

# ELECTION WATCH

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KENYA 2002 ELECTIONS

## Summary

Regular and ongoing dialogue between the ruling and opposition parties in Kenya, as well as with the Electoral Commission of Kenya (ECK), is of vital importance as the country approaches the last six weeks of the electoral process – and is also critical to a smooth transition between the governments of current President Daniel arap Moi and whoever his successor may be. Although the prevailing electoral environment has to date been relatively peaceful and stable, the lack of clear guidelines regarding a political transition in the current constitution and other statutes raises the troubling possibility of confusion, even chaos, unless the process is discussed early and managed through open and transparent consultation. Over the last two weeks, opposition parties have made this idea a priority by demanding the establishment of a multiparty committee to address the finer details of the transition.

Political campaigns have also shifted into top gear as parties crisscross the country, seeking votes. At the national level, parties came together with the ECK in another consultative forum to deliberate on electoral concerns and preparations.

## Managing the Transition

One of the most contentious issues in Kenyan is the lack of comprehensive constitutional provisions for the handing over of power from one administration to the next. The constitution currently addresses only the issue of what would occur in the event of the death, resignation or incapacitation of a sitting president, namely, that the vice president shall serve in an acting capacity for a period of 90 days, pending new elections. However, the document is silent on the details of a scenario in which a sitting president has completed his term of office and must step aside for a duly-elected successor, whether from his own party or the opposition.

Over the last several months, political parties and the ECK have demonstrated an increased goodwill and desire to hold peaceful and transparent elections. Indeed, based on recent events, observers suggest that these elections could be peaceful and all-

inclusive relative to those in 1992 and 1997. Nevertheless, in recent rallies, opposition parties have pointed out that, unlike the previous two multiparty elections, Kenya is now faced with a transition election, following which an incumbent president is expected to relinquish power. Thus, these elections have unusually high stakes – and ramifications – for the country's leaders and citizens.

In a bid to pre-empt any crisis and to amicably manage the transition process, the National Rainbow Coalition (NARC) is now calling for the establishment of a multiparty committee to determine a modality for a smooth transition. Although NARC's demand presupposes its own electoral success, analysts note that such a dialogue should be encouraged as a means of ensuring stability following the elections and increasing the transparency and confidence in any transition, be it to a new KANU or NARC leader.

## Political Party Campaigns

Since the announcement of the election timetable, political parties have stepped up their election preparations and outreach around the country. All presidential candidates are expected to submit their nominations between November 18 and 19, and nominations for parliamentary and civic seats are required to be submitted by November 24. The ECK nominations will then take place between November 25 and 26, allowing four weeks for campaigning prior to election day on Friday, December 27.

Four political party blocks have emerged and expressed their intentions to field civic, parliamentary and presidential candidates: KANU, NARC, Ford-People and the Social Democratic Party (SDP). As evidenced by a recent opinion poll, NARC enjoys considerable support; nevertheless, the challenge of staying united poses a major threat. The loosely-formed alliance between NARC and the Ford-People coalition has already collapsed, and the SDP has also now decided to go it alone. Indeed, press reports over the last two weeks indicate that opposition parties in different coalitions have again begun to resort to attacking each other, forgetting that they all seek to dislodge KANU from power. Nevertheless, in a recent NDI-sponsored roundtable, political parties pledged to be peaceful in the elections, and the ECK issued a public declaration of its commitment to be fair and impartial in supervising the electoral process.

Many Kenya observers are now asking the question of whether or not the opposition can remain unified and, if so, if that will be enough for electoral success. The presence of at least three

opposition candidates undoubtedly strengthens KANU's position, and based on past voting trends and the current situation, the different opposition coalitions may be forced to compete for votes in all historically opposition strongholds while splitting votes with KANU in swing constituencies.

For its part, KANU seems to be making a slow but steady comeback from the battering it took with the formation of the NARC alliance. The KANU campaign machinery is now out in full swing, led by Moi and presidential candidate Uhuru Kenyatta. Apparently as a strategy of consolidating KANU's traditional voting block, Moi recently named Musalia Mudavadi as the new Vice President. The move was likely aimed at scuttling NARC efforts in Western Province, which has been leaning towards the opposition – and particularly NARC Vice President-designate Kijana Wamalwa – since Mudavadi was persuaded to drop his presidential ambitions in favor of Uhuru. Although many analysts argue that the public seems to be yearning for change, it would unquestionably take considerable effort to dislodge KANU from power.

With party nominations set for this month, new political realignments will certainly continue to emerge as candidates jostle for positions in parties that will nominate them and also hold promise for electoral success. The nomination process could prove particularly challenging for the NARC, which will need to meet the interests of the members of 15 political parties while holding together its coalition.