

CHAPTER 4



The Campaign

The formal campaign period began with the nominations for Parliamentary candidates on 9 December 1992. With the Advance Team on the ground in Nairobi from 7 December 1992, and the arrival on 16 December of the main Group, we were in effect present throughout the period of the formal campaign, and were therefore in a position to observe all aspects of it. But political campaigning by the fledgling opposition political parties had effectively begun well before nominations on 9 December, and indeed not long after the announcement in December 1991 of the return to multi-party democracy. Such campaigning took the form of meetings and rallies, some of which were mounted without official permits. They received reasonably extensive coverage in the privately owned local print media.

This early period, which the Secretariat was able to evaluate in the course of its Planning and Technical Missions, visits by the Secretary-General, and through monitoring of the news media, was characterised by recurring episodes of violence, harassment and intimidation in particular areas of the country. Political party rallies, particularly those of the opposition, were often disrupted and broken up by political hooligans, sometimes in organised groups. It was consistently alleged, for example, that the KANU Youth Group (YK92) was frequently involved in such disruptive activities. Opposition parties were consistently denied permits by the authorities to hold rallies while in some instances, permits were withdrawn without notice or any right of appeal. Permits were issued by District Commissioners. It was explained that in instances where permits were either denied or withdrawn, it was to avoid inter-party clashes.

In general terms, the emerging opposition parties encountered continuing difficulties and obstructions in their efforts to conduct dialogue with officialdom, particularly the electoral and provincial authorities. The initial failure on the part of the newly formed Electoral Commission to establish a sound basis for dialogue and trust with these opposition parties generated a climate of deep suspicion which bedevilled the best efforts of the Commission to prepare for elections.

The arrival of our Advance Team coincided with the beginning of the formal three-week campaign period, signalled by parliamentary nominations of 9

December 1992. The deployment of our main Group throughout the eight provinces of Kenya enabled us to reach an informed view of the nature and conduct of the election campaign in a wide variety of locations and varying circumstances, covering different tribal areas, urban and rural communities, and relatively isolated outposts.

An immediate impression common to virtually all the locations visited was the noticeable extent to which the people of Kenya had embraced the novel culture of multi-party politics. In sharp contrast to little more than a year ago, candidates, political party supporters and the ordinary voters were now able to express their political views and preferences in a relatively unrestricted manner. Campaign rhetoric in both the news media and at public meetings was increasingly lively and robust, and mobile loudspeakers were very much in evidence in Nairobi and elsewhere, even in the smallest villages. At the same time, we learned of instances of constraints on the exercise of freedom of speech and assembly, some of which were of a serious and even violent nature. We were told, for example, of denials of permits for rallies, arbitrary curtailment of seemingly legitimate political activity by law enforcement authorities, organised disruption of campaign rallies by rival political parties, and intimidation and harassment of candidates and party supporters.

Where permits for rallies were concerned, we were told by the Attorney-General shortly after our arrival in Kenya that the 14-day notice period no longer applied. As polling day approached, opposition parties reported a marked improvement in the number of permits granted to hold rallies, although there were still occasions when permits were denied to opposition political parties or withdrawn at the last moment, often on the somewhat spurious grounds of insufficient security. Notwithstanding such incidents, we could not fail to conclude that a sea change had taken place within the political culture whereby the rights to freedom of speech and assembly had taken firm root in Kenyan society across the political spectrum.

The role of the news media is covered in detail in the next chapter. We simply wish to note in the context of this chapter on the campaign and from the perspective of general availability of information, biased or otherwise, that the people of Kenya had adequate access to the news media. In the capital, Nairobi, this included newspapers – both private and party-owned – and state-owned radio and television. Outside of Nairobi, the choice was obviously more limited with radio being overwhelmingly popular in rural areas. There were regional publications, including in the national language Swahili, and limited television coverage, but radio remained the most important medium for the dissemination of information for most of the country.

In the light of the pervasive influence of radio, that medium along with others, could have been used to greater effect in voter education; which should have been the prime responsibility of the Electoral Commission. The objective of such an education programme would be to make voters aware of their electoral rights, to encourage a high turnout on polling day and to prompt critical attention to the policies of the various political parties.

In practice, the Electoral Commission relied for such a programme on a mix of newspaper, radio and television advertisements, and at a late stage, distributed as newspaper inserts a useful pictorial poster of a typical polling station and the steps a voter should take (see *Annex XI*). However, the voting instructions issued through the media were generally inadequate and did not prepare voters well for the polling process. Several Western governments sought to finance voter education through the Commission, but these negotiations apparently came to naught. Returning Officers whom we questioned usually replied that it was the responsibility of the candidates to educate voters about their rights and the polling process; but candidates tended to have other messages to convey.

Unofficial groups did their best to fill this vacuum. A local group of women lawyers, the International Federation of Women Lawyers – International Commission of Jurists (FIDA-ICJ), produced in five languages a guide for women voters, and went on to become the nucleus of the National Election Monitoring Unit (NEMU), which performed in outstanding fashion throughout Kenya during both the polling and counting stages of the elections. Meanwhile, a leading woman activist formed the Middle Ground Group in an effort to provide non-partisan education through seminars and meetings with voters. These and similar initiatives may well have helped increase the turnout of voters and reduce the incidence of spoiled ballots; but a much larger effort by all concerned would have been needed to bring most voters to the point of understanding and assessing more than the surface issues of the election campaign.

We were somewhat reassured by what we perceived to be a high level of political awareness throughout the country. This was evidenced by the seemingly high turnout on polling day and by the widespread enthusiasm which the members of our Group encountered throughout the country. This confirmed to us the keen interest of the people of Kenya in their new multi-party democratic system, and augurs well for the future of the system.

During initial meetings with senior government officials, the Group was told that the issue of de-linking the civil service from KANU did not arise as there had never been such links. Nevertheless, the Group subsequently came to the conclusion from discussions with a broad range of civil servants that a substantial proportion of their numbers continued to confuse loyalty to the government with loyalty to KANU. We met with Provincial and District Commissioners, District Officers and Chiefs in all regions of the country, as well as members of the uniformed services and the general public. While Section 2A of the Constitution was repealed in December 1991, its legacy appeared to have remained intact in the minds of many people. We were advised of instances in which government and parastatal vehicles were made available to KANU for the purposes of electioneering. We observed one District Commissioner openly distributing KANU literature from his office, while in another instance the KANU office was located in government buildings less than fifty yards from the District Commissioner's Headquarters. There were widespread complaints that the granting of permits for political rallies strongly favoured KANU

candidates in terms of numbers and timing. In the main the conduct of such officials during the election campaign was generally supportive of KANU, often to the detriment of other parties' election campaigns.

On the other hand, in many instances we observed a heartening level of co-operation and support by such civil servants in the tasks faced by electoral officials on polling day, particularly in relation to security. Although there were allegations of interference by civil servants in the electoral process, we could not find any firm evidence to support them.

We witnessed many political meetings during our deployment in the regions, at Presidential and Parliamentary levels. Most of these were conducted in Swahili or local languages, but the common thread was the concentration on personalities rather than issues. There was a festive atmosphere attending many rallies with street theatre, songs, buntings and motorcades.

We also met and consulted with a wide variety of administration and electoral officials, law enforcement officers, church and community leaders, and the voters themselves. Our Commonwealth teams were received with warmth and enthusiasm throughout the country and were often told that our presence confirmed the great importance of these elections compared with those of previous years.

Officers of the law enforcement and security agencies were very much in evidence at the campaign events we witnessed. There was no lack of allegations about the supposed bias of some of these officers against opposition parties and their rallies. Our observations could not substantiate these allegations. While some party leaders and their supporters interpreted the police presence as a form of intimidation, the administration explained that security considerations made this necessary. There was merit in both points of view.

In our own limited contacts with representatives of the law enforcement agencies, we were treated at all times with courtesy and efficiency.

Soon after our arrival in Kenya, in a News Release of 20 December 1992 (see *Annex XII*), we expressed our strong concern about the reports of numerous cases of violence and land clashes which marred the period immediately preceding polling day and which exacerbated the distrust which prevailed among tribal groups, other communities and the political parties. Members of our Group were made very much aware of the pervasive effects of the violence, particularly in the Rift Valley, and were able to gain a ready appreciation of the volatility of the areas where violence had occurred. Not only was there large-scale violence on a group basis, there were also individual acts of violence perpetrated against candidates from all parties.

There were many reports of the purchase and destruction of voters' cards and the disbursement of cash and food by political party activists to potential voters. Indeed, some of our observers were presented with direct evidence of such malpractices. In a case in Western Province, our observers were provided with documentary evidence of the purchase of voters' cards. In another instance, one of our teams received a formal complaint from a registered voter

that although his relatives and friends had all received gifts of cash to entice them to vote in a certain manner, he had not! However, we should note the reassurance of a Swahili saying conveyed to us, *Ninakula hapa na ninalala huko*, which roughly translates as 'I eat here and sleep there'. We took this to mean that potential voters would happily accept such gifts but still vote in the manner they wished, protected by the expectation of the secrecy of the ballot. The situation regarding voter secrecy, however, proved to be somewhat problematic in the case of illiterate voters.

This was a turbulent and sometimes frenetic campaign. There were huge rallies in the major cities and towns, while in the rural areas such events often provided the novel experience of competing national and local political party leaders vying for the popular vote, and submitting themselves for public scrutiny. There were constraints on both freedom of speech and freedom of assembly, but candidates and political party supporters were able to express their views in a relatively unrestricted manner. Violence in various forms was an unfortunate accompaniment in the more volatile areas, particularly in the Rift Valley and the North Eastern Provinces. In some instances the violence was organised and premeditated, while in others it appeared to be spontaneous and random. This was a disappointing and sometimes tragic feature of the campaign and one which we would hope would disappear with the nurturing of a new political culture by the leadership of Kenya.