

ELECTION WATCH

Issue No. 4, October 30, 2002

KENYA 2002 ELECTIONS

COMMENTARY

On October 25, 2002, in anticipation of upcoming presidential and parliamentary elections, President Daniel arap Moi formally dissolved the Parliament of Kenya, effectively ending speculation that general elections would be held under a new constitution. The action came just before the convening of the National Constitutional Conference (NCC), which requires the participation of Members of Parliament (MPs) and other political and civic leaders and was set to begin deliberations on the draft constitution. Although the President does not himself fix the election date, the dissolution of Parliament triggers a chain of events that ultimately leads to setting election day: and, in fact, the Kenyan general elections have now been announced for December 27, 2002.

Political parties, especially the newly-formed National Rainbow Coalition (NARC), will now have to move quickly to finalize their election strategies. Moreover, although considerable effort has been devoted to naming a presidential line-up, the perhaps even bigger challenge remains: nominating parliamentary and civic candidates.

Dissolution of The Kenyan Parliament

According to the National Assembly and Presidential Elections Act, within 14 days of the dissolution of Parliament, the Speaker is required to prepare writs to the Electoral Commission of Kenya (ECK) declaring all the parliamentary seats vacant. Within 10 days of receiving the writs, the ECK gazettes the election date and transmits the information to the Returning Officers. The ECK also fixes the dates for both the party nominations and the ECK nominations, the latter of which should be no less than 21 days prior to the general elections. Following the ECK nominations, the formal campaign period begins and is expected to take place during the last three weeks leading up to the general elections.

The dissolution of Parliament at this stage has far-reaching implications for

the constitutional review process and for the political parties. The elections will unquestionably now be held under the current constitution; moreover, the Constitution of Kenya Review Commission (CKRC) will likely have no choice but to postpone the review process until after the elections. The Review Act set forth strict criteria for the comprehensive examination of the draft constitution, including the establishment of the NCC, which is stipulated to consist of 650 members, among them all the 222 MPs. Thus, the dissolution of Parliament invalidates the legal claim of MPs to participate in the NCC. Nevertheless, judging by the activities in Parliament in the week leading up to its dissolution, particularly related to the Finance bill, MPs and political parties were likely aware that the action was imminent.

Jockeying for Political Position

The dissolution of Parliament will predictably occasion new political realignments as candidates jostle for posts and opportunities in parties that represent the best chance at electoral success. Even in the last several days, there have been significant defections from KANU, including close Moi relatives, to the newly revamped Liberal Democratic Party, made up of the Rainbow Alliance. All the same, KANU has gained its own defectors from opposition political parties.

In perhaps the biggest news related to the elections, the NARC announced its party flagbearer and presidential candidate to be Democratic Party (DP) and National Alliance for Change (NAC) leader Mwai Kibaki. Moreover, although not yet official, NARC is rumoured to agree on Kijana Wamalwa and Kalonzo Musyoka as its first and second vice presidents, respectively. Although the elections will be held under the old constitution, the NARC team plans to select its extended lineup shortly, likely to be lead by Raila Odinga as Prime Minister, a position that will not go into effect until the new constitution is adopted. Charity Ngilu, George Saitoti and a yet unknown third individual – possibly Simeon Nyachae, should he come back into the coalition – are slated for Deputy Prime Minister positions. NARC has also pledged swift adoption of the new constitution following their victory in December.

Although remarkably rapid, the coalescing of opposition political forces to form the NARC has not been without failure. In the midst of the formation of the NARC, Ford-People, the leading party in the secondary opposition alliance Kenya Peoples Coalition (KPC), announced that it would run its own presidential candidate, Simeon

Nyachae, as negotiations with NARC apparently broke down. Nyachae cited an “autocratic selection process” as his main grievance with the NARC team, and vowed to “go it alone” into the polls. While analysts suggest that Nyachae’s rebellion is more of an annoyance to the NARC team than a political rift to overcome, they also point out that the move gave the KANU leadership ammunition with which to deride the fallibility of the “Super Alliance”. For example, KANU statements included comments including, “What makes the KANU selection process any different than NARC’s?”, and, “Where are the delegates who elected Kibaki?”

Nevertheless, Kenya observers continue to suggest a growing belief in the general public that KANU is vulnerable – and hint that many citizens may be ready for a change in government. NARC’s message of teamwork, an end to authoritarianism and a balance of power with a new Prime Minister post, all seem to resound strongly with rural and urban voters alike. However, these analysts also point out that, with the Kikuyu vote now split between Uhuru and Kibaki, the focus of the elections is increasingly moving towards KANU’s rural strongholds, which have also been hotspots for past electoral violence.