

## ***Bleak Future for Multi-Party Elections in Kenya***

by RODDY FOX\*

WITH attention turning towards Kenya's second multi-party elections, due to be held before the end of 1997, it is imperative to look back to the flaws in the system which helped deliver President Daniel arap Moi and the Kenya African National Union (KANU) their victories in 1992. At present there is no sign of these defects being eradicated and the creation of new districts since then has demonstrated the Government's intention of enhancing an already biased structure. The underlying distribution of tribes and ethnic groups has had a fundamental impact on the electoral geography of Kenya, since they have controlled the delimitation of both the parliamentary constituencies and the administrative machinery of the whole country.<sup>1</sup>

In 1962, immediately preceding independence, the Regional Boundaries Commission divided Kenya on the basis of either ethnic homogeneity, i.e. one tribe per district, or compatibility, i.e. more than one tribe per district or province where they were happy to coexist.<sup>2</sup> The Commission recommended the eight provinces and 41 districts which were the basis for Kenya's administration in the 1992 elections. The ethnic distributions and provincial divisions shown in Map 1 are derived from W. T. W. Morgan's cartography immediately after the 1962 population census of Kenya, and unpublished until now. Also critical to the arguments presented later are the parliamentary constituencies in Kenya as demarcated in 1966 and revised in 1987, which provide the spatial framework for the electoral returns shown in Maps 2–4.<sup>3</sup>

What is not common knowledge at present, but which becomes clear

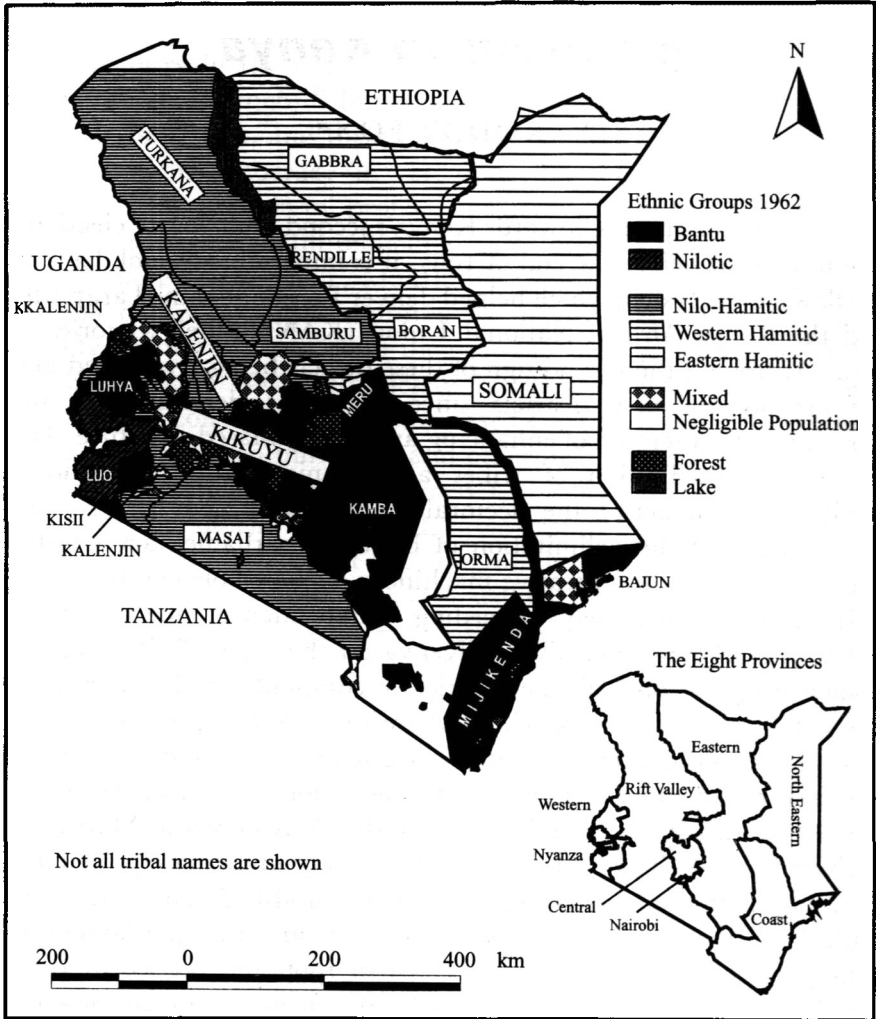
\* Associate Professor of Geography, Rhodes University, Grahamstown, South Africa.

<sup>1</sup> The names of tribes and the ethnic groups to which they belong are taken from Republic of Kenya, *Kenyan Population Census, 1969, Volume II* (Nairobi, 1971), pp. iv–v.

<sup>2</sup> S. Forster-Sutton, C. S. Thornley, and M. Hyde-Clarke, *Report of the Regional Boundaries Commission* (London, 1962), Cmnd. 1899.

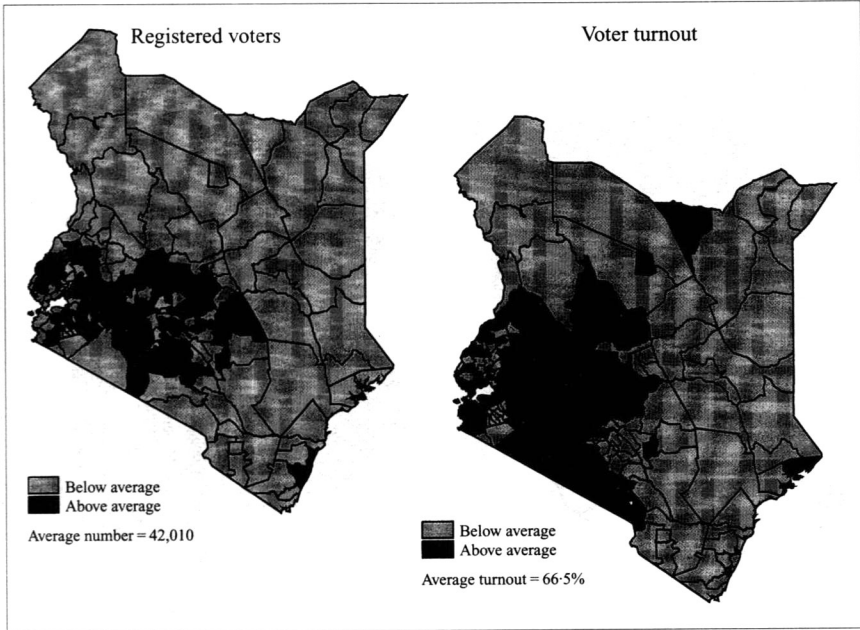
<sup>3</sup> The Survey of Kenya has produced the following excellent series of maps: *Kenya Parliamentary Constituencies – SK81C, Kenya 1:1 m, Edition 5* (Nairobi, 1987); *Nairobi Parliamentary Constituencies, Sheet A, Miscellaneous – SK52A, 1:50,000, Edition 4* (Nairobi, 1991); and *Mombasa Parliamentary Constituencies, Sheet B, Miscellaneous – SK68A, 1:50,000, Edition 4* (Nairobi, 1991).

MAP I  
Ethnic Distributions and Provincial Divisions in Kenya



from comparing Map I with Maps 2-4, is that the parliamentary boundaries are also based on ethnic distributions and tribal subdivisions. A good example of this is in the extreme north-west of Kenya. The Nilo-Hamitics in this area in 1962 were the Turkana, the northernmost of those tribes occupying the Rift Valley Province. Their home region stretched down in a south-easterly direction to encompass the three constituencies of Turkana North/Central/South, each won by KANU in 1992.

MAP 2  
Distribution of Registered Voters and Turnout, 1992



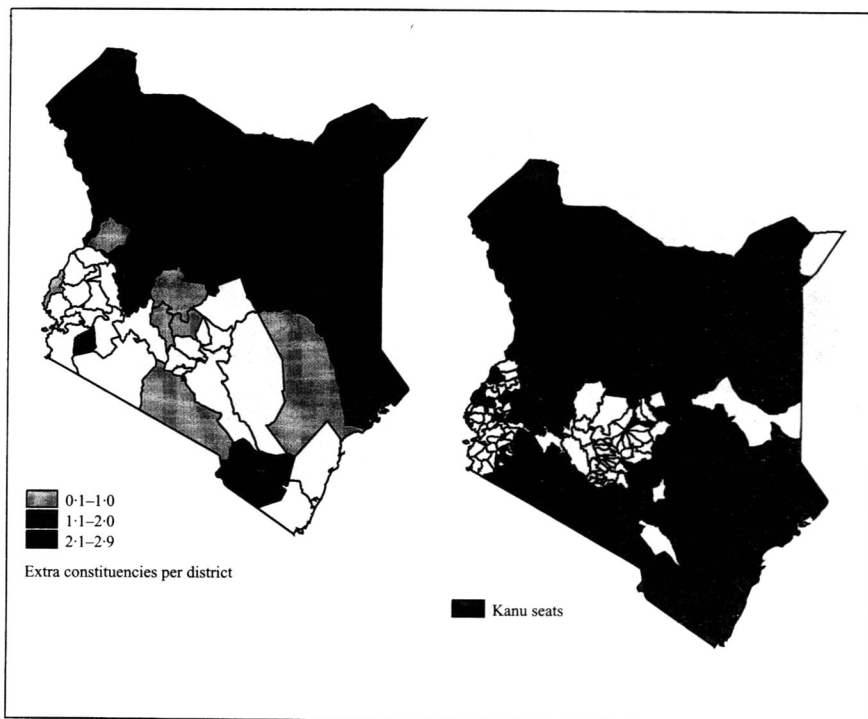
All of the spatial, electoral, and census data have been co-ordinated in a Geographic Information System which makes it possible to categorise Kenya's parliamentary constituencies by ethnic group and tribe – see Table 1. This enables us to understand multi-party electoral tactics in the country, because there has been little change in ethnic distributions over the past 25 years.<sup>4</sup>

Coalitions are imperative in order to achieve a majority (95 and over) in Parliament, since the 188 single-member constituencies are divided amongst some five ethnic groups, further sub-divided into over 40 major and minor tribes. KANU, in particular, has had to emphasise coalitions in the multi-party era as it has derived its core support of only 33 seats from the Nilo-Hamitic tribes: the Kalenjin, Masai, Turkana, Samburu, and Iteso, who inhabit the Rift Valley Province. Alliances with the Western and Eastern Hamitic tribes in the Eastern and North-

<sup>4</sup> See R. C. Fox, *Ethnic Distributions in Colonial and Post-Colonial Kenya* (Pretoria, 1991).

## MAP 3

Distribution of Extra Constituencies and Kanu Parliamentary Seats, 1992

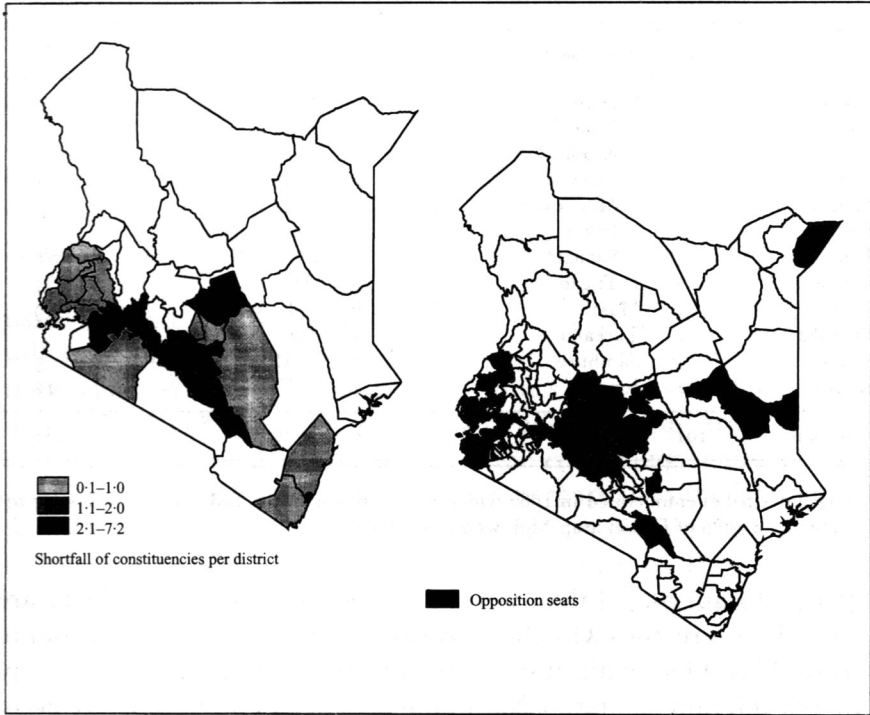


Eastern Provinces have gained a further 18 seats, giving a total of 51. Thus a KANU majority would need to be dependent on securing at least 44 more seats from the Bantu-speaking tribes of the Western, Central, Eastern, and Coast Provinces and/or the Nilotic Luo of the Nyanza Province.

The distribution of KANU seats shown in Map 3 indicates that the ruling party was indeed successful in gaining such support, particularly from the Kamba and Mijikenda in the Eastern and Coast Provinces, and from the Kisii in the Nyanza Province. Calculations like these also underpinned the strategies for the Forum for the Restoration of Democracy (FORD) Asili, FORD Kenya, and the Democratic Party in 1992.

How were the boundaries of the 188 constituencies actually determined? This is an important question, not least because of evidence that the system of parliamentary representation is inequitable. The fact is that KANU's 51 'safe' seats have been artificially inflated

MAP 4  
Shortfall of Constituencies and Opposition Parliamentary Seats, 1992



through gerrymandering in order to ensure a surplus of small constituencies in areas with strong support for the ruling party.

#### BOUNDARY DELIMITATION AND THE SIZE OF CONSTITUENCIES

Kenya's first post-colonial boundary delimitation in 1966 provided for 158 seats,<sup>5</sup> and lasted until 1987 when an extra 30 were added.<sup>6</sup> Of these 188, 176 were rural and only eight were in Nairobi, with a further four seats in Mombasa. Although the population of these two major metropolises had increased substantially since independence – Nairobi from 509,286 in 1969 to 1,324,570 in 1989, and Mombasa up from

<sup>5</sup> Preparatory Review No. 2, Order 1966 of 19 December 1966, Legal Notice No. 344.

<sup>6</sup> Kenya Parliamentary Constituencies Review Order 1987 of 11 November 1987, Legal Notice No. 309.

TABLE I  
Parliamentary Constituencies by Ethnic Group and Tribe

<i>Bantu</i>	No.	<i>Nilo-Hamitic</i>	No.	<i>Western Hamitic</i>	No.
Kikuyu	31	Kalenjin	21	Boran	3
Luhya	21	Nandi <sup>a</sup>	3	Rendille	2
Kamba	16	Kipsigis <sup>a</sup>	5	Orma	2
Kisii	9	Elgeyo <sup>a</sup>	2	Gabbra	1
Mijikenda	8	Marakwet <sup>a</sup>	3	Sub-total	8
Meru		Pokot <sup>a</sup>	4	<i>Eastern Hamitic</i>	
Taita	3	Sabaot <sup>a</sup>	1	Somali	10
Mbere	2	Tugen <sup>a</sup>	3	<i>Nilotic</i>	
Embu	1	Masai	6	Luo	19
Tharaka	1	Turkana	3	<i>Others</i>	
Kuria	1	Samburu	2	Mixed	5
Bajun	1	Iteso	1	Urban	12
Sub-total	101	Sub-total	33	Total	188

<sup>a</sup> Denotes tribes enumerated in 1962 which were subsequently called Kalenjin following the Presidency in 1988 of Daniel arap Moi, who is a Tugen.

247,073 to 461,753<sup>7</sup> – they were allocated no extra seats. There are probably two reasons why the Government continues to be in favour of a rural bias. First of all, it is common knowledge that there are many Kikuyu migrants living in Nairobi and many Luo migrants living in Mombasa, and that both of these tribes have been arch-antagonists of KANU. Secondly, albeit as a rather generalised explanation, there is no doubt that a clear pattern of discord exists between ruling parties and the more modernised voters in the metropolises of other African countries.<sup>8</sup>

Of the 30 new constituencies created in 1987 across 41 rural districts, the lion's share went to the 'neutral' areas, i.e. those not strongly identified with either the ruling party or the opposition, broadly coterminous with the Kalenjin, the Kikuyu, and the Luo. Thus Kisii district (Kisii), Kakamega district (Luhya), and Machakos district (Kamba) gained three seats each – all in Bantu ethnic areas whose key rôle in alliance building has been mentioned in the context of the figures given in Table 1. Opposition districts favoured with two seats each were Nyeri (Kikuyu) and South Nyanza (Luo), and with one seat

<sup>7</sup> Republic of Kenya, op. cit. and *Kenya Population Census, 1989, Volume II* (Nairobi, 1994).

<sup>8</sup> Discussed in Roddy Fox, 'Lesotho's Changing Electoral Geography, 1965-1993', in Roger Southall and Tsoeu Petlane (eds.), *Democratisation and Demilitarisation in Lesotho: the general election of 1993 and its aftermath* (Pretoria, 1995), pp. 45-57.

each, Nyandarua (Kikuyu), Murang'a (Kikuyu), and Kisumu/Siaya (Luo). To balance these, seven KANU districts gained a seat: West Pokot (Kalenjin), Elgeyo-Marakwet (Kalenjin), Kericho (Kalenjin), Garissa (Somali), Mandera (Somali), Marsabit (Rendille/Gabbara), and Kajiado (Masai). The remaining seats were spread fairly evenly across other rural districts: Kilifi (Mijikenda), Taita Taveta (Mijikenda), Meru (Meru), Bungoma (Luhya), Trans-Nzoia (mixed), Uasin Gishu (mixed), and Nakuru (mixed). The delimitation, therefore, discriminated against voters in the major metropole, while maintaining the biased status quo in KANU and opposition districts.

However, we need to bear in mind that such an interpretation is based on hindsight. The 1987 delimitation occurred whilst Kenya was still a one-party state, and comments then focused on the impact that these changes would have on the fortunes of individual politicians within KANU.<sup>9</sup> Even so, the skewed allocation to areas loyal to President Moi was part and parcel of the continuing 'game of tribal politics' in Kenya. Of more importance, perhaps, was the fact that the boundaries were seemingly drawn 'so as to homogenise the number of people in all constituencies', because as explained by Philip Ochieng, 'Hitherto, it was not uncommon to find one MP representing 10,000 people while another represented 150,000.'<sup>10</sup> It should be noted that according to Kenya's constitution: 'All constituencies shall contain as nearly equal numbers of inhabitants as appears to the [Electoral] Commission to be reasonably practicable.'<sup>11</sup>

If the 1987 delimitation was a serious attempt to achieve equity as regards the size of the population in each constituency – at least as revealed in the number of *registered voters* – Map 2 demonstrates that it was a considerable failure.<sup>12</sup> There was obviously a tremendous amount of variation across the country in 1992. Ijara in the North Eastern Province had only 7,908 registered voters, and most of the other constituencies in these arid and semi-arid regions of northern and eastern Kenya were well below the average of 42,010. The largest constituencies lay mostly in the fertile regions of central and western Kenya, generally speaking the opposition areas – as many as 120,705 registered in Molo in the Rift Valley Province – as well as in the major urban centres of Nairobi, Mombasa, Nakuru, Kisumu, and Eldoret.

<sup>9</sup> Radiala Onim, 'Electoral Battlegrounds', in *New African* (London), 234, March 1987, p. 21.

<sup>10</sup> Philip Ochieng, 'More Work for Kenya MPs', in *ibid.* p. 35.

<sup>11</sup> Constitution of Kenya, 1992, ch. 3, section 42 (3).

<sup>12</sup> The electoral results shown in Maps 2–4 and Table 2 are from data provided by Kenya's Electoral Commission, published by *The Weekly Review* (Nairobi), 1992, Nos. 915, 917, and 918.

As also shown in Map 2, *voter turnout* was clearly highest in the centre and west of the country and lowest in the north and east, ranging from 23 per cent in Wundanyi in the Coast Province, to 94 per cent in Moi's Baringo North constituency in the Rift Valley Province, well above the average of 66.5 per cent.

To summarise. The KANU support base, by and large, came from rural constituencies with relatively few voters, where the turnout was usually below average. Thus in spite of being an alliance of small tribes, the ruling party won 100 of the 188 seats in 1992,<sup>13</sup> with noticeable gaps only in the centre (Kikuyu areas), in the west (Luo areas), and in the urban centres. Of particular interest is the fact that seats won/held by KANU only averaged 33,352 registered voters as against 51,850 by the opposition.

#### CALCULATING THE DEGREE OF SPATIAL BIAS

Since the 1989 census recorded the number of persons aged 15 and above in each district who would be over the voting age of 18 in 1992, we know that there could have been then (at least theoretically) as many as 11,157,575 potential voters.<sup>14</sup> Given the existence of 188 constituencies it only requires simple arithmetic to claim that each should ideally have just over 59,000 voters. In fact, in the 1992 elections there were 7,897,973 registered voters (71 per cent of the aforementioned possible total) with an average of only 42,010 in each constituency.

It is relatively easy to calculate how many parliamentary constituencies there *should* have been in each district if we take the 'ideal size' of each and the total number of potential voters per district. Map 3 shows the distribution of extra constituencies and KANU parliamentary seats, most of which were in the north and east, while Map 4 shows that the 'shortfall' was in the west, centre, and coast. The general identification of these areas with, respectively, support for the ruling party and the opposition, should not by now need stressing.

What is apparent, therefore, is that the 1987 Boundary Commission did not succeed in equalising the distribution of seats. In several instances extra seats were awarded to districts already in excess – Marsabit, Mandera, West Pokot, Elgeyo-Marakwet, Garissa, Kajiado, and Taita Taveta – which all subsequently supported KANU. Districts which favoured opposition parties were grossly disadvantaged, in-

<sup>13</sup> Of these 100 seats, 16 were unopposed, allegedly because of a variety of intimidatory tactics.

<sup>14</sup> Compiled in R. C. Fox, *Population Atlas of Kenya* (Grahamstown, South Africa, 1995).



cluding Nairobi with 7·2 too few seats and Nakuru with 2·4. A shrewd guess, given the voting patterns at the 1992 elections, suggests that KANU gained as many as 20·7 of the 25·6 extra seats, as against only 3·7 if they had been equitably reallocated. The ruling party's majority would almost certainly be lost if the parliamentary constituencies were to be redrawn on an equitable basis.

The controversial delimitation of 14 new administrative districts since 1994 to areas which supported President Moi in the 1992 elections needs to be raised here.<sup>15</sup> The fact is that the ensuing creation of as many as 22 extra parliamentary constituencies, towards the end of 1996, has increased KANU's already artificially inflated tally.

#### THE ARITHMETIC BEHIND THE CONSTITUTIONAL AMENDMENT, 1992

The Constitution of Kenya (Amendment) Act No. 6 of 1992 required the Electoral Commission to tally the votes cast in all constituencies for those standing for the Presidency. To be successful, a candidate needed (i) to have the greatest number of votes cast in the country, (ii) to have been elected an MP for a constituency, and (iii) to have acquired at least 25 per cent of the total votes cast in at least five of the country's eight provinces. Should no candidate meet these requirements there would be a second round of voting within 21 days for the leading two presidential candidates.<sup>16</sup>

It is clear from Map 1 that if President Moi's tribal support mirrored KANU's, then he would be likely to satisfy the third requirement of the constitutional amendment by getting sufficient votes in five of Kenya's provinces. Indeed, informed reports from Nairobi claim that a survey carried out on Moi's behalf prior to 1992 came to the obvious conclusion that his core areas of support would be the Rift Valley, Eastern, and North Eastern Provinces, with the Bantu tribes of the Coast and Western Provinces providing the additional votes needed. Opposition candidates would need not only to build an alliance between the Luo of Nyanza and the Kikuyu of the Central, Rift Valley, and Nairobi Provinces, but also to secure further support from tribes such as the Luhya in the Western, or the Kamba in the Eastern, or the Mijikenda in the Coast Province.

It is ironic that the original multi-ethnic Forum for the Restoration of Democracy could have achieved such a successful coalition, *if* it had

<sup>15</sup> See 'How Kanu Will Rig the 1997 Elections', in *Finance* (Nairobi), 31 December 1995.

<sup>16</sup> *The Weekly Review*, 1992, 915, p. 6.

TABLE 2  
Provincial Voting Patterns in the Presidential Elections, 1992

	Western	Nyanza	Rift Valley	Eastern	Central	Nairobi	North Eastern	Coast	National
<b>Arap Moi (KANU)</b>									
Votes	218,317	114,110	994,800	302,935	21,908	62,402	53,038	197,357	1,964,867
Per cent	39.70	14.32	67.98	37.77	2.19	16.75	78.46	64.31	36.66
<b>Maiba (FORD A)</b>									
Votes	213,562	27,390	274,000	86,710	621,401	164,553	7,433	25,578	1,420,627
Per cent	38.84	3.44	18.72	10.81	62.15	44.17	11.00	8.33	26.51
<b>Odinga (FORD K)</b>									
Votes	100,818	602,996	83,881	13,130	11,696	75,898	5,165	50,980	944,564
Per cent	18.33	75.67	5.73	1.64	1.17	20.37	7.64	16.61	17.63
<b>Kibaki (DP)</b>									
Votes	17,202	52,423	110,688	399,381	344,819	69,713	1,961	32,976	1,029,163
Per cent	3.13	6.58	7.56	49.79	34.49	18.71	2.90	10.75	19.20
<b>Registered Voters</b>	851,191	1,205,132	1,918,812	1,221,196	1,224,981	673,814	41,420	661,427	7,897,973
<b>Total</b>									
Votes	549,899	796,919	1,463,369	802,156	999,824	372,566	67,597	306,891	5,359,221

not split and fielded two presidential candidates: Oginga Odinga (FORD Kenya) who attracted the Luo vote, and Kenneth Matiba (FORD Asili) who appealed to many Kikuyu. This allowed President Moi to be re-elected, even although he only received 36.7 per cent of the national vote. As may also be seen from Table 2, Matiba and Odinga had a combined tally of 43.1 per cent, and between them achieved the requisite votes in four provinces, and one with 24.94 per cent. Similarly, Mwai Kibaki (Democratic Party) and Odinga combined had a marginally higher arithmetic total of 36.8 per cent, just above Moi, and would have carried five provinces. Kibaki and Matiba would have secured the best opposition combined vote of 45.7 per cent, enough to comfortably win in five of the eight provinces.

The 1992 constitutional amendment, therefore, favoured President Moi, but only as long as the opposition split votes between several candidates with support from the Kikuyu and Luo communities.

#### CONCLUSIONS

The present distribution of parliamentary constituencies in Kenya is inequitable. Votes for KANU in the 1992 multi-party elections counted for far more than votes for the opposition. The Electoral Commission, under its reappointed chairman, has further increased these disparities by allocating extra constituencies to the new, mainly pro-KANU districts. Thus the 1997 multi-party elections will begin from a basis which is already 'unfree and unfair'.

In terms of mounting a successful strategy at either parliamentary or presidential level in Kenya, alliance building is important for all parties since the underlying trend is for voting to follow largely along tribal and ethnic lines. The present constitution will only reward a presidential candidate from the opposition with a broad support base, and who does not split the votes of the Kikuyu and Luo communities. Could this be the reason for President's Moi's reported insistence that opposition parties must field candidates in *all* constituencies?