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**FACTORS THAT ACCOUNT FOR DEVELOPMENT AND DEEPENING OF  
DEMOCRACY IN KENYA**

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**Abstract:-**

*This paper discusses the factors that deepen democratization in Kenya. The idea of democracy remains puzzling, as various authors draw attention to a myriad of issues attendant in democratic transitions. Theories of democracy are diverse and point to the universality of rights within prescribed legal parameters, citizen consent based governance, freedom of conscience, rule of law among other relevant factors. Democratic consolidation therefore becomes a key goal to many countries in so far as democratic transitions are concerned.*

## INTRODUCTION

The concept of democracy is characterized by semantic ambiguity. This is because there are different meanings assigned to the concept, for instance, Norman Barry in his work "Modern political Theory" aptly captures the difficulty associated with the concept when he points out that the concept of democracy has and can be used in various forms. Of significance is that its usage is designed to provoke a favorable response and attitude towards the utterer or political regime.

He argues that the concept has little descriptive content and is merely a horrific label attached to those forms of political and economic organizations of which the utterer approves and wishes his listeners to similarly approve (Phart 1968).

Francis Fukuyama, in his renowned work, "The end of History and the Last Man", looks at democracy from a western liberal perspective. He sees the end point of mankind's ideological evolution and the universalization of western liberal democracy as the final form of human government. Democracy therefore is the spread of western values to all the corners of the world.

James Madison (1992) a proponent of republicanism, argued for a mixed form of government, with elements of democracy, monarchy and aristocracy. His thesis is that there is need to have a compromise between the powers of the majority and that of the minority. This is because without checks and balances, there is the real fear that an individual or group can tyrannize the others. This brings to the fore an important element of democracy, that is an effective system of checks and balances. Democracy is therefore a political system where individual rights are given special constitutional protection against both minorities and majorities. It is geared towards social, economic and political equality (Wiseman 1997).

Left Witch (1997) notes that Charles Louis De Montesquieu provides a clear break from the past small homogeneous states. He argues that it is impossible in a large state for people to meet as a legislative body. The majority therefore becomes mandated to elect representatives to do what they cannot do themselves. This brings order, respectability into the whole issue of democracy and its practice. It becomes possible to institutionalize democracy in large city states as is evident in the contemporary world.

Joseph Schumpeter (1947) looked at democracy in terms of free, fair and competitive elections. Democracy must have institutional arrangements that enable the individuals to acquire power to decide through competitive struggle. The importance of elections to democracy did not escape the attention of Philip Shively (2001) who posits that "A state in which all fully qualified citizens, vote at regular intervals to choose from among alternative candidates, the people who will be in charge of setting states policy". To Shively it is the extent to which the people are engaged to the government that defines a stable democracy from a non-stable democracy. The more the people are involved in the electoral process, the more democratic the political system.

The works of Alexis de Tocqueville deserves special mention; it is Tocqueville understanding of democracy that has many decades later been used as a yard stick for determining the democratic or non-democratic nature of states. He was a French foreign minister who during his many sojourns came to the conclusion that the America society was the nearest to democracy. Actually America was the image of democracy. This gave rise to his works democracy in America VOL 1 (1835) and Democracy in America Vol. 2 (1840). Tocqueville idolizes the USA by arguing that democracy has sterilized all social differences such as classes, regional, local associations in the population.

Therefore as it can be seen above, various scholars have tried to conceptualize the term democracy differently. For the purposes of this paper, the definition of democracy according to Schumpeter (1947) will be adopted which refers to a modern political system of governance in which rulers are held accountable for their actions in the public realm by the citizens, acting indirectly through the competition and cooperation of their elected representatives. In order for democracy to function properly, the paper will go ahead and rely on the conditions which are necessary for democracy to thrive as listed by Robert Dahl. He offered the most generally accepted list of conditions which he called the procedural minimal conditions that have to be present for modern political democracy to fully function. These conditions are as follows; first the control over the government's decisions about policy is constitutionally vested in the elected officials, secondly elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon. Thirdly, practically all the adult citizens have the right to vote in the election of officials, fourthly, all adults have the right to run for the elective offices. Fifthly, citizens have a right to express themselves without the danger of severe punishment on political matters broadly defined, sixthly citizens have a right to seek out alternative sources of information, moreover alternative sources of information exist and are protected by law, finally citizens also have the right to form relatively independent associations or organizations including independent political parties and interest groups. In addition to all these conditions, scholars have stressed on the need to have a clear separation of powers between the legislature, the executive and the judiciary. This is because these three key arms of government are there to check on each other's excesses (Jonjo, 2013)

This paper seeks to examine the key factors that have been responsible for the deepening and enhancement of democracy in Kenya since independence as its main objective. In order to answer this objective, the paper sets out three key questions, what are the historical underpinnings of democracy in Kenya? What are the factors that have contributed to the growth and development of democracy in Kenya? And lastly what are the key challenges that hamper the growth and deepening of the democratic space in Kenya.

Kenya's path towards democratic expansion has been faced with a lot of challenges. These challenges could be classified as political, economic as well as social in nature. Since Kenya attained its independence in 1963, not only has it experienced

development of democracy but democratic reversals as well (Oyugi, Wanyande and Mbai 2003). At the time of independence, Kenya had a multi-party system whereby the Kenya African National Union (KANU) party and the Kenya African Democratic Union (KADU) were in existence. KADU party was later dissolved to form a new strong KANU party. Initially KANU party advocated for a unitary system of government while KADU advocated for a majimbo system of government. However after KADU dissolved and joined KANU, the unitary government carried the day. In 1966, Kenya's vice president Jaramogi Oginga Odinga broke up ranks with KANU party and formed the Kenya's Peoples Union (KPU) which he used as a vehicle to rival KANU party in the 1969 elections.

Multi-party system continued in Kenya until 1982 when there was an attempted coup de tat to the government of the then president Daniel Arap Moi, in the aftermath of the attempted coup, the Kenyan constitution was quickly changed by various acts of parliament which made Kenya to be a single party state. Kenya reverted back to a single party state whereby KANU became the only party in Kenya. It was until 1992 when section 2A of the Kenyan constitution was changed to reintroduce multi-party system. Although Kenya has continued to have a multi-party democracy to date, there has been a consistent pattern whereby there seems to be two dominant political formations which have been formed through coalition of parties. These political parties have played a key role in voter mobilization, political recruitment and political socialization (Oloo 2007).

Among the Key factors that account for the enhancement and deepening of democracy in Kenya include the following. First and foremost is the new constitution of 2010. This constitution has been termed as one of the most robust constitutions in the continent of Africa. It has expanded the scope of human rights and domesticated them into the Kenyan laws, for instance the freedom of speech, worship, movements, as well as association have been guaranteed and also strengthened the judiciary in Kenya and given it independence from the executive and the legislature. Consequently, the Kenyan judiciary has been able to determine serious matters which the executive and the legislature have been having keen interests. For instance the 2013 and the 2017 presidential election petitions, secondly the judiciary has had to overturn most of the unconstitutional government policies such as the Alco blow, political appointments as well as the Constituency Development Fund. Besides the constitution has been at the forefront in ensuring that good governance and the tenets of good governance are adhered to by government institutions, for example most government policies and laws have been reversed by the judiciary because they did not factor in public participation as well as transparency (Jonjo, 2012).

Secondly, political parties in Kenya have been a key factor in deepening democratic levels in Kenya. Political parties refer to those associations formed by individuals who have shared ideologies and philosophies whose main agenda is to capture power and form the government. Since independence, Kenya has always been a multi-party state with an exception of the period between 1982 and 1992 when there was a democratic reversal into a one party state. Political parties have three major functions according to various scholars, first is to foster political socialization, secondly, is to enhance political recruitment, thirdly is to act as the vehicle for the propagation of the ideology and lastly is to foster national cohesion as well as ensure there is national unity. Since independence political parties in Kenya have played a key role in the socialization of Kenyans through various philosophies such as peace love and unity by KANU. Secondly these political parties have been agents of mobilization whereby supporters of various parties have been invited to register as voters and the same political parties have mobilized the citizens to turn out in large numbers and vote for their preferred candidates. Most of the political parties have been having a subscription fees by the members and they have also been responsible for the internal party democracy where by different individuals have been competing for the various posts within the party. The same political parties have also been taking part in nominating and sponsoring candidates for the various elective positions such as the presidential race, gubernatorial race, senatorial race, members of parliament, as well as the members of the county assembly.

Thirdly the media or the press has also been a notable factor in the process of entrenching democracy in Kenya. It should be noted that when we talk about the media, we mean both the print media and the broadcast media. For the case of the print media, a lot of political analysis has been done with various political analysts and the information shared and circulated in the entire republic. Secondly, the newspapers such as the East African Standard, the Daily nation, the Star newspaper and the People Daily newspapers have been at the forefront in disseminating critical political information to Kenyans. Kenya according to the UNDP report has been regarded as a fairly literate country since majority of its citizens have passed through elementary education, therefore reading and writing has not been a big problem to the majority of Kenyans especially in the urban centers. Secondly, the broadcast media has been informing Kenyans throughout of the new political developments. These include the radios such as citizen Radio, Radio Jambo, KBC Radio Taifa as well as hundreds of vernacular radio and TV stations. In almost all the radios and TV stations, there has been a daily talk shows on political matters with leading politicians being invited as the guests while the citizens have been given an opportunity to call in and air their views. These has consistently been done both at the local level and at the national levels. In addition to these there has been an hourly news bulletins by the TV stations as well as the Radio stations, these has constantly ensured that the citizens are informed. Finally there has emerged a new form of media which has been key in ensuring that Kenyans interact with their leaders and among themselves in an easy manner. This is the social media, examples of these social media are Facebook, Twitter, Whattsap and Instagram. With the advent of globalization the world has become a very small village since there is closeness and easy way of interactions.

The input by the civil society organizations has also been a key factor that has contributed significantly in the growth and the development of democracy in Kenya. Civil society in this case refers to that realm of activities that stands in between the state and the market. It consists of the Non-Governmental Organizations, Religious organizations, Trade Unions, Pressure Groups and activists. This category of individuals has also been at the forefront in fighting for democratic space in Kenya. Among the notable civil society organizations in Kenya are the Africog, Muhuri as well as the Kenya Commission for Human Rights, they have filed a number of cases in courts in a bid to protect human rights and civil liberties, secondly trade unions such as the Central Organizations of Trade Unions (COTU) has also registered an indelible mark in fighting for the rights of the Kenyan workers as well as championing for the national political discourses which are favorable to the Kenyan workers. Another segment of the civil society are the activists, for example Okiya Omtata Okoiti and Boniface Mwangi have been litigating and petitioning against executive and the legislative arms of governments excesses. They have also been very vital in ensuring that the rule of law and constitutionalism is observed at all times by everybody. The church through its organs such as the NCCK, the Kenya conference for catholic bishops have also been noted in trying to advocate for good governance in Kenya as well as ensuring that the interests of the general public are well taken care of by the state.

The independent government institutions have also been in one way or the other responsible for the growth and development of democracy in Kenya. For instance the registrar of political parties' office has been monitoring the activities of the political parties as well as the adherence of the electoral laws. As a result of its tremendous work, many political parties have been registered while others have been merged in a coalition while others dissolved under the watch of these office, secondly the Independent Electoral and Boundaries Commission (IEBC) has also contributed significantly the enhancement of the democratic space in Kenya, for instance the IEBC has ensured that all Kenyans from all parts of the country are adequately represented. This has been done through the review of the electoral map. Secondly the IEBC has also conducted civic education in a number of areas as well as registering of new voters. Besides these it has conducted various general elections as well as any by-elections that come up. Although the IEBC has got its own fair share of challenges, it has tried to make a significant contribution in the enhancement of democracy in Kenya.

The contribution by foreign envoys and the members of the diplomatic corps, these groups of individuals have played a key role in shaping Kenya's democratic transition. For instance the US ambassador to Kenya Robert Godec has played a key role in uniting the opposition coalition NASA and the jubilee government since their fallout in the run up to the 2017 general elections. In 2007 the US ambassador to Kenya Michael Rannberger played a significant role in mediating through the conflict that resulted from the disputed elections and the post-election violence of 2007/2008. In addition to these two, notable diplomats such as Smith Hempstone and Sir Edward Clay were at the fore front in fighting against grand corruption in government.

The contribution made by the observer groups cannot escape to be mentioned. Observer groups in Kenya have been very helpful in ensuring that the elections both the general elections as well as the by elections are conducted in a free and fair manner. These observer groups have both been from inside and outside Kenya, externally, we have had the East African Community, (EAC), African Union, (AU), Inter Governmental Authority on Development (IGAD), European Union (EU) as well as the United Nations sending in their delegation in the observer missions. At the end of the voting exercise, these observer missions have generated reports that contains their findings and the manner in which the elections were conducted. These reports have been documented and shared by the Kenyan government, political parties as well as the international community. Not only have these documents been useful for record keeping purposes but they have also been relied upon as the benchmarks for future elections. In cases where they have identified anomalies, special attention is usually paid in such areas and improvements are usually done.

The international community has also played a key role in entrenching the culture of democracy in Kenya. For instance when Kenya plunged itself into the 2007 post-election violence, it's the international community through the former Secretary General of the UN Koffi Annan, the then president of Ghana John Kufuor, Graca Matchel as well as the former President of Tanzania Jakaya

Kikwete who helped to broker peace in Kenya. In addition to these it's the international community that supervised the mediation process in the Kenyan conflict as well as imposition of sanctions to the key leaders in a bid to resolve the 2007/2008 post-election crisis. In the run up to the 1992 general elections, it's the international community that forced the former president Moi into accepting the idea of repealing of the section 2A of the old constitution which made Kenya to become a multi-party state.

The business elites have also played a key role in entrenching democracy in Kenya. Not only do these individuals pay up their taxes to the government but they have also been responsible for financing of the political activities in Kenya, for instance the business community has continued to be the key financiers of political parties in Kenya, they have also financed the key activities of the civil society organizations, the activists as well as they have been at the forefront in presenting their memorandums to the various arms of government and the opposition parties whenever they have fallen into problems.

However despite the essay above factors which have contributed immensely for the expansion of the democratic space in Kenya. Democracy in Kenya has continued to experience reversals most of the times, besides these, democracy has greatly been undermined by a number of factors.

First and foremost is the issue of poverty. As it has been explained by various authors, democracy cannot survive where poverty is, this assertion can be confirmed as true by this paper because of the following. Kenya has been rated as one of the struggling economies in the world. And majority of Kenyans have continued to live below the poverty line. Besides these, many Kenyan youth are unable to secure meaningful employment opportunities. Therefore poverty in Kenya has become something circular. Several studies that have been done in this area have indicated that poor people are very vulnerable to be manipulated by the politicians who may offer them bribes and manipulate them to vote along ethnic lines as well as religious lines. Several reports from various observers have noted that a number of politicians in Kenya have formed these habit of bribing voters using food rations, bar soaps, sugar, t-shirts, capes as well as money. These gifts and bribes have been so influential in that they have continued shaping up the voting behavior in Kenya. Majority of wealthy candidates get elected. Therefore the issue of poverty has greatly undermined the advancement and deepening of democracy in Kenya.

Secondly, ignorance, it has been noted that quite a number Kenyans especially in the country side do not know how to read or write. This is because they come from very remote areas whereby society has not seen the value of education and it has not appreciated the importance of one being literate. As a result of these, a lot of violence has been witnessed during the campaign rallies, whereby the ignorant youths who are jobless and poor are easily manipulated by rogue politicians to go and cause chaos in the opponents rally. It's these ignorant citizens who have been noted to be the ones voting on tribal lines, voting mediocre leaders as opposed to leaders who have been exemplary in their service to the citizens. It should be noted that its these ignorant people who do not want to attend civic education sessions by the IEBC and other organizations on political matters, instead, they have formed a cult-like flowing of their ethnic kingpin whom they rely on to make any political decision. Thirdly, the question of negative ethnicity. Negative ethnicity is that situation whereby people undermine others and sideline others on the account of their ethnic communities. Negative ethnicity has continued to be a big disease in Kenya since independence. Most communities in Kenya have had historical differences with each other; these historical differences have been used by the politicians to further their own agenda hence worsening the rifts that exists between ethnic communities. As if this is not enough, some ethnic communities have taken advantage of being in charge of the instruments of power to manipulate other ethnic communities so that they take a lion's share of public resources. This kind of discrimination has been witnessed in the skewed appointments in the public service and other plum state positions. According to the transparency report of 2014, it was observed that 70% of the public service jobs have been dominated by the big five communities in Kenya out of the existing 43 communities of Kenya. These trends are worrying. It is upon this background that explains why Kenyans voting patterns has continued being along ethnic lines. Although the new constitution prohibits political parties from being formed along ethnic lines. Most of the political parties in Kenya have got their bases which are purely ethnic. These kind of scenario has made it impossible for any single political party to participate in a general election and win the elections on its own. Rather these political parties have been forced to enter into some form of coalitions with other parties for the purposes of winning elections. These coalitions have been along ethnic lines hence complicating the ethnic divisions in Kenya.

Another challenge to the expansion of democracy in Kenya is the issue of underdevelopment. Although Kenya has continued to be regarded as a middle income country, the fact remains that a huge part of Kenyan territory is still underdeveloped. This underdevelopment is seen in terms of the poor infrastructure, high levels of poverty among the citizens, overpopulation, rural urban migrations, high income inequalities as well as high levels of illiteracy. In cases where there is a massive underdevelopment, studies have shown that it's very difficult for the norms such as democracy to permeate in such a society. Among the negative effects of this underdevelopment are the slow paces at which the citizens are able to appreciate the value of democracy, national cohesion as well as patriotism. Instead, where there is massive underdevelopment, the citizens are susceptible to fall into trap of practicing tribal politics, proportion of corrupt activities, witchcraft as well as other undemocratic acts. Therefore underdevelopment has greatly undermined the entrenchment of democratic culture in Kenya.

Finally, the issue of big man's syndrome has also served to undermine the growth and the expansion of democratic space in Kenya. Big man's syndrome is that situation whereby the citizens put much of their faith to individual leaders as opposed to the public institutions. This culture of big man's syndrome has been in Kenya. Since it attained its independence, for quite some time, most Kenyans have been identifying themselves with their ethnic kingpins and their word is like law. These ethnic kingpins control the major political parties and they are worshiped to a level of becoming a cult. In most cases these ethnic kingpins have no evident ideological base, they only move according to the circumstances of the day. Therefore the culture of big man's syndrome has prevented the emergence of new ideas in our political parties and the suppression of the institutions of governance.

In conclusion therefore, it can be noted that Kenya has made a lot of gains when it comes to democratic expansion and deepening of the democratic culture to the citizenry. At the same time there has also been some democratic reversals. However it should be observed that since democracy as a concept is accompanied by the semantic ambiguities; there is no single universal definition or operationalization of the concept. This explains why the paper relied on the conceptualization of the term according to Schumpeter and Robert Dahl, these is because they describe the universal conditions of the term. On the flipside, although there are many factors that explains the deepening and entrenchment of the democratic culture in Kenya since independence, there are also quite a number of factors which undermine the entrenchment and the consolidation of democracy in Kenya.



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