I have not said anything personal against him but if he persists, I will say what I know about him."

He said he now knew the possibility to succeed President Mwai Kibaki.

Mr Kibaki, however, Mr Karume said, had assembled a group of disgruntled and disgraced elements of Uhuru's camp and was trying to use them to secure his re-election.

Mr Karume had not given greater reasons for his resignation as chairman of the DP board of directors, the Kibaki MP said.

Earlier Mr Kibaki, the official Opposition leader, told a Press conference at Parliament that he was disappointed by Karume's decision to abandon him in favour of Mr Kenyatta was based on political considerations or wide coalition.

Decision not based on political concerns

Mr Karume said he was not a member of the DP and was not bound by its rules. He said he was a member of the DP and was not bound by its rules. He said he was a member of the DP and was not bound by its rules.

INSIDE
 B... ..
 Why last of the Dream Team were finally shown the door

GIANT FLASK SINGLE CAP/DOUBLE CAP
 15L - 150/-
 10L - 110/-

ELEGANT CASSEROLE STAINLESS STEEL
 4 PC SET
 640/-

Figure 3. Courtesy of *Daily Nation*

It is probably on this basis that the statement by Karume, to the effect that he was still a member of DP whilst supporting Uhuru’s candidacy, could be understood. Karume’s claim to be still a member of DP is probably based on his belief that he had helped to support Kibaki’s

unsuccessful candidature twice, although the latter's performance the second time around was an improvement to the first. Due to the fact that Karume could not regain the said millions that he had lost to Kibaki's campaigns, it is likely that whilst Karume was hedging his bets on a Kenyatta presidency by joining KANU, he did not want to sever his links completely with DP in the event that Kibaki did win. In fact, Kibaki did go on to win the 2002 presidency, and it was not long before Karume and Kibaki were reunited as the former was brought into the cabinet in 2006 as Minister of Defence under what was described as a "government of national unity"³⁴. Perhaps this strategy is an indication that his divided "loyalty" did pay-off in the end³⁵.

FORD-Asili from share-holding to sole-proprietory

FORD-Asili could probably be described as a party that transformed from a share-holding party to a sole-proprietory party early on in its history. Although the party was founded by Kenneth Matiba, Charles Rubia, Maina Wanjigi and Kimani was Nyoike, who are described as "powerful and well established local Kikuyu leaders", these individuals soon left the party, leaving Matiba behind to run it (Grignon, 1994: 25). It is noted that Matiba desired to be the "undisputed" and "inconstestable" leader of Ford-Asili (ibid.). Matiba's hold on FORD-Asili's political profile was largely sustained by his personal fortune and charisma, as mentioned earlier (Throup & Hornsby, 1998). In light of this, Matiba was known also not to tolerate dissent, as he essentially became the "life-blood" of the party (Grignon, 1994). It was this position of strength that saw Matiba unilaterally attempt to dilute the influence of his Secretary-General and other NEC members. Matiba's refusal to contest the 1997 presidential elections, and his eventual departure, all but paralyzed the party (Throup & Hornsby, 1998).

Parties as business ventures

The tendency to view parties as private business ventures has created a situation whereby wealthy politicians and top businessmen alike have either created or invested in party organizations with the simple expectation of reaping giant returns, in the form of political office (itself a gateway to more wealth), lucrative government contracts or, in the case of briefcase parties, quick-easy money (Mwangi, 2008; CGD, n.d.). This phenomenon of the

³⁴ His re-entry into the Kibaki inner circle followed up closely on the heels of the major fallout that occurred in NARC when the NAK side of the coalition lost in the 2005 referendum.

³⁵ Although Karume's departure from DP did not dictate the "tune" of the party as it were, his exit could have potentially had disastrous consequences had DP decided to go it alone in the last elections.

“political entrepreneur” can also be extremely detrimental to the development and institutionalization of political parties, in some cases. Fomer SDP MP for Juja, Stephen Ndicho actually captured this by saying:

there are people who really use political parties for business. They register one today, tomorrow they sell it. There are also some people who are looking for parties to buy. We should stop this business of registering political parties for the purposes of doing business. They are there and we know them. My own party was bought for Ksh 3 million from the late Makau. We know other political parties which have been sold (*Hansard*, July 17th 2002: 1702).

When political parties are conceived in the manner of ventures, they become captive to the logic and dynamics of *shorttermism*, i.e. the short term interests of their patrons. This scenario would most likely see the political entrepreneur(s) invest most heavily in both the individuals and periods (elections) where they are likely to make most gains. As such, investment in party structures and operations on the scale of a ruling party between electoral periods is, ironically, not seen as being “economical”, as an investment in these may not necessarily guarantee a capture of power, and there would be no way to recoup losses.

In addition, party leaders/patrons also fear, to a degree, what a strong party might mean. Strengthening the party organization is very much seen as a double-edged sword by many party leaders/patrons. Whilst a strong party enhances their chances of winning elections, to completely strengthen the party apparatuses could also mean enhancing internal democratic practices. This may jeopardize their hold on the party, more so as a failure to capture power may lead to calls for their replacement as party flag bearers³⁶. Perhaps nothing illustrates the “dangers” of state or public funding to party ownership than a statement by former cabinet minister William Morogo. He said:

Funding of political parties will also solve the problem of party ownership by individuals who happen to have abundant resources... As the saying goes, he who pays the piper calls the tune (*Hansard*, July 17th 2002: 1699).

Consequently, politics is pursued in much the same manner as that of a speculator who invests in key stock options during a particular period until such a time he or she can get the best pay-off. Subsequently, party leaders and patrons would rather “sponsor” sitting MPs in the house to either vote for or against or publish certain bills that are beneficial towards them

³⁶ Following his defeat and subsequent loss of his Webuye seat in 2007 general elections musikari kombo was besieged by calls for his resignation as party leader. There had already been considerable disquiet at his decision not to compete as presidential contender and the loss of his seat signalled to some in the party that FORD-Kenya would be better off being served by a candidate who is within parliament.

and their interests, whilst only scantily dedicating resources to the party (*Daily Nation*, May 16th 2009). Given this entrepreneurial approach to politics, parties are treated as one of the many business ventures in which the politicians/patrons have interests in. As a result, the day to day management of the party may be undertaken by an executive director of the secretariat who works under the strict instructions of the party chairperson, with little regard for the opinions of ordinary rank and file members. Due to this short term logic, it would not be uncommon to find the headquarters of a political party closed, between electoral periods and “reactivated” during the electoral season. The statement below gives somewhat of an idea as to the degree. Mwangi notes:

a system where getting into politics is a business venture, with business plans and an expected rate of return on investment. This is best indicated by what has become the norm, calling every rich person *mheshimiwa* (Honourable), whether they are political leaders or not. (Mwangi, 2008: 278).

Mobile or briefcase parties

The term ‘briefcase parties’ has come to mean parties that have no established presence except in the form of a registration certificate tucked away in the briefcases of their owners or registered officials. Although this is the term most commonly used in reference to these entities, perhaps a more accurate description of them would be “mobile parties”, for three reasons:

- 1) With exception of the registration authorities and the “briefcases”, the existence of these parties can only be verified by the cell or “mobile” phones of their respective registered officials;
- 2) These parties often have no permanent address, if any at all, and their physical locations may literally be *any* place that their respective registered party officials happen to be when conducting party business, be it a private residence, bar or grocery store (ODM under Mugambi Imanyara) (cf. Oloo, 2007).
- 3) These parties can change hands as easily, as quickly and as many times as money changes hands between people (e.g. SDP) and with no ordinary members contesting the change in “ownership”.

These parties are usually regarded as the instruments of political opportunists, who in anticipation of the fallouts amongst politicians of the major parties will register their parties

in the hope of being approached by either of the wrangling politicians to “buy” these parties. Oloo (2007: 103) opines that:

These are formed not to compete for power but rather for speculation purposes as disagreements and splits arise in parties. Most of them end up fielding very few candidates or none at all in some election years.

A classic example of this scenario can be seen in the case of the Orange Democratic Movement. Although the ODM is currently one of the strongest parties in Kenya, being the party with the single largest number of seats in parliament, its origins are interesting. Following the triumph of ODM after the constitutional referendum of November 2005, there was an attempt by the faction led by Raila Odinga to sustain the momentum against the Kibaki group through the loose movement of ODM that had been officially opposed to a new constitution³⁷. In the midst of trying to sustain the ODM movement, a political party called ODM, complete with the ODM symbols, was mysteriously registered by an obscure lawyer called Mugambi Imanyara, as a means of confusing the public. This resulted in the ODM proper group having to register themselves as ODM-Kenya. However, following protracted infighting in ODM-Kenya by two presidential contenders, Raila Odinga and Kalonzo Musyoka, the Odinga faction saw the party “wrested” from its control on account of the fact that the registered officials of ODM-K were in fact Musyoka’s associates (*Daily Nation*, August 4th 2007). As the struggle over party ownership went to court, the Odinga group quickly contacted Imanyara of ODM and acquired the party that he (Imanyara) had clandestinely registered, thus regaining ownership of the original name, ODM. This is best evidenced by Odinga’s own words on the subject:

When it became clear that we were going to be stuck in mud for a long time, I made it my business to look for a safe nest to land as the court case goes on. That was when I made it my business to know Mugambi Imanyara (See *Daily Nation*, August 18th).

A clear indication that ODM (Imanyara) was a briefcase or mobile party was at one time a briefcase party can be seen in the fact that meetings between Odinga and Imanyara never took place at the ODM headquarters, but at various venues. This too is confirmed by Odinga:

The first meeting was organised by a mutual friend. This meeting happened about three weeks ago in a residence somewhere... The second meeting was in my office and the third was also in a residence. We developed confidence and I found out that Imanyara is

³⁷ The Orange Democratic Movement was the name adopted by the group of individuals who were opposed to the adoption of the revised “Bomas” Draft Constitution termed the Wako Draft that was perceived to introduce an imperial presidency. The president lost

not as bad as he had been demonised. He is a committed Kenyan who was ready to hand over the party to the true owners of the orange, (*Daily Nation*, August 18th 2007)



Figure 4. Courtesy of *Daily Nation*.

Although it is difficult to verify, a rumour did the rounds at the time stating that Imanyara was paid handsomely, for handing over to Raila Odinga the party registration certificate, symbols and constitution. It is virtually certain that money changed hands³⁸.

Explaining Briefcase Parties

To the layman's eye the decision to buy a party as opposed to registering one may appear odd and even somewhat comical, so why would politicians go through with it? This may largely depend upon the financial situation of those individuals seeking to run new parties. For those who are in need of a party immediately the question above can probably be best answered by the way of an analogy. It is more expedient to buy a house that already exists than to build one from scratch, as renovations can always be made later to suit the home owner's tastes. Although the "briefcase" parties are really only akin to the foundations of a house (being that there are no structures yet), it is imagined that it is still more desirable to build on an existing

³⁸ One blogger claims that Imanyara was paid Ksh 80 million, approximately USD 1 million. For more on this visit <http://kumekucha.blogspot.com/2007/08/mugambi-imanyara-mysterious-lawyer-who.html?m=1> (accessed 14/09/2012).

foundation rather than have to go to the city council's planning department, which is akin to the Registrar of Societies' office and run the risk of having your "housing" plans denied approval. In an interview, Joseph Kamotho noted that they decided to acquire the LDP because they did not want to get "bogged down" with the issues of registration at the Registrar of Societies office³⁹. For others who are not willing to part with a lot of money for a "made to order" party the use of proxies to register political parties is a cheaper option. Use of largely unknown individuals or proxies as the bonafide registered party officials, was predominantly a strategy through which prominent politicians fearful of being denied party registration by the Registrar of Societies, chose to front officials as the party officials whilst they themselves may choose to be a patron. However, the use of proxies is a double-edged sword as it could potentially lead to conflict between the proxies and their patron over ownership.

As has been seen from the foregoing, political parties in Kenya, have to a fair degree been treated as the personal property of the elite. This is particularly evident in the contests over party "ownership" and control. What are the implications of all this? The issues that have been shown earlier, call into the question the very nature of political parties. In looking the issue of "party ownership" one is confronted with the question what exactly are political parties in Kenya? Are they "voluntary private associations" whose activities lie largely "outside the public realm" or are they public institutions (See van Biezen, 2004:705). As been seen by some of the statements made by party leaders, such as the former President Moi and other party leaders the view of political parties is largely that of the former, namely political parties are private entities. In his contribution to parliament former Minister of Internal Security, Julius Sunkuli, said the following:

I would like to advise members of the opposition to clearly look at the structure of their parties and ensure that they are actually political parties and not clubs which are existing (sic) on behalf of certain individuals (*Hansard*, April 12th 1995: 33).

³⁹ The notion of the party having been purchased can also be verified by comments made by a former LDP member Chirau Ali Mwakwere. Speaking in reaction to his exclusion from the expanded Summit of NARC by his party he retorted "Go and ask Raila, Kalonzo Musyoka and Musila. Ask them how much they paid and why they bought it." (see <http://www.afrika.no/Detailed/4786.html> [accessed 28/08/2011]).

Section 123 of the old constitution is mum on the roles and responsibilities of the political parties and was also ambiguous in defining what a political party was. It read “A political party is one which is duly registered under law which requires political parties to be registered” (See the Constitution of Kenya, 2001). Due to the fact that there was no legal framework governing, the *privatization* of political parties, as it were, parties were not in breach of the law (Mutua, 2006). However, whilst this notion of privatized political party, more or less corresponds to the one noted by van Biezen (2004) it must be remembered that in the Kenyan case, broader understandings of what constitutes political party may be rooted in the particular historic experience of party development in Kenya (Owuoche & Jonyo, 2004). The loose-knit, ethnic congress party that was KANU in the 1960s was, as mentioned elsewhere, essentially an amalgamation of individual or personalized political machines. (See Bienen, 1974; Goldworthy, 1982; Mboya, 2008; Odinga 2008; Kariuki, 2001).

Although the Nyayo period may have brought with it an era where the party as an organization was much more centralized, it could be argued that the current tendency to struggle for personal political control of parties may have its genesis during that period. Due to the recycling of political elites, which symbolised the desire by the executive to control local party politics by ousting and replacing local party bigmen, politicians consequently hardened their resolve to hold on to or maintain their grip on their local spheres of influence (Kanyinga, 1994; Grignon, 1994; Kanyinga, 1998). As a result politics became even more personalized and the desire to be in a position of party control was fostered as it was more desirable to be on the offensive than on the defensive. It is to this logic that party control or the aspiration towards that end can be attributed. As will be seen in the following chapter on party discipline, this phenomenon of domination and subordination will be explored in greater detail. Suffice it to say that a fairly long history of personalized politics, itself a legacy from the re-establishment of political activity in 1954 following during the “Emergency” period.

The responses and the behaviour of the various parties on the one hand, and the state and civil society on the other hand, shows that in essence there is a lack of conceptual unanimity on what political parties are. Whilst this may stem amongst other things from the absence of a legal framework on political parties, clearly defining and delineating their functions and responsibilities prior to 2007, it is also largely predicated upon the two competing conceptualizations of political parties noted earlier.

Conclusions

As has been seen in the forgoing, the development of political parties in Kenya has been shaped by a number of factors. At the advent of multipartyism in the party structure that many political parties adopted was modelled upon KANU, as it was the only party that had been around. However as mentioned earlier, the short period of time between the legalization of parties in December 1991 and the elections themselves a year later proved to be detrimental to political parties, organizationally. The time period was simply inadequate for the parties to establish structures countrywide. Further, the fact that parties established very hurriedly meant that inadequate attention was given to the nature of various party organs and conflict resolutions mechanisms. Consequently, parties such as the original FORD fragmented due to internal wrangles. Although political parties have been faulted for being responsible for their own shortcomings, it is important to remember that not all maladies that afflict parties are of their own making.

To a great extent the inability of parties to establish a meaningful presence in regions other than the home areas of the party leaders is directly attributable to government interference. Several parties were prevented from holding meetings, and mobilizing support across the country, as they were routinely denied licences to hold public meetings. Moreover, even when they were granted licences they were very often harassed by the provincial administration and the police. Given these constraints parties were not in a position to popularize them across the country let alone recruit new members.

Beyond the issue of state interference, it is also clear that there was also the issue of finance, as several political parties suffered from poor resources. These resource challenges stem largely from an absence of public funding, and the poor resource environment, demarcated by high levels of poverty. As a result of these resource challenges quite a few political parties were able to maintain political party offices across the country. However, as mentioned above, the scarcity of resources is also compounded by a poor accountability on the part the parties, as several parties often do not have qualified accountants, and to a certain extent there is a reluctance to send personnel for training.

In light of these challenges several political parties have had to rely on key individuals in order to function. This reliance on bigmen has had direct implications for the very structure of political parties and their very functioning. Due to the short term interests of party bigmen,

parties are most active during electoral periods and virtually moribund during interim periods. The phenomenon of party ownership has become so pervasive such that it has spawned two types of political parties, sole-proprietory and share-holding.

Paradoxically whilst parties are genuinely starved of cash the emergence of briefcase parties such as the Kenya National Democratic Alliance, (KENDA), has generated opportunities for parties to make money, through parliamentary and council nominations, ahead of general elections. These parties as mentioned earlier in addition to not having a manifesto, programmes and any known membership, do not have known party headquarters. As a result of this these parties have acquired the reputation of being “mobile” They are known only to exist in the briefcases of the registered party officials, can only in most cases be reached by via cellular phone and because these parties have been known to change “owners” frequently.

In relating Kenyan political parties to extant literature on party types, it can broadly be said that parties in Kenya cannot be said to fit any one particular party type. Political parties take the form either of mono-ethnic parties or ethnic congress parties. However due to the fact that these parties tend to be dominated by personalities and that they become active mostly during the electoral periods, with some parties being formed almost exclusively to contest elections and being abandoned soon after also gives the impression that the parties are also exhibit the traits of personalistic parties as the concept of “ownership” can attest to. However, programmatic parties do not apply in the Kenyan context. What this suggests is that trying to fit the parties into any one category may ultimately be inadequate as depending upon which traits an observer chooses to emphasise they can fall into any of the three categories. However, the caveat to this approach is that it detracts from any definitive categorization of parties. Further, the concept of “briefcase” or “mobile” parties, namely parties that are formed for purposes other than the capture of state power is also further not accounted for within the typologies advanced by Gunther and Diamond (2003). Moreover, in regards to the issue of party organization, it is clear that Kenyan parties resemble party organizations in other African countries with respect to the challenges that they face *vis a vis* membership, party organs party branches, funding and defections. However, as mentioned earlier due to the arbitrary nature of the Registrar of Societies, Marxist-Leninist , parties class mass parties and religious parties such were systematically denied registration, consequently they do not feature in the Kenyan context. Further the conditions in Kenya have not lent themselves for the development of nationalist or ultra-nationalist party types on account of the the highly

ethnic character of politics in Kenya, as will be seen in chapter 6. , Although KANU in the past has been referred to as a “catch-all” party (See, Widener, 1992: 56) in that at one point it drew members of different political persuasions, such as socialists, conservatives and liberals, following the recent departure of Uhuru Kenyatta amongst other individuals the party's support base has increasingly come to be associated with protégés of the ex-president Moi. As such it can no longer be considered a catch-all party.

It can broadly be seen that due to the challenges of state harassment in previous years coupled with the problems of inadequate funding and poor financial accountability, Kenyan parties are characterised by low organizational systemness. This is primarily evident in their restricted territorial scope and their low penetration. The fact that party organs operate virtually on an *ad hoc* basis also testifies to low organizational complexity.

From the foregoing, it can be concluded that the legacies of authoritarianism as evidenced through state harassment and the socio-economic context as noted by Randall (2006) as being inhibitors of party institutionalization as being largely accurate.

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