

Challenging the Rulers:

A Leadership Model for Good Governance

Edited by

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with an introduction by

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Preface

A few months after Kenya was launched on the path of governance reforms through the proclamation of a progressive new constitution on August 27 2010, Community Aid International, the lead agency in Jadili Coalition that was implementing a project on advocacy for governance reforms, conducted a survey, billed the “Scorecard”, to gauge the opinion of Kenyans on the direction their country had taken in the new dispensation. The major finding was an overwhelming call for good leadership. While acknowledging that their new constitution was good and progressive, Kenyans asserted that good laws alone could not guarantee good governance, that good leadership was the most critical factor if good governance had to be realised.

The intelligentsia and ordinary citizens hold the view that good laws, structures, systems and policies simply provide the infrastructure for good governance. It is clear to them that the infrastructure is static and lifeless until good men and women of vision, who are committed to servant leadership of self sacrifice, activate it to bring about good governance as a means of improving people’s quality of life and happiness. It is the conviction of the common man and the elite that the most important factor in the quest for realisation of the common good and societal progress – after the basic legal infrastructure is put in place – is good leadership.

It has become the most widely held opinion the world over that what fails Africa is poor leadership. Development literature is awash with observations that Africa has enormous resources and, in fact, would be the next economic growth spot for the world economy. In Kenya, hardly a week passes without a headline related to leadership failure in the newspapers’ regular columns, occasional commentaries and letters to the editor. One comes across headlines such as: “Famine Caused by a Leadership Draught”, “Accidents Kill Hundreds of Kenyans as Leaders Plead with Drivers”, “Poverty: Sign of Poor Leadership”, etc.

This book is a spirited effort to point out that the Kenyan leadership since independence has fallen far short of people’s expectations; that this country, like nearly all African nation states, would have been more economically prosperous and socio-politically advanced, but for their leaders. However, the authors do not claim that this book has all solutions to challenges of leadership in Africa.

Kenya, as the central theme of this book, is a microcosm of Africa. The Kenyan situation is not significantly different from that of Nigeria, Zambia or the Democratic Republic of Congo. Similarly, the leadership and governance scenario in Germany mirrors that of Norway and Belgium in the European governance culture. The behaviour and mindset of the occupants of the presidency in the Cameroon, Mali, Malawi or Senegal are more similar than dissimilar to that of the one in Kenya at any time. This book therefore discusses the Kenyan leadership situation in a style that applies very much to the whole of the African continent.

The work is inspired by the call for good leadership by Kenyans. It is intended to direct thoughts and efforts towards leadership reforms – the search for the adoption of a leadership model for good governance. It aims to serve as a guide for assessing individuals seeking leadership positions, a monitoring and evaluation tool to be used by the civil society and other actors on those occupying public and state offices, and, also, as a mirror for the serving leaders to reflect on their performance and behaviour.

The book points out how the leaders have undermined the economic development potential and general societal progress of their nations and boldly advocates for a path to take in providing good leadership. It is an indictment to the leaders in Kenya and Africa who have preoccupied themselves with the quest for power for its sake and for amassing wealth. In its form and content, the book is partly academic and partly an advocacy tool. The authors are addressing everyone who cares about and is pained by the failure of leadership in Africa, or seeks to understand and wants the issue to be addressed as an imperative.

Even though the Constitution of Kenya 2010 spells out the strong values to guide individuals in leadership, the prescription on values, principles and ethics of good leadership is one of the areas of reforms that will be most difficult to enforce. And yet the more their actualisation becomes elusive, the more it will loom large as a core critical issue in the governance discourse, making it crystallise as the next agenda for reforms beyond mere constitutional change. This book is meant to stimulate the leadership discourse and make it the next frontier of reforms.

The process of producing this book started with sharing and widely disseminating the findings of a survey whose results was a call for good leadership by Kenyans. Scholars, writers and other intellectuals were then invited to make contributions to this project. Several workshops were held for the writers to agree on the form and content of the book. The arduous work took more than half a year of efforts in writing by the contributing authors and continuous content editing by the steering team of Barrack Muluka, Okoth Okombo, Beatrice Sungura-Nyabuto and myself. Henry Indangasi was then invited as an expert editor to polish up each chapter before the manuscript was handed over to the publisher.

It is our hope that the book will not only bring to the fore the issue of leadership in relation to good governance and socio-economic prosperity, but also that the reader will use it either to become a good leader who meets people's expectations or as a yardstick to measure the suitability of individuals seeking leadership positions and assess their performance when they are in office.

*Joseph Kwaka,
Executive Director,
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We are most grateful to the authors, who sacrificed their time and generously agreed to incur opportunity costs to make an intellectual contribution to this project. In particular, we acknowledge the guidance and intellectual input from the editorial team of Okoth Okombo, Barrack Muluka, Beatrice Sungura-Nyabuto and Joseph Kwaka. These personalities provided leadership in the process by contributing chapters and planning, designing and editing the content of the book. The work of the initial copy editing was ably handled by Henry Indangasi before the script was passed on to the publisher.

We thank the staff members of Community Aid International, especially Caroline Mwendu Mutua, the Programme Coordinator, who worked tirelessly to ensure that the project ran on course. The work of handling the specific day to day affairs of the process and coordination of experts and other people involved was astutely done by Julie Caroline Onyango.

Last, but perhaps most important, is to express sincere gratitude to the civil society organisations and community leaders in all corners of the country where Community Aid International and its partners implemented activities on advocacy for good governance. They generated the issues addressed herein and gave ideas that enriched the book. This segment of stakeholders to this work showed the most enthusiasm, gave us encouragement and remained in high expectancy of the book.

We may not mention everyone, but as it is known, such a project can only be successful with direct and indirect input from a wide spectrum of people. We thank them all.

Community Aid International

Abbreviations and Acronyms

4C'S	-	Citizens' Coalition for Constitutional Culture
AIDS	-	Acquired Immune Deficiency Syndrome
AIESEC	-	Association Internationale des Étudiants en Sciences Économiques et Commerciales
ALFC	-	Anglo-Leasing and Finance Company Limited
ARVs	-	antiretroviral
CA	-	County Assembly
CCM	-	Chama Cha Mapinduzi
CDF	-	Constituency Development Fund
CEC	-	County Executive Committee
CIC	-	Commission on Implementation of the Constitution
CIOC	-	Constitution Implementation Oversight Committee
CKRC	-	Constitution of Kenya Review Commission
CMD	-	Centre for Multiparty Democracy
COCR	-	Committee of Experts on Constitutional Review
CODESRIA	-	Council for the Development of Social Science Research in Africa
CREAW	-	Centre for Rights Education and Awareness
CBOs	-	Community-Based Organisations
DC	-	District Commissioner
DFID	-	Department for International Development
DO	-	District Officer
DRC	-	Democratic Republic of Congo
ECK	-	Electoral Commission of Kenya
EDA	-	Economic Development Board
EPPP	-	Engendering the Political Process Programme
GEMA	-	

GBM	-	Green Belt Movement
GDP	-	gross domestic product
HDI	-	Human Development Index
HIV	-	Human Immunodeficiency Virus
ICC	-	International Criminal Court
ICCPR	-	International Covenant on Civil and Political Rights
ICJ	-	International Commission of Jurists
IEBC	-	Independent Electoral and Boundaries Commission
IIEC	-	Interim Independent Electoral Commission
ILO	-	International Labour Organisation
IMF	-	International Monetary Fund
IPPG	-	Inter-Parties Parliamentary Group
IREC	-	Independent Review Commission
KACA	-	Kenya Anti-Corruption Authority
KACC	-	Kenya Anti-Corruption Commission
KADU	-	Kenya African Democratic Union
KANU	-	Kenya African National Union
KCA	-	Kikuyu Central Association
KICC	-	Kenyatta International Conference Centre
KPA	-	Kalenjin Political Alliance
KPU	-	Kenya People's Union
LATF	-	Local Authorities Trust Fund
MDC	-	Movement for Democratic Change
MDGs	-	Millennium Development Goals
MNCs	-	multinational corporations
MUF	-	Mwambao Union Front
MUHURI	-	Muslims for Human Rights
NARC	-	National Rainbow Coalition
NCCK	-	National Council of Churches of Kenya
NCIC	-	National Cohesion and Integration Commission

NDP	-	National Development Party
OAS	-	Organisation of American States
OUA	-	Organisation of African Unity
OECD	-	Organisation for Economic Cooperation and Development
OPDP	-	Ogiek People's Development Programme
PA	-	Provincial Administration
PAP	-	People Action Party
PC	-	Provincial Commissioner
PSV	-	Public Service Vehicle
RFRD	-	Rural Focus for Rural Development
TAC	-	Treatment Action Campaign
TANU	-	Tanzania African National Union
THA	-	Taita Hills Association
TI	-	Transparency International
UMA	-	Ukambani Members Association
UNDP	-	United Nations Development Programme
UNESCAP	-	United Nations Economic and Social Commission for Asia and the Pacific
VAT	-	Value Added Tax
WGI	-	Worldwide Governance Indicators
YAA	-	Youth Agenda
YKA	-	Young Kavirondo Association

Introduction

Henry Indangasi

The book you are holding is a collection of papers written by some of Kenya's leading intellectuals and academicians in the area of leadership. The pun on "leading" is not intentional. The tone of the contributions is uniformly serious; and there is a sense of urgency in them that doesn't allow for any frivolous word-play. Yes, this book is about leadership and how this feature of social intercourse affects our lives. It is also, more profoundly, about how those entrusted with the management of our affairs can acquire and nurture good leadership values and skills.

These chapters have been written against the backdrop of the new constitutional dispensation in Kenya; and the argument that runs through all of them is that you can have a good constitution, but if you don't have good leaders, the hope for a better life for "Wanjiku" (as we have come to know this long-suffering woman) might still be a pipe dream. The papers, therefore, argue for the need for good leadership.

According to the authors, good leaders in Africa and elsewhere are few and far between; and Africa has suffered from what Chinua Achebe, in *The Trouble with Nigeria*, calls a failure of leadership. The authors have, however, singled out leaders they regard as exemplary and whom we will see later in this introduction.

The contributors have identified and described various forms of leadership; servant leadership, visionary leadership and transformational leadership are the ones that stand out. The first assumption of this book, hence the title "Challenging the Rulers: A Leadership Model for Good Governance", is that good leadership underpins economic and social development. The second assumption is that leadership skills and values can be taught and learnt, and the example of a good leader can permeate an entire national culture and ethos.

The contributors blame our first three presidents – Kenyatta, Moi and Kibaki – for bad leadership. The argument is that the corruption that started during the Kenyatta era has persisted right into the Kibaki regime. The fact that the Ndegwa Commission (1970) allowed civil servants to engage in business activities informs much of the discourse on corruption.

Related to the cancer of corruption is the issue of impunity. Kenyans are yet to witness a successful prosecution of any of the perpetrators of grand corruption. And this culture of impunity is best dramatised in the assassinations of politicians who arguably championed reform. Again, those who bear the greatest criminal responsibility for these assassinations are yet to be prosecuted.

The contributors to this volume are, however, prepared to give the devil his due. They credit Kibaki, the third president, with the revival of the economy and the building of our tattered infrastructure. Most importantly, Kibaki is praised for the promulgation of the New Constitution on 27 August 2010. As I pointed out earlier, this promulgation of a new constitutional order is the backdrop to this publication.

Marxists and other possible naysayers might argue that these essays ignore the class essence of political leadership in Kenya, and that we should be talking about the issue of safeguarding bourgeois interests. This argument has some merit. We have seen our Members of Parliament gang up and refuse to pay taxes; and when they refuse they do not do so along tribal lines. The Grand Coalition Government that emerged out of the post-election crisis of 2007/2008 was in part an intra-class compromise. However, we need to accept that the leadership problem in Kenya is more complicated than that: it goes beyond class.

In the assassination of Tom Mboya, Josiah Mwangi Kariuki and Robert Ouko, the bourgeoisie killed members of their own class; and in these political murders, we might be dealing with the interplay between class and ethnicity. Tom Mboya was arguably the most eloquent defender of capitalist interests, and yet by trying to position himself as a possible successor to Jomo Kenyatta, he antagonised those who had similar ambitions, and who nursed a sense of ethnic entitlement to Kenyan leadership. This story was repeated in the murder of Robert Ouko. So, the class analysis must be enriched by a judicious appraisal of our ethnic relations.

A powerful argument that runs through the chapters of this book is that countries such as South Korea, Singapore and Malaysia, which were at the same level of development with Kenya at the time of independence, have overtaken us. In relation to South Korea, which I have visited twice, in 2007 and 2011, I can give a personal testimony. For instance, in April 2011, my colleague, Peter Wasamba, and I conducted oral testimonies research in Seoul and its environs. We interviewed a number of senior citizens who told us their life stories. They told us that in the 1950s and 1960s, they used to walk barefeet. One of them told us that he and his family shared a two-bedroom flat with his parents-in-law. But now, these people, who were so poor in the 1950s and 1960s, have acquired their own homes and are living well.

And as we travelled around in Seoul, we wondered about the absence of roundabouts on their highways. An expensively constructed infrastructure was in place, together with monitors to catch those who flout traffic rules. But the most curious thing we were told was that they held their leaders accountable and that they had even jailed a former president for corruption.

South Korea, as we all know, manufactures its own cars, both for the local and foreign markets. There are many such cars in Kenya. The South Korean economy is forty times the size of the Kenyan one and the Far Eastern country is now classified as a newly industrialised country.

A major theme that runs through all the chapters of this book is a positive appraisal of devolution. It will be recalled that the Independence Constitution was a *majimbo* constitution. Shortly after

independence, we were told by none other than Tom Mboya, the then Minister for Justice and Constitutional Affairs, that the *majimbo* constitution was cumbersome and unworkable, and that it promoted tribalism. This basic law of our land was then amended, and we were left with a constitution that was highly centralised and which created what civil society activists would later call an imperial presidency. (One of the ironies of Kenya's constitutional history is that Mboya helped to create a monster that destroyed him.)

With respect to the new constitution, however, all the contributors agree that devolution is a good thing for Kenya. Forty-seven counties have been created, and each county shall have a government of its own, headed by a Governor. Further, each county shall elect a senator to represent it in the national Senate. In terms of constitution-making, we have come full circle; we have ended where we began.

Chapter 1, titled “Contemporary Kenya and its Leadership” gives us an unflattering portrait of Kenya's political leadership as we know it today. Composed by Joseph Kwaka and Thurania Mwenda Mutunga, it begins with an overview of Kenya's history, then attempts a synopsis of the geography of the country, a summary of the ethnic composition of Kenya, then a hard, unsentimental look at our broken politics. The authors call this section “Independence and Disillusionment.” The rest of the chapter is about the consequences of our bad leadership, and how the implementation of the new constitution is likely to get us out of this situation. Although the tone of this chapter is generally cynical about the past and present leadership, it is unquestionably optimistic with respect to the possibilities that might arise from the implementation of the new constitution.

Chapter Two, “The Leadership Kenyans Deserve” by Patrick Lumumba, is a bold attempt at defining the very concept of leadership. Lumumba is especially interested in what he calls “servant leadership”. He quotes Alexandre Harvard who says: “Leaders who practice humility respect the innate dignity of other people and especially of fellow participants in a joint mission.” Interestingly, Lumumba also talks about people he calls “mis-leaders”. To him, people like Francisco Franco of Spain, Jean Claude Duvalier of Haiti, Fidel Castro of Cuba, Robert Mugabe of Zimbabwe, Idi Amin Dada of Uganda, Mobutu Sese Seko of former Zaire (now the Democratic Republic of the Congo), and Muammar Gaddafi of Libya are examples of mis-leaders. Lumumba strikes a personal note when he talks about his encounter with Julius Nyerere, a leader he admired, and who talked to him about the problems of bad leadership in Africa. Finally, Lumumba, in order to buttress his argument about leadership, cites the attributes from David Kadali's *Leadership Resource Kit*. Leaders, according to the kit, must do the following: set direction, be change agents, be communicators, be decision-makers, align people, motivate and inspire and be mentors.

Chapter Three by Joseph Kwaka and Hazel Mumbo, and is titled “Political Leadership and Governance.” The contributors liken good leadership to “a wheel that turns to move a country from one point to another, bringing about a positive change.” At the centre of the wheel, they have “Good Leadership for Good Governance.” The two authors then present, in their diagram, the qualities that

propel the wheel of good leadership. We are then treated to a list of six dos for good governance. The sub-title is “The Dos and Don’ts...”. However, since they don’t provide a list of the don’ts, they want the reader to infer; for example, if you say that good leaders should have a vision, you also imply that bad leaders are those who do not have a vision.

Chapter Four titled “The Structure of Leadership in County Governments,” and is written by Bobby Mwangi. This is an important chapter, especially for those who are interested in devolution and how it is going to work with respect to county governments. Significantly, the chapter also describes how the county leadership will relate with national leadership. Senators, who will be elected by their respective counties, will represent these political units in the national government. The counties, the chapter points out, will be used as the electoral units for the forty-seven women who will represent them in the National Assembly. The author concludes by saying that in order for the counties to work effectively, those in charge must embody the qualities of good leadership, practically the same qualities that are recommended for the running of the national government.

Mary Mwiandi’s “Leadership and the Transformation of Society”, Chapter Five, examines the different types of leadership, while making a strong case for good leadership in Kenya. What stands out in the chapter is a detailed description of the people the author regards as good, visionary and transformational leaders. These include the late Mwalimu Julius Nyerere of Tanzania, Prime Minister Lee Kuan Yew of Singapore, and President Festus Mogae of Botswana. She sees Nelson Mandela as the epitome of visionary leadership. Sandwiched between these heads of state and government are Mother Teresa and Wangari Maathai, the iconic leaders of non-governmental organisations and Nobel Laureates for Peace. To balance the equation, Mwiandi also agrees with Muluka the names of the people she calls bad leaders.

Chapter Six by Njeri Kabeberi and it is titled “Political Parties and the Quest for Good Leadership,” deals with a key institution in the political life of any country: the political party. After defining this entity, she identifies and describes the two features that characterise political parties, namely, a common ideology and a political platform. This is a departure from what our politicians vaguely describe as “groups of like-minded people,” when they either mean belonging to the same tribe or subscribing to certain tribal coalitions. Kabeberi then gives a historical background to Kenya’s political parties, and later explains how our political parties have degenerated from ideology-based to ethnic-based organisations. She is, however, optimistic about the future of political parties in Kenya, given the provisions of the new constitution.

Chapter Seven, by Joseph Kwaka and titled “Political Leadership and Economic Development,” takes a critical look at how leadership impacts on economic and human development. Development is about hard but simple choices – putting food on the table, having a roof over your head, and having access to health care. On the macro-level, development is about schools, hospitals, roads, water, electricity – and all the other things that make us happy and fulfilled. Kwaka says that about 50 per cent of Kenyans live below the poverty line of less than USD 1 a day. Unemployment is a

staggering 70 per cent. Mwai Kibaki gets a good grade for growing an economy that had stagnated during Moi's time, but scores poorly on corruption and tribalism. Kwaka then quotes extensively from Lee Kuan Yew's book titled *From Third World to First World*. As we have seen previously, the first Prime Minister of Singapore is an icon in the world of development economics.

In the final pages of this chapter, the author understandably engages in advocacy. It is not enough to analyse the world, said Karl Marx, we must try to change it. Kwaka gives us eighteen rules leaders must follow if they want to contribute to the economic development of their countries. He also outlines ten crimes that leaders should never be associated with. "In the history of every nation, there comes a time when people ... must rise and take charge of their destiny," concludes the author.

Chapter Eight is titled "Women in Leadership and Good Governance." Jacqueline Oduol starts discussion by examining the provisions for women in the new constitution. She then goes back in time to explain the marginalisation of women in public decision-making. Thereafter, she tackles the issues of women's leadership and good governance.

Although Oduol argues for gender equity, she also says that good leadership is not a function of gender. Good leadership depends on the strength of institutions and the nature of a country's constitution. Oduol personalises her contribution by describing the leadership style of Phoebe Asiyo, a woman she regards as a role model.

Chapter Nine by Barrack Muluka, which is titled "Leadership in the Nation and in the Counties" starts discussion by substituting the word "nation" for "tribe" and argues that the forty-two tribes in Kenya are in fact independent nations. To him, what we know as Kenya is a nation state, an amalgam of different nations. Some scholars will argue about Muluka's conceptualisation, but the more important point he makes is that the ethnic favouritism displayed by our political leaders has complicated our national life, and indeed our sense of nationhood. "Justice," Muluka argues, "goes hand in glove with a sound sense of nationhood." John Githongo's experience in the civil service shows that when a person from a certain tribe becomes president, the people from that tribe say: "It is our turn to eat." Our tribal identity, according to Muluka, takes precedence over our national identity. The author is, however, optimistic that the new constitution will foster a greater sense of nationhood.

Chapter Ten by Okoth Okombo, titled "The Youth in Leadership and Good Governance" defines the youth as people who are between the ages of 18 and 35. Okombo gives us some biographical sketches of Kenyans in this age bracket who became leaders in the last five decades. The decade of the 1960s produced youthful leaders such as Tom Mboya, Martin Shikuku and Mwai Kibaki. The 1970s saw Chelagat Mutai and George Anyona. The 1980s had James Orengo and Koigi wa Wamwere. Martha Karua and Musalia Mudavadi belong to the decade of the 1990s. And finally, the first decade of the 21st century has seen Cecile Mbarire and Danston Mungatana. All these sketches are meant to show that it is possible for the youth to participate and even succeed in politics.

The most substantial part of this chapter, however, is the presentation of a leadership training manual for the youth. The broad assumption behind this manual is that you can train the youth to become good and effective leaders. This assumption is a key objective of this book.

In Chapter Eleven, titled “The Rights of Minority and Marginalised Groups in Accessing Leadership Positions,” Betty Sungura-Nyabuto deals with a troublesome area in our national politics. The trouble begins with the definitions of minorities and marginalised groups. Women are not numerically a minority, but they are marginalised on the basis of their gender. The new constitution, accordingly, places women in this category of Kenyans, and argues for affirmative action to address gender imbalance.

The bulk of the chapter, however, is devoted to the constitutional provisions dealing with ethnic minorities such as the Ogiek, the Elmololo and the Maasai. The governing principle in these provisions is similar to the one concerning women, namely the enforcement of the policy of affirmative action (sometimes called positive discrimination) in all aspects of our county and national life.

Chapter Twelve, “Vetting and Social Audit of Leaders”, is the last chapter and it has been put together by Joseph Kwaka. Being the most practical of all the chapters, it provides a tool kit for evaluating the performance of leaders. Experts in management science will tell you that if you have a project, you need to devise a method for monitoring and a procedure for evaluating the project. Accordingly, the author describes the constitutional provisions for vetting and auditing public office holders. He explains the key performance indicators in the public service. Finally, he spells out the role of civil society, the citizenry and the local opinion makers in auditing leaders.

We have called this book “Challenging the Rulers: A Leadership Model for Good Governance,” and we intend it to be just that: a model. In the course of perusing the pages of this book, the reader will, as I have pointed out, encounter descriptions of model leaders. Although there might be born leaders, the argument of this book as earlier stated is that good leadership skills can be learnt and nurtured, and that a culture of quality leadership will evolve with the new constitution. This is the argument of some of Kenya’s leading scholars and thinkers, and if I were a leader or an aspiring leader, I would read this book.

Contemporary Kenya and its Leadership

Joseph Kwaka and Thurania Mwenda Mutunga

Introduction

There were times when Kenya teetered on the edge of a gaping abyss and its citizens, friends and observers within and abroad saw nothing but an imminent slide into a failed state. In those days, from the second half of 1980s through 1990s, the economy was nearly collapsing after the withdrawal or freezing of foreign assistance as the waves of dictatorship and corruption rose to intolerable levels. Mismanagement of the economy, abject poverty, violation of human rights, acts of impunity among the top echelons of leadership, rigging of elections, tribalism, and other such signs of bad governance caused by poor leadership, were endemic. These ills, although they became worse during the regime of President Daniel arap Moi (1978–2002), started in the times of Jomo Kenyatta (1963–1978). And yet even during the Mwai Kibaki administration beginning 2003, with which the people of Kenya had high hopes, certain evils like corruption, tribalism, blatant rigging of elections and national disunity continued and perhaps increased.

Some of us who have been privileged to read about the pace of economic and human development elsewhere, and who had travelled around the world and seen other countries, got very angry with the situation in our African countries. We got angry because we knew that it is good leadership that has enabled those countries to be where they are while bad leaders prevent us from realising our potential.

In this chapter, we attempt to introduce a Kenya with a great potential for economic prosperity, but which has suffered for about fifty years due to bad leadership, resulting in bad governance, and, cries for good management after its rebirth under a new progressive constitution, promulgated on 27 August 2010. It is a portrait that underscores the rationale for breaking with the past and giving the nation good leadership that can exploit the great potential and use the available opportunities to move the country to the next level.

In addition, the chapter tries to provide the context of the book by highlighting relevant issues that illustrate the entrenched phenomenon of a failed leadership since independence. It tells the story of a country that has stumbled, stunted and stalled in its course of social, political and economic progress by sheer acts of commission and omission on the part of the political leadership at the top. It also traces bad leadership with its resultant bad governance in Kenya from the vices of the immediate post-colonial leaders, who treated their positions as a means to amassing wealth rather than for service to the nation in pursuit of a common good. The chapter points out the untapped potential and wasted opportunities in the hands of a leadership that treats the nation like a personal property.

In our contribution, we assert that the challenges of Kenya's bad governance and underdevelopment – born of autocratic rule over five decades – the biting poverty among the majority of the population amid great potential for economic development, and the receding nationhood, are symptoms of bad leadership; that the new constitutional framework is only the beginning of a long walk towards reforms, restoration, and economic and human development of the nation, a journey that requires selfless and patriotic individuals to lead Kenyans. Running through the chapters is the thesis that the biggest challenge is finding competent, selfless and visionary individuals committed to the rule of law in the new constitutional dispensation, and who intend to steer the country to prosperity.

Kenya on the surface

Kenya is one of the most famous African countries. Apart from South Africa, it is one of the most attractive. It is visited by people from all over the world, and for good reasons. It has perhaps the most spectacular wildlife (the 'big five' and other animals) in its numerous game parks.¹ The Maasai Mara Game Reserve is the scene of the annual migration of wildebeests in East Africa, a natural occurrence that has been officially recognised as one of the wonders of the modern world. The amazing animal wildlife, together with tropical Indian Ocean beaches and a well-developed tourism infrastructure make the country an awesome world tourist destination.

Kenya is also known for its prowess in athletics. Put together, the Olympics, World Athletics Championships, the numerous athletics grand prix, world-class marathons staged in various cities of the world, and the regional and minor events, Kenyans by far would top the chart in the frequency of appearance on the podium for medals. In particular, Kenyan runners have been for decades the world beaters in long distance races. Equally, Kenyan coffee, tea and, in the recent decades, horticultural products, have been some of the most sought after in many parts of the world.

The country has the biggest economy and leads in infrastructure in East Africa. For long, it has remained relatively the most developed in transport and communication, with the best healthcare facilities and personnel, a good port that serves other countries in the hinterland, and one of the

best airlines in the world. Of all Africans, it is a Kenyan who is most likely to be found in every corner of the world either as an employed professional or as an entrepreneur running a legitimate business.

In addition, the country is relatively politically stable, peaceful, predictable and attractive to investors. When all her neighbouring nations, except Tanzania, are embroiled in turmoil and civil war, Kenya has remained relatively peaceful and stable, granting safe haven to refugees from Somalia, Sudan, Ethiopia, Uganda, Congo, Rwanda and Burundi. The country has hosted more conflict resolution talks and signing of peace agreements between warring factions in neighbouring nations than any other country in the region.

Kenya boasts of being one of the most racially and ethnically diverse countries, where, apart from South Africa, there is a significant population of people of European and Asian descents alongside many indigenous ethnic communities. It is one of the most strategically important countries to the economic and military superpowers, and it is home to the only UN headquarters outside of Europe and the United States. And, oh! US President Barrack Obama's father was a Kenyan.

Thus when Kenya slid to the precipice of ruin as a result of a bungled general election in 2007, which sparked off a virtual civil war in which over 1,200 people died and over 500,000 people displaced, the international community responded with the swiftness that the strategic importance of the country deserved. The intervention resulted in the two sides of the political divide forming a coalition government, crafted for power sharing between the incumbent President, Mwai Kibaki, and the challenger, Raila Odinga, who then became the Prime Minister, a position created for the convenience of the coalition.

Despite the huge potential for development and goodwill from the international community, Kenya is one of the African cases of conspicuous underdevelopment, a feature manifestly attributed to nothing but poor leadership; so much so that in a context swap, the title of Alan Paton's legendary book, *Cry, the Beloved Country*, would be a fitting label on this nation.² At 2011, Kenya's political independence from the British is forty-eight years old. At that age, the country, as a nation, may be young enough to be forgiven for her state of underdevelopment but old enough to be judged upon opportunities wasted and the irrefutable virgin potential held in her bosom. The country typifies an African nation perennially held hostage by successive presidents and the individuals closely surrounding them from the time she wriggled herself free from the hands of the colonisers.

The principal facet of Kenya's great potential is her diversity, seen in terms of race, ethnicity, demographic composition, geographical features, and the natural resource endowment. It is a pity that the ethnic diversity of the country, far from being the strength and opportunity that it should be, has been haunting the nation as a bane in its socio-economic progress, thanks to the evil practice by all the three presidents since independence of favouring their respective communities with the allocation of public resources and appointment to plum public offices.

Kenya has a vast potential in tourism, receiving more than one million visitors a year, while the relevant bodies reckon that the country should receive well over five million. Its tourism potential rests on its great spectacular wildlife, the favourable climatic conditions, the warm sandy beaches at the Indian Ocean, the famous Maasai culture and those of other communities that have retained their traditional close-to-nature way of life, the landscape variety, the Great Rift Valley, the hot springs, many attractive sites at its many lakes, et cetera. The country's tourism industry is today the biggest foreign exchange earner, but it can do many times better. Investors in the industry and tourists normally fear political instability and violence – the type that Kenya's leaders have the penchant for pushing the country into in the period prior to and during general elections.

Compared to the way they ruled other countries in the region, the colonialists left Kenya with better transport and communication infrastructure and a bigger economy, supported by a vibrant agricultural sector, which put the country on the pedestal of one of the biggest exporters of the best coffee, tea and pyrethrum, to mention just a few. But almost fifty years since independence, not a significant length of the railway has ever been added by the leaders who took over from the colonialists, nor have they ever upgraded it. They have instead brought it down to a dysfunctional state, to the gleeful cheer of the conspirators who bribe their way past those put in charge of the weighbridges as they overload their trucks in a roaring business, to the detriment of the country's weak roads.

Economists firmly assert that the first resource of a country is its human capital, more so when it is educated and technically trained. Kenya is one of the richest African countries on this parlance. But this high-grade human resource is mostly utilised by other foreign economies as Kenya produces manpower faster and more than the industries in its slow-paced economy can absorb.

The economic development potential of Kenya is also found in its strategic geographical location, having a sea port, relative political and economic stability, an accommodating and friendly social environment to foreigners and a good diplomatic standing in the community of nations. The country is capable of attracting investors from all over the world. However, the archaic commercial laws and regulations, the breakdown in the justice system, caused by corruption in the state law office, for long kept away many foreigners wanting to do business with and in Kenya.

Synoptic geography of Kenya

A peep at the geography of Kenya reveals a wide diversity of features. Located on the eastern part of the African continent, the country covers an area of 582,646 square kilometres with about eight per cent of the land arable, while the rest is semi-arid and arid land. The country borders Ethiopia to the north, Somalia to the east, South Sudan to the north-west, Tanzania to the south, and Uganda to the west.

The country has a coastline on the Indian Ocean, wide plains, many hills and two major mountains – Mount Kenya in the middle and Mount Elgon in the west, while the highest African mountain, Mount Kilimanjaro, although located inside the Tanzanian border, has a better view from Kenya. The Great Rift Valley cuts right down the middle of the country from the north to the south.

Kenya has the Mau Forest on the Mau Escarpment of the Rift Valley, which acts as the water tower for most of the country, and the Kakamega Forest. The other forests are around Mount Kenya, Mount Elgon, and also the Aberdare forest. Lake Victoria, the second largest fresh water lake in the world, is found in the western part of the country and is partly shared by Uganda and Tanzania. The lake is the furthest source of the River Nile and is mostly fed by Kenyan rivers. Other bigger rivers pour their waters into the Indian Ocean. The Equator passes right in the middle of the country, which makes it a typical tropical country.

The Kenyan people

The first recorded settlement on the land that is known today as Kenya took place around 2000 BC by the Cushitic-speaking people from northern Africa. The Nilotic and Bantu people also moved in and settled in the eastern Africa region during the first millennium AD. History records that sometime after these settlements, Arab traders, due to proximity to the Arabian Peninsula, frequented the east African coastline. From these interactions, Arab and Persian colonies soon emerged along the coast of East Africa. Evolving from a mixture of Bantu and Arabic, the Swahili language then developed as a lingua franca for trade between the different peoples along the coast.

Kenya's ethnic communities are considered by many scholars to number more than seventy. Some scholars do cluster some of them, as in the Kalenjin, the Meru and the Luhya, which are a collection of several sub-ethnic groups whose different dialect are related. Other scholars give each language group an identity and distinction even when they speak a dialect of another language. The clustering as used in this volume (see Appendix 1) mostly reflects the current national ethnic structure, but it is by no means exhaustive. It is a compilation of the very obvious ethnic communities while including some that have remained in very small numbers.

Foreign invasion and domination

The Arab domination along the coast soon reduced with the arrival of the Portuguese in 1498. The port of Mombasa, currently Kenya's second city, became an important resupply stop for European ships bound for the Far East. But the Portuguese never held sway for long as the Islamic control under the Imam of Oman in the 1600s was established. The British arrived in the 19th century and established their influence and authority through colonisation.

In *Decolonisation and Independence in Kenya*, Ogot and Ochieng, track the path of trying to cobble up a cohesive nation-state from the various ethnic communities or nations that were lumped together in the crucible that is today called Kenya.³ In a period that spanned from 1881 up to the First World War in 1914, European powers shared out the African continent through the 'Scramble for Africa' in a process of invasion, occupation and annexation. At the Berlin Conference of 1885, East Africa was first divided into territories of influence by the European powers. The British Government founded the East African Protectorate in 1895, came in and grabbed from the indigenous communities most of the fertile land for farming, where they put white settlers. The area was officially declared a British colony in 1920 and named Kenya. Meanwhile, thousands of Indians were brought into Kenya at the end of the 19th century to build the railway running from the Indian Ocean coast across the country into Uganda – known as the Kenya-Uganda Railway. The Asians from the Indian sub-continent subsequently settled in Kenya and also invited many of their relatives and friends back home.

Throughout the period, only white settlers participated in governance while the Africans and the Asians were banned from direct political participation until 1944. The country remained under the British colonial rule until Kenyans fought for, negotiated and won independence in 1963. Owing to that history, the Kenyan nation is today composed of a diversity of more than seventy indigenous African communities with their respective languages, the Asian communities and Europeans (mainly the British). Emerging from that background, Kenyans continued to use English as the official language and Kiswahili as a national language. (*The Constitution of Kenya 2010* has however elevated Swahili to an official language alongside English.)

Independence and disillusionment

The Republic of Kenya came into being in 1964 after the country gained independence in 1963. The Kenya African National Union (KANU), dominated by the Kikuyu and the Luo, and the Kenya African Democratic Union (KADU), belonging to the smaller ethnic communities, contested for power in the immediate pre-independence period. KANU, which was for a unitary system, outwitted KADU, which wanted a federal system. KANU was led by Jomo Kenyatta, who became the Prime Minister and later engineered an amendment of the constitution in 1964 to enable him become the first President.

The independence constitution was negotiated mainly between KANU and KADU and the British Government. The national government was based on the principles of the parliamentary system, with executive powers to be exercised through a cabinet headed by a prime minister (normally the leader of the party with majority in the legislature) as the head of government. Before Kenya became a republic, the head of state was the Queen of England, but represented by the Governor-General, with limited but significant powers, to maintain the principles of parliamentary government.

There were also seven regions in a quasi-federal system, with their own executive and legislature which had authority over a number of matters, including land, local taxation, police, and other issues of local importance. The powers and institutions of these regions were protected by the constitution; the reason for regional governments was to bring power closer to the people and safeguard the country's ethnic diversity, particularly the rights of minorities. A significant essence of this devolved system was the protection of the land rights of communities. There was a complex system of land ownership and regulation in which county councils had special responsibilities in relation to community land designated as trust land.

In order to protect this form of devolution, a second chamber of the national legislature, the Senate, was established, with one representative from each of the forty-one districts which existed then. The Senate had very significant powers, including a key role in the process of amending the constitution. For the amendment of some provisions, the majority required in the Senate was as high as ninety per cent.

The constitution further provided for a public service which was largely independent of the executive and managed by the Public Service Commission. It also included important safeguards for the independence of the judiciary, with a Judicial Service Commission responsible for appointments and dismissal of judges. Appeals went to the East African Court of Appeals, over which no national government had control, and finally to the Privy Council in London – completely independent of the Kenya Government. The independence of the Auditor General and the Attorney-General was also guaranteed. More importantly, the operational autonomy of the police was established, prohibiting political directives to the police.

The constitution contained a Bill of Rights which protected the essential political and civil rights of citizens. However, it allowed a large number of restrictions on these rights and did not include socio-economic rights and, compared to the current constitution (i.e., *The Constitution of Kenya 2010*), the independence constitution did not have any statement of national values or principles, nor did it provide any guidance on the conduct and behaviour of leaders occupying public offices.

The independence constitution, which was good enough to guide the nation to good governance and prosperity, did not survive for long. The Kenyatta government forced fundamental amendments on the first anniversary of independence, upon attainment of a republican status. In a short time, his government changed the system of government to presidential, combining the offices and powers of the Governor-General and Prime Minister in the presidency, which in effect weakened the legislature.

The second major change was the abolition of regional governments leading to a highly centralised government at the national level. The Senate was also abolished, reducing checks on the administration. The land chapter was reduced to a few provisions on trust land, giving the national government increased control over land matters, hence encouraging the vice of land

grabbing by the ruling clique. Both the civil service and the police were brought under executive control, denying the important institutions their independence. Appeals to the Privy Council were abolished, and the East African Court of Appeals ceased to exist with the break-up of the East African Community.

Jomo Kenyatta, a dyed-in-the-wool capitalist, was one of the most wealth-amassing African leaders of his time. He acquired for himself an absurd size of land. The Commission of Inquiry into Illegal/Irregular Allocation of Public Land, set up in 2005 and chaired by a Nairobi lawyer, Paul Ndung'u, reported in part that the Kenyatta family owned land totalling over 15,000 square kilometres, bigger than the country of Luxembourg or Jamaica.⁴

The origin of trampling democracy afoot in Kenya and the onset of dictatorship stemmed from Kenyatta consolidating power in the Executive then outmanoeuvring KADU shortly after independence, turning the country into a *de facto* one-party state and eliminating the devolved system. No divergent views were tolerated while KANU and the President ruled supreme. The ruling elite then woke up to and accepted the reality that the only way of survival in the new order was to lie low and seek political patronage from the old man.

As Kenyatta and those in the inner circle enjoying political patronage set their eyes on the public resources at their disposal, available for grabbing, they wasted no time in using state machinery to elbow out any competition. In the course of the competition to amass wealth, Kenyatta differed with his first Vice-president, Jaramogi Oginga Odinga, who bolted out of KANU and government and attempted to form another party – Kenya People's Union (KPU). Kenyatta responded by putting Odinga under home arrest and throwing his allies into detention. And with these events, Kenyatta stamped out opposition, established a centralised system of governance and concentrated all the powers on himself – the President.

Kenyatta died in 1978 and Daniel arap Moi, the then Vice-president – the country's third – succeeded him. Moi declared that he would follow in Kenyatta's footsteps and, indeed, remained true to his intentions including on the acquisitive capitalist practices. As if taking advantage of a coup d'état on his government in 1982, Moi became a vicious autocrat and encouraged the development of a personality cult. His picture had to be on nearly every private and public office wall. Songs in praise of him were commonplace. His sycophants sprouted like wild mushrooms in their season, singing his praises and portraying him as the prince of peace or some heavenly being. The news broadcast on the Voice of Kenya's television and radio (the only ones at the time) had to start with Moi as the first item and take nearly half the airtime. His secret service listened to conversations of his perceived enemies everywhere. In those days, you had to discuss politics in hushed tones and look over your shoulders. The undercover agents lived with university students in their halls of residence and attended lectures. Torture chambers were set up and vocal students and activists were thrown to those dungeons, where confessions would be coerced and some activists maimed or killed. Judges were forced to sit sometimes at night over cases of the so-called political dissidents, and the judgment would be predictable.

He dismantled the democratic and accountability mechanisms and reduced Kenya to a one-party state by decree and law. In addition, Moi abolished the security of tenure of the key constitutional offices of the Auditor General, Attorney-General and judges, so that the President could dismiss them at will. Many constitutional amendments under Kenyatta and Moi were rushed through Parliament and all stages were often disposed off in one day. Fundamental rights were systematically violated and courts became conveyor belts of despotism. The original constitutional provisions for the balancing of power and the safeguards of citizen's rights and freedoms were done away with, giving rise to destructive ethnic politics and the sowing of seeds of disunity.

With the fall of the Iron Curtain in 1990, signifying the end of the Cold War, the disintegration of the Soviet Union, and, with the West relaxing their support to African dictatorial regimes, which had been overlooked as a quid pro quo for these autocracies to shun communism, Moi's grip on power started to wane. Moi came under pressure from the Western diplomats, led by the US ambassador to Kenya, Smith Hempstone, to restore a multiparty system. The pressure from within and from outside became too much to bear, compelling Moi to change the laws and allow for the formation of other political parties in 1991.

Some laws which had been used to harass and penalise the regime's political opponents, such as detention without trial, were amended or repealed. But Kenyans had long lost faith in the constitution. Few public institutions enjoyed legitimacy and most lost the ability to resolve differences among the political parties, or the people, or develop consensus. There was little accountability of the President, ministers or senior civil servants. Rights continued to be violated, and corruption, which had started at the very beginning of Kenyatta's rule, continued to proliferate.

Moi went on to win the first multiparty elections the following year (in 1992), which were marred by violence. He won again in 1997 amid claims of rigging, voter bribery, forced eviction of people and ethnic cleansing, political killings and displacements. His regime embodied typical dictatorship, looting of the economy, marginalisation of communities which were perceived to be opposed to the regime, and human rights abuses. He was constitutionally barred from running in the 2002 election and his chosen successor, Uhuru Kenyatta (the son of his predecessor), was defeated.

Exit Moi in 2002 and in comes Mwai Kibaki as the third president. Kibaki, a brilliant university-educated economist, entered politics as KANU executive officer at independence. Coming from Kenyatta's ethnic community, Kibaki rapidly rose, playing significant roles in the government, including serving for long as Minister for Finance in both Kenyatta's and Moi's governments. Seen by critics as a characteristic political fence-sitter who hardly took a firm position on issues, Kibaki was distinctively cynical against the struggle for governance reforms. He is always remembered for his infamous pessimistic statement amid the din of struggle for the restoration of multiparty system, likening the struggle to remove KANU from power to cutting the *mugumo* tree (a large tropical tree), with a razor blade. Ironically, not long after this statement, he turned around and

formed his own political party (Democratic Party) as a vehicle for his quest for the presidency. As a politician nurtured and mentored by Kenyatta and Moi, presidents whose tenures personified the use of state power to amass wealth, would Kibaki provide any different type of leadership?

Kibaki's tenure, opened a new chapter for Kenya's economic revival, infrastructure rebuilding, and constitutional overhaul. The Kibaki administration put the economy back on track with the growth rate rising to about 7 per cent in 2007 and projected to be at least five per cent in 2011. With most roads repaired and upgraded, new and better ones built, rural electrification advanced, and some development funding instruments decentralised, the best example of which is the Constituency Development Fund (CDF), his government may go down in the history of Kenya as the crane that lifted out of a ditch an economy that had suffered a crash.

Above all else, Kibaki's legacy would be the new progressive constitution for which Kenyans fought for over twenty years, during which blood was shed and lives lost. He may not have been a reformer of any repute, indeed not a change agent, not even a strong leader at that, but history will record that the liberating constitution was achieved during his reign. Perhaps his easy-going and snoozing personality and stance were a blessing to the nation at the time.

Apart from his hands-off leadership style and being a reluctant reformer, were it not for his failure on two critical issues facing Kenyans for over four decades, and on whose platform he campaigned to become President, Kibaki would have earned some greatness in the eyes of Kenyans. Unfortunately, blatant grand corruption and the practice of staffing plum public office positions with individuals from his ethnic community at the expense of others were not only perpetuated during his regime, but it also ascended to crescendo under his watch. These social evils, which have undermined Kenya's quest to realising her potential for socio-economic progress, have annulled the value of Kibaki's achievements and robbed him of a good legacy.

Contemporary Kenya's challenges

No matter from which perspective one examines contemporary Kenya, six critical elements stand out as the national challenges wrought in by the failure of leadership since independence. Nothing sticks out like bad boils on the Kenyan body as much as rampant corruption, widespread abject poverty, social injustices of regional or ethnic inequality and ethnic favouritism (known as tribalism), lack of national cohesion and integration, impunity among those close to power, and a breakdown in the delivery of social services to the citizenry. Whereas these are effects of bad governance, they are underpinned in a failed leadership.

Social injustices of inequality and ethnic favouritism

Kenya has the notoriety of being one of the most unequal nations in the world. The most defining character of the Kenyan society is its ethnic and regional disparity in wealth distribution. This is the most glaring proof that the country, under the leadership of its successive presidents since

independence, has always been bereft of the noble practices of developing the whole nation and distributing wealth and opportunities fairly within the principles of equity and equality.

Well over 60 per cent of the country's wealth is concentrated in Nairobi, Kenya's political and financial capital.⁵ The capital has continued to suck in migrants, especially young school and college leavers, who throng the city in the rural-urban migration trend to escape the poverty that has scarred the country's rural social landscape. The problem rests with the deliberate structuring of the Kenyan economy to make it centralised in Nairobi, which is not only the country's capital, but also its industrial and commercial hub. But even for the majority in Nairobi, quality of life is a mirage. The slums are choking with huge populations living in dehumanising squalor without basic social amenities and services.

According to the population census of 2009, 12,487,375 people or 32.3 per cent of Kenya's population live in urban areas. Nairobi city alone was found to be home to 3,138,369 at the time. The remaining 26,122,722 or 67.7 per cent live out in countryside.⁶ It is hoped that devolution, one of the biggest milestones in the Kenya's new constitution, will decongest the creaking Nairobi as some of its residents seek opportunities in other counties, and also halt the unrelenting exodus of people to the capital and other urban centres.

According to United Nations and World Bank reports, Kenya is among the most unequal societies in the world. The gap between the rich and the poor continues to gape ever wider. In an article by John Njiraini, quoting a survey conducted by a research firm, Consumer Insight in 2010, the lower middle and bottom class income groups constitute 80 per cent of Kenya's homes, up from 73 per cent five years ago.⁷ This shows that only 20 per cent of Kenyans fall in the middle class, upper middle class and upper class segments.

The survey highlights regional disparities, showing that regions have not had the same treatment in terms of national wealth allocation, infrastructure development, distribution of public service positions and opportunities. Independent Kenya has been defined by inequitable distribution of resources to regions and ethnic communities, whereby the community of the incumbent president is favoured.

In *Readings on Inequality in Kenya: Sectoral Dynamics and Perspectives*, Duncan Okello and M. J. Gitau explain that equality of opportunity does not imply equal outcomes – with equal opportunity being a situation where, at least theoretically, no individual has more rights and liberties than others. They rightly acknowledge that this would not guarantee or even lead to similar socio-economic patterns in society; for people are inherently different, have different talents and, at the very least, may make different choices.⁸ What cannot be tolerated is giving either a community or a region a head start in a manner that disadvantages the rest who merit the same treatment.

Looking at the disparities in development, particularly for infrastructure development, it is clear that political patronage has played the major factor. Similarly, state corporations are staffed with people from the dominant political community. Areas with more people on salary employment

are likely to have higher purchasing power and, therefore, have better micro-economies. Equally favoured are the areas with better infrastructural investments, which spur economic growth and command the lion's share of the government budget for maintenance and other recurrent expenditures. These same areas would be the emerging markets for goods and services and, therefore, have more opportunities for employment, enterprise and a better quality of life.

Both the government behaviour and the market determine how individuals fair in the economic pursuits in life. If one person has more access to state institutions and power, those who are marginalised are disadvantaged. The same lucky individual may have better access to credit from quasi-government credit institutions, thus having a greater chance of succeeding in business, including in locations of the excluded communities. The disadvantaged lots then may become disillusioned and despondent when they fail to realise their potential. Therefore, the mistaken impression that certain communities or people of certain regions have some genetic entrepreneurship acumen is nothing but propaganda meant to sanitise and perpetuate the injustice of inequality.

The areas that become wealthier from government favours will afford better food, better healthcare services for themselves and quality education for their children. Subsequently, their future generations will stand a higher chance of absorption in the upper echelons in both government and the private sector, or manage the enterprises earlier started by the families, or access opportunities abroad. As they take up decision-making positions, they will give their tribesmen and women lucrative tenders and other opportunities for advancement. And in political wrestling matches called general elections, they have stronger financial muscles to win. As a result, inequality becomes entrenched to span several generations.

The independence government inherited an unequal country from the British colonialists. These differences existed more sharply regionally. European settlers were concentrated around the so-called White Highlands in central Kenya, central areas of Rift Valley and Nairobi. The areas occupied together with the property left behind by the Europeans were taken over by the political elite and others who had access to state credit and power. These areas already had superior social amenities, while others, like the northern, north-eastern parts, far-flung areas of the Rift Valley, western and coastal regions of the country suffered deliberate neglect.

Led by the illusive ideology of African socialism, the Kenyatta government attempted to address inequality through *Sessional Paper No. 10 of 1965*.⁹ It had seven objectives that were aimed at addressing inequality through the eradication of poverty. In what later became the Kenyatta Administration's clarion call, there was a declaration of ensuring freedom from want, disease, exploitation, provision of equal opportunities and growth of high, equitably distributed per capita incomes. This noble objective was, however, lost in the ethnocentric machinations of some technocrats.

A clause was sneaked into the Paper which prioritised the so-called high economic potential areas for investment of the limited state resources. The net effect was that the Paper, spelling out

government policy on a national development approach, favoured the same areas the colonialists had settled in for their resource extractions; the same areas that were already advantaged with social amenities and infrastructure. Without exception, the favoured region was the backyard of the President. Notably, these areas benefited greatly from investments in education. Their residents took up plum positions in public employment, accumulated capital and invested in real estate, industries and commercial businesses.

The results of the first audit of ethnic composition of the civil service released in April 2011 revealed that the five big communities (Kikuyu, Kalenjin, Luhya, Kamba and Luo communities) occupy 70 per cent of all jobs in the civil service, as they are the ones either wielding power or have the numbers to broker political deals. The Kikuyu (from which two of the first three presidents have come so far) have the highest number at 22.3 per cent of all civil service jobs, followed by the Kalenjin (16.7 per cent), Luhya (11.3 per cent), Kamba (9.7 per cent), Luo (9.0 per cent) and Kisii (6.8 per cent). The survey, undertaken by the National Cohesion and Integration Commission (NCIC) gave shocking details of how political patronage and ethnocentric leadership had reduced the civil service into a reserve of the big communities at the expense of the so-called small communities.

The audit reveals that the Kikuyu constitute the largest single dominant ethnic group in all ministries and departments, the police service and the prisons departments. In a situation replicated in most government departments and corporations where members of staff are drawn from the tribe of the incumbent minister, permanent secretary or chief executive officer, the audit revealed that State House was dominated by the President's Kikuyu tribe, while the Prime Minister's office was dominated by his Luo community.

The Kalenjin are the second largest group in the civil service and dominate the prisons and the police departments. President Moi, a Kalenjin, ruled Kenya for twenty-four years (between 1978 and 2002). Commenting on the fact that the Kikuyu and the Kalenjin – the Kalenjin presidency was sandwiched between two Kikuyu presidents – comprise close to 40 per cent of the entire civil service, the NCIC Chairman, Dr. Mzalendo Kibunja, noted that: “Their numbers (Kikuyu and Kalenjin) in the civil service suggest a direct relationship with the tenure of the Presidency, in that they have both had a member as president for over 20 years”.¹⁰

The audit reveals that the Kikuyu and the Kalenjin have larger shares of jobs in the civil service clearly disproportionate to their populations. Whereas the Kikuyu constitute 17.7 per cent of the Kenyan population, they occupy 22.3 per cent of the civil service jobs, while the Kalenjin, who occupy 16.7 per cent of all civil service jobs, constitute only 13.3 per cent of the population. The Meru have a 5.9 per cent representation in the civil service jobs yet they constitute only 4.4 per cent of the country's population. Similarly, although the Kisii form 5.9 per cent of the national population, they occupy 6.8 per cent of civil service jobs. The smaller ethnic communities with low bargaining power in politics, like the Teso, the Taita and the Miji Kenda, are marginalised in this consideration.

The lopsided recruitment into the civil service ranks cuts across all job groups. Dr. Kibunja felt constrained to advise President Kibaki and the Head of the Civil Service, Francis Muthaura, to move with speed and reshuffle staff in government departments to reflect the country's ethnic diversity. In the history of Kenya, never before has conspicuous ethnic favouritism been so unashamedly displayed in appointments to public offices like it is manifested in President Kibaki's administration. Critics say that in some sectors, like energy, public finance and national security, the top heads (Ministers, Permanent Secretaries, heads of the state corporations and other decision makers) can, if they like, use their mother tongue at their meetings because they all come from the same ethnic group with just a few from the sister community.¹¹

But with the current constitution, this culture is envisaged to come to an end as the country embarks on the task of reducing inequality. The constitution gives several provisions and sets up several bodies, including Commission for Revenue Allocation (CRA) and the independent Ethics and Anti-Corruption Commission, to address the regional and socio-economic inequalities through equitable allocation of public resources and plugging of the loopholes through which public resources get looted. The drafters of the constitution further fulfilled some of the aspirations that led to the agitation for a new dispensation by providing that at least 15 per cent of the national revenue be channelled to the forty-seven counties every financial year to spur development.

The leadership-steered corruption

The Corruption Perception Index by Transparency International in 2010 ranked Kenya at 154 out of 178 countries – where the best is Denmark and the worst is Somalia – a Kenyan neighbour that has had no government since 1991.¹² Corruption is indubitably the biggest impediment to Kenya's economic development and general prosperity, the main cause of the abject poverty that engulfs over 50 per cent of Kenyans.

There are two levels of corruption: grand corruption involving hundreds of millions of shillings/dollars plundered from the economy by top politicians or politically-connected bureaucrats, and petty corruption, which sometimes takes the form of a traffic police officer demanding some tens or hundreds of shillings to let go a Public Service Vehicle (PSV) of a traffic offence, or a government officer demanding a bribe before getting a document stamped. In Kenya, petty corruption has become known as *kitu kidogo* (Kiswahili for something small as the perpetrator is likely to ask for *kitu kidogo*). The amount involved is not small as such when viewed against the fact that most Kenyans cannot afford it as they live on less than USD 1 a day.

Grand corruption is executed through big public procurement contracts by top politicians and bureaucrats closer to power. A deal is entered into with the supplier or road contractor to quote a price that includes what belongs to the politician and the senior government officer(s). More often, the chain of plunder in a single transaction runs all the way to the "top". In his speech at the Second Africa Governance, Leadership and Management Convention, 2011, PLO Lumumba,

the then Director of Kenya Anti-Corruption Commission (KACC), correctly said, "... there is no African country where a deal is sealed without money changing hands".¹³

Some of the biggest corruption scandals that plucked off billions of Kenyan money have been Goldenberg and Anglo Leasing. About the Goldenberg scandal, the story is told that between 1991 and 1993, a Kenyan businessman, Kamlesh Pattni, through his company, Goldenberg International, approached the Moi Administration with a "bright idea": that he could get gold and export it from the country to earn foreign currency for the government. According to a trade policy of the time, any exporter depositing US dollars into the Central Bank would get an equivalent in Kenyan Shillings and 20 per cent additional incentive. In the case of Goldenberg, export compensation was raised to 35 per cent in violation of the policy.

This deal turned out to be the biggest fraud in the history of Kenya involving the top political leadership and senior civil servants of the Moi government. There was no gold, or very minimal if any at all, exported because Kenya had no significant gold deposits. Whatever amount of gold handled in the scheme could only be smuggled into the country, probably from the Congo. The scandal involved about USD 600 million and was estimated to have cost Kenya the equivalent of more than 10 per cent of its annual Gross Domestic Product (GDP). Many politicians in the Moi government and a considerable percentage of those in the Kibaki regime have been accused of involvement in the scandal. The judicial system also appears to have been deeply involved.¹⁴ No one has ever been convicted in the Goldenberg scandal despite two different inquiries that were conducted.

Kenya's third president, Mwai Kibaki, was elected in 2002, mainly on the pledge to eradicate corruption. For starters, he beefed up most of the senior positions in his administration with people from his tribe – which is corruption of another kind but may also be a sign that a leader is up to some mischief and is therefore building up protection. The Anglo-Leasing scandal soon popped up. The story strings with a government contract awarded to Anglo-Leasing and Finance Company Limited (ALFC). ALFC was contracted to replace Kenya's passport printing system at 30 million Euros whereas the lowest bidder, a French company, had quoted six million Euros. ALFC later sub-contracted the French firm. ALFC was later found to be a phantom and an intermediary only created to siphon money out.

The Anglo-Leasing scandal was a bundle of a series of what became known as Anglo-Leasing-type contracts in Kenya's security sector, whose architects made sure they were sealed in non-revocable promissory notes from the Kenyan Government. The plans to award contracts had started towards the end of the Moi regime and the Kibaki Administration only inherited and "made good use" of them. The magnitude of money lost in the scandal is close to one billion in US dollars. In a country whose GDP is just about 360 US dollars, that is an economic development setback of several years.

In a report submitted to the World Bank, Johannes Zutt, the World Bank Country Director for Comoros, Eritrea, Kenya, Rwanda, Seychelles and Somalia is precise on what any serious government does to stamp out corruption or reduce it to a minimum:

There are three things that any government needs to do to have an impact, and Kenya's track record is mixed: strong in two areas, but relatively weak in the crucial third. First, a government that is serious about fighting corruption needs to eliminate opportunities for corruption. This involves reforming institutions to minimise discretion and create checks and balances. A lot has already been done in Kenya in this respect, e.g., in the road, water and power sectors, and the new Constitution will help to get more of this important work done. Second, a government needs to be able to detect corruption when it occurs. This requires strong auditing mechanisms. There is no better deterrent to corruption than regular professional audits – particularly when audit results are also shared with the public, which can then help to hold errant officials to account. We have seen some successes in this area recently in Kenya, for example, with the maize and education scandals in 2009. The new Constitution strengthens checks and balances as well as the independence of oversight agencies, so it will help in this area as well. Third, and most important, a government needs to punish corrupt individuals to the full extent. If audits indicate possibly corrupt behaviour, the evidence of that behaviour needs to be referred to competent investigators, who (as warranted) need to present the results of their investigations to prosecutors, who in turn need to pursue corruption cases aggressively through the courts. Judges need to have the courage to convict, when the facts and the law require it. Public officials who are under suspicion need to step aside so that investigations can go forward without interference. These steps are critical, and this is where Kenya so far has not met the standards that law-abiding citizens can reasonably expect to be met.¹⁵

As corruption reached its peak in the 1980s, and when all the existing laws, public offices and institutions meant to fight corruption had failed, development partners compelled the government to set up a special anti-corruption body. This body was first put in place in the 1980s as a special unit within the police force. It failed. Then it was set up independent of the police in the 1990s under the leadership of Haron Mwau It failed. Then it was established through legislation more than once, bearing several names at different times in its life. All along, this body was denied prosecutorial powers and had to rely on other institutions which worked under the beck and call of the President, the police and the Attorney General. And, alas, it also depended on a Judiciary that had become the citadel of corruption itself. It failed. Finally, it is now entrenched in the new constitution but to be actualised through legislation by a Parliament whose majority members take a polar opposite position in their demonstration of zero tolerance to corruption. Despite the unearthed big corruption scandals, no senior government officer or politician has ever been prosecuted and convicted of corruption. Can a mere entrenchment in the constitution of an institution of this nature make it succeed?

What should never be lost on anyone is that an anti-corruption institution, however independent, can only tackle corruption with cooperation from and concerted effort with other institutions such as the Attorney General, the Director of Public Prosecutions, the police, the Judiciary, the Auditor General, and the parliamentary watchdog committees, among others. Above all, what must be noted is the imperative of the President's stand on corruption and support for such an institution. But what would be so special about this new institution for the President to give it the support that he or she had withheld from all other institutions before? Corruption festers and blossoms with impunity because it is not fought from the top.

Unless an individual with a different character from the present crop of leaders emerges to occupy the seat of the President of Kenya, no significant achievement may be expected in the battle against corruption in the foreseeable future. A day after Parliament passed a bill to set up a new anti-corruption body, the Ethics and Anti-Corruption Commission (EACC), on 26 August, 2011, to replace KACC in accordance with the new constitution, all commentators cried foul. This is the third anti-corruption body to be disbanded. This is how the political class fights back each time the war on the scourge heightens.

The media reported how low the debate sunk in Parliament and how some Ministers (already being investigated for corruption) went personal, shouting vitriol and invectives against the Director of KACC. At the end of the debate, the Members of Parliament voted unanimously that the Director and his four deputies must apply afresh and be vetted if they were interested in moving to the new body. Earlier, in the run-up to the sullied handling of the Bill in Parliament, the President and his cabinet had torn off the Bill all the clauses that would have strengthened and improved the new body. For instance, the cabinet took away the powers to prosecute and to investigate public officeholders whose lifestyle does not match their official income. This was the only way the anti-corruption body could audit unexplained wealth.

In his newspaper column, Billow Kerrow lamented:

One year into the new dispensation, the war on corruption is surely being lost. And we may be seeing the clearest sign yet that the Executive and Parliament pay only lip service to this war and care less if it is lost. This is particularly so when they are threatened and exposed as they were in recent months. The political leaders are on board so long as it is not themselves or any of their friends or kinsmen who are being probed. ... The people have been short changed; the constitution sought to entrench and strengthen KACC, not to emasculate it! Without success in the war against corruption, the fruits of the new dispensation may never be harvested any time soon.¹⁶

Donald B. Kipkorir also wrote a stinging commentary in his column in the same newspaper: “If there is any one recurring theme in the Constitution it is the one of integrity in leadership. ...What our MPs have done is to give us an EACC that is a eunuch; a useless fattened slave in the Royal Court. In transforming KACC into EACC the commission will be an appendage of MPs. The body has been so defanged that the provisions that it is an independent body are mere plaudits and platitudes”.¹⁷

Corruption drains away billions of shillings which belong to the people of Kenya. It is perhaps the foremost cause of the biting poverty in Kenya. The money lost would have otherwise been used to construct hospitals, roads, schools, provide clean water, fund irrigation and mechanise agriculture, build industries and take care of HIV/Aids cases. Children from poor families would access quality education to eventually pull their families out of abject poverty. Kenyans dying in their thousands every month would have accessed affordable healthcare, unemployment would have been reduced to the minimum in a thriving economy, crime would have been reduced, infrastructure would have been improved to enable people to access markets with their produce and services and, Kenyans would not be dying of hunger perennially.

The question is: why is corruption thriving in Kenya? The answer is simple and bold: the leadership at the top, the Executive arm of the government, is either deeply involved or simply reluctant to punish those who are involved for fear of rocking his government, or both. Thus, the Kenyan post-independence tragedy is having individuals in the political arena who perceive their ascending to the presidency as a fought-for-and-won “turn to eat” – for the President, his cronies, a cabal of campaign funders and for his ethnic community.

The Kenyan poverty

According UN and World Bank reports, the annual GDP per capita for Kenya is around USD 360 as at 2010, while about half of the Kenyan population lives in poverty. A 2010 report by the United Nations ranked Kenya at position 131 out of 172 countries, in terms of life expectancy, literacy levels and overall GDP – where Norway comes first and Zimbabwe last behind the Democratic Republic of Congo (DRC). For comparison, Kenya’s neighbour to the west, Uganda, which has suffered many years of civil war, is position 146, while Tanzania, the neighbour to the south, whose resources are far below Kenya’s, is position 151.¹⁸ Having half of a population of about 39 million living in poverty is utter shame on the leadership of a country where a small number of people constitute a class of some of the wealthiest in developing countries.

Having been elected on the platform of economic and political reforms, the Kibaki government commenced the process of preparing an economic recovery programme, focusing on the strategy of economic revival and job creation. The Economic Recovery Strategy for Wealth and Employment Creation 2003-2007 took into account the then existing policy documents, particularly the Poverty Reduction Strategy Paper of 2003.¹⁹ The strategy identified priority areas that formed the core

of the macroeconomic framework, including, creating 500,000 jobs annually, reducing poverty levels by at least five percentage points from the then 56.8 per cent, achieving a high real GDP growth rate from an estimated 2.3 per cent in 2003 to 7 per cent in 2007, increasing official foreign exchange reserves from USD 1.1 billion or 2.8 months of import cover in 2002 to USD 1.7 billion or 3.5 months of import cover in 2007, containing the account deficit in the balance of payments to an average of 6.2 per cent of GDP, and increasing domestic savings so as to enable higher levels of investments for sustainable development.

Within this economic recovery plan, the Kibaki Administration performed rather well in some areas and dismally in the rest. The regime has revived the economy to an appreciable level, from near zero per cent GDP to about five per cent in 2010. And yet despite the recorded economic growth in terms of GDP, the over 50 per cent of the population that lived below poverty line before Kibaki took over did not cross the line. The unemployment still stood where he got it – at about 40 per cent. The shilling, which was at about 70 to the US Dollar when he took over, went past the mark of 105 in 2011 – the lowest value in its history. Kenya experienced some of the highest inflation levels while famine in the country became episodic.

Almost 80 per cent of Kenya's population depends on the agricultural industry. However, due to global warming and climate change, the rain patterns have been unreliable over the decades, rendering the sector completely unreliable. The drought situation in Kenya in the last three years has caused a loss of jobs and crippled food security, leading to severe famines and consequently malnutrition, hunger and deaths. But why should the country rely on rain-fed crop farming despite the numerous rivers and lakes? Here is yet another symptom of Kenya's failed leadership. Since independence, no government has ever proactively prioritised irrigation, for the nation to be self-sufficient food production.

World Bank analysts observe that poor infrastructure in the country means that nearly all the rural populations are forced to rely on their own subsistence farming for their own food as well as monetary income. Unemployment, huge at over 40 per cent, leaves people with little opportunity for a livelihood. The legal and financial environments are not yet friendly enough for small business enterprises.²⁰

Yet another cause of poverty in Kenya is lack of access to quality education for all. The recent trends show high competition to pass national examinations and gain admission into quality schools and onward to public universities as private universities are out of reach for the majority. The system and structure of the education sector are such that for a child to perform and compete well with the rest in the national examinations, they need a strong foundation, be in a quality school, get extra expensive coaching and have several books for each of the many subjects. Only a small number of families in the middle and upper class can afford these requirements. But why should it be difficult to design a system of education that is accessible and friendly to all – to lift the poor out of poverty?

According to an economic analysis posted in the *Daily Nation*, food prices in Kenya are among the highest in the world, where an average urban family can spend up to 45 per cent of its total household budget to eat.²¹ The United States Department of Agriculture (in the same paper) states that Kenya is second only to Pakistan in the amount an average household spends on food. In Pakistan, 46 per cent of an average family's household budget goes to food. The report is a confirmation that rising prices for basic food items are pushing households into an expenditure crisis.

Kenya experienced the worst food crisis in 2009, with over 10 million people facing starvation. The government blamed it on failed rains in the preceding seasons. That was also the time when the cost of farming had shot up as the government watched, taking no action. The cost of fertilisers and pesticides doubled, leaving farmers helpless. The post-election violence in 2007-2008 caused the displacement of thousands of farmers, rising cost of labour, disruption of normal life, and the burning of many fields of food crops.

The famine returned in equal measure in 2011, tormenting an equal number in the population as was the situation in 2009. It was the same famine in yester years and always came, again and again. And the response was the same – denial, then begging for assistance from the donors, then distribution of some relief food. Then the rains would come and the matter is buried and forgotten. Such is the leadership that Kenya has been getting since independence: that which cannot do the most basic thing – put in place a long-term plan including irrigation to make the nation food secure, plan and implement sound economic plans that lift the citizenry out of poverty.

The Kenyan poverty is a leader-made poverty, but a visionary and selfless leadership, just as it has happened elsewhere, can place the country on a development railroad that pulls the nation out of this abyss. According to the *Business Daily*, Singapore, in the 1960s, had per capita GDP of around USD 400, and was vulnerable to ethnic and ideological conflict in a region beset by wars. The country was excessively dependent on foreign aid and most people could not find it on a map. But it was transformed through astute economic planning, the creation of an economic development bank, industrial parks to attract investment, and even the beautification of the airport and city to give foreign investors a positive first impression – all underpinned by sound macro-economic policies.²² Most importantly, behind all these was a leadership that was selfless, visionary, focused, diligent and committed to the national cause.

Leadership-perpetrated impunity

Incidents of impunity, which is blatant indulgence in political, social or economic wrong-doing or crime with freedom or immunity from being punished by the law, have been rampant in Kenya since independence. The directory contains rigging of elections, grand corruption, land grabbing, murder of political rivals, and mass murders and ethnic cleansing during the run-up to a general election. The most recent impunity was a complex of incidents arising from the disputed

presidential election results during the general election in 2007. The swearing in of the disputed winner, President Mwai Kibaki, was done in a somewhat private and hurried ceremony on the grounds of the State House in twilight, a departure from the tradition of the ceremony being held on a prior announced day in daylight and in the open.

On 15 December 2010, the prosecutor at the International Criminal Court (ICC) at The Hague named six Kenyans as the individuals with the highest responsibility on the violence that rocked the country immediately after the general election of 2007, leading to the death of over 1,200 and displacement of over 500,000 people. Of the six, the first three are Francis Muthaura, the head of civil service, Major-General Hussein Ali, the then head of police and later the head of Postal Corporation of Kenya, Uhuru Kenyatta, the son of the first president and currently the Minister for Finance. The other three are William Ruto, then Minister for Agriculture, Henry Kosgey, then Minister for Industry, and a broadcaster, Joshua arap Sang. Despite the call from within Kenya and from the office of the Chief Prosecutor at The Hague for these three to step down from public offices, President Kibaki retained them in his government and it was business as usual. It is one of the highest signs of impunity as the continued keeping of an individual named as a suspect to a crime of that magnitude in a powerful public office is to aid him to use public resources and state powers to weaken his case and shield himself from prosecution.

On arrival from The Hague during the initial mention of their case, Uhuru and Ruto stage-managed a hero's welcome. Each of them continued to prepare for their presidential campaign in the 2012 general election as if very sure of the ineffectuality of the prosecution threat. As Kenya was enmeshed in a near civil war after the general election of 2007, the international community, led by the former Secretary General of United Nations, Koffi Annan, intervened. This intervention led to the formation of a coalition government to restore peace, law and order in the country. A commission was formed to establish the causes and the masterminds of the post-election violence. It was also agreed that whoever was named by the commission would face the full sentence of the law. The commission handed an envelope containing the names to Koffi Annan, who awaited the Kenyan Government to form their own court to prosecute the individuals. The government failed to investigate and prosecute the suspects. Subsequently, the said envelope was handed over to The Hague. In the meantime, the President dispatched the Vice-president on shuttle diplomatic trips to African and other nations to win their support to stop the ICC process.

The highest incidence of impunity is linked to corruption, which in Kenya had long burst out of proportion. All the laws and institutions meant to curb corruption failed and the scourge loomed to stare both the public and government in the face. All institutions and government offices charged with the responsibility to curb corrupt practices had themselves gone into the practice and more or less institutionalised it. It appears everybody ascending to public office sees it as an opportunity to form a mass wealth, and it seems to have gained some tacit acceptance

in the Kenyan society that “one eats where one works”. And so grand and ordinary corruption, as narrated in the previous section, is no longer surprising. Like warning signs to motorists of “beware, accident spot”, attempts have been made with writings put up everywhere at the gates of public institutions: “*This is a Corruption Free Area*” – a clear sign that it has reached levels where a public warning has to be hoisted.

Another manifestation of impunity is in the glut of political assassinations. Right from the morning after independence, murder of certain politicians seen to be a threat to the ambitions of certain political cartels and mafias has been rife. None of the politically connected deaths of some of the most progressive and dynamic leaders has ever been resolved.

Pio Gama Pinto, a Kenyan of Indian descent, contributed significantly in the struggle to free Kenya from colonialism. He was detained for four years up to 1958 by the colonial government and was a member of the Central Legislative Assembly in 1963. He was appointed a Specially Elected Member of the House of Representatives in 1964. Pinto founded the KANU newspaper *Sauti ya KANU*, and later, *Pan African Press*. He established the Lumumba Institute, on whose board he sat, to train party officials. An assassin, apparently hired by those who were bent on eliminating political leaders with a firm stand on integrity, shot him dead as he waited for the gate to be opened in the driveway at his residence in Nairobi in 1965.²³

On 5 July 1969, at the age of thirty-nine, Thomas Joseph Mboya, popularly TJ, was shot twice in the chest and killed as he walked out of a chemist’s shop on Government Road (now Moi Avenue) where he had gone to buy medicine. One of the most brilliant politicians Kenya has ever produced, Tom Mboya was perhaps one of the youngest leaders in the world to have acquired such a high status. At only twenty-eight, he was not just one of the top Kenyan leaders, but also a respected African leader. For instance, he was elected Conference Chairman for the All-African Peoples Conference in Ghana in 1960 and had a close relationship with Kwame Nkrumah, the first President of Ghana and the lead voice on pan-Africanism.

Tom Mboya is also remembered for having organised a scholarship programme for many Kenyans to access higher education in USA. One of the most popular Kenyan politicians, Mboya entered national leadership and politics through trade union leadership. He became the first secretary general of KANU and was one of the leaders in the delegation that negotiated the constitutional framework and independence at the Lancaster House in London.

After Kenya’s independence in 1963, Mboya was easily elected a Member of Parliament and appointed Minister of Justice and Constitutional Affairs, and later Minister for Economic Planning and Development. Mboya is believed to have been eliminated by those in the top leadership in the Kenyatta government who saw him as a threat in the Kenyatta succession. His assassin, Nahashon Isaac Njenga Njoroge, after being arrested, asked “Why don’t you go for the big man?” The identity of the “big man” has never been made public.

Josiah Mwangi Kariuki, born in 1929 and later known simply as JM, was one of the most people-persons and generous politicians Kenya will forever miss. He joined the struggle for freedom from colonial rule as a clandestine volunteer supplier of essential materials to Mau Mau fighters. This led to his detention for seven years up to 1960. At independence in 1963, he became the personal secretary to President Kenyatta till 1969.

JM was very vocal in his disagreement with Kenyatta on government sanctioned corruption, the widening gap between the rich and the poor, and the grabbing of land by the top political elite. After independence, the UK Government gave the Kenyatta government funds to buy back land from the white settlers and redistribute it to those who had been dispossessed by the white settlers. However, the Kenyatta government took the land and distributed it to those close to the President at the expense of the landless.

A populist seen by many Kenyans as voicing their disillusionment with independence, JM was increasingly viewed by those in power as getting too popular with the citizens and was feared to be overshadowing the top leadership of the government of the day. He was last seen alive at the Hilton Hotel in Nairobi accompanied by Kenyatta's bodyguard on 2 March 1975. JM's remains were found several days later by a Maasai herdsman, Musaita ole Tunda, in a thicket at the foot of the Ngong Hills, on the outskirts of the city. The truth about his death is still buried.²⁴

In what seemed to be a motif of herdsmen finding dead bodies in the stories of mysterious deaths of senior politicians, Dr. John Robert Ouko's charred remains were found by a boy herding cattle on 13 February 1990, near Got Alila a hill not far from his home in Nyanza, in the Lake Victoria region. He was at the time the Minister for Foreign Affairs and International Cooperation in the government of Daniel arap Moi. Commonly known as Robert Ouko, the bright and charismatic politician had served in the colonial era and the Kenyatta government. The common view held by political analysts was that those close to the President developed discomfort with him on finding that he was gaining recognition by foreign powers as the Kenyan leader whom they could support to succeed Moi since the regimes' bad governance was becoming intolerable. The most intriguing political murder in Kenya since independence, the mystery of Dr. Ouko's death remains unsolved.²⁵

A report tabled in Parliament in 2010 confirmed that indeed Dr Ouko had been murdered. It then called for further investigation of top officials, including one of Moi's closest allies, Nicholas Biwott, who denied responsibility.²⁶ This has not happened.

The trend in the politics of impunity in Kenya has recently acquired another affiliate, the drug trade, which has begun influencing the nation's political dynamics. Certain wealthy Kenyan individuals have been listed by the US Government as kingpins of international drug business and reports have been tabled in Parliament bearing names of suspected drug lords among the top politicians. Those suspected of masterminding the narcotics trade, which has turned Kenya into a major transit point, have never been apprehended. The individuals appearing in the catalogue made by the US Government have been cleared by the Kenyan police for "lack of evidence".

As the records stand, although Kibaki's leadership is as mired as his predecessors' administrations in all manifestations of impunity, prominent political assassinations seem to have eluded the inventory of this phenomenon during his reign. His regime, however, might end up leaving the thickest trail of the vice of failing to uphold the rule of law and fairness in the incidents of grand corruption, tribalism, multi-million dollar narcotics business, rigging of elections and attempts to save prominent personalities whom the Chief Prosecutor of ICC at The Hague has listed as responsible for crimes against humanity during the post-election violence of 2007/2008.

The struggle for resource control in Kenyan politics

The popular view among the local intelligentsia and external observers with more than cursory knowledge of the country is that, compared to its neighbours, Kenya has been relatively peaceful and politically stable. The reality is that Kenya is as fragile as other unstable African countries. Threatening the political life are the same social challenges dealt with in the previous sections, namely ethnic favouritism, socio-economic inequality, corruption, regional or ethnic disparity in economic development, widespread poverty, and the huge level of unemployment among the youth. From Okoth Osewe's perspective, Kenya embodies the myth of peace in a conflict zone. He asserts that behind the much touted peace, the mere absence of military conflicts, the country is a boiling pot of multiple social conflicts and contradictions which exploded following the botched 2007 presidential elections.

The battle that has been raging in Kenya and that rarely finds effective expression in the world media is the battle between the rich and the poor, the "haves" and the "have nots", the exploited and the exploiter, the powerful and the powerless, the wealth grabbers and the robbed, the bellyful 'wanabenzi' (Benz drivers) and the hungry, the millionaire tycoons and the beggars in the streets, those with food on the table and those starving, the business community and the paupers, the fat land grabbers and the landless, the tiny wealthy ruling class and the army of unemployed youth ... The truth is that the peace being trumpeted in this context has been an artificial peace because conditions for peace have not been in existence in Kenya for decades and this is how the situation will remain if key issues that led to the 2007/2008 post-election violence are not addressed either by present or future governments.²⁷

The equilibrium of national social cohesion and integration has never been achievable since the early days of independence when the political class, led by the first President, saw political power as a means amassing wealth and putting one's ethnic community on a vantage point. Having felt isolated, the convenient game plan for every political leader was to revert to their ethnic cocoon and shield themselves with people from their communities. The political elite adopted the style of whipping up incendiary tribal sentiments to pit communities against each other.

As a result, the Kenyan political field is awash with charlatans assuming positions of self-appointed chiefs of their respective communities or blocks of tribes and using the numbers in those communities to strike political deals with their compatriots. In their machinations to

ward off competition, such imposters struggle to elbow out and suppress other individuals with potential leadership in their tribal fiefdoms. Meanwhile, their tribesmen and women are deluded that they have heroic leaders.

It cannot be gainsaid that the single most important issue that churns out so much competition and ill passions in Kenya is the control of resources. Political power translates into opportunities, and hence communities go for each other's jugular, urged on by their elite who are the biggest beneficiaries, to secure State House.

In 2003, a cabinet minister, John Michuki, had the temerity to say in public that the agitation for good governance was no longer necessary after "one of our own" (from his ethnic community) became President. Kiraitu Murungi, too, an erstwhile reformer of the 1990s, said of Raila Odinga (who was credited with helping Mwai Kibaki to win the presidency in 2002) that he (Raila) did well to help Kibaki ascend to power, and now that Kibaki was President, it was their role as GEMA (a grouping of Kikuyu, Embu and Meru) around Mount Kenya to protect that power.

The contemporary politics of Kenya is characterised by the struggle to seize state power and use it to "eat" (indulge in corruption and amass wealth). Whereas leaders who seek positions of power to bring about positive change are extant, they are too few and their initial noble intentions easily get mired in the foul politics of our times. Thus, the contemporary political scene in Kenya is a theatre of competing elements of greed and not a contest of ideologies.

The consequences of perpetual bad leadership

Kenya has gone through a turbulent post-colonial period, characterised by bad governance, which was buttressed by a battered constitution, whose earlier version (under Kenyatta) was predicated on a colonial system of governance with an imperial Executive. The post-colonial state was a centralised bureaucracy, guarding the interests of the ruling elite, which performed its functions in a highly top-down manner, allowing no room for public participation in decision-making.

The demand for democratic reforms always met with resistance by those who were in power. The focus of the clarion call was always decentralisation of state power and functions of government, pruning of the powers of the Executive, strengthening of the Legislature and instituting reforms in the Judiciary, which over the years operated as a tool of the executive rather than an independent organ of the state meant to dispense justice. The consequences of bad governance under bad leadership became corruption, regional and ethnic disparities in the distribution of wealth and opportunities, exclusion and intensification of ethnic discrimination and tensions, violation of human rights, grabbing of public land, political assassinations, violence and ethnic cleansing during elections, blatant rigging of elections, lack of the rule of law, breakdown of the justice system, and impunity by the elite and those in control of security apparatus of the state. These and other negative social and economic developments, arising from bad governance under bad leadership, caused abject poverty among the majority of Kenyans, led to a fast-widening gap

between the poor and the few rich families, and virtually destroyed the unity of the nation state, leaving Kenya as a state but far from a nation.

The centralisation of power in the hands of an individual, the President, resulted in the disappearance of democracy and accountability, ushering in patronage and ethnic-based politics – as each community focused on this one important political prize. This led to the inequitable distribution of the country's resources with favoured areas getting more than their fair share, while areas or regions that were not for the regime receiving nothing. Consequently, a constitutional reform agenda emerged as listed in Appendix 3.

Disempowerment of Kenyans by their leaders

The disempowerment of the Kenyan citizenry is traceable to the days of the slavery, the European invasion and colonisation, and the ascending to power of the African elite after the attainment of independence. The African needed to emancipate himself from the mental slavery of inferiority in his relationship with the white man. The Kenyan African, as some war veterans would say, did that after observing that the white man was not supper human; that after all he was dying from gunshots like any other human being in the battle field during the Second World War (1939–1944). It was after this that the returnees from the world war organised themselves in Kenya and were able to take the white man head-on through a guerrilla-style armed confrontation – the Mau Mau uprising – while the educated elite did the conventional political struggle.

Despite the attainment of independence, the inferiority complex did not melt away from the minds many Kenyans. They had no enlightenment, no exposure and no sensitisation. At the exit of the colonialists, the African educated elite who took over seemed to have assumed the superior position the white man had occupied in the mind of the ordinary Kenyan. His assumed actions and behaviour were unquestionable. Indeed, anyone occupying a position of power or had a lot of wealth, like the white man, was held in awe, no matter the legitimacy or otherwise of his epaulettes and affluence. It is not any wonder, therefore, that the contemporary Kenyan politician or bureaucrat can mislead his people, grab public resources, and get away with it as the ordinary citizen cheers him as a smart hardworking heroic leader.

It is under this state of disempowerment of the citizenry that Kenya's successive presidents and their cohorts have been able to emasculate, oppress and impoverish their people unchallenged. Thus, the Kenyan citizen seems to recognise only the politician, the senior government administrator, and a rich man as leaders.

One may observe at funerals or any other gathering how the protocol is designed by the ordinary citizen. Sofa sets would be at the forefront for the top politicians and administrators, while the head of a local education institution, for instance, who immensely contributes to the development of the area through production of the young budding future leaders and change agents, is overlooked and given a simple chair at the back.

Power has been so intoxicating and stupefying that no less a personality than the Vice-President, Kalonzo Musyoka, in 2010, declared that the President was beyond rebuke, a remark so appalling of a lawyer-politician who is aware that the new constitution stipulates the contrary. His statement was in response to criticism against the President for dispatching him (Musyoka) on a shuttle diplomacy to lobby African dictatorships to support a faction in the government in a bid to save some six “politically correct” individuals from being tried by the ICC at the Hague for alleged crimes against humanity – for being suspected to bear the greatest responsibility for the violence and killings that gripped the nation after the 2007/2008 elections.

The deepening of the citizen’s gullibility took place with the repeal of the 1963 constitutional provisions on regional governments and the removal of the administrative and financial powers of local government in 1964. These actions weakened democracy and virtually confiscated citizens’ opportunities for participation in public affairs. To entrench his authoritarian regime, the President resorted to weakening all the democratic institutions and adopted an instrument of administration preserved from the colonial government, the provincial administration, a hierarchical cadre of administrators stretching from the Office of the President to the village. Through this administrative instrument with its colonial relics of paramilitary training, dress, posture in relation to the citizens, the President acquired control over the country in all matters national and local; he gave orders to the Provincial Commissioner (PC), who gave orders to the District Commissioner (DC), who instructed the Division Officer (DO) as the location Chief took from him to pass to the Assistant Chief and downward to the village headman. Through this chain of command, the President, like the colonial ruler, could mobilise chicken and goats (and indeed many were collected in those days) from the ordinary citizen without question. All that the village headman could invoke was “orders from above”.

In this system, no one could question; the President allocated resources as he pleased to his tribe at the expense of other communities. Apart from the absence of a clear mechanism in law to distribute the national resources equitably, the marginalised were enfeebled by lack of provision for legal redress and lack of awareness of their rights. This overwhelming presidential power and a sense of ownership of the country were exhibited as each of the first two Presidents dished out land to their tribesmen and loyal supporters without any legal process or consultation. This led to massive abuse, illegal transfers of land, and dispossession of many people of their land. Unfair distribution of land was the genesis of the division between the rich and the majority poor Kenyans.

Constitutional response and major gains

The Constitution of Kenya 2010 is a document that merits celebration for its progressive character and as a fulcrum of democratic reforms and good governance.²⁸ Suffice is to present highlights hereunder that constitute the democratic and reform gains in accord with the aspirations of Kenyans.

In Chapter One, *The Constitution of Kenya 2010* affirms that the sole source of legitimate sovereign authority upon which a government functions and acts is the people. This sovereign authority is expressed through their general will. That general will constitutes the nation state, defines values and principles, and rules and guidelines. This general will is ultimately born in their constitution. Thus, the constitution is the supreme law that carries the people's sovereign power and authority. This will is also expressed through fair and free elections, recalls of leaders as provided for in the constitution, referendums, peaceful protests, picketing, strikes, demand for public officers' resignation, legal redress, lobbying and participation in governance. The old constitution did not recognise the supremacy of the people; rather it placed the presidency above all else.

Chapter Four, the Bill of Rights, is perhaps the chapter that makes the constitution the most progressive in the world. It comprehensively provides for all rights including social, economic and cultural rights, thereby giving a basis for the realisation of human dignity and self-fulfilment. For instance, the chapter makes harassment, intimidation and arbitrary detention by the state security agents a thing of the past. Redress for breach of rights is provided for. The old constitution only provided for minimal protection of human rights and gave the Executive the discretion to exercise powers and to implement the law by the exception rather than the actual rights.

The issue of leadership and integrity, the underlying cause of Kenya's miseries, has been addressed in Chapter Six. For the first time, Kenya's constitution sets out the principles of leadership and integrity. The chapter clearly outlaws leadership practices that are inimical and detrimental to public good and directs Parliament to further enact legislation to give the details for actualising this part of the constitution. The writers of the Constitution correctly understood that corruption, nepotism, ethnic favouritism and other social vices had all along been engineered by the top leader; hence, they introduced this chapter to bring sanity and discipline into the leadership. The chapter provides for the establishment of a strong commission to oversee and enforce ethics and integrity and punish the offenders, thus strongly declaring war on corruption.

The electoral system is revamped by the constitution in Chapter Seven, which provides gains, including the sanctity of the vote, the right of every adult citizen to participate either as a voter or a candidate, independent candidates, and the edict on political parties to ensure and promote equity in representation. It also stipulates gender equity and constitutional regulation of political parties. Therefore, corruption that has hitherto existed with individuals owning political parties or parties being formed as ethnic organisations, thereby politically polarising the country, will be things of the past. The Independent Electoral and Boundaries Commission (IEBC) will mark out constituency boundaries, thus removing the gerrymandering mischief of the President.

In the old constitution, there was no provision for gender equity. Political parties, although each had a manifesto with some ideology in its content, were serving mostly as tools of "tribal chiefs" and vehicles in the race to power in the political arena. The laws were soft on electoral malpractices and politics was a game of ethnic numbers and tribal alliances. The writers of the

constitution restored the legislature to its democratically rightful role. In Chapter Eight, the Legislature – the National Assembly and the Senate – is clearly defined and separated from the Executive. The possibility of a rogue Parliament is minimised with the reintroduction of the Senate, which was removed one year after independence.

Apart from legislation and playing a watch dog role, Parliament is empowered to check the powers of the Executive and in the process create a democratic balance. Other progressive provisions on Parliament are that the calendar of the Houses is controlled by law as opposed to the practice hitherto where the President had total control. The procedures for impeachment of the President are adequately secured from malicious political machinations.

In the old dispensation, other than Parliament being the legislative authority, the separation of power was minimal as the President and Ministers were Members of Parliament and there were no real legal mechanisms for checks and balances. There was no devolution so there was no need for the Upper House – the Senate. The powers wielded by the President rendered Parliament clearly subordinate to the Executive, thus undermining accountability and creating a dictator of a president.

Chapter Nine of the constitution, which is about the Executive, is a great revision of the concept and philosophy of the Executive arm of the state. It declares that the Executive shall derive sovereign authority from the people and that, that authority must be exercised in accordance with the constitution. Therefore, the President must exercise the executive authority with full consciousness that power belongs to the people, adhere to the national values and be accountable to the citizenry. It addresses the biggest ailment in the Kenyan body politic – the imperial presidency that ruled with a notion of owning the nation, thereby plundering the resources, and trampling upon human rights.

Appointments to major public offices by the president are bound to be confirmed or authorised by Parliament. Introduction of new procedures, defined timelines for elections and clear presidential dispute resolution mechanisms are some of the glittering provisions that prune the powers of the President. Election dates shall never again be a secret weapon nor will it be possible ever to swear presidents in places and hours only determined by the President as was the case after the fiasco of the election of 2007.

The number of cabinet positions is reduced from the unlimited discretion of the President to a maximum of twenty-five, chaired by the President. The President had always used this open slate system to reward his cronies, which inflated government expenditure and increased the ignominy of official luxury. Members of the Cabinet shall be appointed from outside of Parliament, thus reducing corruption and cut-throat competition in the race to Parliament among politicians, who on smelling the possibility of going to the august house and being appointed to a ministerial position would spend any money with the hope of recovering it and making much more through corruption.

The concentration of powers in the presidency enabled the occupier of State House and the Attorney-General to direct the judiciary on how to decide on cases in which the president and his cronies had interest. This will now be only part of the nation's history. The Attorney-General's powers of prosecution, although meant to be exercised independently, were in practice used to further the interests of the President and his friends. Kenyans therefore were denied the right to justice. The constitution has taken away prosecutorial powers of the Attorney-General and vested them in the new independent office of the Director of Public Prosecutions. These among others constitute the constitutional response to the imperial powers of the President in the old constitution.

The executive authority was authoritarian and did not account to the people other than in a very limited way through Parliament, which was also not effectively independent or checked. The most celebrated gain in the constitution, however, is contained in Chapter Eleven. This chapter is on Devolution, which has created two levels of government – national government and county governments. Devolution was a response to ethnic and regional favouritism in allocation of public resources and the exclusion of the citizenry from participation in decision-making on issues affecting them. Devolution decentralises governance and de-congents power from the centre while distributing resources equitably. It aims to promote effective citizen participation in governance and accountability, while addressing the injustice of ethnic and regional inequality. The setting up of the forty-seven counties was based on the districts that existed up to 1992. Thus, in formulating the constitution, the writers avoided the administrative districts that were illegally created by the Moi and Kibaki regimes after 1992 through *diktat* (without following the laws).

The old constitutional document had no form of devolution. It provided for a highly centralised system where planning took a top-down approach and the Executive had all the powers on allocation of resources for development, thus giving the President and the people close to him a wide platform to be corrupt and favour their community and the areas where the President had political support, while marginalising the perceived enemy communities or regions. The only chance available for citizen participation was voting in ritualistic periodic elections.

Although the central government will be represented in the forty-seven counties through the branches set up by its various ministries or departments, the responsibility of providing the services will rest with the county governments. Certain decisions, policies, laws and planning (within the standards set by the central government) will be made by the county governments for their respective counties. For instance, a county government may decide the location of an institution of learning and make detailed regulations. The constitution and the attendant pieces of legislation (to come from Parliament) make public participation mandatory. All these provisions are meant to empower the people to have a say on matters affecting them and on what development projects they would wish to have in their areas according to their priorities.

The constitution allows for the counties to have a government system like a small replica of the national government, headed by a directly elected Governor and County Assembly. Each ward

is represented in the County Assembly and, the representation of women, persons with disability and youth are guaranteed with special seats. The Governor appoints an executive committee (like a cabinet) from among people who are not members of the County Assembly.

The resources the counties have are as important as their powers. Government revenue is to be shared equitably between the national and the county governments and, particularly, there is a guarantee that at least 15 per cent of the revenue collected by the national government each year will be allocated to the county governments. Counties can impose property rates and entertainment taxes and any other tax assigned to counties by a national law. The Commission on Revenue Allocation will propose the equitable sharing of revenue between the national and the county levels, and between the counties.

For twenty years there is to be an “Equalisation Fund” to be used by the national government to provide – itself or through counties – basic services for marginalised areas (Art. 204). Thus, the wisdom of the devolution and public finance chapters is to open up the economic potential in all corners of the country, which had been marginalised through deliberate denial of investment in infrastructure, commerce, industry, social amenities and mechanisms for spurring economic development. Against this background, the new constitution is focusing more on resource sharing than power sharing. Devolution is therefore adopted as a strategy, a means to fair distribution of national wealth. It is assumed that in the process and over time, national unity and cohesion will be achieved as bitterness over the injustice of ethnic favouritism for some and marginalisation of others dissipate.

The new constitution is therefore meant to stop the slide of the country into the extremities of an unjust society. This constitution is about the removal of colonial indoctrinations, redesigning of institutions of governance, distributing public resources equitably and fairly, returning sovereign authority to the people, decentralising power that hitherto was concentrated in the Executive and the centre, dismantling absolutism in the process of exercising of power and authority, and, most importantly, striving for good leadership for good governance.

When all the gains are considered, and acknowledging the Bill of Rights (Chapter Six) as a milestone, the citizen’s most empowering provision in the constitution are Chapters Eleven on Devolution and Twelve on Public Finance. Among other benefits, these chapters are intended to greatly enhance opportunities for people’s participation in government and facilitation of the realisation of their economic development potential. Even so, the citizen’s mentality must rise to a level where they can choose true leaders at both national and county levels to actualise the gains provided for in the constitution.

Implementation of the constitution

Kenyans had suffered so much with a bad constitution in the hands of bad leaders that the promulgation of *The Constitution of Kenya 2010* heralded a new beginning, a rebirth of the nation.

The constitutional change was a bad omen for the land owners who had acquired swathes illegally, those who thrived on corruption, and the ruling cliques. It was no surprise to see a spirited “NO” campaign mounted by these cabals in the run-up to the referendum on the new constitution.

If the quest for a new constitution was an uphill task against those who were pro the status quo, the implementation was never going to be smooth, for the same anti-reform brigades would regroup to frustrate the process. Actualisation of many provisions of the constitution involves numerous legislations that Parliament is required to pass. The drafting of the bills is a bureaucratic process that involves the origination of the Bills by the relevant ministries or government departments or institutions. The rough draft Bill is then passed over to the Attorney-General and the Law Reform Commission for proper drafting before it is handed over to the Commission on Implementation of the Constitution (CIC). From these bodies and offices, the Bill goes to the cabinet for approval before the Attorney-General takes it to Parliament for debate, where the Parliamentary Constitution Implementation Oversight Committee (CIOOC) plays a significant role. After the bill has been passed, it is taken to the President for his ascent through signing it into law. It is then published in the *Kenya Gazette* as a public pronouncement.

In all these stages, a negative action or inaction of one office or individual can easily slow down or frustrate the process. The best example was the undue delay by the Government Printer in June 2011 to publish an electoral Bill after the President had signed it. Luckily, the writers of the constitution foresaw this possibility and built in mechanisms within it to ensure that its actualisation would not be sabotaged. For instance, Article 261(5) of the Constitution says that “If parliament fails to enact particular pieces of legislation within a specified time, any person may petition the High Court on the matter”. If Parliament does not act according to the instructions of the Court, and after some process, “... the Chief Justice shall advise the President to dissolve Parliament and the President shall dissolve Parliament”. As such, the implementation of the constitution, to be fully operational by 2015, is secured within the document itself. Even Parliament is aware that its life is in danger if it does not pass certain implementation Bills by certain dates during the transition.

The struggle, however, remains in achieving the spirit of the constitution, which contains the aspirations of Kenyans. The political class in Kenya, having often failed to show people-centred leadership, is wont to put self-preservation and personal interest above common good. As has been demonstrated by the President and the Prime Minister in their negotiations on appointments to various positions in the justice system of the country, where the individuals each of them preferred for various positions were later rejected by the Judicial Service Commission through a competitive interview and public vetting process, Kenya seems to suffer a draught of leadership that is guided simply by the sanctity of national interest.

The leadership that Kenyans need today

Kenyans are not asking for a Messiah of a leader or some model super leader. Kenyans are aware that their next leaders will emerge only from among the sons and daughters of their land, who are born and bred in this environment of suffocating corruption, ethnic favouritism, propensity to self-seeking, and love for power for self-aggrandisement. But Kenyans are fully aware that it is not impossible to get an individual from among themselves who, in seeking the top leadership position of the President of the nation or Governor of a county, is driven simply by a desire to do the opposite of what the leaders of the yesteryears have done, a leader who is selfless and wants to use the instruments of state power to enable their people to realise their potential to have a better life where basic needs in the modern world and human dignity are fulfilled.

Such leaders would, at the minimum, respect the letter and spirit of the constitution, acknowledging it as the embodiment of the sovereign will of the people. They would, therefore, be manifestly democrats, displaying and promoting a constitutional culture in behaviour, decision-making and action.

Surely, it should not be impossible to have a President of Kenya, or a Governor of a county, who is simply motivated to serve people, empower them democratically and help them get out of poverty; one who goes into such a leadership position with resolve and conviction, not to steal tax payer's money, but to remain accountable to the people. All the many men and women of Kenya with leadership potential and aspirations have seen and heard how corruption has prevented the nation from realising its development potential. But they have also known that the top leadership positions are the places for amassing wealth at the expense of development for the common good. Is Kenya now barren of men and women who can have the resolve not to tolerate corruption for the sake of leading the nation to the realisation of its development potential?

But the citizenry must watch, for human beings are inherently weak and easily fall into temptation when left unfettered in leadership positions. Even those with the best intentions need to be checked and straitened by good laws and watched by the vigilant men and women they lead. Such a leader personifies the model tree of leadership.

In a nutshell, the model conceptualises leadership to be something like a tree planted in the soil of democracy, which provides its nutrients. The democratic nutrients are expected to make the tree flourish in various ways, reflecting the spirit of democracy, but always guided by a tap root (or culture) of constitutionalism, understood as a strict adherence to the provisions of the Constitution of Kenya. The leadership tree thus conceived is sustained by a stem whose core material is the leadership principle of servanthood, supported and kept strong by accountability and effective communication.

Leadership Model

It is like a tree

1. Planted in a soil of democracy (chap 1, 2 & 5)
2. With a tap root of constitutionalism (1, 2, 3, 4, 5, 6, 7, 8, 9, 10)
3. Supported by a system which draws its strength from the leadership principles of servanthood, effective communication strategies and a culture of accountability. (Chap 2, 4, 6 & 12).
4. Characterised by strong result-oriented adultilised in various development fruits including Infrastructure Development (ID), Human Development (HD), Social Development (SD), Economic Development (ED) and Environment Management (EM).

NOTE: Writers/Users should take note of the facts that some components of the model (e.g. Democracy and constitutionalism inform several chapters partially or totally).

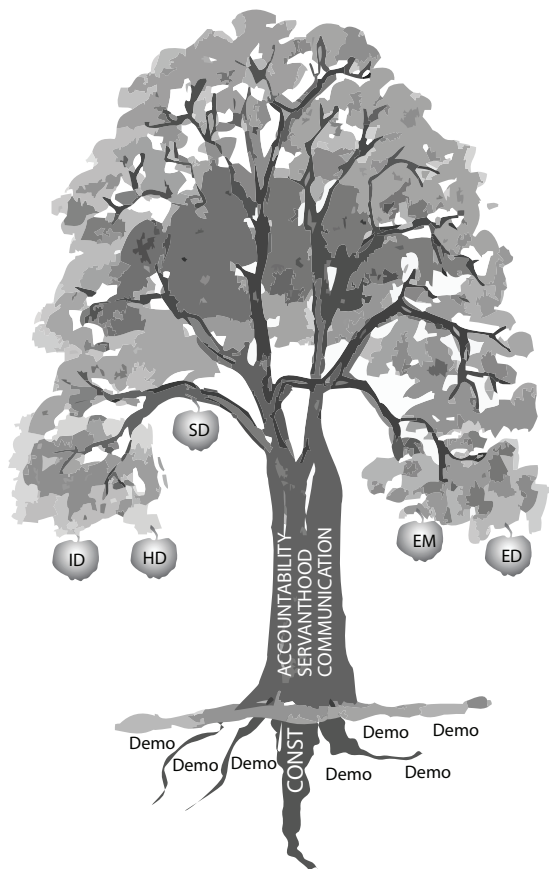


Fig. 1.1: Leadership tree

What fundamentally characterises the principle of servanthood in the model is a result-orientation of the leadership as shown in Figure 1.1 below on the leadership tree. Like a good fruit tree, this leadership is judged by the fruits it produces. The fruits are in the form of sound development programmes that protect the environment, reduce poverty and improve the people’s quality of life, economic prosperity, infrastructural improvement, social advancement, human development, and entrenchment of democracy. The leadership should be seen to be not only accountable, but should also promote accountability, transparency, social justice, and be responsive to the people’s demands and aspirations. By effective communication, the leader achieves transparency and mobilises the people they lead towards the achievement of its defined objectives.

Conclusion

Against the backdrop of a failed leadership since independence, the promulgation of a new progressive constitution on 27 August 2010, gives Kenyans a great hope. To Kenyans, the new

constitutional dispensation ushers in a new republic, a rebirth of their nation. It is a new beginning after many years of a lock-up of the country into a theatre of misery by their successive presidents – who plundered the economy, sunk the nation into the abyss of poverty, blatantly violated human rights, staged grand corruption, displayed impunity, and annihilated democracy.

Even as acknowledgement is accorded the heroes of the second liberation, whose relentless struggle is responsible for launching of the nation into a new beginning with a better constitution, it is unquestionable that the personal-aggrandisement seekers hold the hegemony. But even the true colours of the patriots of today will only be ascertained when or if they ascend to the top ranks of leadership of the country.

And yet the citizenry will not get good leaders as a gift or a miracle. Kenyans themselves through the intelligentsia that has been criticised as too docile, have to arise and give themselves good leaders through conscious and deliberate action. For the Kenyan nation to liberate itself from the shenanigans of poor leadership, the citizenry must first acquire a new national consciousness, for which a high level of civic education and economic empowerment are the requisite.

Whereas a strong electorate is expected to seek information and choose a leader based on the aspiring individual's background, track record, values, principles, ideals, the envisioned development programme and policies they stand for and want to promote, the Kenyan voters have been easy to sway with small cash handouts and ethnic or clan affiliation of the candidate. All these are consequences of years of disempowerment of the citizenry, so much so that they have been made to box themselves into their tribal cocoons. Pushed into poverty, they hold on to futile ethnic loyalty and accept cash for a day's meal to decide how to vote. The politician is aware of it and so has the propensity to playing the tribal card and taking advantage of the rampant poverty to dish out money to manipulate the electorate.

Thus, the poor leadership in Kenya has nothing to do with the natural character or that there is a genetic culture of greed, or the physical environment, or diet in the country. It is a reflection of the state of mind of the ordinary Kenyan; a disempowered mindset that has its roots in the indoctrination of the people in the colonial and post-colonial era. It is about a vicious circle in which bad leaders had disempowered their people over a period of time by making them get used to dictatorship and poverty. Impoverished people then become vulnerable and gullible to the manipulations of their self-centred leaders. They then give themselves bad leaders and the circle continues.

Therefore, a good constitution on its own cannot guarantee a nation's good governance, economic prosperity and citizen's gross national happiness. Kenyans can celebrate because they have a new progressive and liberating constitutional document. But they cannot be complacent, for the top leadership matters most, and any nation trying to liberate itself must wage war on bad leadership at the top. And that is the next frontier for Kenyans in their struggle for true liberation.

Endnotes

- 1 The 'big five' is a category of animals, which are a charismatic mega fauna, as identified by big game hunters and tour operators and which is delightful to see and difficult to find. The animals consist of the elephant, the lion, the rhino, the leopard and the buffalo, all found in Kenya's parks.
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- 28 The Constitution of Kenya, 2010.

chapter 2

The Leadership Kenyans Deserve

PLO Lumumba

Introduction

Throughout history leadership has been the driver of human progress. Human history is replete with stories of societies which have known astounding development because they were led by enlightened leaders. Conversely, examples abound of other societies that have had to endure great pain because of being led by fiends masquerading as leaders. Thus, we need to ask the following questions: Who is a leader? What is good leadership?

Leadership, like the proverbial elephant, is easy to recognise but difficult to define. However, for the purpose of this chapter, it suffices to say that leadership is service for society's benefit. As Peter Drucker correctly opines, "Leadership is the lifting of man's vision to higher sights, the raising of man's performance to higher standards, and the building of men's personality beyond its normal limitations."¹

In Kenya, the term leader is often used to describe anybody in a position of authority who wields power. It does not matter how they exercise such authority or power. The mere occupation of a position that calls for leadership is equated to leadership. "Imprisoned" in this narrow understanding of leadership, different societies have over the years treated charismatic 'fiendship demagogues' like Adolf Hitler (Germany), Benito Mussolini (Italy), Idi Amin (Uganda), Mobutu Sese Seko (Democratic Republic of Congo), Jean-Bédel Bokassa (Central African Republic), Macías Nguema Biyogo (Equatorial Guinea) and Laurent Gbagbo (Cote d'Ivoire) as leaders, merely because they occupied positions of leadership while in fact they were "mis-leaders" who led their countries to destruction and doom. So, what really is true leadership?

Leadership and servant leadership

True leadership is servant leadership whose defining essence is service above self. In his famous book, *The Mis-Education of the Negro*, Carter G. Woodson captures the spirit of such leadership when he writes:

The servant [leader] of the people, unlike the [mis-]leader is not on a high horse elevated above the people and trying to carry them to some designated point to which he would like to go for his own advantage. The servant [leader] of the people is down among them, living where they live, doing what they do and enjoying what they enjoy. He may be a little better informed than some other members of the group; it may be that he has had some experience that they have not had but in spite of this advantage he should have more humility than those whom he serves for we are told that ‘whoever is greatest among you, let him be your servant.’²

Although Woodson uses the words servant and leader disjunctively, it is my assertion that the words must be used conjunctively to underline the nature of leadership. This leadership, in my view, is the mother’s milk of human progress – servant leadership.

Servant leadership

In his book, *Virtuous Leadership*, Alexandre Havard, with whom I agree, identifies the essential ingredients of leadership – *service, virtue in action and character*. Fortifying his assertions in sources like Plato’s writings, the Book of Wisdom in the Bible, and Steven Covey,³ Havard distils six virtues as the pillars of leadership.⁴ These are:

1. Prudence: to make right decisions
2. Courage: to stay the course and resist pressures of all kinds
3. Self control: to subordinate passions to the spirit and fulfilment of the mission at hand
4. Justice: to give every individual his due respect
5. Magnanimity: to strive for great things to challenge [one]self and others
6. Humility: to overcome selfishness and serve others habitually.

Havard then captures the substance of leadership in the following words:

Leaders are defined by their magnanimity and humility. They always have a decision, which they invariably transform into a vision and mission. It is magnanimity – the striving of the spirit towards great ends – that confers this lofty state of mind... But leadership consists of more than just ‘thinking big’. A leader is always a servant of those in his professional, family and social circle, his countrymen, and indeed, the whole of humanity. And the essence of service is humility. Leaders who practise humility respect the innate dignity of other people and especially of fellow participants in a joint mission. Magnanimity and humility go hand in hand in leadership. Magnanimity generates noble ambitions; humility channels these ambitions into service for others.⁵

If true leadership is selfless service, then all other purported 'leadership' is in fact [mis]-leadership. A survey of many sources, religious and cultural, reveals this truism. Indeed, the Christian Bible, the Muslim Quran, the Hindu Geeta and other holy books are rich in examples that extol the value and virtues of good leadership. In the African context the experiences of old kingdoms to be found among the Zulu of South Africa, the Ashanti of Ghana and the Loita Maasai of Kenya serve to demonstrate how in times of good leadership societies prospered and how they declined when bad leadership emerged.

In Kenyan political lexicon there is something called the "national cake", which everybody talks about sharing and few ever talk about baking it. The argument over the years has been that the cake has been inequitably and disproportionately enjoyed by the community whose son occupied the presidency and in a manner had both the knife and the cake. It is the dissatisfaction with this system that legitimised the clamour for devolution which saw the introduction of county governance via the Constitution.⁶ The assumption is that devolution will democratise politics, enhance people's participation in governance and unlock the economic potential of the various counties and thereby improve the people's quality of life. Holding all factors constant, this is a possibility but the noble ideals may be torpedoed if the counties elect governors, councillors and other representatives who have no vision and who merely seek office for prestige and opportunities for material aggrandisement.

In 1997, I had the privilege of being a speaker on the occasion of a conference under the theme "Reflections on African Leadership Forty Years after Independence", which was held at the University of Dar es Salaam with the President of Tanzania, the late Mwalimu Julius Kambarage Nyerere, as the Chief Guest. After I had delivered my paper titled "The Leadership Crisis in Africa," Mwalimu requested the organiser, the late Prof. Haroub Othman to fetch me. I had a chat with him on the question of leadership. We spoke in Kiswahili. Mwalimu prefaced his introduction by asking, '*Kijana, wewe ni Mkenya, Kiswahili ulisomea wapi?*' (Young man, you are a Kenyan, where did you learn Kiswahili). I smiled and he then talked about leadership and what I remember distinctively are the following words:

Kwa hakika tatizo la Afrika ni uongozi duni usiokuwa na maono. Lakini kwangu mimi, siri ya maendeleo ni watu, ardhi, na siasa safi na vile vile vijana wenye malezi bora, siha njema na bongo kali. Hivi vyote lazima viambatane na uongozi bora. Kila Kiongozi lazima akumbuke ya kwamba uongozi ni kama hekalu na mahali patakatifu pa kutoa huduma kwa kujinyima kwa maslahi ya umma. (Truly the problem of Africa is poor leadership devoid of vision. However, in my view the secret of development is people, land and good politics and young people with good upbringing, who are well groomed and sharp minds. All these must be accompanied by good leadership. And every leader must remember that leadership is a holy site for selfless delivery of services for the benefit of the citizens.)

[Mis-]leadership and bad governance are the scourge of Africa. Hence there arises the question, what is governance?

Leadership and governance

Just as it is admitted that good leadership is important, so is good governance; hence leadership and governance are twin concepts. This begs the question, what is good governance?

Governance is the process of decision-making and the process by which such decisions are implemented. It is therefore critical that leadership be supported by good governance if it is to be beneficial. Indeed, it is right to say that leadership without good governance is doomed to fail.

Governance cuts across all facets of human life, but in this short chapter it is important to delimit it to the socio-economic and political arena, where it is exercised by the political class and bureaucrats for the benefit of the society.

While researchers, scholars and practitioners of governance will grapple with typologies of governance, such as *corporate governance* and *global governance*, in our enquiry, the aim is to determine how Kenya's new Constitutional dispensation will improve governance as a prerequisite to the realisation of socio-economic and political development. The debate proceeds on the premise that hitherto, institutions tasked with governance have performed below par and further, that governance can be bad and to the detriment of the populace.

Bad governance has and continues to be the bane of Kenya's leadership. Such governance refers to decision-making processes that are devoid of proper thinking arrived at unilaterally, without people's participation. It also refers to governance supported by weak institutions. Conversely, good governance means decision-making processes that allow participation, research, information, transparency and inclusiveness, supported by strong institutions.

Leadership and governance in the counties

Between 2001 and 2005 I served as the Secretary and Chief Executive of the Constitution of Kenya Review Commission (CKRC), a body that had been set up by Parliament to midwife a new constitutional dispensation. One of the Commission's most prominent areas of focus was devolution of power. The Commission went round the country collecting views and a majority of Kenyans stated their desire to have services close to them and to participate in decision-making. This view was also shared by the 629 delegates who assembled at the Bomas of Kenya to consider the CKRC's Draft Constitution.

Owing to the importance of devolution, even as Kenyans wrangled about the constitution, provisions relating to devolution survived in all the Draft Constitution documents, from the CKRC Draft of 2002, the Bomas Draft of 2004, the Kilifi/Wako Draft of 2005, the Harmonised Drafts of 2009 and 2010, and ultimately, in Chapter 11 of the Constitution of Kenya promulgated on the 27th August 2010.

Devolution, understood to mean creative dispersal of power, can unlock the hitherto unknown potential of the 47 counties into which Kenya is divided. Conversely, and God forbid, it may

herald the “devolution” of poor leadership and bad governance to the detriment of the people as Nigerians witnessed early on in most of their 36 states. Therefore, the “vaccine” that must be used to immunise the counties from doom is that of leadership and good governance.

The Constitution already has prescriptions on integrity and vetting of public officers, but it has no explicit provisions on how to ensure that those who offer themselves for elective positions such as governors and representatives at various levels in the counties are men and women of integrity, who, barring disaster, will subscribe to the tenets of good leadership and help grow institutions of governance rather than undermine and suffocate them. Such leaders must of necessity articulate clear visions for the county, formulate effective strategies towards the realisation of the vision, be able to achieve the tasks efficiently, and maintain effective relationships within the populace. The county government should then be one that promotes the tenets of democracy, de-ethnicises its processes and structures, spurs economic and social development and promotes equitable distribution of resources.⁷

In an interesting metaphor, which he calls the “tree model” and from which leaders should borrow, Okoth-Okombo, Professor of Linguistics at the University of Nairobi, underlines the essence of democracy, constitutionalism and servant leadership. In a nutshell he sees leadership as a tree planted in the soil of democracy, anchored by the tap root of constitutionalism, with the trunk of servant-hood which facilitates accountability and communication and bears the fruits of socio-economic and political prosperity.⁸ If the new dispensation is to engender success as we transit to devolved governments, those who seek leadership must understand that they are trustees privileged to serve on the basis of a covenant. It is equally incumbent on the populace to remember that throughout history the gains of democracy have always been protected by the people’s eternal vigilance, hence the words of King Solomon: “The hand of the diligent will rule, while the slothful will be put to forced labour.”⁹

Who a mis-leader is

A *mis-leader* is animated by the desire for personal glory. They pride themselves as the holders of visions of which they are the only ones who know; their followers, nay, faithful merely follow them unquestioningly, like sheep worshipping them as some infallible demi-god. Mis-leaders may be courageous and charismatic but they use these qualities for their personal benefit. In the political arena they may even have undergone suffering but they will use their history of suffering as a basis for “divine historical claim to power.” This narcissistic, megalomaniacal and egotistical character in mis-leaders is captured by Martin Luther King Jnr when he says:

A person who constantly calls attention to his trials and sufferings is in danger of developing a martyr complex and impressing others that he is consciously seeking sympathy. It is possible to be self-centred in self-sacrifice.¹⁰

It is the hallmark of mis-leaders that they will improve their material conditions while they keep their followers in a perpetual state of sorrow and desperation, but paradoxically in a perpetual

state of hope for a promised land to which they alone can deliver them. In the political arena, individuals such as Francisco Franco Bahamondes in Spain, Jean Claude Duvalier in Haiti, Fidel Castro in Cuba, Robert Mugabe in Zimbabwe, Mobutu Sese Seko in Zaire (now the DRC), and Muammar Gaddafi in Libya fit this bill.

“Mis-leaders” invariably arrogate to themselves the monopoly of wisdom and surround themselves with courtiers who sing their praises thus reinforcing their messianic status as deliverers.¹¹ “Mis-leaders” are not the preserve of politics; they are to be found in other spheres of life too. Sometimes they may even appear to be successful in the short run and will attract adulation but ultimately they lead their societies or organisations to doom.

Leadership in post-independence Kenya

Writing about his native Nigeria, the famous Nigerian novelist, Chinua Achebe, states as follows:

The trouble with Nigeria is simply and squarely a failure of leadership. There is nothing basically wrong with the Nigerian character. There is nothing wrong with the Nigerian land or climate or water or air or anything else. The Nigerian problem is the unwillingness or inability of its leaders to rise to the responsibility, to the challenges of personal example which are the hallmarks of true leadership.¹²

These powerful words apply with equal force and relevance to Kenya since she attained her political independence from the British on 12th December, 1963. After independence, Kenya had its halcyon days, as it rode on the crest of nationalism and patriotism in the early 1960s, and 1970s. Those days were however cut short. Indeed, it may even be said that there was a dawn, but the morning has never come courtesy of corruption, ethnicity and bad governance orchestrated by mis-leaders who continue to bestride the political arena like the fabled colossus.

Immediately after independence, the process of the ([re-]definition) of Kenyan leadership commenced in earnest; this was heralded by the “assault” on the Independence constitution with the sole aim of emasculating critical institutions like the legislature and the judiciary, leading to the concentration of power in the presidency and the introduction of personalised and ethnicised rule characterised by corruption, nepotism, cronyism, clientelism, oppression and the suppression of alternative views.

When Kenya’s first president, Jomo Kenyatta, died, the culture of corruption had taken roots and kleptocratic behaviour was tolerated if not accepted. In 1978, when Daniel arap Moi took office, things continued to deteriorate. Political space was reduced by the introduction of one party system in 1982 ostensibly to enhance national cohesion, but unfortunately leading to economic stagnation. During the Moi era, the electoral process was manipulated, the civil service

was ethnicised and politicised, and privatisation of public property became the norm. In 1988, the electoral process was poisoned by the introduction of an electoral “oddity” called “queue voting” or “*mlolongo*” (in Kiswahili). As the Kenyan scene was changing, events in the world, particularly the collapse of communism catalysed changes in many African countries, including Kenya, leading to the re-introduction of multi-party democracy in 1991.

When multi-party politics was re-introduced some thought that it marked the end of an *ancien régime* and the beginning of a *nouvelle génération*, but this was not to be. While in the minds of many, the movement from single party statehood to multi-party statehood was in many ways a migration from “Egypt” to the “Promised Land”, the reality was that Kenyan political leadership was and still is attracted to the fleshpots of Egypt and the golden calf of corruption at whose altar they worship. The effect of this idolatry is that Kenya still languishes in the desert with the Red Sea of poverty and poor governance waiting to be crossed.

The post election violence in 2007 and 2008 demonstrated how far we still are from realising the goal of mature governance and how much Kenya remains a prisoner of virulent ethnic political interests. Koigi wa Wamwere writes convincingly on this issue to illustrate how manipulative ethnic propagandists hypnotise communities like the jungle python does to a dog before it swallows. He says as follows:

In each community, negative ethnicity is glorified as a saviour and destroyer of enemies. But because it promises the destruction of all communities, negative ethnicity is the divider of all and a saviour of none. Once all communities are isolated from one another, the propagators of negative ethnicity are free to promise each salvation through the destruction of others. And because all communities are antagonised and isolated from one another, there is hardly a fear that any communities will discover that others have been promised their destruction by the supposed saviour.¹³

The tragedy of Kenya is, therefore, governance engendered by mediocrity and negative ethnicity, which are not confined to the political sphere.

In the recent past, Kenya has witnessed the cascading of “mis-governance” in most public institutions in critical sectors such as agriculture, education, health, local authorities and revenue collection. The net effect is that institutions never perform at full throttle because the headwinds of patronage, ethnicity and mediocrity do not allow them to attain their cruise speed. In the face of these problems, the question is whether Kenya has the capacity to extricate herself from the quagmire of poor governance and the grip of ethnic demagogues masquerading as leaders. The answer is an emphatic ‘yes’, albeit with a caveat – true change founded on value-based leadership!

Value-based leadership – The answer to poor governance

In her address to the International Student Congress in March 1993, in Rome, Italy, the former President of the Philippines the late Corazon Aquino said, “... without the right value in the people, democracy is only a confederacy of fools”. The essence of this statement with which I agree is that ‘democracy’ (which in Kenya we have equated to regular elections, however corruptly and badly organised) is not in and of itself a panacea to poor governance.

New wine in new wineskins: Is change the solution?

On the 27th day of August 2010, after nearly 20 years which saw detentions, assassinations, ethnic clashes, near collapse of the state and two referenda, Kenyans finally gave unto themselves a Constitution whose Preamble states:

We, the people of Kenya –

ACKNOWLEDGING the supremacy of the Almighty God of all creation:

HONOURING those who heroically struggled to bring freedom and justice to our land:

PROUD of our ethnic, cultural and religious diversity and determined to live in peace and unity as one indivisible sovereign nation:

RESPECTFUL of the natural environment that is our heritage, and determined to sustain it for the benefit of future generations:

COMMITTED to nurturing and protecting the well-being of the individual, the family and the community:

RECOGNISING the aspirations of all Kenyans for a government based on freedom, democracy, social justice and the rule of law:

EXERCISING our sovereign and inalienable right to determine the form of governance of our country and having participated fully in the making of this Constitution:

ADOPT, ENACT and give this Constitution to ourselves and to our future generations.

GOD BLESS KENYA

On paper, the Constitution has many promises and, read against Kenya’s Vision 2030, which rests on the three pillars of political, economic and social issues as the basis of attaining a middle income status, the future looks “rosy”. However, we must remember that visions and dreams in themselves do not mean much if they are not given practical meaning which converts them into a mission. As Steven Covey has noted:

An organisation’s mission statement – one that truly reflects the deep shared vision and values of everyone within that organisation – creates a great unity and tremendous

commitment. It creates in people's hearts and minds a frame of reference, a set of criteria or guidelines by which they will govern themselves. They don't need someone else directing, controlling, criticising, or taking cheap shots. They have bought into the changeless core of what the organisation is about.¹⁴

Kenya must now use the new constitutional dispensation to rebuild its institutions – all its institutions, the executive, the legislature, the judiciary, the police service, correctional institutions, the civil service, the devolved local authorities, institutions supporting good governance, the private sector and the non-governmental organisations. Yet as Kenya walks the path of institutional reform it must be remembered that sound leadership is the *magic bullet*.

Those who deal with leadership from an academic standpoint discuss typologies, its intellectual, philosophical and even moral dimensions. While such discourse has its place, for my purpose, a good leader must be *selfless, humble, virtuous, courageous, just, prudent, self-controlled, magnanimous, honest* and *patriotic*. Leadership is, therefore, not demagoguery fuelled by the desire to acquire and retain power by all means necessary *a la* Niccolò Machiavelli. As Havard has said:

Leaders set high standards of performance, which they expect others to follow. They achieve this result not through brow beating but encouragement. This is inclusion. It means that leaders pull rather than push, teach rather than command, inspire rather than berate. This leadership is less about displays of power than empowerment of others.¹⁵

When all is said and done, it cannot be denied that Kenya lost its political economic plot and it must get back on course for its long-term socio-economic and political health. Writing in the *Standard on Sunday*, Donald Kipkorir states, and I agree:

For 47 years, we [Kenyans] mark-timed on the doormat, without opening the door to infinite opportunities of happiness and prosperity... we have political leadership that is deeply wanting in education, strategy and vision. We elect those who have failed in their careers or even fugitives from justice and we expect to change. If we keep re-electing leaders of the current calibre and expect to be like Singapore, we would, like the co-conspirator Servilius Casca in Julius Caesar by William Shakespeare say '... wherefore did you so much tempt the heavens?' For we truly tempt the gods.¹⁶

Kenya's recent history clearly reveals that despite the best intentions of the best of the current crop of Kenyan leaders, they have to manipulate and humiliate the populace to worship at the altar

of negative ethnicity. They cannot deliver. Therefore, for proper governance to be instituted, a new crop of leaders must emerge to give meaning to words recorded in the Bible:

No one sews a piece of unshrunk cloth on an old garment. If he does, the patch tears away from it, the new from the old, and a worse tear is made. And no one puts new wine into old wineskins. If he does, the wine will burst the skins—and the wine is destroyed, and so are the skins. But new wine is for fresh wineskins.¹⁷

It is only when Kenya embraces new selfless leadership imbued with the spirit of servant leadership that the promises of the Constitution and Vision 2030 will be realised. The new Constitution is, therefore, an attempt to redraw the contours of power in Kenya. It introduces a myriad of changes which are designed to improve governance.

Governance and leadership: The new constitutional dispensation

Kenya's new constitutional dispensation offers unprecedented opportunities for improvement in governance. It prescribes a governance structure that gives pride of place to people's participation and puts a premium on national values and principles of governance.

Article 10 (i) provides:

- (1) The national values and principles of governance in this Article bind all State organs, State officers, public officers and all persons whenever any of them—
 - (a) applies or interprets this Constitution;
 - (b) enacts, applies or interprets any law; or
 - (c) makes or implements public policy decisions.

And Article 10 (2) provides:

- (2) The national values and principles of governance include—
 - (a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
 - (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;
 - (c) good governance, integrity, transparency and accountability; and
 - (d) sustainable development.

Kenyans' decision to prescribe values that bind all is informed by the realisation that a nation and its peoples must have an ethos which serves as the guiding beacon in the conduct of its affairs. The national values therefore serve as a litmus test against which all citizens, particularly leaders, must be tested as a condition precedent to their assuming office and during service.

One may ask: why is it that Kenyans chose to elevate values to the high pedestal of a constitution? The answer is simple: Kenya's post-independence history has demonstrated that a people without values are adrift and are bound to the abyss of socio-political and economic stagnation. It is therefore envisaged in the new dispensation that all Kenyans, particularly the leaders, will be patriots who will be led by certain ideals.

The patriotism envisaged is that of which Chinua Achebe speaks in the following terms:

Who is a patriot? He is a person who loves his country. He is not a person who *says* he loves his country. He is not even a person who shouts or swears or recites or sings his love of his country. He is one who *cares* deeply about the happiness and well-being of his country and all her people. Patriotism is an emotion of love directed by a critical intelligence. A true patriot will always demand the highest standards of his country and accept nothing but the best for and from his people. He will be outspoken in the condemnation of their shortcomings without giving way to superiority, despair or cynicism.¹⁸

It is from the prism of patriotism that Chapter 6 of the Constitution on leadership and integrity must be read and understood.

¹⁹ The explicit essence of the constitutional provisions is that all authority is held in trust for the people and must be exercised for their benefit and by extension for the honour of the nation.

Leadership as contemplated in Chapter 6 of the Constitution is captured by David Kadalie in his book, *Leaders Resource Kit*, where he says:

So, if you choose leaders they should have the ability and be expected to do, the following: They must set direction to develop – to articulate and share a vivid vision of a desired future that is challenging, credible, meaningful and worthy of pursuit.

They create images of what could be and build excitement, instilling confidence, offering criteria for success and get people moving. This also means creating a group identity and helping them to connect, dream together and trigger the collective imagination.

They must be change agents – to have an innovative urge to make the vision achievable in a changing environment. This would include research, training human resource development and the empowering of people to act. Risk taking and flexibility would be essential characteristics.

They must be communicators – the ability to portray the vision clearly and in a way which enlists the support of followers. The leader is a skilled communicator and concerned listener. He is thus able to get his message across to, and getting the best out of the people he leads.

They must be decision makers – to have the authority to establish strategies to facilitate change needed to achieve the vision. Get data and information, grab opportunities, study trends, seek expert opinions; do research to make the right choices.

They must align people – to create coalitions of committed people who understand the vision and who are committed to his achievements, people with administrative, managerial, fundraising, financial, creative, legal accounting and ministry abilities.

They must motivate and inspire – to keep people focused and moving in the right direction, facilitating, encouraging, talking and living the vision, overcoming objections and obstacles, appealing to values, emotions and what could be.

They must be mentors – to be team builders who equip and empower individuals in the organisation. To adopt a style of coaching to help them understand the ethos of the organisation, themselves and the team they work with. To help them understand the importance of constructive feedback and the celebration of achievements. To make them feel respected, trusted and loved.

To live out in practice what they advocate with the mouth. Their lives must be considered as a standard of excellence to be imitated. What they say more than what they do. What they do says more than what they teach. Their lives entail both “doing” and “being”. To demonstrate servant leadership.

If a man’s gift is leadership, let him govern diligently.²⁰

In light of the foregoing, prescriptions on what a leader should do, the question is whether Kenya’s new governance structure and electoral process will produce leaders who will perform as required and expected to help launch the country into a new socio-economic and political orbit.

The Kenyan Constitution has provisions relating to Presidency, Deputy Presidency, Cabinet Secretary, Principal Secretary, Senators, Governors, Members of Parliament, Women Representatives, the Youth and a myriad of other elective and non-elective positions. Further, it provides for devolution and sets out the object of such devolution being:

- (a) to promote democratic and accountable exercise of power;
- (b) to foster national unity by recognising diversity;

- (c) to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
- (d) to recognise the right of communities to manage their own affairs and to further their development;
- (e) to protect and promote the interests and rights of minorities and marginalised communities;
- (f) to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;
- (g) to ensure equitable sharing of national and local resources throughout Kenya;
- (h) to facilitate the decentralisation of State organs, their functions and services, from the capital of Kenya; and
- (i) to enhance checks and balances and the separation of powers.²¹

The devolved units are 47 counties created to ensure that services are taken closer to the populace to ensure improvement of the quality of life (see Appendix 1 for the complete list of the counties).²² However, the promises of the new constitution will only come to fruition if the golden rule of selfless service is upheld. Kenyans who will seek to serve as President, Deputy President, Governors, Senators, Members of Parliament and Cabinet Secretaries must ask why they are seeking office; if it is true that people get the leaders they deserve, the electorate must also ask why they are voting a particular individual into office.

Conclusion

After a gruelling clamour for constitutional reform that spanned two decades, Kenya is now in transition to the new constitutional order following the promulgation of the new constitution on the 27 August 2010. One of the fundamental changes that the country is set to experience is the shift to a devolved form of governance through which a substantive measure of executive power shall be migrated in the county governments.

As the history of the world shows, the type of leadership that emerges during a period of transition determines the eventual well-being or fate of the society. Leadership is one of the critical success factors for effective self-administration by the counties. Leadership is not mere holding of a high seat of authority, and we must learn from history and accept that true leadership is denoted and characterised by service above self. For true leadership must of itself have the ingredients of service, virtue in action and character.

A true leader is one who makes the right decisions, is focused, has self-control, and is respectful to and does justice to all. A person who wields power and authority but lacks in any or all of these qualities is a mis-leader; unfortunately, Kenya has had more than its fair share of mis-leaders.

Good leadership is prerequisite for proper governance. It is of paramount importance that leadership in the county governments be accompanied by good governance systems. This means governance characterised by transparency, accountability, openness and democracy. The culture of value-based servant leadership must be embraced in all corners of this country for it to disentangle itself from the yoke of poor governance. It is the duty of those who ascend to leadership positions to ensure that the seed of servant-based leadership has taken root and thrives, and the country consequently moves to greater heights of prosperity. Likewise, the populace must play their role by being eternally vigilant to ensure that those who seek leadership are true servant leaders, wedded to their aspirations.

Endnotes

- 1 Peter F. Drucker, *The Practice of Management* (Oxford: Elsever, 2005), p.155.
- 2 Carter G. Woodson, *The Mis-Education of the Negro* (New York: Sotro Books, 1933), p.97.
- 3 See Steven Covey's, *The Seven Habits of Highly Effective People* (New York: Free Press, 2003), pp. 21-22.
- 4 Alexandre Harvard, *Virtuous Leadership* (New York: Scepter Publishers Inc., 2007), pp. XVI-XVII.
- 5 Ibid., pp. XVII – XVIII.
- 6 County Governments are dealt with in Chapter Eleven of the Constitution, Article 175 to 176. See *The Constitution of Kenya, 2010* (Nairobi: Government Printer, 2010), p.108.
- 7 Yash Ghai, "Devolution: Restructuring the Kenyan State," a lecture delivered for the African Research and Resource Forum at the Kenyatta International Conference Centre (KICC) on 23 November 2007.
- 8 Prof. Okoth-Okombo is a Professor of Linguistics at the University of Nairobi.
- 9 Proverbs 12: 24 (English Standard Version, Anglicised).
- 10 Martin Luther King Jnr., *Strength to Love* (Philadelphia: Fortress Publishers, 1981), p.152.
- 11 See Abdulahi Dool, *Failed State: When Governance Goes Wrong* (London: Han Heritage, 1993), p. 31, where the author says, 'A feature of governments – especially dictatorships – which give status to flatterers, is that they run a serious risk of losing touch with reality. The sycophants who surround them merely tell them what they want to hear ...'
- 12 Chinua Achebe, *The Trouble with Nigeria* (London: Heinemann Educational Books, 1984), p. 1.
- 13 Koigi wa Wamwere, *Towards Genocide in Kenya – The Curse of Negative Ethnicity* (Nairobi: Mvule Publishers, 2008), p. 162.
- 14 Covey, *Seven Habits*, op cit, p. 143.
- 15 Harvard, *Virtuous Leadership*, op cit, p. 33.
- 16 Donald B. Kipkorir, "When Kenya Lost the Plot to Singapore and What It Needs to Do to Get on Course." *The Standard on Sunday*, 27 March, 2011, p.15.
- 17 Mark 2: 21-22

- 18 Achebe, *Trouble*, op cit, pp. 15-16
- 19 See Chapter 6 of *The Constitution of Kenya, 2010* (Nairobi: Government Printer, 2010), p 48, which deals with leadership and integrity. It provides guidelines on how authority will be exercised, and the guiding principles of leadership and integrity.
- 20 David Kadalie, *Leader's Resource Kit: Tools and Techniques to Develop Your Leadership* (Nairobi: Evangel Publishers, 2006), p. See also John Adair and Neil Thomas, *The John Adair Handbook of Management and Leadership* (London: Thorogood, 2004),
- 21 See Article 174, *Constitution*, op cit., pp. 107-8.
- 22 The list of the counties is contained in the First Schedule of the Constitution.

Political Leadership and Governance

Joseph Kwaka and Hazel Mumbo

Introduction

The need for good leadership as a requisite for good governance cannot be overstated, nor can the fact that poor leadership has often led to bad governance in the history of nations, including Kenya, be belaboured. We take cognisance of the fact that the new constitutional dispensation, with its assured democratic structures and systems, might be mistaken to be the landing of good governance. Equally important is that the arrival of a new good constitution should not be celebrated as though it guarantees improved quality of life and human happiness, any more than devolved governance could be taken to be synonymous with optimised participation of the governed, equity and fair distribution of national wealth. Nevertheless, we acknowledge that the new constitution presents a new beginning, a veritable rebirth of the nation, so that the citizen's vigilance on good leadership may move the country and the county to good governance.

This chapter asserts that political leadership, especially at its apex in the person of the president or prime minister, as the case may be in different democracies, being the central pillar of leadership in a nation, is what determines whether or not a country gets appropriate governance that empowers the people and fulfils their rights. It explores governance, good governance and leadership in the context of both the national and county levels. The chapter attempts to trace the provisions of good governance in the new constitution and points out the pitfalls that a person in leadership should watch for to avoid sinking into bad leadership in a young democracy like Kenya. The chapter has addressed both the current and future leaders as well as prodding the citizenry to play its role in giving the nation or county a good leadership and good governance.

Meaning of governance

The concept of governance is nearly as old as human civilisation. The term “governance” presupposes the process of acting on authority or mandate and mostly draws from the term “government” as it refers to what governments do. The word “governance” can be applied in several contexts: the geo-political governance (nation state), socio-political governance (in an ethnic community or a type of social grouping), or corporate governance (in a business or investment or manufacturing company). An analysis of governance (in a nation state) covers the formal and informal actors, the formal and informal structures, institutional and structural arrangements, decision-making processes, policy formulation and implementation processes, information flows, and the nature and style of leadership within a political system.

In the governance of a nation state, the formal actors are within the government, which is divided into the Executive, the Judiciary, and the Legislature (parliament). There are also state instruments for enforcing decisions, policies and laws such as the military, the police and state corporations. There are also informal actors in governance, which also play a role in decision-making and include the media, international donors, the private sector, foreign countries represented by their embassies/high commissions and the civil society (including NGOs, trade unions, religious bodies, social groups, lobby and pressure groups). These structures and dynamics of governance at the national level are largely replicated at the county level in Kenya’s new constitutional dispensation.

In the history of Kenya, all the first three presidents since independence have been habitually surrounding themselves with individuals whom they consult as they make decisions affecting the nation. These individuals, together with some members of the presidents’ families, groups and organisations, are also referred to as informal actors in governance.

At the end of 20th century, the usage of the term “governance” gained momentum as donor agencies, especially the World Bank and International Monetary Fund (IMF) and the West, piled pressure on developing nations and the countries of the former Soviet Union to undertake political, economic and administrative reforms and to practise good governance. As the debate picked up among experts and academia, various definitions and meanings were generated including the ones discussed in this chapter.

The World Bank, in 1993, defined governance as the method through which power is exercised in the management of a country’s political, economic and social resources, for development.¹ The experts at the Bank initially saw governance as a method, and then they focused on how to use it to achieve development goals. Perhaps this was a convenient definition to enable them emphasise on state reforms that overwhelmingly focused on civil service retrenchment and privatisation of state-managed corporations. The Bank would soon wake up to the reality that what developing countries needed was *good governance* and not just *governance*.

Then the work began on developing a package emphasising good governance issues such as transparency, accountability and judicial reforms. Thus, the Bank directed attention to “good governance”. In this chapter, we emphatically point out that good governance only exists and lasts where there is good leadership.

Another definition came from the United Nations Development Programme (UNDP). In its 1997 policy paper, it defined governance as “the exercise of economic, political and administrative authority to manage a country’s affairs at all levels. It comprises mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences”.²

According to Jon Pierre, in his book, *Debating Governance: Authority Steering and Democracy*, “... governance refers to sustaining coordination and coherence among a wide variety of actors with different purposes and objectives.”³ In the foregoing definition, some of the informal actors, such as the civil society, multinational corporations and donors at times take up some governance activities that are traditionally known to be the responsibilities of the government. Thus, in countries like Kenya, governance is more than just running a government; it is also about coordinating the efforts of non-state actors – the informal actors.

In their work, *Governance Politics and the State*, Jon Pierre and Guy Peters contend that governance is, “a process in which the State plays a leading role, making priorities and defining objectives”.⁴ This definition is in line with the notion of the role of the state as that of “steering” society and the economy.

Paul Hirst, in his book *Governance, Democracy and the State*, gives a more general definition of the term, asserting that “... governance can generally be defined as the means by which an activity or ensemble of activities is/are controlled or directed, such that it delivers an acceptable range of outcomes according to some established standard.”⁵ What then is political governance?

Political governance

For our purpose, the meaning or definition of political governance stems from the words politics and polity. Although bearing several other meanings in academic discussions, in our context, politics simply refers to the activities or actions which people use in their struggle to gain power in a country, county or even organisation. It may also refer to actions and activities that ensure that power is used in a particular way. In the latter meaning, therefore, a constitutional writing or review process (such as the one Kenya engaged in from the 1990s culminating into the promulgation of the current one in August 2010), is politics or a political process.

A polity is an organised society, such as a nation, county, city and church, together with its government and administration. Examples of polities are Kenya (as a nation state), any of the 47 counties created by the new constitution, the Vatican (the headquarters of the Roman

Catholic Church which has a government and administration even though it exists in the larger polity of Italy), and the old city states in ancient Europe, which had their own government and administration.

Because politics, in a democracy, is about competing for power, individuals tend to caucus with others with whom they have same political views of society, ideas, interests or objectives. In polities, such views and ideas, blended with visions, values and principles, form ideologies. In such political *games*, individuals who share a common ideology come together to form a political party, which becomes a vehicle or a tool for their collective effort towards gaining power from the incumbent holders or from competing parties. Aspiring members of such a party, who want to ascend to the presidency or the prime minister's position through the national elections, are, through a process, chosen by their political parties as candidates. Whereas this should be the ideal scenario in democracies, politicians in Kenya have been known to form or join political parties as convenient vehicles to take them to parliament and not because they subscribe to the ideologies of those parties.

A nation state such as Kenya is a conglomeration of different ethnic communities, which have come together and organised themselves into a polity through a documented contract called the constitution. Whether by design or by default (as is the case of Kenya created by British colonialists), they have decided to be together in recognition of the political, social and economic advantages, and benefits that they would otherwise forfeit if they seceded into ethnic polities. They have, together, constructed a constitution as a contract that spells out how they should relate with each other and manage the affairs of their jointly owned polity called Kenya.

In the case of Kenya as a democracy, the parties give a mandate (authority) through a general election to one among competing individuals to become the president of the nation state called Kenya or the governor of a county. The president or governor consequently has the power to make decisions and formulate policies on public affairs and use the state machinery to effect those decisions and policies in a manner that results in the common good. This is political governance; it is political governance insofar as it is a product and a process of politics guided by the constitution, which is a political contract. Political governance is, therefore, the exercise of power given to an individual, party, group of individuals, or a government, by the citizens or residents of a country or county in making decisions and managing public affairs on the basis of a constitution.

Economic governance

Top in the list of reasons that bring different ethnic groups together into a polity is the economic benefit that they want to enjoy in a well governed nation state. The management of the economy for its growth and for improved quality of life of the citizenry, or county residents, is therefore at the heart of governance.

Economic governance is about identifying the country's or county's potentials, resources and opportunities, formulating policies, setting priorities, objectives and strategies, making decisions and designing and implementing programmes that produce economic benefits for the common good in a sustainable manner. Economic governance in the Kenyan situation today must be geared towards tackling poverty and growing the economy through the development of infrastructure, making policies that promote entrepreneurship and investments, creation of employment, exploiting natural resources in a way that protects the environment, and ensuring equitable distribution.

One of the major goals for the provisions for good governance in *The Constitution of Kenya 2010* is economic prosperity. The two-tier government system provided for in the constitution launches Kenya into a new model of micro-economy at county and macro-economy at national level. The 47 counties are guaranteed an extent of financial security and independence as they are together entitled to a minimum of 15 per cent of the national revenue. It is envisaged that this mechanism will support development of infrastructure in the county, efficient service delivery and ensure all marginalised areas are developed and are up to pace with the rest of the country. Thus, this system is intended to unlock the local economic potential hitherto left fallow, facilitate equitable distribution of national wealth, while facilitating the feeding of the micro-economies of the counties into the national economy for its accelerated growth.

The two-tier government system is also intended to improve service delivery and empower people to participate in and manage their economic affairs. Each county will independently plan for its service delivery, energy, infrastructure, tourism, agriculture and increased access to financial services among others, while the national government remains to regulate the standards and safeguard the national interests.

Good governance

Governance can be aptly described as good or bad depending on intentions, decisions, policies, methods and direction and results of the actions. In Kenya, bad governance has, over the decades, been manifested, among other things, in inequitable distribution of national wealth, corruption, lack of constitutionalism and rule of law and other misdeeds. It is significant to note that good governance is predicated on the assumption that bad governance exists or has been experienced, as is the case of Kenya. Good governance is, therefore, the desired political norm designed to replace bad governance.

In the 21st century, it is imperative to go beyond *governance* and focus on *good governance*. According to the World Bank, good governance entails sound public sector management (efficiency, effectiveness and economy development), accountability, exchange and free flow of information (transparency), and a legal framework for development (justice, respect for human rights and liberties).⁶ The Department for International Development (DFID), a United Kingdom

development agency, defines good governance by focusing on four major components, namely legitimacy (government should have the consent of the governed), accountability (ensuring transparency, being answerable for actions and media freedom), competence (effective policy making, implementation and service delivery), and respect for law and protection of human rights.⁷

Writing on governance, Surendra Munshi, in *Good Governance, Democratic Societies and Globalisation*, seems to concur in his assertion that good governance “signifies a participative manner of governing that functions in a responsible, accountable and transparent manner based on the principles of efficiency, legitimacy and consensus for the purpose of promoting the rights of individual citizens and the public interest, thus indicating the exercise of political will for ensuring the material welfare of society and sustainable development with social justice.”⁸ However, Paul Hirst’s definition seems to be clearer – that good governance “... means creating an effective political framework conducive to private economic action: stable regimes, the rule of law, efficient state administration adapted to the roles that Governments can actually perform and a strong civil society independent of the state.”⁹

In the political arena, there are several forms of governance, including democracy, constitutional dictatorship, military governance and constitutional monarchy. Any form of democracy is always underpinned upon the will of the people and the conduct of public affairs in accordance with it. These can be achieved by direct participation of all citizens (direct democracy) or by a body of elected representatives (representative democracy) as is conventional in most democratic political systems. Within a representative democracy the main feature may be a presidential system (with the president as the head of state and government) as in the USA, or a parliamentary system with a prime minister as the head of government. Many countries with a parliamentary system normally have a ceremonial president (as in India or Israel) to serve as a symbol of national unity.

Good governance is also found in constitutional monarchies, in which a monarch (a king or a queen) acts as head of state within the parameters of a constitution.¹⁰ This form of government differs from an absolute monarchy in that the latter serves as the sole source of political power in the state and is not legally bound by any constitution. Most constitutional monarchies employ a parliamentary system in which the monarch may have strictly ceremonial duties or may have reserved powers, depending on the constitution. Under most modern constitutional monarchies, there is also a prime minister who is the head of government and exercises effective political power.

Good governance is the competent management of a country’s or county’s resources and affairs in a manner that is open, transparent, accountable, equitable, participatory and responsive to people’s needs. Although it refers to the way a government is run, it is also applicable to all sections of society, including public institutions, the media, the private sector, political parties

and civil society organisations (such as NGOs, trade unions, welfare associations and religious mission charities).

As a country emerging from a bad-governance experience, Kenya should add to the above features certain specific elements of what good governance at both national and county levels should be. Kenyans are conscious of what has failed the governance of their nation over the decades and therefore look out for efforts on reducing corruption and ensuring the equitable distribution of resources to all regions and ethnic communities and the basing of public office appointments on meritocracy, gender and ethnic equity, institutionalising respect for human rights, striving for national cohesion and integration, formulating and implementing policies and programmes that address poverty, bridging the gap between the rich and the poor, and promoting and adhering to constitutionalism and the rule of law.

It may appear that good governance can exist in several forms of systems and structures, including what political scientists' term as benevolent dictatorship. However, since true politics presupposes that whoever is governing ascended to the position through a competitive process, the requisite to good governance is true democracy.

According to the Organisation for Economic Cooperation and Development (OECD), good governance has eight major characteristics that should be adopted by Kenya in the process of the implementation of the devolved system of governance. With regard to these characteristics, good governance must be 1) participatory, 2) consensus-oriented, 3) accountable, 4) transparent, 5) responsive, 6) effective and efficient, 7) equitable, 8) inclusive and 9) follows the rule of law. It ensures that corruption is minimised, the views of minorities are taken into account, and that the voices of the most vulnerable in society are heard in decision-making.¹¹ For a developing country like Kenya, key elements of good governance, geared towards reducing poverty and achieving sustainable development, are underpinned on political and economic principles, as stated by the Australian Agency for International Development and must include the following four key areas: 1) improving economic and financial management; 2) strengthening law and justice; 3) increasing public sector effectiveness; and, 4) developing a vibrant civil society.¹²

Having explored the above definitions, we settle on our fitting definition in the Kenya country and county situations: good governance is the process of acting on the authority drawn from the mandate of the citizens or county residents in making decisions (including issues on priorities, objectives, policies and laws), allocating resources equitably, appointing public officials based on gender and ethnic equity, while observing and promoting constitutionalism, the rule of law, transparency, accountability, participative and inclusive processes, and, using state machinery for implementation and enforcement for the common good. In an ideal situation of good governance, the formal government structures should be the main lines and protocols of decision-making, in national and county governments, and any conspicuous swing towards informal decision-making is often both the cause and result of bad governance and corrupt practices.

The Constitution of Kenya 2010 and good governance

To delve into the gains for good governance in *The Constitution of Kenya 2010*, one needs to first take a glance at the country's history and features of bad governance. Kenya got its independence from the British in 1963, with a constitution that was negotiated at the Lancaster House Conferences in London. The negotiations pitted members of Kenya African Democratic Union (KADU), who wanted federalism, on the one hand, against the Kenya African National Union (KANU) members, who wanted a unitary system, on the other. The colonial authority also had their biases and interest in the process.

Some of the KADU leaders were Daniel arap Moi, Martin Shikuku, Ronald Ngala and Masinde Muliro, while KANU stalwarts included Jomo Kenyatta, Oginga Odinga, Thomas Joseph Mboya, James Gichuru and Julius Kiano. KANU lost in the negotiations, but won the election and formed the government, with KADU in the opposition.

The independence constitution provided for a parliamentary system of government – with a prime minister as the head of government. Jomo Kenyatta was the first Prime Minister. However, within about seven months, the constitution was quickly amended to turn the governance of Kenya into a presidential/parliamentary system and Kenyatta became the first president.

Gradually the ruling class split as President Jomo Kenyatta began to consolidate power with democracy slowly sinking. KANU merged with KADU and the opposition diminished. The country slid into authoritarian governance fast with the first Vice-President, Jaramogi Oginga Odinga, and some former freedom fighters like Bildad Kagia and Achieng Oneko, protesting and resigning from the government and from KANU to form their own political party, the Kenya People's Union (KPU).

The Kenyatta regime became intolerant and suppressed dissent through detention without trial. The luminaries of the opposition, led by Odinga, languished in detention without trial for several years. Since then, several amendments were made in the constitution to the extent that the original constitution was nearly mutilated.

Jomo Kenyatta died in 1978 and his Vice-President, Daniel arap Moi, succeeded him. The reign of Moi saw Kenya become a *de jure* one-party system, the amassing of power in the executive (the president), and the epitome of dictatorship. The executive arm of the government became utterly repressive, while the judiciary and the legislature became tools for legalising and protecting the interests and excesses of the executive. Thus, the two first presidents destroyed democracy, obliterated human rights and personified bad leadership for bad governance.

When Kenyans could not take it anymore, and with the tacit backing of the international community, agitation for multi-party democracy began in the late 1980s, culminating in the restoration of political pluralism in 1992 with the repeal of Section 2A of the constitution. From

there on, the struggle for governance reforms continued with a focus on the overhaul of the constitution.

In came Mwai Kibaki as the third president of Kenya through an angry vote and euphoria, sweeping out the Moi-KANU regime in 2002. After some months of governance honeymoon and optimism with the Kibaki administration, the signs of bad governance started sprouting again. Scandals of grand corruption began to pop up; press freedom was violated (culminating in a mid-night raid on a leading media house and roughing up of journalists) and extra-judicial executions that were recorded and condemned by a UN rapporteur, to mention only a few miss-governance atrocities.

As the next general elections approached, President Kibaki proceeded to unilaterally appoint members of the electoral commission, contemptuously disregarding an agreement which had been signed in 1996 between political parties, stating that the electoral commission would be constituted by representatives of political parties, an agreement he personally had been party to before he ascended to presidency. The subsequent elections were blatantly rigged, sparking off a wave of violence which brought the country to the precipice of a civil war. Over 1,500 people were killed, a good number by the police, while more than 600,000 people were displaced and dispossessed. Hence, where there is bad leadership, it is not only governance that dwindles but people literally perish.

It took the intervention of the international community, led by a former UN Secretary General, Kofi Annan, to put out the fire and hammer out a power-sharing agreement between Mwai Kibaki and his rival in the presidential contest, Raila Odinga, who had claimed victory. It was in this process of negotiation that it was also agreed – in what became known as Agenda Four – which the country would work towards governance reforms, including constitutional review and improved electoral laws. Accordingly, the referendum for the new constitution on 4 August, 2010, and the promulgation on 27 August, 2010, was a conclusion of two decades of a long and torturous journey.

In the new constitution, there are many good governance gains, which include the following:

- (i) *Restoration of democracy.* With the marked reduction of the powers of the formerly imperial Executive, establishment of a largely independent Judiciary and a Legislature delinked from the Executive, democracy has been restoration. The President and members of the cabinet are no longer members of parliament. The appointment of judges is largely through the Judicial Service Commission, which also has disciplinary powers. Major presidential appointments to public offices have to be vetted and approved by Parliament, which has checks-and-balance relationship with the Executive. To further reduce the powers of the Executive and devolve power and authority from the centre, a two-tier governance system is provided: a national and county government (with 47 counties). The constitution also

streamlined the political transition in a manner that the winner is sworn in after a fixed period and in a dignified manner.

- (2) *Public participation.* The devolved government empowers and enhances the participation of Kenyans in governance so that they can make economic, social and political decisions about their lives. Residents of a county will identify and address their felt needs with at least 15 per cent of the national revenue collected put at the disposal of the counties. It also devolves the power of the state from a centralised point and further addresses the issue of inequitable distribution of national wealth and opportunities and marginalisation of certain areas.
- (3) *Human rights.* The fundamental and all other human rights are sacrosanct in the constitution, making Chapter Four, the Bill of Rights, one of the best and most elaborate in the world.
- (4) *Election management.* The Constitution provides for enactment of strong electoral laws to establish an independent electoral body, paving the way for smooth, fair and free elections. It also stamps its authority on the election dates, thereby leaving no room for the incumbent to use it as a secret weapon in ambushing the opposing candidates.
- (5) *Management of land resources.* The constitution addresses the emotive question of land such that the country's most valuable resource is not made available for land grabbers. Land, as a factor of production, has been mismanaged in the decades of bad governance to the detriment of economic development.
- (6) *Quality leadership.* The document imposes ethics into leadership, ensuring adherence to critical values and principles such as integrity, transparency and accountability, respect to the people and honour to the public office held by a leader. The document recognises that leadership, as the main determinant of good governance, must not be left unguided in the constitution.
- (7) *Institutional reform.* The new constitution introduces reforms in all institutions of governance including the Police and removes the old instrument of oppression, the Provincial Administration, which was inherited from the colonial government.
- (8) *Laxity among leaders.* Whereas Kenyans have for long been stuck with some members of parliament that are not performing both inside of parliament and at constituency level, this constitution empowers the constituents to initiate a process of recalling such slumbering leaders.
- (9) *Constitutional amendments.* Amendment of this constitution has been made stringent to avoid the kind of mutilation of the document that was experienced during the first three decades of independence. However, it is also now possible for an initiative to be taken by the citizenry (from outside of parliament) to amend any part of the constitution.
- (10) *Governance.* The new constitution provides for improved accountability in governance, which contributes to the reduction of corruption.

Notably, experts at the World Bank and IMF were mistaken in the 1980s into thinking that the solution for economic underdevelopment and poverty in Africa and other countries in the South was in administrative reforms and privatisation, only to realise that good governance was the key. Thus, it is clearly emerging that good governance must be steered by good leadership. Even as Kenya's new constitution ushers in new economic governance structures and systems that offer optimism as the country emerges from decades of bad governance and underdevelopment, the worst cancer in the economic life of the country, the endemic corruption, embedded in greed (as detailed in the chapter on leadership and economic development) will still beleague the economy, unless the country and counties get good leadership.

Although a good constitution, other good laws, strong institutions and structures constitute a good infrastructure for the operation of good governance, the experience in Kenya shows that democracy is headed for a fatal crash and the nation collapses if steered by individuals of no vision and character. The achievement of good governance, therefore, does not exclusively depend on the presence of a good constitution and other good laws. Indeed good leadership is a more critical factor in the quest for good governance. Thus, however good the democratic infrastructure of a nation state or a county is, people perish without good leadership.

Meaning of good leadership

Good leadership, as espoused by this chapter and the rest of the volume, is the type whose banner is hoisted by PLO Lumumba's contribution, which indisputably states that, "true leadership is service above self." This type of leadership is further and illustrated for the purpose of Kenya as a nation state with a "Tree Model". The good leader that Kenyans now await after getting a good constitution is the man or the woman who ascends to the position of President, or governor in the case of a county, with neither personal nor group interest, but a pure vision for the nation, intention and passion to provide service in the use of public resources and state machinery to uplift the development of the country or county to another level. Through his or her leadership, the nation or county achieves good governance which promotes people's happiness. Only a humble servant leader, with no intention to amass wealth or use the position to satisfy his or her ego for self-actualisation, upholds good governance and moves the country or county to a higher level of development.

Simply stated, a good leader who ensures good governance is likened to a wheel that turns to move a country from one point to another, bringing about a positive change. For Kenya, being a country that has its own unique challenges, the good leadership wheel must borrow spokes from universal principles and elements of good leadership and blend them with those that are imperatives for the country at this stage in its history. In other words, whereas good leadership for good governance is universal, there must be unique features that reflect a country's history and challenges at a particular time. Thus, the wheel depicted in Figure 3.1 applies to the Kenyan situation.

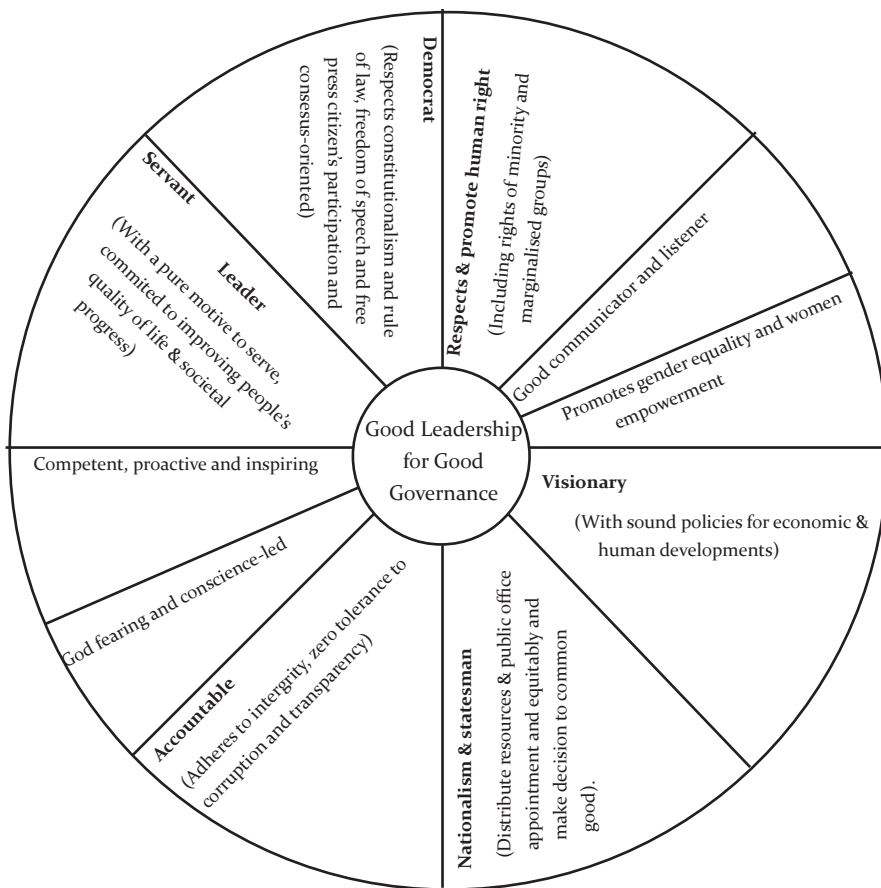


Figure 3.1: Wheel of good leadership

The good leader that can bring about national happiness is one that is illustrated in the “Tree Model” in Chapter Two. To that good leadership, the good constitution and other laws provide a sufficient foundation for advancing democracy, good governance, economic development, social cohesion, and happiness of the citizens or county residents.

In this chapter we are not saying that the people of Kenya in the counties should only allow a perfect person to ascend to leadership position, for it is considerably difficult to get the ideal leader. A person with a clean track record can seek a leadership position if only they are driven by a vision, and the desire to serve their people and pure intentions to change things for common good. They may not be very knowledgeable about the statecraft or operations of government, but they end up upholding the values of good governance. Only that such a leader, like any other person with a wide experience, must strive to quickly learn what it takes to effectively lead.

To paraphrase what Mahatma Gandhi believed and taught: “... as a leader, you must understand the need for constant growth.”¹³ It is your constant striving for growth and improvement that will take you and your country or county to another level. As your organisation should never stop

growing, so shouldn't you. Constant development is the law of life, and a leader who always tries to maintain their dogmas in order to appear consistent drive themselves into a false position.

Nonetheless, the citizens of a country or residents of a county have no justification for voting into, or allowing for appointment to significant public office, a person whose suitability is questionable – either for technical competency or character. A former president of the United States of America, Harry Truman, once said, “...in periods where there is no leadership, society stands still. Progress occurs when courageous, skilful leaders seize the opportunity to change things for the better”.¹⁴

Leadership ethics for good governance

According to *The World Book Dictionary*, ethics is that part of philosophy dealing with moral conduct, duty and judgement. The term ‘ethics’ is often used interchangeably with ‘morals’ to mean any code of behaviour. It is concerned with what is essentially in human nature and stresses on a person’s conduct or character in terms of what is wrong or right and what is good or bad. In thinking and acting in an ethical manner, an individual makes themselves a witness to what positively distinguishes humans: the quest for dignity.¹⁵ Ethics, therefore, is not about the self in isolation; it has a social quality.

Ethics relate to the moralised or standardised expectations of a social, professional or a special group on their members, or, in this context, their leaders. Apart from the constitutional expectation on the conduct and behaviour of the leaders, there are other numerous expectations society has on a leader. Whereas some of these expectations simply require common sense, others compel the leaders to have a deeper understanding of the social, political, economic, cultural, religious and legal environment around them to fully fathom what they are expected to do. The new constitution sets values and principles that leaders have to abide by.

There is no leadership that fits the bill of good leadership without conformity to ethics. Any leader aiming to demonstrate good governance must strive towards self-discipline based on ethics. Practically, an ethical lifestyle would entail exhibiting moral uprightness in human relations; for example, avoiding conflict of interest at all circumstances, having a good sense of fairness and justice, not indulging in consumption of too much alcohol to the extent of being found drunk at any time, selecting carefully the company they keep to avoid being associated with people of questionable character, maintaining a humble and simple life devoid of luxury and, promoting and observing diligence in work culture. It is difficult to find leaders who practise good governance without fitting into the above ethical bracket. Indeed, governance is likely to degenerate and sink into the abyss when placed in the stewardship of men or women who do not care about ethics.

It must be noted that ethics is part and parcel of good leadership for good governance. Good leadership for good governance implies that the leader must sometimes act not just on the letter but also on the spirit of the law. The spirit of the law means the wider stipulation and common

good intended by the law. A morally bankrupt, corrupt and selfish leader will not be guided by the wider requirements of the law. Such a leader does the minimum requirement of the law and says he or she has acted within the law. For instance, that type of a leader says that the law does not bar him from employing his relative or girl-friend as his secretary. Or, he or she is likely to preside over a contract awarding process where his relative, friend or business partner is bidding. A public office holder, or any other leader, must internalise ethics to enable them to recognise the spirit of the law, as shown in Chapter Six of *The Constitution of Kenya 2010* that sets out guidelines on leadership and integrity. It must be said firmly that good leadership that adheres to ethics is the epitome of virtue and, only virtuous men and women change the course of history for the better.

The dos and don'ts in leadership for good governance

As a leader in the new Kenya, a nation reborn and buoyed by a vibrant constitution and a sensitised citizenry and county residents, you must commit yourself to certain values, principles and practices, and, at the same time have a list of things for which you take an internal vow to avoid. Apart from committing yourself to remaining faithful to the irreducible tacit minimum rules in the ethics of good governance, as explained earlier in the chapter, the good leader for good governance in you must fit the brand of VICTAH leader. That is, you ought to have a *vision* for your country or county, you are a man or woman of *integrity*, you uphold and promote *constitutionalism* and the rule of law, you practise and promote the principle of *transparency*, you are committed to and ensure *accountability*, and, you do not compromise respect and protection of *human rights* (VICTAH).

Do you want to lead right? Then, master the dos and the don'ts of leadership for good governance as detailed below.

- (1) Do have a *vision* for your country or county and articulate it for people to adopt it as a shared vision. A vision is a dream or a picture in your mind of a better or improved situation for the people, an exciting possibility. And yet you can only have a vision of society as a matter of turning around a bad situation that has bothered you. Having a vision presupposes that you have been bothered so much by the current situation of bad governance, lost opportunities, wastage of resources, apparent unexploited high potential, social injustice of inequality and unfairness or rot in moral standards. You would then conjure up in your mind a contrasting situation or condition to replace the current one. There must be something you want to change or do for the common good; otherwise you should not move near a position of leadership. To paraphrase Martin Luther King Junior's famous quote: If there is no problem in your country or county for which you are committed to a solution and whose pursuit has become a cause for which you would rather die, then you have no reason to live, let alone seeking leadership.¹⁶

It does not have to be a grand or lofty out-of-this-world idea. For instance, the eradication of malaria or taking a resident of your county to the moon within ten years might sound

a wild dream. But you can have a vision such as: every household in your county having access to safe piped water within one kilometre in fifteen years. Sometimes, as a genuine leader, you may have a vision only in an unripe form. But the intellectuals, experts and talented individuals in your circle can help develop it and package it for presentation to the people. Therefore, the ability to identify talent and work with the principle of meritocracy is one quality of good leadership for good governance that must be embedded in visionary leadership. A good leader must not only surround themselves with smart people, they must also recognise that ideas and talents are handled better for the realisation of common goals. Countries like Japan, Germany and the USA experienced accelerated industrialisation and economic development as a result of observing meritocracy and identifying and employing talented individuals. You will not realise your dreams of a better society by festooning your administration and programmes with relatives, friends and political supporters only.

If your vision is one that is meant to outlive you and be your legacy, as it should be, then it must be embraced by the citizens or county residents, and, handled by experts and other leaders. Your vision then becomes a shared vision. It is a sad period until the next election for a country or county whose leader came to the position of head of government without any vision.

Do not go into leadership without any dream about where you want the Kenyan nation or your county to be in the next few decades. The citizens or residents of a county must vet the individuals aspiring for leadership and give them opportunity to lead when they have a vision for a common good to which they are truly committed. A person who goes into leadership without a vision for the community, county, country or the larger human society is likely to only pursue personal objectives in self-actualisation and the amassing of material wealth. And it is a tragedy when a country or county keeps getting individuals in the position of President or Governor whose only aim is to seize the opportunity to control public resources to amass wealth or protect ill-gotten property or to wallow in power for its sake. As Theodore Hesburgh once said, “The very essence of leadership is that you have a vision. It’s got to be a vision you can articulate clearly and forcefully on every occasion. You can’t blow an uncertain trumpet.”¹⁷

- (2) Do uphold and promote *integrity* during your tenure according to the constitution. The term integrity comes from the Latin word ‘*integritas*’, meaning uprightness, truthfulness, authenticity, reliability or consistency between word and deed. Integrity points to a kind of ‘wholeness’. Tony Simons considers integrity as the perceived degree of congruence between the values expressed by words and those expressed through action, “constantly following through on your word and demonstrating the values you profess ...”¹⁸

Integrity means adhering to what is morally right when doing wrong is extremely tempting; for example, a leader who takes a bribe or demands it as a deal from a prospective project contractor as a condition for awarding the contract violates the integrity rule. Or, a male

leader who demands sexual favours as a condition of promoting a deserving lady fails the integrity test. Leading with integrity refers to your decision to adhere to the most moral manner of handling public affairs at whatever cost. Putting integrity above everything else in leadership, Norman Schwarzkopf underscored it this way, “Leadership is a potent combination of character and strategy. But if you must be without one, be without strategy.”¹⁹

Integrity subsumes the weightiest issue in Kenya’s governance discourse – corruption. This nation is looking for men and women who can have the courage of conscience, conviction and sacrifice to turn their back to corruption and leave a legacy of good leadership. Integrity is perhaps the most important quality that will distinguish good leaders from just any other leader. We believe that God must be looking for men and women through whom He can provide a Godly leadership to this country and counties after many decades of wandering in the wilderness of bad governance and underdevelopment due to the sin of corruption. Your good leadership of integrity for good governance must first be weighed on the scale of corruption.

- (3) Do protect and defend the constitution and, uphold and promote *constitutionalism and the rule of law*. This means behaving and acting within the confines of the constitution. You will be vindicated in the realms of constitutionalism if your idea, attitude, decision, procedures, operation and action patterns always demonstrate that you are aware and conscious that your government derives authority from and is limited to the constitution and that the sovereign authority belongs to the people. This means you must uphold and promote the rule of law as opposed to making your own arbitrary decisions or ruling by a mere fiat as a dictator. Kenya’s governance history is dotted with many instances in which the first three presidents have blatantly violated the constitution and often demonstrated the propensity to give decrees. You are not free to do just anything or make any decision, thinking that you are the most powerful person in the country or county. Your power is limited to the dictates of the law – of which the constitution of the country is supreme.

Respecting, upholding and promoting the rule of law first means that you believe that everyone is equal before and no person is above the law. Second, you believe and lead from the front in ensuring that no person is arrested or detained by the law enforcement agents (police), except for a breach of the law, and that no one can be convicted to fulfil any interest except for breaching the law and in the manner set forth by the law itself. Third, under the leadership of a person resolute in establishing and promoting good governance in Kenya at the national or county levels, no one in their retinue must be seen to violate the law and get away with it. There should not be any tinge of impunity among the people close to power or a discriminatory application of the law.

- (4) Uphold *transparency* and be predictable in accord with the constitution and other laws, and go beyond the letter of the law and lead your government in setting the pace on this

principle. Transparency comes from the word transparent, which in our context means openness in handling public affairs and transmitting of information to the public on intended actions or projects. Good leadership for good governance would definitely manifest itself in transparency, which includes open meetings or public briefings after a meeting, financial disclosure statements, freedom of access to information on areas including budgets, audits, specifications on projects such as road or dam constructions, etc. It is the kind of governance that opens the doors for public participation in scrutinising the handing of public affairs, giving ideas, and participating in monitoring, evaluating and auditing the performance of public officials.

The constitution provides for citizens' right to information and a good leader who promotes good governance must not only ensure that this part of the constitution is not violated, but also that transparency is used as a strategy for enhancing the participation of the citizens or county residents in public affairs and for accountability. Your officials should never violate the constitutional provision for enabling the public to access information on the spurious basis of "government secrets" or "confidential documents". Transparency in the operations and decision-making in your government on the implementation of public policies will build public confidence and help stamp out corruption among public officials. It is prudent, of course, to protect information that relates to security and issues that are still being processed. But once the implementation process is launched, the transparency principle must start applying.

The imperative of good communication cannot be overemphasised in the quest of ensuring and promoting transparency. A leader at the helm of a government in the 21st century should never be found to be bankrupt in articulating issues and policies for the citizens or residents of a county to understand the rationale of their administration's decisions, policies and actions and, what benefits should be expected for the country or county. The first president of Tanzania, Julius Nyerere, excelled in communication, especially in his ability to simplify complex ideology in a manner understandable to less sophisticated citizens, while to say that Kenya's third president, Mwai Kibaki, scored low in this parlance, would be an understatement. How else can your people know your vision, intentions, plans and programmes without your coming out regularly to speak to them in county halls and fields, through the radio and television, and using other available channels and media? As the president, governor or Member of Parliament or county assembly, you must avail yourself for interviews by the mass media or directly by the public through the electronic media. This fulfils the public's right to know; and it is also for your benefit.

- (5) Be *accountable* according to the constitution and other laws that have established institutions for that purpose and that have declared the citizens and residents of the county as the holders of sovereign authority over you. Accountability is a concept that directs the

leader to have a high sense of responsibility and recognition that they are answerable to the citizens or county residents, who are the employer and the holder of sovereign authority. Accountability is about reporting back to the people as one would to their superiors. It also means accepting liability or responsibility when things go wrong.

The imperative of accountability in good governance cannot be overemphasised. It is about public officials being answerable for government decisions, actions and responsive to the interest and demands of the citizenry or county residents.

Accountability mechanisms include audit rules and checks and balances, scrutiny by Parliament or county legislative assembly, statutory bodies, and the general public. Among other strategies and mechanisms, accountability to the public is achieved through adherence to the principle of transparency as explained above.

Accountability also refers to yielding to evaluation on the performance on service delivery and implementation of policies, decisions, programmes and enforcement of laws by your government. It is about ensuring that the standards are met. Failure to be accountable reduces the public estimation of your leadership and causes a drop in the credibility rating of your government in the eyes of the public. Indeed, the failure on accountability is largely the failure in good governance.

A good leader in the position of President or Governor who promotes good governance observes the accountability principle by acknowledging and assuming responsibility for actions, decisions and policies. Without coercion, the leader reports, explains and answers to the responsible institutions and anybody demanding such accounting. The leader accepts responsibility for the consequences of the actions and decisions. If you are a good leader who upholds the principle of accountability, you would take the earliest opportunity to fire the person responsible for an unacceptable action or decision or you would take responsibility and resign.

Whereas the goodness of the leader regarding accountability is judged on the sense of obligation to the citizenry or county residents, responsibility and acceptance of liability, the leaders must also be judged on their respect for the institutions responsible for ensuring accountability. In other words, accountability cannot exist without proper and strong enforcement institutions for the purpose. Indeed, the absence of, or weak institutions of accountability or an attempt to undermine or ignore them means the absence of accountability.

- (6) Respect, protect and promote *human rights*, as set out in Chapter Four of *The Constitution of Kenya 2010* (the Bill of Rights). This is the essence of good governance. The tacit advantage that attracts the many Kenyan ethnic communities to form a nation is the acknowledgement that the feasibility of fulfilment of optimum human rights and economic and human development is more real in one unifying polity. Thus, it is neither far-fetched nor overstated to aver that the violation of human rights is both a betrayal and a crime

against the nation or the county. Undoubtedly, it would be important to elaborately explore the protection of human rights as a prerequisite to all other tenets of good governance.

Kenya has had a bad history of human rights abuse under the leadership of all of the first three presidents. And as a response, Chapter Four of the constitution provides for an advanced Bill of Rights that, among other things, recognises the social, economic and cultural rights of the Kenyan citizens. Making human rights sacrosanct in the constitution is premised on the understanding that the protection of these rights helps to strengthen democracy and constitutionalism, and promotes the rule of law. It creates an environment for promoting accountability and zero-tolerance on corruption, it ensures peaceful coexistence of individuals and communities, it perpetuates the nation, and it ensures peace, tranquillity and happiness in both the individual and the nation or county.

Good leadership for good governance therefore behoves the leader to accede to the obligations of protecting and promoting the universal human rights norms, including freedom from torture, freedom of expression, press freedom, women's rights, children's rights, and the protection of minorities. Article 43 protects the rights to healthcare, housing, reasonable sanitation, freedom from hunger and adequate food, clean and safe water, social security and education. This part of the constitution is not from the blue as it is predicated on the 1966 International Covenant on Social, Economic and Cultural Rights by the members of the United Nations. Kenya agreed to protect these rights in Article 43 when it signed the International Covenant on Social, Economic and Cultural Rights in 1972. The country has now domesticated the rights and paved the way for any citizen or group to demand their fulfilment, including by initiating a case in a court of law.

Whereas it is acknowledged that the constitution cannot suddenly guarantee all the social and economic needs of the people, that the government is not expected to deliver social justice to all Kenyans instantly, Article 43 in the constitution is not a mere wishful provision. Article 21 stipulates that the State must take measures towards the progressive realisation of the listed social and economic rights. A President or Governor who fits the bill of "VICTAH leader" must align their vision on the fulfilment of these basic rights and be seen to be steering the country or county in that direction.

Due to bad leadership, which over the decades produced bad governance, Kenya is one of the most economically unequal and socially unjust countries in the world. The country's wealth is unfairly distributed to the extent that certain regions are marginalised. The key positions in the public service have, over the decades, been largely dominated by individuals from the ethnic community of the incumbent president. With two out of the three presidents since independence coming from one community, the governance and economic benefits have been unfairly concentrated in the central Kenya region, the home of the two, Kenyatta and Kibaki. This state of affairs has been a manifestation of violation of the rights of other communities to economic and human development, representation and participation.

A good leader, intent on moving the country towards good governance, must also take cognisance of this glaring historical, social injustice to institute corrective measures and ensure that even at county level, the issues and conditions of minorities and marginalised people and social groups are addressed. It means that such a government (national or county) must have policies and programmes for a fair and equitable distribution of development funds, accrued wealth and jobs to facilitate promotion and protection of human rights. The special groups to be targeted include the hitherto marginalised regions and ethnic groups, minority ethnic communities in the country and counties, women, older members of society, children, people with disabilities and the youth.

The right to a peaceful, public protest is one other area in which the citizen's right has been for long violated and now firmly provided for in the constitution. According to Article 37, every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities. Deterioration of or stagnation in people's conditions on or access to food security, housing, water supply, healthcare and education and denial of such freedoms as to demonstrate peacefully, is a clear sign of poor leadership and bad governance. Thus, bad leadership that leads to bad governance is synonymous with violation of human rights.

The role and participation of the citizenry

As the country gets a new dispensation with new structures of governance, the onus reverts to the citizenry to ensure that the country and counties get good leadership to ensure good management of public affairs. Good leaders will not just pop up, they will be elected, and, from time to time, monitored and evaluated by the voters – the citizenry or county residents.

The strength of democracy lies in having active and informed citizens. Experience in Kenya shows that for the citizens to rise to that level of capacity, there is a need for a vibrant civil society to do civic education, mobilise and engage them in active vigilance and advocacy on public affairs. The government at both national and county levels must, on its part, provide access to information.

The constitution no longer allows government officers to deny the citizens access to information under the pretext of observing “official government secrets”. Good leadership for good governance, which cannot dispense with citizens' participation, must ensure transparency, public consultation, periodic opinion polling, and public briefing to improve policy formulation and implementation and to reinforce democracy and stability. Promoting open and transparent government, while guaranteeing civil liberties, is a mark of democracy and a best practice of good leadership for good governance. It is only when a government engages the citizenry in policy and decision-making that it can tap new sources of ideas and information and also lead according to the will of the people. How does the government go about this? When should it start?

The starting point of public participation is to invest in building robust legal, policy and institutional frameworks. Then the government must see citizens as partners rather than mere recipients of services and development benefits. By extension, therefore, it must acknowledge the role of civil society as a partner in advancing democracy. Consequently, the civil society will periodically engage in complementary activities such as conducting opinion polls to extract people's views on how they are being served. The subsequent survey report serves to project the voices of the citizens.

In addition to what the civil society does, it is important to conduct consensus conferences with small groups of lay persons. Experience shows that good leadership is required to make these practices policy-based and consistent. As a leader, you should be aware that the constitution provides for public access to information and, therefore, by extension, the citizen's have the right to briefing, consultation and participation in policy formulation and decision-making on major issues affecting them.

The realisation of good leadership for good governance is perhaps more of the responsibility of the citizenry than otherwise believed. As a citizen, you have the obligation to participate in giving your country and county a good leader that can steer the government towards good governance, which is to be done at the ballot box when you are choosing the right leader, and at every opportunity available, freely airing your views on the performance, conduct and behaviour of the leaders and government during opinion polls and at open forums.

You would also be required to express dissatisfaction (at the violation of human rights or at any sign of bad governance or violation of public trust) through public demonstrations, picketing and presentation of memorandums to the concerned authorities. It is your constitutional freedom and right to demand for good leadership and good governance and fulfilment of human rights.

Conclusion

This chapter has dealt with the fundamental and cardinal elements expected of a good leader for good governance – the imperative of a VICTAH leader. Does it tend to raise the bar for good leadership for good governance far out of reach of most ordinary men and women aspiring for leadership roles? Does it mystify or idealise the person who can fit the criteria for a good leader who ensures good governance? The answer is no, and nothing can be further from our intention here.

That most men and women aspiring for leadership roles in Kenya are products of corruption, and have been born and socialised in the socio-political environment that is bereft of good value systems and principles cannot be denied. But it is indubitable that the Kenyan society does not have a dearth of well-meaning individuals in search of opportunity to wipe out the grime and turn around our beloved country for the common good.

Nor is the chapter implying that nobody should seek a leadership position who is not perfect in the elements featured in the various sections. Surely, goodness, virtue and dignity are not angelic but human qualities. Indeed, Kenya will not grope abroad for good leaders, nor wait for a messianic personality for the high echelons of leadership at national and county governments. In fact, and undeniably, there is nothing like a perfect leader. What is required of the president of a country like Kenya or a county is a demonstration of being visionary and selfless, having good intentions and clarity of purpose, being sincere, humble, and, above all else, single-minded in bringing about a positive change for the benefit of all.

Such a leader is not necessarily a genius before stepping into a public office; such leaders are constantly seeking personal development and growth, with the search for the right knowledge and skills and a continuous pursuit of these ideals and values. A good leader for good governance is not born with what it takes, but evolves through an enduring process of self-study, learning and experience. It is only heartbreaking when, instead of improving, the individual degenerates while in office.

Finally, your greatness as a leader is to be judged on whether you have nurtured and mentored other leaders who are inspired by your vision, ideas and ways of doing things. The greatness of your leadership should be producing more leaders, not just followers. As Walter Lippmann says, "...the final test of a leader is that he leaves behind him in other men the conviction and the will to carry on."²⁰ That way, as a great leader, you will have shown the way without necessarily leading. Mahatma Gandhi did not hold a public office when he led India to freedom from the colonial bondage but showed the way, and his ideals live on today. Kenya is desperate for men and women who can provide good leadership for good governance and move the nation to the next level. Be in that number.

Endnotes

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The Structure of leadership in County Governments

Bobby Mkangi

Introduction

On 27 August 2010, Kenyans officially adopted new rules of engagement between themselves as citizens, and themselves and the state. This was through the declaration of the new *The Constitution of Kenya 2010* by the President, Mwai Kibaki. The new constitution is a ticket to the new Kenya that Kenyans have striven for over the years and, therefore, its popular endorsement in a referendum held on 4 August 2010, mirrored this.

The promulgation of the new constitution was an important event in Kenya's history and this was put in perspective by the country's Prime Minister, Raila Odinga, in his speech during the promulgation. He said,

Today we close a long chapter in our history. We put repression, exclusion and heroic struggle behind us once and for all. We have opened a clean, new page in our book. On that page, we begin to write the story of an equal and just society.

The new constitution provides instructions on what is to be written on the "clean and new page". The instructions point towards a Kenya bereft of poverty, where every man, woman and child is treated with dignity. Enhanced human security is also a guarantee for all. This is to be achieved through a comprehensive and progressive Bill of Rights (Chapter Four) which *inter alia* recognises and protects economic and social rights, and protects the rights of vulnerable groups such as children and persons with disability.

Land and environment, which are key resources to Kenya's social, cultural and economic present and future, have been protected (Chapter Five). The Constitution outlines the principles of landholding, usage and management, which include equitability and sustainable and productive management of land resources. It also ensures that resources are equitably shared throughout the

republic by providing for this in the chapter on the management of public funds (Chapter Twelve – Public Finance). To stem out corruption and instil integrity in leadership, the new dispensation bears provisions on the principles and boundaries for public leadership as outlined in Chapter Six – Leadership and Integrity (details on how this chapter impacts on devolution appear later in this chapter).

The Constitution of Kenya 2010 adopts a presidential system of government with a popularly elected president exercising executive authority. However, this is with well outlined checks and balances (Chapter Nine). One of the checks to the executive authority is a bicameral legislature. Parliament, which remains the public’s custodian over the executive, will now have two chambers – the National Assembly and the Senate (Chapter Eight). The National Assembly’s primary responsibility will be to enact national laws while that of the Senate shall be to protect and promote the interests of the second tier of government – county governments.² The Judiciary (Chapter Ten) is reinvigorated and strengthened through the establishment of a Supreme Court. Its independence is guaranteed and facilitated through the creation of a judicial fund through which administrative and operational affairs of this important arm of government are to be facilitated.³ The Supreme Court is particularly vital for county governments because it will be a point of reference when a county government needs an advisory opinion on any issue touching on the county.⁴

Most importantly and radically, in a quest to decentralise fiscal affairs, political power and enhance service delivery, the new constitution devolves government (Chapter Eleven). It meets the long-term ambition of Kenyans who had benchmarked devolution as a key pillar in the country’s new dispensation.⁵ It does this by creating a sub-national tier of government, which will actualise itself through constituent units called counties. Forty seven (47) of such counties have been created, borders of which are as per the districts created through the Provinces and Districts of Kenya Act of 1992.⁶ These counties, through their governments, perform functions as outlined later in this chapter, into seeing the enhancement of *wananchi*’s well-being in the respective counties. The county governments realise the aspirations of its residents through a County Executive Committee (CEC) headed by a Governor which will be checked by a legislative body called a County Assembly (CA).

The questions on the functionality of a county in terms of structure and content of how county residents will be led to optimise their potential, is what this chapter considers. It also examines the qualifications of the leadership that will guide the different structures that emanate from the county.

Background

As pointed out earlier, the departure from a highly centralised government was one of the key pillars of a new constitutional order for Kenyans. This was inspired by the experience that *wananchi* have endured as a result of a highly integrative power-holding structure that Kenya had since the abolition of *regionalism* (*majimboism*) in 1964; the independence constitution provided

for a semi-federal structure that promised widened and localised democracy, efficient service-delivery, and an equitable distribution of resources. However, this structure suffered a still-birth as its implementation was thwarted by the central government's failure to allocate resources to the regions. Its deathblow was struck with a constitutional amendment in 1964 that returned Kenya to a centralised administration. Though subject to debate, other questions that led to the death of *majimboism* include: were the units economically viable? Were there resources in the first place to be allocated?

The centralisation of power resulted in Kenyans suffering a retinue of problems. Centralised planning from Nairobi, the capital, meant that the real issues affecting *wananchi* were not addressed in many parts of the country. Some parts such as the North Eastern Province were left out or forgotten altogether. Poverty permeated the lives of many as service-delivery was inefficient and unresponsive. In its final report, the CKRC noted that,

... due to frequent failings by unitary or centralised systems, manifested by increased marginalisation of minority groups, abuse of power, inequitable distribution and mismanagement of national resources, there have been calls in the last two decades to decentralise government powers and functions.⁷

Kenyans therefore called for devolution as a measure to “remedy institutional deficiencies that highly centralised governments have engendered. These comprise bureaucratic inefficiencies, poor accountability, and transparency, unequal distribution of resources and low levels of community participation in local development”.⁸

Despite the “attempts” that the Kenyan government had taken over the years to decentralise, it however only de-concentrated administrative functions, which amounted only to the “delegation of authority to public servants working in the field”.⁹ Through local authorities operating under the Local Government Act (Cap. 265, Laws of Kenya) and policy initiatives such as the District Focus for Rural Development (RFRD), the government endeavoured to decentralise service delivery, albeit unsuccessfully, hence, the calls for devolution.

Local authorities failed to deliver optimally because “they were centrally controlled through the Ministry of Local Government and power remained consolidated at central government.”¹⁰ In the recent past, fiscal decentralisation has been attempted through the Local Authorities Trust Fund (LATF) and the Constituency Development Fund (CDF). The latter has also not effectively delivered because “it has been compromised by the power vested upon the MP to singlehandedly select members of the CDF Committee (CDFC).”¹¹ Thus, the MP literally runs the show on how resources trickling down through CDF are exploited. Constituents have little say on projects and priorities and they have no recourse when it comes to accountability. This has resulted in corruption, wastage and under-employed of this important devolved fiscal instrument.

The Provincial Administration (PA), which is a remnant of the colonial government's administrative structure, is the main framework for grassroots administration and control of local communities for the national government. Many Kenyans feel that it has outlived its usefulness and should be done away with. They feel that it offers them nothing meaningful in the grassroots in terms of service-delivery but instead it is the sledgehammer through which the national government bears its power locally. However, there are those who feel that PA has brought vital services to them such as security, services which would have been unavailable. In providing Kenyans to exhaustively discuss the place of PA in Kenya's nascent dispensation, the constitution calls for its restructuring by 2015 so that it can work effectively, respecting the principles and confines of the devolved government.¹²

Unlike the above mentioned centrally and unilaterally controlled experiments on devolution, a localised structure with political power that is constitutionally entrenched and legislatively facilitated is what Kenyans wanted. The above mentioned attempts lacked such structure and only served to localise and sustain centrally-held power. Kenyans wanted real devolution whereby certain administrative and legal decision-making powers and functions would be attached to localised and democratically constituted structures. As the CKRC observed,

The Commission, therefore, has no doubt that – consistent with the goals of review and people's views – there has to be a transfer of very substantial powers and functions to local levels. It is also very clear that the transfer has to be to bodies which are democratic and participatory. People will not be content with mere administrative decentralisation (de-concentration).¹³

The Committee of Experts for Constitutional Review (CoE) also made a similar observation:

The people's quest for democratic governance at the centre and other levels of government has been consistent. The historical context of this demand was the unilateral abolition of the system of devolved government provided by the independence constitution, followed by the concentration of powers in the executive in post-independence governments.¹⁴

It is with the above in mind that devolution has been discussed in Kenya. However, prior to the enactment of the new constitution, debate had been around the type of devolution that Kenyans wanted. The principle had been agreed upon, not the qualifications thereof. Kenyans could not agree on how many sub-national levels of government that the country should have and their functions. The CKRC observed this and stated that inasmuch as there was "a general agreement among Kenyans that devolution is necessary, there was less agreement on its form and levels."¹⁵

This came out in the draft constitutions that were churned out in the constitution review process. The seminal Draft Constitution of Kenya (Ghai Draft) published in 2002 provided for five levels of government (National, Provincial, District, Locational and Village). The Draft Constitution of Kenya 2004 (Bomas Draft) proposed four levels (National, Regional, District and Locational). The rejected *Proposed Constitution of Kenya 2005* (the Wako Draft) removed the levels of government created by the Bomas Draft and instead went for two levels – National and District governments.¹⁶

The Constitution of Kenya Review Act 2008 placed as one of the objects of the review process, hence a pillar in the new constitution, provisions that aimed at “promoting the peoples participation in the governance of the country through democratic, free and fair elections and the *devolution of power* (emphasis mine).¹⁷ The CoE was therefore obligated to ensure that the new constitution made provision for devolution of power.

The Act also obligated the CoE, amongst other deliverables, and primarily, to examine the past and aforementioned draft constitutions and determine issues that were agreed upon and those that were incongruent and therefore contentious.¹⁸ Devolution was one of the issues that were identified as contentious, albeit not in its entirety as has been shown above.¹⁹ The unresolved issues were on the levels of government, their functions and relationship between the different levels. The CoE solicited the views of Kenyans on what they thought were the solutions to the unresolved issues on devolution. It also held provincial hearings and thematic consultations with experts in this area.

Initially, the CoE proposed in the Harmonised Draft Constitution of Kenya,²⁰ three levels of government – National, Regional (8 based on the current provinces) and County (74 based on the districts in the Bomas Draft). However, after soliciting the views of Kenyans on this proposal as per the Review Act, the preponderance of views indicated that Kenyans felt that the three levels were untenable primarily due to cost implications. They also felt that the 74 proposed counties based on the districts arrived at during the National Constitutional Conference in Bomas had not been sufficiently rationalised, and that these units were created through ‘political gentlemen’s agreements’ that did not appreciate the proper parameters for the formation of the units such as population, infrastructure and geographical features.

Two levels were considered ideal; Kenyans felt that they would be cost-effective and would provide an ideal size for a devolved unit. It was a view that after much deliberation and particularly due to the reasons outlined later in this chapter, the CoE acquiesced to. Devolution in Kenya was therefore to be premised on two levels of government – the National and the County. The Parliamentary Select Committee for Constitutional Review also agreed with this proposal that resonated well with Kenyans, confirmation of which was the affirmative referendum. Next is a discussion on the architecture and functions of counties as the framework of devolution.

The architecture of devolution

The constituent unit

In outlining the components of the framework that defines the Republic of Kenya, the Constitution declares in Article 6 that: “The territory of Kenya is divided into the counties specified in the First Schedule.” As noted earlier, the First Schedule lists forty seven (47) counties which are the districts outlined in the Provinces and Districts of Kenya Act of 1992. The framers of the constitution chose to go with these districts because “they were lawfully recognised administrative units”.²¹ They were also chosen because they were big enough to effectively check the exercise of power at the national level and at the same time small enough to ensure effective representation and participation of the residents of a county in public affairs. The unit’s size also facilitated the delivery of services. Moreover, their number was also manageable as compared to the 74 districts proposed in the Bomas Draft and the over 250 that currently stand.²² Thus, the procedurally viable districts were those created in 1992 and therefore offered a valid starting point for county boundaries.

Unfortunately, the CoE could not rationalise the boundaries of the devolved unit due to the challenge of time but saw it prudent to include the constituent units as a foundation for devolution in the new constitution. In its final report, the CoE stated – “The object of including the units of devolution was to provide a starting point for a new dispensation of devolved units.”²³ In this regard, it looked for already existing units that had been formed legally. Further, it is with the appreciation that the boundaries might need to change in the future that Article 188 of the constitution provides parameters and procedure for this. The list of the 47 counties is provided in Appendix 1.

In order to avoid any doubt as to the status of both levels of government, but more prudently to protect the sub-national unit, sub-Article 6(2) further outlines that, “The governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation”. Unequivocally, the national and county governments are separate, exclusive and different. The national government does not delegate authority to the county government, while the county government is not subordinate to or a part/section of the national government. The two governments are as peculiar as the colour black is to the colour white. The distinction is primarily anchored by the above pronouncement and further through the explicit division of functions as outlined in Article 186 and the Fourth Schedule of the Constitution (see Appendix 2). However, the two governments must symbiotically work together “on the basis of consultation and cooperation” in order to execute their obligations. This is explored below.

Functions and relationship with national government

An examination of the Fourth Schedule indicates that the constitution attempts, to a great extent, to breathe life into the principle of *subsidiarity*. The principle requires that functions be undertaken by the level of government that is best-suited to do so. The national government attends to issues

that are uniquely national, which can best be performed by it. Such issues include defence and foreign affairs; as Kenya still remains a unitary state, it would be absurd for county governments to organise their own defences or come up with their own foreign affairs policies. Similarly, there are certain issues that affect two or more counties and would therefore best be handled by the national level of government; for instance, a road that straddles across counties would best be constructed and maintained by the national government, while the county government handles the roads within the county.

In the same vein, the national government is also charged with the responsibility of ensuring that there is uniformity and unity of national purpose by enacting national laws, formulating policies and implementing programmes on issues attached to it by the constitution. Fiscally, it is only the national government that can raise certain taxes such as income tax, value added tax (VAT), customs duty and excise tax.²⁴

The county government's obligations are well demarcated within the constitution. Whereas government at the national level is more of a policy formulator, county governments are more "hands on" and ensure that services are effectively delivered within the counties; counties have the unique power of raising revenue through the collection of property rates, entertainment taxes and any other tax that it can impose through legislative fiat.²⁵

However, there are those functions and other issues that are concurrent to the two governments. In effecting these, they must, as pointed out earlier, "mutually relate" by informing each other and working together. An example is agriculture. Whereas the national government is in charge of formulating national agricultural policy, the county government should facilitate agriculture within its jurisdiction. It should ensure that farmers receive inputs and relevant advice and information through extension officers. To effectively deliver, both governments must work together and confer with each other. Article 186 cements this through sub-article 2 by laying out that, if a power or function is given to more than one level of government, it is "within the concurrent jurisdiction of each of those levels of government." This is further supported and qualified in Article 189 of the constitution, which in outlining the framework of engagement between the two governments, reads as follows:

- (1) Government at either level shall—
 - (a) perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of government at the other level, and respects the constitutional status and institutions of government at the other level and, in the case of county government, within the county level;
 - (b) assist, support and consult and, as appropriate, implement the legislation of the other level of government; and
 - (c) liaise with government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.

- (2) Government at each level, and different governments at the county level, shall co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities.

Further, the constitution allows the two levels of government to transfer functions. Through agreement, a function or power of one level of government can be transferred to another level if the transfer is legally blessed and if the transfer will optimise desired objectives. This is enabled through Article 187. Representatively, counties exercise their national oversight and legislative functions through the Senate (further discussion on this institution is found later in the chapter). It is therefore self-evident that the constitution envisaged distinction in the two levels of government, which is achieved through the dichotomy of powers, functions and fiscal management (to a certain extent).²⁶

Now that we have seen the situation and relationship of the county in context with the national government, let us see how the county is actualised through its government.

The structure of the county government

The county government is the infrastructure through which the objects of devolution shall be achieved in Kenya. Article 174 outlines the objects as follows:

- (a) to promote democratic and accountable exercise of power;
- (b) to foster national unity by recognising diversity;
- (c) to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
- (d) to recognise the right of communities to manage their own affairs and to further their development;
- (e) to protect and promote the interests and rights of minorities and marginalised communities;
- (f) to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;
- (g) to ensure equitable sharing of national and local resources throughout Kenya;
- (h) to facilitate the decentralisation of State organs, their functions and services, from the capital of Kenya; and
- (i) to enhance checks and balances and the separation of powers.

It is the above broad targets that devolution of government is intended to attain. County governments are the vehicles that will facilitate this. They are supposed to enhance good governance through democratic and accountable use of power, deepen democracy by facilitating self-governance and participation of the sovereign *wananchi* in decision-making and promote development both socially and economically, amongst other functions. The county government consists of the County Executive Committee and the County Assembly.²⁷

County Executive Committee (CEC)

Within the county, the CEC bears the executive authority. It is imperative to note at this point that all sovereign power belongs to the people of Kenya.²⁸ This sovereign power is exercised both at the national and county levels and is delegated to governments at both levels. Therefore, the executive authority in a county is derived from Kenyans and its depot as far as the county is concerned, is the CEC.

The collegiate repository of executive authority ensures that it is not exercised unilaterally or by a single office or individual, a departure from the way authority has been traditionally held and exercised in Kenya. The authority is exercised collectively by a team. This also holds true of the national executive authority which is exercised collectively by the President, Deputy President and the Cabinet.²⁹

The CEC, which is analogous to a “county cabinet”, consists of a Governor who is the chief executive and is directly elected by voters registered in a county. A Deputy Governor is the deputy chief executive and shall be the Governor’s running mate during elections. These two are assisted by members of the Executive Committee who are appointed by the Governor with the approval of the County Assembly. The Governor is the leader of the Executive Committee and all its members are accountable to him or her.

The county Executive Committee is charged with the following responsibilities as per Article 183 of the constitution:

- (a) implement county legislation;
- (b) implement, within the county, national legislation to the extent that the legislation so requires;
- (c) manage and coordinate the functions of the county administration and its departments; and
- (d) perform any other functions conferred on it by this Constitution or national legislation.

The CEC may also come up with legislation affecting the county for consideration by the County Assembly. It is also required to submit regular reports to the county assembly on issues touching on the county.

In discharging the above duties the Governor and their team shall be responsible for the proper management of the county’s funds. These funds, as has been seen earlier, come from the taxes that the county can impose and, more substantially, from funds remitted to it by the national government.³⁰

Also, the CEC is empowered to create and do away with any office in its public service and hire and fire persons appointed to execute those offices.³¹ This enables the county government to employ the necessary workforce that will enable it deliver the services that it is required to.

Qualifications of members of the CEC

As has been seen above, leadership of the CEC most importantly rests with the Governor and Deputy Governor. The members of the committee also provide leadership. The constitution identifies these office holders as State officers.³²

Interfacing the powers and functions of the committee and the individuals to constitute the committee, signals that it is women and men of exemplary competence, ability and good moral standing that will be required in order to effectively deliver. Their competencies and abilities shall be on call to plan, manage and implement the numerous programmes that the committee is obligated to. Proper financial management shall also be a vital ingredient in this team. So what does the constitution call for in these office-holders?

Governor: To some extent, the constitution does detail the suitable qualities of a Governor. In Article 180 (2), it reads, “To be eligible for election as county governor, a person must be eligible for election as a member of the county assembly.” In other words, the attributes that qualify a person to be elected as a member of a CA obtain when it comes to a Governor.

Article 193 provides the attributes relevant for election into County Assembly membership, hence governorship. For one to qualify for election as a Member of the CA, they must be registered voters, be nominated by a political party or if running independently, be supported by at least five hundred registered voters from the concerned ward (for a Governor, this can be made similar to that of a Senator as will be seen later – 2,000 supporters from the entire county). The candidate must also meet certain moral, educational and ethical standards, the specificities of which (suggestions below) shall be outlined in an Act of Parliament.

Unpacking the above provision lays beacons towards a successful candidature. First of all to be a registered voter, one must be an adult (over 18 years old), a Kenyan citizen (for at least the last ten years before the elections), of sound mind, and must not have been convicted of an election offence during the last five years before the elections.³³ However, the person must not hold dual citizenship – Article 78 of the Constitution disqualifies persons holding dual citizenship from becoming State officers or members of the defence forces. As pointed out earlier, the educational, moral or ethical attributes are to be detailed in legislation.

However, closer examination of the constitution reveals that it does in itself point towards the aspects of moral and ethical calibre that candidates for governorship must demonstrate. Chapter Six of the Constitution, dubbed Leadership and Integrity, provides the framework of State and public leadership in the country. It outlines the responsibilities and principles that State officers, who include Governors, must adhere to while in office. Article 73 reads:

- (i) Authority assigned to a State officer—
 - (a) is a public trust to be exercised in a manner that—
 - (i) is consistent with the purposes and objects of this Constitution;

- (ii) demonstrates respect for the people;
 - (iii) brings honour to the nation and dignity to the office; and
 - (iv) promotes public confidence in the integrity of the office; and
 - (b) vests in the State officer the responsibility to serve the people, rather than the power to rule them.
- (2) The guiding principles of leadership and integrity include—
- (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
 - (b) objectivity and impartiality in decision-making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
 - (c) selfless service based solely on the public interest, demonstrated by—
 - (i) honesty in the execution of public duties; and
 - (ii) the declaration of any personal interest that may conflict with public duties;
 - (d) accountability to the public for decisions and actions; and
 - (e) discipline and commitment in service to the people.

Additionally, Governors as State officers are bound by the national values and principles of governance outlined in Article 10(2) of the Constitution; they are supposed to apply these values and principles in every aspect of their service to Kenyans. These national values and principles of governance are:

- (a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
- (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;
- (c) good governance, integrity, transparency and accountability; and
- (d) sustainable development.³⁴

Crucially and as earlier stated a Governor's authority is derived from the public (sovereign) and must be employed in a manner that is respectful to it. The Governor must dignify and exalt the office. They must always serve their constituents with discipline and commitment and in a manner that commands their confidence. The Governor must be selfless, honest and objective in decision-making, must be a person who can adhere to and amplify the national values and principles of governance outlined above, and beyond this, must be a team player to be able to lead the executive committee effectively and work well with the county residents. A suitable candidate must, therefore, be able to manifest these qualities to the county constituents.

The above framework is a departure from past public service and leadership that was bereft of responsibility, principles and values. This engendered corruption, abuse of office and

impunity amongst public servants and leaders. It is with this experience that Kenyans called for the entrenchment of a value framework that would foster integrity in leadership. It is the above principles and values that Kenyans should use to employ leaders, including governors, and measure their performance.

With regard to the issue of the educational attributes that are needed for a person to serve as governor, this poses a challenge. The million dollar question is whether a formal education or qualification in respect attaches the required attributes and qualities in a Governor or not. Is a degree-holder necessarily selfless, honest and respectful? Is this the same for an illiterate or semi-literate person?

Obviously, a “classroom education” does not necessarily furnish a person with the relevant moral and ethical attributes required to serve as a Governor. However, matching the skills-set (competence) and the functions of the CEC might indicate that some level of “classroom education” might be required for one to qualify as a candidate for governorship. The Governor should be an effective planner, manager and supervisor amongst other things. The difficulty is in demarcating what level of education really equips one with sufficient skill to effectively execute planning, management and supervision.

If formal education as qualification must be set out, then it should be mitigated by the amenability of experiential qualification or ability. Otherwise, chances are that certain sections of Kenyans shall be denied the enjoyment of their political rights enshrined in Article 38 of the constitution. Kenyans might also stand disenfranchised where strict educational requirements deny them *ab initio* of the leadership they really demand. Therefore, in the absence of the required level of education, relevant experience in positions, fields or areas that expose a person to the relevant set of skills can be a benchmark. The caution should be that the parameters spelt out in legislation should not disenfranchise Kenyans by locking out prospective good leaders due to “technical” requirements. Kenyans should also always vote for leaders who through their scrutiny and good judgement are able to serve them effectively and ensure that their aspirations are realised.

Another important issue is that of residence of the prospective candidates. Must they be physically resident in the county and if so for how long must they have resided? The question is posed with the injunction that all Kenyans by virtue of the Bill of Rights have the right to reside anywhere in Kenya and also have the right to own property anywhere in the country.³⁵ Therefore, Kenyans are free to live and own property and exercise their political rights in any corner of Kenya.

It must however be remembered that one of the core objects of devolution is to localise solutions. As a Miji Kenda adage goes, it is only the dog that knows where the flea is on its body, so is it with county issues. In that, it is those who reside in the county and for that matter over a certain period of time that might know best the matters concerning the county. This is a matter that can be managed through the political and electioneering processes by the county residents identifying and voting into office those that they feel are best suited to serve them.

There is a case for demarcating that Governors must be residents of the county. The “residency” can be qualified by length and other issues such as ownership of property in the county. Caution must however be exercised to ensure that no person is barred as a result of their ethnic, racial or regional extraction, real or perceived, as it must always be remembered that one of the objects of devolution is the attainment of unity through diversity and hence the participation in governance by all communities that reside in a county including minorities and the marginalised. In effect, Article 197 of the Constitution obliges Parliament to enact legislation that ensures that diversity in a county is mirrored in county governments as well as the protection of minorities with counties.

Finally, in examining a candidate’s probity morally and financially, presentation of relevant and up-to-date documents such as tax returns records and certificates of good conduct should be made a requirement for all prospective candidates.

Deputy Governor: The same attributes that are considered for the Governor should be the same for the Deputy Governor. This is because the Deputy Governor deputises the Governor and acts as Governor in the latter’s absence. More importantly, in case the Governor vacates office for one reason or another, the Deputy Governor takes over office for the remainder of the Governor’s term.³⁶ The Deputy Governor is therefore always a “standby Governor” and it would be imprudent to require anything less of the Deputy Governor. Consequently, the county residents need to be vigilant about the prospective Governor’s choice of a deputy to ensure that the person meets the attributes required by the Constitution and legislation in addition to effective service to them.

Members of the CEC: As has been pointed out, the appointment of the members of the CEC shall remain the preserve of the Governor. Their appointment, however, shall have been vetted by the CA.

Members of the CEC shall be the persons that will assist the Governor and the Deputy Governor in managing the different portfolios in the county. They can be said to be the county “cabinet ministers” and will therefore manage different “ministries” in the county. They are also important leaders in the county and as such the Constitution identifies them as State officers.³⁷ In effect, they must exemplify the attributes required of them by the constitution (principles and responsibilities of State officers) and also have the relevant skills, competence and ability to execute the offices they shall be chosen for. These are the issues that the CA should address itself to when vetting the persons nominated for CEC membership.

Disqualifications: The constitution bars persons with certain attributes from standing as candidates for governorship.³⁸ State and public officers are ineligible to offer themselves as candidates. Persons who are bankrupt, persons of unsound mind, persons serving prison sentences of at least six months, and people who through due process have been found to have misused or abused a State or public office before are also ineligible. A person who will have served as a Commissioner in the Independent Electoral and Boundaries Commission (IEBC) within the previous five years before the election shall also be disqualified from vying for the office. These disqualifications apply

to the Deputy Governor and with relevant adjustments to prospective Members of the Executive Committee.

County Assembly (CA)

While the CEC is the executive arm of the county government, the CA is the legislative arm. It creates laws in the county that facilitate the implementation of the county's functions as outlined in the Fourth Schedule of the constitution. It will also exercise oversight over the executive committee and consider development plans and policies for the county.³⁹

The CA comprises members elected to represent a ward, each by voters registered in the county.⁴⁰ It will also have special seats to ensure that "no more than two thirds of the membership of the assembly is of the same gender" and other seats for members representing marginalised groups including persons with disabilities and youth.⁴¹ The assembly shall be presided over by a Speaker who shall be elected by members of the CA.⁴² The prospective Speaker must not be a member of the assembly at the time of the election.

The qualifications for CA members have been discussed above. They carry the same attributes as those of the Governor since a prospective Governor must be eligible for election as a member of the CA. In addition political parties, while nominating persons for special seats and seats to represent marginalised groups, must ensure that those people do not only represent that demographic segment, but they also bear the attributes that attach a person to it. In other words the youth representative must be a person aged between eighteen (18) and thirty five (35) years of age and a person with disability must have a disability.⁴³

Qualifications for a Speaker: The qualitative and procedural aspects of election and removal of a Speaker of a CA are to be outlined in legislation to be enacted by Parliament.⁴⁴ It can, however, be proposed that for a Speaker to command the respect of the members and county residents, he or she must first of all be eligible for election as a Member of the CA; that is, the prospective speaker must satisfy all the attributes outlined in Article 193 as discussed above. The Members of the CA, in electing him or her, must ensure that the candidate is able to demonstrate objectivity and impartiality in decision-making. The candidate must also be a person who can animate the principles and responsibilities of leadership as spelt out in Chapter Six of the Constitution which deals with leadership and integrity. Legislation has now been enacted regarding the management of the county affairs.

County leadership at the national level

Beyond the structures and leadership portfolios within the county, the county shall have representation at the national level. Each county shall be represented in Parliament by a Senator; the Senator shall represent the county in the Senate (the second chamber of Parliament). The Senator shall be directly elected by voters who are registered in the county he or she is vying in. The

Senator's main role shall be to protect the interests of the county that they represent. They shall also participate in the making of national laws that concern counties. Crucially, the Senate shall demarcate the amount of money to be allocated to counties, meaning that a county's Senator will play a vital role in ensuring that sufficient resources are allocated to their respective counties.

By exercising oversight, the Senator shall ensure that the national funds allocated to the county are employed properly. Senators shall also consider and decide on resolutions to impeach the President or Deputy President.

Qualifications for a Senator

Article 99 of the constitution outlines the requirements for a person to be eligible for election as a Member of Parliament, hence Senate. The requirements are similar to those of a Member of the County Assembly (as outlined earlier) save for the number of supporters needed for a self-sponsored candidate who shall require at least two thousand (2,000) signatures of voters registered in the county. Chapter Six on leadership and integrity also applies to Senators and therefore must be persons able to amplify the principles and responsibilities in these provisions.

Invariably, the attributes discussed above under the qualifications for governorship hold water in the case of a Senator. Additionally, a Senator should be well versed with the interests of their people and must also be eloquent and a good negotiator in order to optimise the allocation of national funds to the county that they serve.

Other leadership

The National Assembly, the other chamber of Parliament, shall also have forty-seven (47) women elected to it directly by people registered in the county.⁴⁵ In as much as the constitution envisages these representatives more as women representatives in the National Assembly aimed at infusing gender parity other than county representatives (the county is used as an electoral unit), county residents and *a fortiori* women in the county can use these leaders to articulate their issues in Parliament. The qualifications discussed above also obtain for these forty-seven women MPs.

Sub-county structures

The county is also supposed to “decentralise its functions and provision of its services to the extent that it is efficient and practicable to do so.”⁴⁶ In order to do so effectively, it is envisaged that each county will have to come up with sub-county structures of which leadership and personnel shall be required. It is proposed that of whatever structures each county comes up with, the criteria for leadership should be one that is beacons by the provisions on leadership and integrity that have been discussed above.

Conclusion

Inasmuch as no form of devolution is similar to the other globally, Kenyans have opted to exploit the benefits that countries like the USA, Germany, Nigeria and South Africa have reaped through the devolution of power. These benefits include the localisation of decision-making, hence the deepening of democracy, better delivery of services, and enhanced accountability of public leaders and servants.

The decision to devolve was also informed by the bitter history that Kenyans have endured for over four decades through a monopolised and centralised power holding and wielding scheme. As such, Kenya's new dispensation fortifies the principle of devolution of power. It does this by listing it as a principle of governance under Article 10 (2) (a) and also, as discussed above, by creating devolved units called counties with distinct powers and functions.

As discussed, the counties shall have two levels of government: one carrying the executive function and referred to as the CEC, and the other undertaking the legislative and oversight function known as the CA. The CEC shall be led by a Governor who shall be directly elected by county residents as Kenyans demanded during the constitution review process. The Governor shall be assisted by a Deputy Governor who shall be his or her running mate during elections. They shall in turn be assisted by Members of the Executive Committee who shall be appointed by the Governor with the approval of the County Assembly.

The County Assembly shall have members directly elected from wards in the county, each member representing a ward, members occupying special seats to ensure gender equity and members representing the marginalised such as persons with disabilities. The Assembly shall be presided over by a Speaker who shall be elected by Members of the County Assembly. Each county is also required to decentralise its services and functions and will therefore have to create structures to facilitate this. These structures shall also bear their own leadership.

The county shall also be represented at the national level in Parliament by a Senator who shall be directly elected by the county residents who are registered as voters in the county.

The constitution does spell out requirements that make a person eligible to serve in the above offices if elected or appointed. Save for the office-holders in the sub-county structures, the other leaders have been identified as State officers by the constitution, meaning that they hold office of high esteem in service for Kenyans. In Chapter Six, the constitution outlines the benchmarks for good leadership which are on leadership and integrity for State officers. It also requires them to be adult Kenyan citizens (for at least the last ten years preceding the election and not hold dual citizenship), who are of sound mind and who have met educational, ethical and moral standards that are to be further qualified in legislation.

A suggestion is made in this chapter that the guidelines for the ethical and moral considerations can be born of the principles and responsibilities of leadership mentioned above. The educational benchmarks should be looked into with care in order to ensure that the correct skills are matched

with the powers and functions of the respective offices. However, caution should be accorded to eliminate the chance of locking out candidates who demonstrate leadership in other attributes but fall short educationally, and the possibility of disenfranchising voters of a leader they find best suited as their servant.

Lastly, it must never be forgotten that the array of leadership discussed above is political. The leaders are politicians. Therefore, the leader should espouse qualities of good political leadership and must be:

- Someone who serves as an example of integrity and loyalty to the people they represent, both to the public and to other political leaders.
- Someone with good communication and inter-personal skills, who can work with a range of other people, regardless of political party or opinion, to achieve the greatest good for the general population (county in our case).
- Someone who can resist the various temptations and lures of the political arena.
- Someone of strong character, with both conscience and charisma.
- Someone willing to listen to the needs of the common people and to represent them faithfully.
- Someone with the courage to stand up and say what needs to be said – rather than just tell the general public what it wants to hear.
- Someone who is willing to make difficult (and possibly unpopular) decisions for the greater good.⁴⁷

As has been stated earlier, the county is the vehicle that will seek to enhance the well-being of Kenyans by deepening democracy and ensuring better delivery of services. However, arrival at the right destination for the counties will depend on its “drivers” – the leaders. Bad county leaders will lead counties to wrong destinations while the opposite holds true of good leaders.

Nevertheless, the county leaders will not employ themselves into office. They shall be elected by the county residents, and those appointed with the blessings of Members of the County Assembly represent people in the county. In effect, the fate of counties and their governments, and hence the whole concept of devolution, is in the hands of Kenyans. It is the *wananchi* who will directly and indirectly determine leadership of their respective counties. It is, therefore, important that they diligently scrutinise those who stand before them and ask for permission to serve them in order to ensure that it is competent men and women of integrity who are bestowed the honour.

Endnotes

- 1 <http://www.primeminister.go.ke/speeches>.
- 2 See Articles 85 and 86 respectively of *The Constitution of Kenya 2010* (Nairobi: Government Printer, 2010).

- 3 Article 173 of *The Constitution of Kenya*, op cit.
- 4 Article 163(6) of the *Constitution*, op cit.
- 5 CKRC, *Final Report of the Constitution of Kenya Review Commission* (Nairobi: CKRC, 2005), p. 239.
- 6 CoE, *Final Report of the Committee of Experts on Constitutional Review* (Nairobi: CoE, 2010), p 99.
- 7 CKRC, *Final Report of the Constitution*, op cit., p. 227.
- 8 IEA, *Devolution in Kenya – Prospects, Challenges and the Future* (Nairobi: Institute of Economic Affairs, 2010), p. 14.
- 9 CKRC, *Final Report of the Constitution*, op cit., p 242.
- 10 IEA, *Devolution* op cit., p 30.
- 11 *Ibid.*, p. 27.
- 12 Section 17 of the Sixth Schedule of the *Constitution of Kenya 2010*, op cit.
- 13 CKRC, *Final Report of the Constitution*, op cit., p.242.
- 14 CoE, *Final Report of the Committee*, op cit., p.74.
- 15 *Ibid.*
- 16 Kenyans overwhelmingly rejected this draft constitution in a referendum held on 27th November 2005.
- 17 Section 4 (d) of the Constitution of Kenya Review Act 2008.
- 18 Section 23 (a) and (b) of the Constitution of Kenya Review Act 2008.
- 19 The other contentious issues were the Executive and Transitional Clauses. See CoE, *Final Report of the Committee*, op cit., p. 46.
- 20 This was published on 17th November 2009.
- 21 CoE, *Final Report of the Committee*, op cit., p. 99.
- 22 These new districts have been declared illegal by the High Court of Kenya.
- 23 CoE, *Final Report of the Committee*, op cit. p. 99.
- 24 Article 210 of the *Constitution of Kenya 2010*, op cit.
- 25 *Ibid.*
- 26 County governments can only borrow with the guarantee of the national government (Article 212) and with approval by respective county assemblies.
- 27 Article 176 of the *Constitution of Kenya 2010*, op cit.
- 28 Article 1 (1), *Ibid.*
- 29 Article 130, *Ibid.*
- 30 Article 202, *Ibid.*
- 31 Article 235, *ibid.*
- 32 Article 260, *Ibid.*
- 33 Article 83, *Ibid.*

- 34 Article 10(2), *Ibid.*
- 35 Articles 39 and 40, *Ibid.*
- 36 Article 182 (1), *Ibid.*
- 37 Article 260, *Ibid.*
- 38 Article 193 (2), *Ibid.*
- 39 Article 185, *Ibid.*
- 40 Article 177, *Ibid.*
- 41 *Ibid*
- 42 Articles 177 and 178 of the *Constitution of Kenya 2010*, op cit.
- 43 Article 260, *ibid.* This article defines youth as the collectivity of all individuals in the Republic who have attained the age of eighteen (18) years but have not attained the age of thirty-five (35) years.
- 44 Article 178 (3), *Ibid.*
- 45 Article 97 (1) (b), *Ibid.*
- 46 Article 176 (2), *Ibid.*
- 47 <http://www.leadershipexpert.co.uk/political-leader.html>

Leadership and the Transformation of Society

Mary Mwiandi

Introduction

One of the fundamental principles of effective leadership has remained the same for generations simply because leadership touches on human relations. What often changes are the tactics that leaders employ to get things done depending on the needs. Therefore, as we look at leadership that is effective in this century, we are not in any way re-inventing the wheel. Domesticating past leadership styles to suit current realities is the way to begin.

Not all styles of leadership are effective in the same sense. It was fine long ago to embrace leaders who used command or who employed what is known as the *boss syndrome*. This kind of leadership, although used in some quarters, has proved to be less effective in the present world. The “do as I say” leader will face a reasonable amount of resistance. Times have changed and so should the style of leadership. The command leadership style of yesteryear simply cannot bear results in a world that is more liberal. Commanders, even in the military, have learned there are better ways to achieve results with followers in today’s world.

Leadership has been studied through three theoretical frameworks at different points in time. First, in the 1930 and early 1940s, most scholars based their research and writings on trait theories. The emphasis of these theories was that individual characteristics of leaders are different from those of the non-leaders. The premise of this school was that leaders were born, not made. Such leaders were the so called “big men” whose names sometimes would not be mentioned in public.

Realising that the traits alone cannot capture the qualities and the achievements of some leaders, leadership studies came to include aspects of special behaviours that make leaders stand out. Scholars in the 1940s and the 1950s examined who and what leaders are based, on behavioural theories. The premise of these theories is that behaviours of effective leaders are different from those of ineffective leaders. The leadership styles during this period and which spilled into the 1960s were “people-focused” or “result-focused”. The whole idea was that leaders were judged based on what they were able to achieve and what they did while in office. It did not really matter whether or not they were “born leaders”. A leader could become effective through training and development.

The 1960s and the early 1970s saw the emergence of a new type of leader whose leadership could not effectively be explained by the earlier theories. Thus, new studies began to view leadership through the lense of situational or contingency theories. The premise of these theories is that unique factors or particular situations determined whether a specific leader was effective or not. In this respect, situational factors interacted with the leader's traits and behaviour to influence leadership effectiveness, generally producing what is widely known as *charismatic leaders*. These are leaders who are usually admired by their followers because of the energies and enthusiasm they bring into the scene. Their followers show near total dedication and unquestioning loyalty.

More studies later revealed that there are leaders whose leadership practices transcend the theories above. Some scholars in the 1980s and 1990s saw leadership as skills-based. Here the emphasis is on what effective leaders do, based on the skills acquired. This kind of leadership was highlighted by the transformative theories which tend to investigate what transactions of traits, behaviours and situations allow certain people to transform for excellence.

In the 21st century, the emphasis shifted to visionary leadership. The idea of visionary leadership is synonymous with marshalling people behind a compelling vision of a better future. In this situation, the interest is in what is required to inspire, unite and mobilise the masses.

Finally, there are alternative leadership theories which examine other types of leadership which do not quite fit into the categories above. These include servant leadership, authentic leadership and collective leadership. For this chapter, we shall examine servant leadership. Servant leadership reflects a philosophy that leaders should be servants first. It suggests that leaders must place the needs of their followers ahead of their own interests in order to be effective. Servant leadership begins from the natural feeling that one really wants to serve. That one naturally wants to help others is then followed by a conscious choice to aspire to lead.

Servant leadership is characterised by the following attributes: empathy, stewardship, listening, awareness, persuasion and foresight, commitment to the personal, professional and spiritual growth of the followers. Servant leadership is about moving individuals and communities at large to a higher level of progress.¹

Relevant leadership for the 21st century society

We may begin by asking ourselves: who is a leader? When we listen to people talk of "our leaders" we immediately think of politicians. It is true politicians are leaders, but leadership is not exclusively their domain. We have other leaders in our midst as well. We must establish from the onset that leadership goes beyond the political sphere. Leadership is about getting people to follow the leader towards a common goal, a well defined objective. This goal must be aimed at improving the state of affairs for the common good. Those who aspire to lead must have the knowledge, appropriate skills and relevant experience.

Knowledge and skills as qualities alone cannot make one a leader. To paraphrase Okumu, the kind of leader who is needed these days is one who has been tested in the use of knowledge and skills, and who will provide servant leadership as well.² Those aspiring to hold positions in the public office must be visionary leaders with salient qualities. The qualities of good leaders include: firmness, fairness, impartiality, character, strength, courage and ability to recognise one's limitations. In addition, the leader must also be inspirational, peace-loving, faithful, kind, obedient to God and willing to serve their people with dedication. Leadership is for men and women with additional qualities such as outspokenness, decisiveness, wisdom, strength, love for people and work, and honesty. Indeed, visionary leaders must embody values such as personal integrity, radiate energy, vitality and will.

But servant leaders should, in some sense also be visionary leaders. I would argue that visionary leadership is what is required in the 21st century. Visionary leaders should be driven by the inner sense of direction, destined to change the country for the better, in accordance with the constitution. Visionary leaders follow an inner sense of direction (call it a dream or vision) to cause change for the better as illuminated by Mahatma Gandhi's action against British rule in India when he said, "I must first be the change I want to see in my world".

Leadership at any given level is a relationship between a leader and followers. Leaders have employed various practices in their leadership, ranging from coercion to seeking consensus and leading by example. Out of necessity, many of the leadership practices have to change to meet the demands and challenges of the society. For instance, in the new constitutional dispensation, Kenyans want to see leaders who will lead them to greater socio-economic and political development, stability, unity among ethnic communities and security in the counties and the nation at large. This leadership has to be one where the leader takes the responsibility to serve the people, not to lord over them. Such leaders must have integrity, competency, commitment, honesty, discipline, qualifications and skills to propel the country to socio-economic and political development.

To begin with, Kenyans, and that includes the leaders, must be guided by the rule of law. *The Constitution of Kenya 2010* has spelt out the kind of leaders who should hold any public office. Leaders who occupy public office have the authority assigned to them as a public trust which must not be abused. Thus, the constitution makes a strong case for servant leadership in all its public offices.

According to the constitution, it is part of the leader's responsibility to demonstrate respect for the people they are leading, to bring honour to the nation and dignity to the office, to promote public confidence in the integrity of the office and to serve the people rather than rule over them.³ Further, the constitution stipulates that every constituent should know and put in practice the guiding principles of leadership and integrity when selecting and voting for leaders. These principles include the following: personal integrity, competence and suitability, objectivity and impartiality in decision-making and making decisions that are not influenced by nepotism and other forms of corruption.

Since we are looking for servant leadership, we should expect our leaders to endeavour to provide selfless service which is based on public interest. This can be achieved if the leaders show honesty in dispensing public duties and declaring any personal interests that may conflict with public duties. The leader must be disciplined and committed to serving the people. According to the constitution, leaders must also demonstrate accountability to the public for decisions and actions taken.⁴

Closely tied to the above are the values and principles of public service that leaders must adhere to as elaborated.⁵ In essence, Kenyans have been given a voice to question any leader who deviates from the constitution. However, no matter how good the constitution is, without good practices in leadership, all efforts to develop by Kenyans will come to naught. Observance of the rule of law and endeavouring to embrace the best leadership practices on the part of our leaders are the qualities that will save Kenya.

The Kenyan constitution marks a significant departure from the old style of leadership—the ‘me-first’ and ‘them-later’ kind of leadership. Leaders do not have to wait for Kenyans to demand service – the *haki yetu* (our rights) kind of scenario witnessed in the recent past. Kenyans are wiser and will demand for servant leadership. Reading and putting into practice the requirements of the kind of leaders we want for Kenya as enshrined in the constitution will liberate Kenya from poor leadership.

Kenya is endowed with adequate resources that, if harnessed, would translate into socio-economic and political development for the nation and its people. However, resources alone cannot develop Kenya. Visionary and servant leadership styles are prerequisites for the realisation of greater prosperity for all Kenyans. Granted, leaders have to contend with the economic and political environment they have operated under. Some leaders managed to steer their countries through even the most turbulent economic and political waters and yet produce results — development for their countries. Others, even in the calmest of situations, have squandered opportunities presented to them and failed to deliver. To deliver or not to deliver rests squarely on the kind of leader elected, selected/nominated/appointed.

A case for visionary leadership in Kenya today

Let us begin by asking ourselves who a visionary leader is. Visionary leaders are the builders of a new dawn. They create a vision that engages people; people share the dream. Visionary leadership is the best leadership style and the most effective because within it are elements of servant leadership.

A visionary leader seeks to serve the led by guiding them towards the realisation of their dream. Leaders who employ this style work with imagination, insight and boldness to achieve their vision. They have a clear, compelling, believable and attractive vision of their county’s future. They set the direction that everyone can follow, while bringing people together around a shared sense of purpose. They work with the power of intentionality and with a higher purpose. Their eyes are set on the horizon. They are social innovators and change agents. In short, true visionary leaders serve the good of the whole.

Corrine McLaughlin identifies several qualities of visionary leaders which are worthy of consideration and are discussed below.⁶

- *Commitment to values* – The first quality of a visionary leader is that they must be committed to values. Such leaders must also embody a sense of personal integrity. In addition, they must radiate a sense of energy, vitality and will. Desired here would be visionary leaders who stand out above all others in terms of a self-driven will to serve others, not themselves. This quality borders on spiritual well-being that drives the leaders from inside out.

Visionary leaders are elevated by power and exercise moral leadership. India, for instance, was in many ways blessed to have had visionary leaders during the struggle for independence and after. Britain lost its grip on the prime colony due to the forces built, not with violence, but with non-violence under the visionary leader, Mahatma Gandhi. He led India in concentrating its energies to focus on non-violence, non-cooperation and self-sustenance. The political discontent that had engulfed India was, through Gandhi's guidance, channelled into constructive force that ultimately drove the British out of India. Gandhi broke the tradition of the day when he opposed the use of violence against the colonisers. He understood that one could not fight the British with force, but rather by unleashing the power of the ordinary people who are inspired.

- *Inspirational vision* – The second important quality of visionary leaders is the possession of a clear and inspirational vision. Their visions are based on an inspirational, positive picture of the future, as well as a clear sense of direction as to how to get there. Leaders with this quality share high expectations with the followers and motivate them to share in the country's or county's vision with an amazing degree of commitment. These leaders encourage and take the followers with them by cultivating a team spirit through coaching, encouraging and supporting the followers.

When leaders employ a coaching style, they are able to connect individual needs and wants with organisation goals. Coaching explores the person's life and values beyond just the work. Leaders try to invest in encouraging their people to develop skills and competence. Investing in training and helping others in the establishment to grow and take ownership of the vision creates a pool of competent personnel to take up some duties with amazing success. The ability and willingness to train other persons to be leaders are some of the best tests for good leadership. A biblical example is that of Moses who appointed and encouraged Joshua in his new role – leading the people to the Promised Land.

One of the best practices in leadership following Moses' example is to avoid omnipotent leadership, a style of leadership that has defined African political leaders over the years. Most African leaders have surrounded themselves with incompetent subordinates because they feel threatened by competent ones. Good leaders need and use good counsellors to guide them so they can feel more secure.

Leaders using this coaching style of leadership should also have the ability to delegate duties. This is because they have trained persons who can do the job, which to the leader trusting others to perform duties for the good of the whole. Delegation of duties starts from the premise that the leader had recognised the value of coaching leadership. The leader encourages the employees to improve their performance and better their lives. As a result, the employees repay the trust and investment by giving their best to the establishment. Leaders must offer visible support to their constituents because in so doing, they build connections as well as strong relationships with people who can help realise their vision. Leaders who facilitate this kind of relationship empower the people.

With inspiration, the leader is able to connect people to each other, thereby creating teamwork and harmony. This style promotes collaboration and relationships which indirectly drive better performance, loyalty and commitment. Trust is very important in leadership. This is demonstrated by the actions of the leader – how much they check and control their work, how much they delegate, and how much they allow the people to participate in decision-making processes.

Visionary leaders raise the energy levels by giving a clear vision of what is possible in given circumstances. They inspire people to be better than they already are and help them identify their potential. Many in the world have been inspired by the powerful words of Martin Luther King in the “I Have a Dream” speech. What we look for is that leader who can, with their clear vision, awaken the dormant spirits and energies of the people to begin believing in themselves and ultimately do something to better their lives.

We all have the potential to be better than we are. All we need is that visionary leaders wake us up to positively exploit whatever resource, energy and wisdom, among others, for a better tomorrow. When we get such leaders, we are in no doubt headed for a dramatic social change. Visionary leaders radiate energy to people, giving them a new sense of hope and confidence in achieving a vision.

- *Respectful, empowering relationship* – Good relationships are at the heart of effective visionary leaders. They embody a deeply caring approach to people, seeing them as their greatest asset. In contrast to the old style of leadership, which would tell people what to do and push or seek to dominate them, visionary leaders embody a receptive, as well as a dynamic energy. They know how to listen and learn from other points of view and have fine-tuned their communications skills. The golden rule here is that leaders must treat their followers as family.

Visionary leaders promote a partnership approach and create a shared sense of vision and meaning with others. They exhibit a greater respect for others and carefully develop a team spirit and team learning. Building this sense of a shared vision and partnership is an important ingredient of visionary leadership. The most effective visionary leaders are responsive to the real needs of people and they develop participative strategies to include people in designing

their own futures. Rather than confront or avoid conflict, visionary leaders understand the importance of transforming conflict into usable energy. They work to unite rather than divide people.

- *Innovative, courageous action* – Visionary leaders are especially noted for transforming old mental maps or paradigms and creating strategies that lie beyond conventional thought. Their thinking is broad and systemic, seeing the big picture, the whole system, and “the pattern that connects”. They then create innovative strategies for actualising their vision. Visionary leaders anticipate change and are proactive, rather than reactive to events. Their focus is on opportunities, not on problems. They emphasise win/win rather than the adversarial win/lose approaches to situations.

When we see a truly visionary leader accomplishing great things, they are drawing on the resources of their soul and its remarkable capabilities. Each of us can access our inner resources to become a more effective leader in our own field. First, we must be willing to take initiative and stand for something we believe in passionately. We must be ready to take the heat. Many of us avoid the responsibility of leadership primarily because we are too sensitive to criticism.⁷

Some visionary leadership in Africa

In this section we shall explore some aspects of visionary leadership experienced in Africa, especially with regard to the shared vision of Africa during and after colonialism. The first generation of independent African leaders enjoyed the stature of being referred to as “big men”. They shared a common vision of liberating Africa from colonialism; in fact, the struggle for independence gave these political leaders an opportunity to hatch a common vision for the continent. The vision, which was shared by the leaders and followers, was the attainment of national independence. However, after attaining independence, they went separate ways.

Apparently, the first generation of politicians in Africa, such as Kwame Nkrumah, Jomo Kenyatta, Julius Nyerere, Kenneth Kaunda, Leopold Senghor and Felix Houphouët Boigny were able to mobilise, organise and ride on the popular political wave of the day. These leaders had different abilities. Some were superb speakers, others genuine intellectuals, while others were working politicians. Some actively sought power and others had power thrust upon them. What perhaps was common among them all is that they were able to articulate a vision, which they got people to follow. It was indeed their ability to get the followers to see their vision with them that the attainment of independence for most of the African countries became a reality. With Nkrumah as their visionary leader, Ghanaians, for instance, led the way by becoming the first people to gain independence in sub-Saharan Africa.

The attainment of independence in Ghana in 1957 gave hope and inspiration to many countries then fighting to free themselves from colonialism. In Ghana, Kwame Nkrumah came out as the leading light of the new dawn in Africa. He was a visionary and driver of not just Ghana, but also of

pan-Africanism. He was committed to the anti-colonial struggle for independence which he saw as a precondition for Africa's unity and progress. He was courageous enough to face the consequences of the European colonial powers as he pursued what he strongly believed to be for the good of African peoples. His vision saw the birth of the Organisation of African Unity (OAU) and his leadership exemplified dynamism and intelligent imagination to take the first brave step for others to follow.

In the political realm, African leaders tried to mould unified nations out of many ethnic groups by creating strong national governments. They did this without consultations, fearing that multiparty politics would undermine the central government. They created personality cults around themselves with telling titles. Nkrumah bestowed on himself the title of *Osagyefo* (Redeemer) and Sekou Toure called himself "Doctor of Revolution and Science", while in Kenya, Jomo Kenyatta preferred to be called *Mzee* (the old man). The intention of such titles was to create the image of an all-knowing, all-powerful, benevolent leader who was above the law and without peer and who must be obeyed without question.⁸

Somewhere along the way, these leaders lost it and slowly and surely plunged their countries into situations that they are still struggling to get out of. We need a saviour of some sort – and this will be found in true visionary and servant leadership. Leaders who have no vision simply make a country stagnate.

Qualities of visionary leadership

We now want to examine other styles of leadership which have some qualities of visionary leadership. These include charismatic, transformative, democratic, pace-setter and servant leadership.

Charismatic leadership

Charisma is a special quality of leaders whose purposes, power and extraordinary determination differentiate them from others. The influence exercised by charismatic leaders comes from their powers, not their position.⁹ Charismatic leadership is based on the ability to communicate and behave in a way that reaches the followers in a basic, emotional way, to inspire and motivate.

This form of leadership occurs when followers attribute the leader's behaviour to extraordinary qualities that they believe the leader has. We are here talking about a gifted person with some kind of leadership qualities that we admire. In a way, it is the followers' perceptions that at the end of the day create charismatic leadership. Charismatic leaders have a vision about the future and where they want to take their followers. However, the vision appeals if it resonates with the existing mental state of those being lead.

One great thing about charismatic leaders is that they share themselves. They share wisdom, resources and even spend time with their followers. They embrace the power of inclusion, inviting others to join them. They enjoy team spirit and value togetherness. In general, charismatic leaders

are never lonely at the top. Without charisma, leaders would find it difficult to inspire passion and energise their people.

Although charismatic leadership is good in providing hope in situations that are bad and hurting, there is an inherent danger in this kind of leadership. It tends to breed devotion and total dependency on the leader such that in some cases things fall apart when the leader leaves office. This is because everything and everyone revolves around these kinds of leaders. Good leaders, even when they are viewed as charismatic, must have the extra sense and gift to know that they are not going to be in leadership forever.

In addition, some charismatic leaders lack other leadership skills and integrity and may lead their followers into situations that turn out to be horrifying. For a moment, one would think of what charismatic leaders like Stalin of the Soviet Union or Hitler of Germany did to their people.

Transformational leadership

Transformational leadership is an involved, complex process, yet an important one that binds leaders and followers together in the changing of the people and the nation at large. The followers have deep respect for such leaders and generally have a high level of trust in them. Because of this trust, these kinds of leaders give the followers a shared vision and strong sense of mission with which the followers identify.¹⁰

Transformational leaders have the ability to inspire their followers and have a strong commitment to serve the people. They guide people from darkness to light. Leaders who fit into this category celebrate the success that they and the followers have been able to achieve because they were all committed to the dream. To remain committed means that the leader provides enthusiasm to the followers; otherwise they would have given up because achieving a vision sometimes can be a long and frustrating journey. In providing the leadership, they also set examples; they become role models for others to follow.

Apparently, transformational leaders are also charismatic. They are dynamic, innovative and can motivate people to achieve beyond their wildest dreams. This is because they have the will and drive to persuade and inspire their followers to excel. It does not matter if the problem and challenges have been there for a long time. What a transformational leader does is to show their followers new ways of dealing with the old problems, and providing renewed hope that the future holds greater things.

Some examples of transformational leadership are discussed below.

- *Mwalimu Julius Nyerere of Tanzania* – Julius Nyerere was a visionary leader who strove and succeeded in creating a united country. He adopted a people-based approach to leadership, open communication and dialogue, and a strong belief in human rights. In Tanzania, Mwalimu Nyerere was consistent in ensuring that the Ujamaa ideology was realised. He

believed that *ujamaa* was liveable by living it himself. In life and in death, he commanded and still commands great respect and attention from a lot of people from within and without Tanzania.

Like all humans, however, he had his own shortcomings in his leadership, but he was a leader of unquestionable integrity, who was committed to the people's welfare. He was committed to pushing on with the socialist reformation of Tanzania despite the mounting criticism from many quarters. In the course of his leadership, some policies failed, but they all rested on ethical foundations and on the understanding of the challenges facing the new nation.

As visionary leader, Nyerere had a clear vision – the path he hoped to take the nation to realise its full potential. Aspects of his vision included promoting the development of the Tanzanian economy, providing security, creating political institutions that would be participatory, and bringing a shared purpose under his leadership and the ruling TANU, later Chama Cha Mapinduzi (CCM). However, his party's dominance in the political arena has been viewed as one that disallowed democracy in the country. Whether or not CCM disguised some kind of coercion in its operation, the majority of Tanzanians accepted his leadership. In fact, Tanzania has the least number of refugees leaving the country on account of political oppression.

That aside, Nyerere was committed to building a just society, free of economic and social inequalities while at the same time sharing the benefits of the country's development. Throughout his leadership, he was committed to the equality of Tanzanians regardless of race, religion or class. Thus, guided by the principles enshrined in the Arusha Declaration of 1967, he led the way in creating a socialist state, where everyone was equal. Before he retired, he gracefully admitted that his socialist policies had limitations.¹¹

- *Prime Minister Lee Kuan Yew of Singapore* – The greatest resource of any country is its people. But it takes some vision and good leadership practices to recognise this resource and maximise its exploitation for a country's development. One such country that has exhibited good leadership and capitalised on its people to achieve one of the highest economic growth rates in the world in half a century is Singapore.

Like all countries formerly under colonial rule, Singapore had social and economic problems – unemployment, and lack of housing, education, natural resources and land. But under the People Action Party (PAP), deliberate efforts were made to address these problems. The first Prime Minister, Lee Kuan Yew, demonstrated that visionary leadership is extremely important in moving a country to sustainable development. In tune with his profession as a lawyer, Lee recognised from the onset the importance of effective law enforcement and the need for a vigorous administrative system if Singapore had to rise from the underdevelopment occasioned by years of colonialism. He created a government that was proactive in developing high standards of living by improving health, the environment and fighting pollution.

Towards having an effective administration and enforcement of the law, he strove to create a corruption-free society.

As the first Prime Minister of the Republic of Singapore he had a vision for his country. The vision for the new independent country was based on national security and economic and social development. It was not an easy task given that the country had gone through an unforgettable history – British colonisation, Japanese occupation during the Second World War, the Communist insurrection, riots, independence and the struggles that followed.

One thing that is true of this leader is that he had a clear vision of transforming Singapore, a relatively underdeveloped colonial outpost, into a “first class” Asian tiger. He was firm and not afraid to be blunt about certain policies that he strongly believed would propel the country to socio-political and economic prosperity. However, his leadership style attracted a lot of criticism, often being seen as autocratic and dictatorial. Yet on the whole it was transformational leadership which required firmness in order to deliver; hence, not many people can dismiss his role in the success of Singapore.

What is it that Lee Kuan Yew did in his three decades in power to achieve what many of his generation failed to do? Let us briefly explore his leadership practices and hopefully learn from them.

Like all the countries coming out of colonialism, Singapore was faced with major challenges. Among them the lack of natural resources, a water supply system that was beholden primarily to Malaysia, a very limited defense capability, limited land space, a weak industrial base, a fall in trade, as well as a growing population. This is how he did it: he started to develop Singapore’s infrastructure, he improved people’s living conditions beginning with housing, he improved educational standards, he built a strong defence force, and he boosted Singapore’s economy.

The development of the infrastructure was particularly a major priority of Yew’s government. He started to develop and expand the international airport at Paya Lebar in the 1960s to ensure that it would be able to handle bigger aircrafts and cargo. In addition, he set up the Economic Development Board (EDA) to drive the development of new and existing industries as well as the establishment of the Port of Singapore Authority to oversee, manage and develop port operations. The establishment of the Singapore Telephone Board in the 1960s saw the installation of an average of 10,000 telephones. Banks were also established to provide financial support to the people. Such improvement in telecommunications made Singapore part of the larger world and this helped in promoting economic activities with other countries. The government was keen on seeing to it that its people were well served with at least the basic necessities. Thus, in 1963, Public Utilities Board was set up to coordinate the supply of water, electricity and gas to people. Housing problems were solved when the Prime Minister set up the Housing Development Board to provide public housing for the rapidly

increasing population. Before that, nearly half a million people lived in slums, which were cramped and unhygienic. These areas were breeding grounds for infectious diseases; hence, it was urgent for HDB to resettle the slum dwellers.

Lee Kuan Yew knew from the onset that the strength of the country was its main asset – its people. Towards improving the living standards of its people, the government embarked on a systematic improvement of education. This was a clear departure from the colonial period when education was largely left to different ethnic and religious organisations. Lessons were conducted in different languages and the quality of education varied widely. This was achieved through the implementation of the first Five-Year Plan. To increase the level of literacy of Singaporeans, he provided education beyond the primary level. In addition, the government was keen in seeing that the study of mathematics, science and technical subjects was emphasised.

The challenge of developing Singapore's economy was three-fold. Firstly, Singapore lacked natural resources. Secondly, the economy was not well diversified as it largely depended on entrepôt trade which was insufficient to compensate for the country's growth. Thirdly, a high unemployment rate was a major challenge, which was due to the high population growth rate during the post-war years.

Lee Kuan Yew adopted a two-pronged approach to overcome these problems. The first strategy was to provide incentives to multinational corporations (MNCs) from Japan, Western Europe and the USA to set up factories in Singapore and create employment. The second strategy was to transform Singapore into a more organised and efficient country in the region. This was achieved by raising the standards of public service in security, health, education, telecommunications and transportation. By setting Singapore apart from other countries, the country was able to better attract foreign talents to invest and work in its emerging economy.

As such, Lee Kuan Yew created a unique Singapore identity which recognised racial consciousness within the umbrella of multiculturalism. Racial harmony and religious tolerance were stressed and used to counter any threat of violence. After withdrawing from Malaysia in 1965, Singapore was left without a clear national identity. For starters, the Prime Minister announced that the country would have one national language, Malay, but retain all the others – Chinese, English and Tamil as official languages.

The main challenge facing Lee Kuan Yew was how to create a sense of Singaporean identity given that it was multiracial and multilingual. The magic for achieving a unitary identity was by building modern high-rise housing estates and new towns in which the residents from all the racial and language groups would live. This was followed by policies such as the Ethnic Integration Policy aimed at ensuring the interaction of the different races and that way reduce racial polarisation. This policy ensured that no racial category got more houses than the others. This was a sure way of addressing the challenges of nationhood.

Although Singapore started at the same level with many countries emerging from colonial rule, it developed into a modern city-state characterised by a diversified economy linked to the global trade network. The country has become one of the world's most prosperous nations, with a highly developed free market economy, strong international trading links and the highest per capita income in Asia outside of Japan.

During his tenure, Lee Kuan Yew galvanised support for pragmatic economic and social programmes, forming a strong government team supported by competent bureaucrats, which helped build the foundations for what Singapore is today. It was the leadership of Lee Kuan Yew that enabled Singaporeans to develop a national identity and bond founded on the core values common to the country's diverse cultures and traditions.¹² Without such a leader, Singapore would be in the same league of underdeveloped and developing countries in Africa and elsewhere that had the misfortune of having poor leadership.

- *President Festus Mogae of Botswana* – African countries emerging from colonialism were determined to fight diseases among other likely impediments to progress. None of the now known diseases has caused so much suffering and death as HIV and AIDS. The stigma associated with the disease discourages people from going for diagnostic tests and treatment.

Many African leaders have been unwilling to openly discuss the disease. While the leaders lived in denial as the epidemic ravaged the population, some of the leaders took the bold step to lead by example to reverse the trend – from dying to living and living well. In Botswana, President Festus Mogae led the nation in the fight against the disease by example when he was publicly tested for HIV.

During his leadership, Mogae pushed to establish the prevention of mother-to-child transmission and made anti-retroviral drugs available to all. This act alone reduced the cases of children infected with HIV by their mothers from 40 to 4 per cent. Botswana led the way in making the testing of the HIV and AIDS a routine part of medical care. He did this when his counterpart in South Africa, Thabo Mbeki, was in denial about the spread of the disease.

On the whole, Mogae's outstanding leadership laid a solid foundation for the country's continued political stability in the face of the HIV pandemic. His leadership was recognised when he became the winner of the Mo Ibrahim Prize for Achievement in African Leadership Award in 2008.¹³ His commitment to seeing that the spread of the HIV and AIDS is stopped or managed was the highlight of his leadership.

Democratic leadership

Inclusion and participation in a common pursuit or job show that each member is valued by the leader of the group. This is particularly effective when the leader is genuinely looking for ideas or seeking to secure buy-in for a change. At some point, however, if consensus cannot be reached, the

leader must make the decision and proceed with work. For instance, there are cases where leaders have a vision of where they want to take the country but realise they cannot do it alone. They need the support of the people to achieve the set goals. Such a scenario calls for a *democratic leadership*.

Leaders of integrity must portray such qualities as honesty and consistency of character by acting according to the values, beliefs and principles they proclaim. One such leader was Jawaharlal Nehru of India. Nehru led India to prosperity after gaining independence in the face of the Cold War politics, choosing the path of a non-alignment policy. He promoted democracy, socialism and unity as well as adapting Western values to Indian conditions.

During Nehru's leadership, Indian was rapidly industrialising. Nehru was passionate about India managing its own affairs. He played a major role in shaping modern India's government and political culture and was involved in the development and implementation of the country's economic plans in the first critical years after independence. During the struggle for independence, he demonstrated a charismatic and radical leadership which advocated complete independence. People were able to identify with the vision he had for the country and support the struggle that he led. Through his leadership, India embraced a parliamentary system of government and stood out for its neutralist policies in foreign affairs.

Nehru had the vision to achieve economic development for India. With a new planning commission, he charted the government's investment in industries and agriculture having realised that a mixed economy was the way to go. The government managed strategic industries such as mining, electricity and other heavy industries. In addition, the government rolled out communal development programmes aimed at spreading diverse cottage industries.

Nehru established what he called the "new temples of India" – the huge dams that generated hydro-power and were used for agricultural irrigation. The launching of India's programmes to harness nuclear energy was Nehru's other achievement for the people of India. Although he led a country that often suffered from outbreaks of communal violence, political disorder and opposition from the Muslims (who wanted to form a separate state of Pakistan), he was a true nationalist with an unfailing vision to create a unified India in which regional diversities would be respected.

Another example of democratic leadership is the case of Mauritius. The leadership of Mauritius at independence in 1968 started as a collaborative enterprise involving various stakeholders. Mauritius' was a case where the government and the private sector fostered consultations, which ranged from regular, public and formal to informal consultations. The political and economic elites understood that their success depended on how well they laid the foundation of a new government.

The political leadership, led by Navin Seewoosagur Ramagoolam, an avowed socialist, was able to convince the business community of the government's commitment to its prosperity. In addition, the government made a commitment that the prosperity would be shared in order to underwrite the country's social stability. In effect, the government held deliberate consultations with the business leaders. Government officials and business leaders would often travel abroad to solicit foreign loans

and negotiate trade benefits for the country as a team. The government and business interactions governed the country through the turbulent decades of the 1970s, 1980s and beyond. The greatest advantage of the resulting partnership is that it minimised capital flight from the country.

Due to good leadership, Mauritius has been able to provide free education and free healthcare, including heart surgery. The country did this by choosing a path that led to higher levels of social cohesion, welfare and economic growth and to lower levels of inequality. It was on the realisation of the country's leadership that Mauritius does not have exploitable resources that the government embarked on improving the quality of its greatest resource – its people.

Pace-setter leadership

Pacesetter leaders set and achieve challenging goals and can be useful sometimes with a confident and highly motivated team. Although this style is often executed in a highly competitive environment, the style should be used sparingly. This approach to leadership may be necessary in a context where some members of a community have been marginalised, such as has been the case for women in Kenya for some time now. It is, therefore, less effective in many situations because it promotes the good of one person or department with little regard for the good of the entire organisation.

Until recently, the number of women participating in elective politics in Kenya was minimal. Some women however provided pace-setting leadership in politics by dismantling the myth that women are incapable of political leadership. Among the pace-setters in this field include Grace Onyango who became the first woman mayor in Kenya (Kisumu Municipality) and the first woman to be elected to Parliament. Other pace-setters were Margaret Kenyatta and Chelagat Mutai. The latter became the voice of women in Parliament in the 1970s.

At another level, women have set the pace to occupy high office. When her father, a lawyer, looked at his daughter and said “this child shall be great”, he had no idea that the girl, Ellen, would one day be the President of Liberia.¹⁴ Ellen Johnson Sirleaf, the President of Liberia also became the first woman president in Africa. She fought for democracy and social justice for her country and throughout her political career; she has proved to be a political and social reformer. Her leadership encourages women everywhere to pursue leadership roles to the highest levels of power, and gives many African women hope that with perseverance the world can change for the better. Although it is too early to talk about the successes of her leadership style, it is proper to say that compared to her predecessors she seems to have a clearer vision of reconstructing Liberia after many years of civil war.

Another woman who would be said to have carved out a public niche through exemplary leadership is the late Professor Wangari Muta Maathai. She was a woman who has been first in many respects. She was the first woman to earn a Doctor of Philosophy degree in East and Central Africa, the first woman to head a department at the University of Nairobi, and the first woman to be awarded the Nobel Peace Prize from sub-Saharan Africa. Propelled by both political and

personal reasons, she started the Green Belt Movement (GBM) in 1977, an organisation that became the vehicle for the realisation of her vision of saving the environment for the present and future regeneration. She believed strongly in transforming the social arena through reforestation and education.¹⁵

Maathai demonstrated extraordinary courage and determination in achieving the dream of transforming the Kenyan government into a democracy. She understood well that attainment of some freedoms is not an easy task. When agitating for democracy in the past, she was beaten, jailed and threatened with dire consequences, but she did not waver. To her, world peace could only be attained through a deliberate restoration of natural resources which are the source of so many conflicts. To equitably share natural resources and avoid conflict can only be done in an environment that is peaceful and democratic. It is through her conservation activism that Karura Forest, a major tree cover for the City of Nairobi and the main inner city park, Uhuru Park, are still accessible to the public. The two had been earmarked for “development” – the building of office blocks and housing estates.

Maathai was a charismatic leader who became an iconic of inspiration. She started small, by planting trees for fuel, food and shade. From this humble beginning, she was instrumental in reclaiming parts of Kenya’s land mass from more than a century of deforestation and wanton destruction. GBM also provided a renewable source of livelihood to rural communities and amplified the voices of local women who eventually took part in the political processes which was hitherto difficult. In addition, the GBM provided the women with space and voice to address issues of poverty and ignorance, and challenge the political and cultural oppression.

The servant leadership

The principal tenet of servant leadership is that it is the duty of the leaders to serve the followers. The key role of a servant leader is to develop, enable and support the team members by helping them to fully develop their potential and finally deliver their best. Servant leaders do not give up on the people, but instead they encourage them to continue in their development trajectory. Servant leaders are, therefore, the stewards of the people they are leading.

Servant leaders generally know what possibilities of solving a problem are available and the limitations of the means to the solution. They are pragmatic in nature and they prioritise the issues at hand. Together with the led, they begin to look for solutions. What matters to the servant leader is what we do in “our little corner of the world”.¹⁶ Thus, servant leadership emphasises collaboration, empathy, trust and ethical use of power. Mother Teresa, commonly known as “the Servant of the Poor”, exemplifies this style of leaders.

The late Mother Teresa is one woman whose name stands above the rest as a symbol of compassion and service in leadership. She embodies and symbolises many of the feminine leadership values –

compassion, service, devotion, humbleness, nurturing and love. Born Agnes Gonxha Bojaxhiu on 26 August, 1910, in Macedonia, she responded to a first call of a vocation as a Catholic missionary nun at the age of 17 years. After training, she took her vows as a Sister of Loreto, choosing the name Teresa after St. Therese of Lisieux.

Since 1948, Mother Teresa dedicated most of her life to helping the poorest of the poor in India, a service that gained her the name “Saint of the Gutters”; for over 50 years, she worked selflessly, helping the poor.

Mother Teresa is said to have stated that earthly rewards were important only if they helped her help the world’s needy. She also once said, “At the end of our lives, we will not be judged by how many diplomas we have received, how much money we have made or how many great things we have done. We will be judged by ‘I was hungry and you gave me to eat. I was naked and you clothed me. I was homeless and you took me in.’” Servant leadership is not about the leader, it is everything about the followers, especially those who need help the most.

Because of her devotion to the poor, Mother Teresa won the respect of many people throughout the world, and in recognition of her work she was awarded the Nobel Peace Prize in 1979. Accepting the Nobel Peace Prize in the name of the “unwanted, unloved and uncared for,” she wore the same USD 1 white sari that she had adopted to identify herself with the poor when she founded her order, Missionaries of Charity.¹⁷

Mother Teresa’s work in the slums of Calcutta illustrated how to get people out of poverty. Mother Teresa believed that in order to pull people out of poverty, it was important to first empower them with self-esteem and with the hope that change is always possible. In order to reach the wider world, she created a global network of homes for the poor, from the slums of Calcutta to the ghettos of New York, including one of the first homes for people infected with AIDS. Perhaps, French President Jacques Chirac summed up her legacy best when he said after her death: “This evening, there is less love, less compassion, less light in the world.”

In Kenya, some church leaders have provided servant leadership. They led by example and service to humanity. Individuals such as Bishop Alexander Muge and Cardinal Maurice Michael Otunga are two such church leaders. Muge, for instance, stood for the truth which scared politicians whom he accused of enriching themselves at the expense of the poor. He stood for what he believed to be the truth to his death. His uncompromising stance to defend the poor and oppressed in Kenya during President Moi’s era paved the way for many church leaders to follow suit.

For his part, Cardinal Maurice Michael Otunga led the Catholic Church in an exemplary way for 50 years. His distinguished and humble leadership fostered a phenomenal growth, making the Roman Catholic Church the largest and fastest growing church in the country. The church grew not just in its evangelisation efforts, but also in the areas of education, health and social welfare. Cardinal Otunga encouraged holistic development; this vision for people’s physical, spiritual, social

and economic development enabled the Church to reach the community by establishing the best schools, hospitals and colleges among many other community development projects. Outside the church, he urged the government to look after its people, especially the displaced and homeless. He spoke against all forms of discrimination and corruption in the administration of the country, but in a non-confrontational manner.

The epitome of a visionary leader: Nelson Mandela

The world is sometimes lucky to have a few individuals who have stood out above all others by providing extraordinary qualities of visionary leadership. Nelson Mandela's leadership is an example of a combination of traits: people-focused, charismatic, transformational, visionary and servant leadership qualities. Taking a stand is critical in giving shape, form and strength to one's leadership. Mandela, for example, took a stand on political issues that were deemed illegal in apartheid South Africa in addition to organising people to oppose the oppressive system. He deliberately took these political positions knowing well that they were criminalised by the regime and turned down offers of release in the 1980s because they compromised his principles.¹⁸

In a country that was inhabited by people from diverse national and racial backgrounds, Mandela upheld non-racialism, noting that South Africa was home to everyone who lived in it. A leader must have the ability to listen to other people's opinion, because they, too, could provide solutions to the problem. Mandela is reputed to be a patient listener, which suggests that he is also a team player. Many leaders have no "we" in their speeches because they miss out the collective ownership of the vision. Consultation will not occur in a situation of mistrust. Trust is an essential component of the relationship between leaders and the team they lead.¹⁹ A good leader shows the spirit of team work by allowing team members to participate in the affairs of the establishment and also by delegating.

Training persons who can take over leadership when a leader moves on is a good practice in all leadership scenarios. In his one term presidency, Mandela had groomed those to continue leading South Africa. He made sure that leaders, at least those close to him, flourished, grew in stature and excelled in his presence. It is on record that during his presidency, Mandela gave the reigns of running the government to his deputy – Thabo Mbeki. This gesture diffused the fear of "what will happen when Mandela goes". The smooth transition of power from Mandela to Mbeki was not accidental. Mandela knew his limitations in dealing with operational details of the government. In Mbeki, he saw a leader who could deal with that as his deputy president to ensure that the government functioned well.

In building consensus, leaders display their ability to organise and lead others. Nelson Mandela serves as the best example of one leader who led by building consensus. This is a style of leadership he learned from his guardian when young. His guardian had a listening ear and only talked after all the members of the group had given their views. He then guided the group to reach a consensus.

In democratic leadership, leaders set policies through group discussions and decisions and also encourage and help the group members to interact. Mandela's leadership appears to show that he believed in the value of the democratic process even when he did not agree with the results, such as the ANC's preference for Mbeki and not Mandela's own choice, Cyril Ramaphosa.

What to avoid: A commanding leadership

A leader who uses the commanding style provides a clear direction and makes all decisions. This style is frequently misused. It can be useful temporarily in a crisis, to jump-start a new initiative, or with a problem employee. However, it should be limited to specific situations that may demand its application.

Commanding leadership has bred bad leaders in Africa, examples of which are the following:

- *Idi Amin Dada of Uganda* – A former President of Uganda, Amin was born in 1925 in the West Nile Province. He had little formal education, but was recruited to join the Kings African Rifles in 1946. His service in the Second World War created the ruthless soldier who would later work in Kenya helping the British to repress the Mau Mau. After Uganda got independence, President Milton Obote appointed him to head the army. He and Obote were partners in crime. They were both implicated in the smuggling of gold, coffee and ivory out of the Democratic Republic of Congo.

When he overthrew Obote in a military coup, Amin embarked on a systematic elimination of anyone whom he perceived to be a threat to his power. He began by hunting down Obote's supporters and sympathisers and killing them. He messed up the Ugandan economy and finally brought it to its knees when he embarked on an economic war on the Asian community who had dominated trade and manufacturing, and were significantly represented in the civil service. The once thriving Ugandan economy was handed over to Amin's friends and relatives.

In 1975, African leaders shocked the rest of the world by electing the renowned dictator as the Chairman of Organisation of African Unity. Some leaders, who included Julius Nyerere of Tanzania, Kenneth Kaunda of Zambia and Seretse Khama of Botswana boycotted the meeting. The United Nations condemned the African leaders' choice, but who cared! The dictatorial leaders of African countries could not crucify their own. Uganda is yet to recover fully from the damage that Amin caused.

- *Mobutu Sese Seko of Democratic Republic of Congo* – The Democratic Republic of Congo (DRC) is wealthy in natural resources, but it has not had good leadership which would have managed the resources for the common good. The dictatorial rule of Mobutu Seseseke turned the country into his private business, literally.

During his rule, Mobutu did not distinguish between his private account and the state treasury. He worked hard to increase his personal fortune. By 1984, he had USD 5 billion in

foreign banks, which was equivalent to the country's foreign debt at the time. With so much money out of the country, the infrastructure collapsed and public workers went without salaries for months. Unemployment soared whilst he nationalised foreign-owned firms by kicking investors out of the country. His military men and friends took over the abandoned firms only to run them down.

Politically, Mobutu was the best example of an African dictator. He consolidated power by publicly executing political rivals. He once said, "One has to strike through spectacular example and create the conditions for regime discipline. When a chief makes a decision, he decides – Period!" When he did not kill his political rivals, he bought and brought them to his camp.

- *Robert Mugabe of Zimbabwe* – Still the President of Zimbabwe, Robert Mugabe has ruled the country for three decades. Unlike Lee Kuan Yew of Singapore, he has systematically sunk the country he fought so hard to liberate. A former guerrilla fighter who liberated his people from the racist, Ian Smith's regime, he institutionalised oppression, greed and inept leadership. Mugabe hardly tolerates political opposition and only suffers the MDC as a co-partner in government because it lessens the condemnation of the regime by foreign powers. His sweeping land reforms of the 1990s did little to change land ownership in Zimbabwe. Instead land seized from the white farmers was inherited by his loyal friends.

Benevolent dictatorship, is it the better evil?

The ills that have brought most countries to their knees cannot be solved by leaders who are not firm and decisive. Such leaders have been labelled dictators because they refuse to be swayed by the bigger powers. Being a "nice" leader sometimes simply speeds up the sinking of a country into socio-economic and political problems.

In most African countries, it is not the lack of democracy that is the problem. According to Ali Mazrui, some Asian dictators tend to be benevolent, while African dictators are malevolent. Benevolent dictators had a clear vision of where they wanted to take their countries. They put the interests of their countries first, as exemplified by President Park Jeong-hee who, though labelled a dictator by the West, led South Korea to prosperity. Many South Koreans consider Park to be one of the greatest presidents in Korean history and continue to hold him in high regard due to the industrial and economic growth experienced by the country during his presidency. South Korea, using the outward-looking strategy of the 1960s, promoted economic growth through labour-intensive manufacturing exports initiated by the government. The government's industrial policy enabled the country to be competitive in the world market as well as competition between industrial firms in the country.

Conclusion

Countries which have moved forward in terms of socio-economic and political development were led by visionary leaders at one point or another. These were leaders who were committed to specific values and were inspirational, respectful and empowering, innovative and courageous. The vision they had, and which they shared with their followers, was for the common good. The failure of some leaders to achieve their visions began when peoples' interests stopped to matter to the leadership.

Today, good leadership skills and effective leadership styles are based more on the principle of servant leadership – serving the needs of others. The leader's role today is to make employees *want* to follow and to make it easy for them to follow their leader. A visionary leader who has charisma is able to do this easily. A leader who can adequately show a genuine interest in the welfare of others and make each of them feel as if they are “first” is the one who is most likely to succeed. True visionary leadership is more about other people and less of “me first”!

Visionary leaders, who lead by example, inspire a shared vision, enable others to act and take responsibilities and encourage teamwork. Pace-setting and command styles of leadership have also produced results although they are limiting. In changing contexts, the emergence of more complex issues and interdependence of people, regions or countries, leaders have no choice but to explore ways and means of making leadership more inclusive and participatory. Above all, leaders must lead by modelling the way, building trust, and displaying honesty and integrity in both personal and private spheres.

Endnotes

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Political Parties and the Quest for Good Leadership

Njeri Kabeberi

The strengthening of democratic governance requires more than well functioning elections, parliaments, an independent judiciary and other institutions and processes – important though these are. It also calls for a strong culture of democracy, in particular, robust, transparent, internally democratic and accountable political parties. Political parties represent a keystone of democratic governance. They provide a structure for political participation; serve as a training ground for future political leaders and seek to win elections in order to enter government. Whether inside or outside of government, political parties exist to transform aggregated social interests into public policy. In the legislature, political parties play an important role in shaping the relationship between the executive and the legislature and in prioritising the legislative agenda.

– Kemal Dervis, UNDP Administrator¹

Introduction

The political party is critical in ideological socialisation and training of leaders; indeed leaders acquire ideological discipline and conviction of values and principles within political parties. It is political parties that should keep individual political leaders on the rail of good leadership. This chapter attempts to explain the significant role of political parties in democratisation and the role of political parties in nurturing and shaping up men and women for good leadership towards good governance. More importantly, the chapter advances that keeping leaders on the rail of good leadership can only happen if the citizen is making sure that political parties produce good leaders.

In addition, because of the long-held negative perception of political party behaviour in Kenya, citizens as well as development partners have tended to ignore political parties, not realising that they are the cornerstone to democratic governance. There is a strong inter-relationship between

political parties, government and good governance. This chapter, by explaining what each means, is also going to attempt to link the three and move towards a conclusion on the role of strong and well managed political parties. Hence, in this chapter, I shall discuss elections and the role of electoral management bodies as I use global examples to show how other political parties across the world manage their internal affairs and how it is possible to cultivate a culture of democratic intra-party elections that can influence a democratic culture within a nation and enhance good leadership.

Political parties consistently argue that they exist in order to take political power and form a government. By using world examples of parties and electoral processes, the chapter will attempt to show that good governance within political parties and political associations can translate into nurturing good leaders. I therefore shall break down various political organs and their role, and deal with processes and institutions that are supposed to work towards a culture of good governance, if well structured and managed, and that are closely related to political parties.

Characteristics of political parties

Our first step is to understand what a political party is and why it is important. A political party is a political organisation that typically seeks to influence government policy, usually by nominating their own candidates and trying to seat them in political office. Parties participate in electoral campaigns, educational outreach or protest actions. They traditionally often espouse an expressed ideology or vision bolstered by a written platform with specific goals, forming a coalition among disparate interests.²

The Organisation of American States (OAS) argues that to achieve democratic sustainability a country cannot only depend on “clean elections”; democratic values through a constant continuity of dynamic exchange of ideas about democratic practice and consolidation of institutions, among them *political parties*, as well as within government, parliaments and congresses, academic institutions, civil society organisations and others are critical and should be strengthened.

Besides the objective of controlling governmental powers, there are specific features unique to political parties. Some of these features include ideology and the party manifesto. A political party’s ideology differentiates the party from a mere lobby group and also gives it a distinctive character, different from other political parties in the same country. An ideology is basically a philosophy or set of principles that underlies a political programme. It consists of the shared beliefs, attitudes and assumptions that cause a certain group of people to join together and develop and advocate specific political programmes. For example, socialist parties hold the ideology that the good of the community is more important than the interests of individuals, whereas parties that support capitalist or free market policies have their basis in the opposite ideology. Liberalism is an ideology founded on a belief in progress and tolerance of difference, whereas conservatism grows out of a belief that society should be unified and stable. An ideology is therefore a view of the world that produces, at least in theory, consistent approaches to a range of specific political and social issues.

While the party ideology consists of a set of principles that leads to a certain set of policies, sometimes called the party “platform”, the party manifesto is a formalised document of these principles and policies. Thus, the ideology and the policies that flow from the party’s ideology are put down in writing in a party manifesto (or blueprint or action plan). This manifesto is a statement of the goals and principles the party promises to pursue if voted into power.

As a contract with voters, the manifesto spells out the party’s perception of the country’s problems and states how the party proposes to address problems and help achieve the collective aspirations of the nation if elected. The manifesto sets out the measures which the party proposes to take in order to improve public services such as health, education and transportation, promote national development in such areas as trade, industrialisation, employment, and address public concerns in areas such as technology, the environment and crime.

However, for a responsible and effective political party, it is not enough to propose policies. A credible party manifesto must also justify the party’s plans and prove its commitment to them, and persuade the public that these plans are feasible. Political parties that have had previous experience in government can do this by spelling out their achievements and accounting for their failures. In effect, a party’s abilities and the efficacy of its policies can only be fully tested when it forms the government and attempts to implement its programme.

Kenyan political parties – a short history³

As earlier stated, political parties form the cornerstone of political, social and economic growth of countries and societies with a vision to institutionalise political parties so that they can take their rightful role in society. Having recognised this, several training programmes related to corporate governance, financial management and adherence to the constitution and the rule of law have been introduced over time through CMD-Kenya to member political parties. During these training sessions we consistently observe resistance to structured and disciplined acceptance of the various principles that would otherwise make political parties shape up faster than is currently the situation. Generic principles on such areas as corporate governance, financial management and membership development that make many other institutions grow from strength to strength are criticised as not directly relevant to political parties.

Many political parties constantly claim their role is to take over political power and not to sit in boardrooms like corporate organisations, so there is constant resistance to structured dialogue and systemic organisation. The perception then continues to grow that political parties see following the law as dictatorship and a hindrance, preferring in any given opportunity to suspend be it the national or party constitutions and other laws. Generally there is resistance to checks and balances.

It is however important to understand how we got this bad perception, because indeed many Kenyans speak ill of their political parties and vehemently disown them at any given opportunity despite being voters every five years. To understand the history of the Kenyan political and party

development, I have put together a short synopsis of the country's history as a nation. Many times we forget where we have come from and therefore why we behave in a particular way.

Pre-colonial and colonial history

Around 2000 BC, Cushitic-speaking people from northern Africa settled in the part of East Africa that is now Kenya. By the first century AD, the Kenyan coast was frequented by Arab traders, who, due to Kenya's proximity to the Arabian Peninsula, established Arab and Persian colonies there. The Nilotic and Bantu people also moved into the region during the first millennium AD., and settled inland.

Evolving from a mixture of Bantu and Arabic, the Swahili language then developed as a *lingua franca* for trade between the different peoples. When the Portuguese arrived in 1498, the Arab dominance on the coast was clipped, as the Port of Mombasa became an important resupply stop for ships bound for the Far East. The Portuguese gave way in turn to Islamic control under the Imam of Oman in the 1600s until another European influence came along, this time from the United Kingdom during the 19th century when the British established colonial rule.

The roots of the colonial history of Kenya go back to the Berlin Conference of 1885 when East Africa was first divided into territories of influence by the European powers. The British Government founded the East African Protectorate in 1895 and soon after, opened the fertile highlands to white settlers. Even before it was officially declared a British colony in 1920, these settlers were allowed a voice in government. During this period, thousands of Indians were brought into Kenya to work on building the Kenya-Uganda Railway line and subsequently settled in the country, whilst inviting many of their kith and kin who were mainly traders from India to join them. The Africans and the Asians were banned from direct political participation until 1944.

Though resistance to colonial rule is recorded as far back as when the British set foot in Kenya with the heroic (read sheroic) coastal resistance by Mekatilili wa Menza and others as the 'white man' moved into the interior, in 1942 members of the Gikuyu, Embu, Meru and Kamba ethnic groups took an oath of unity and secrecy to fight for freedom from British rule. The Mau Mau movement began with that oath and Kenya embarked on its long hard, road to independence.

Kenya was put under a state of emergency from October 1952 to December 1959, due to the Mau Mau rebellion against British colonial rule. At the start of the State of Emergency, Jomo Kenyatta and six others were charged with directing the Mau Mau and sentenced to seven years imprisonment. Dedan Kimathi, popularly referred to as the leader of the Mau Mau, was arrested in 1956 for his role in leading the uprising and the struggle for independence and was subsequently hanged. In addition, thousands of Kenyans were incarcerated in detention camps. During this Emergency period, African participation in the political process increased rapidly and in 1954 all the three races (European, Asian and African) were admitted into the Legislative Council on a representative basis.

In 1957, the first direct elections for Africans to the Legislative Council took place and those elected voiced the people's agitation for Jomo Kenyatta's release from detention. In 1961, Kenyatta was released to become Kenya's first Prime Minister, as head of the Kenya African National Union (KANU) when Kenya finally gained independence on 12 December, 1963. The following year, Kenya became a Republic with Kenyatta as its first President. The minority party, the Kenya African Democratic Union (KADU), representing a coalition of small ethnic groups, dissolved itself voluntarily in 1964 and joined KANU. A small but significant leftist opposition party, the Kenya People's Union (KPU), was formed in 1966, led by Jaramogi Oginga Odinga, a former Vice President and leader from the Luo community. KPU was banned shortly thereafter and its leader arrested in 1969, after which Kenya became a *de facto* single party state. Following Kenyatta's death in August 1978, Vice President Daniel arap Moi succeeded him as Kenya's second President.

In June 1982, Kenya was officially declared a one party state by Parliament and the constitution was amended accordingly. Parliamentary elections were held in September 1983 under a single party system for the first time since independence and the 1988 elections reinforced the one party system. However, in December 1991, Parliament annulled the one party section of the constitution. Consequently, new parties were formed in early 1992 and in December of that year, multiparty democracy was restored and elections were held with several parties participating.

Amidst divisions in the opposition and claims of mass rigging, Moi was re-elected for another 5-year term, and his KANU party retained a majority in the legislature. Due to Inter Party Parliamentary Group (IPPG) reforms in November 1997, political rights were expanded, which led to an explosion in the number of political parties. Again, Moi won re-election as President in the December 1997 elections, *presumably* because of a divided opposition. Although KANU won 113 out of 222 parliamentary seats, it linked up with the National Development Party (NDP) to forge a working majority.

In October 2002, a coalition of opposition parties joined forces with a faction that broke away from KANU to form the National Rainbow Coalition (NARC). In December 2002, the NARC candidate, Mwai Kibaki, was elected the country's third President receiving 62 per cent of the vote, and NARC winning 59 per cent of the parliamentary seats (130 out of 222). It is presumed that there is more political freedom in President Kibaki's era than any other time on Kenya's political history; democratic space was opened up so that there is visibility of more coalition politics and an enhancement of multiparty democracy.

Kenya held its tenth general election on the 27th December 2007. Three days later, after a protracted count which saw presidential results in Kibaki's Central Kenya come in last, allegedly inflated, in a cloud of suspicion and rising tensions, amid vehement protests by Raila's ODM, overnight re-tallying of results and chaotic scenes, all beamed live on TV, at the national tallying centre at the Kenyatta International Conference Centre in Nairobi, riot police eventually sealed off the tallying centre ahead of the announcement of the results, evicted party agents, observers and the media, and moved the Chairman of ECK, Samuel Kivuitu, to another room where he went

on to declare Kibaki the winner by 4,584,721 votes to Odinga's 4,352,993, placing Kibaki ahead of Odinga by about 232,000 votes in the hotly contested election. Kalonzo Musyoka, the ODM-Kenya candidate, was a distant third.

One hour later, in a hastily convened dusk ceremony, Kibaki was furtively sworn in at the grounds of State House, Nairobi, for his second term, defiantly calling for the "verdict of the people" to be respected and for "healing and reconciliation" to begin. Immediately the results were announced, Odinga bitterly accused Kibaki of electoral fraud. His allegations scored with his supporters, and seemed meritorious since the results had defied pre-election polls and expectations and Election Day exit polls. The resulting dispute over the announcement of the result by the Electoral Commission of Kenya (ECK) degenerated into an unprecedented seven-week long spate of violence in some parts of the country, leading to the loss of lives, dislocation of *hundreds of thousands* of citizens, destruction of property, and general disruption of social and economic life of the whole nation.

When the election was eventually investigated by the Independent Review Commission (IREC) chaired by Justice Johann Kriegler, it was found that there were too many electoral malpractices from several regions perpetrated by all the contesting parties to conclusively establish which candidate won the presidential election. Such malpractices included widespread bribery, vote buying, intimidation and ballot-stuffing by both sides, as well as incompetence from the ECK (which was shortly thereafter disbanded by Parliament).⁴

Kenya witnessed what a badly managed election can do to a country. We lost over 1100 lives, the injured were estimated to be over 3500 and property worth billions of shillings was lost. The country's regional and international standing as the haven of peace amidst a region normally torn with civil unrest disappeared instantaneously.

The foregoing discussion has presented a short history of political developments in Kenya that show the newness of Kenyan political parties and in a sense explain why political parties are fairly weak and why they have become parties of personalities rather than parties that espouse a particular or specific ideology. Indeed, Kenyan political parties consistently resist change and the path towards democratic and well governed political institutions. This has affected our political growth as a country.

The role of political parties in democracy and democratisation

Since the intention of this chapter is to relate political parties to good governance, and therefore good leadership, we shall try to define here governance and good governance. *Governance* is defined here as the dynamic interaction between people, structures, processes and traditions that support the exercise of legitimate authority in provision of sound leadership, direction, oversight and control of an entity in order to ensure that its purpose is achieved, and that there is proper accounting for the conduct of its affairs, the use of its resources, and the results of its activities. *Good governance*

is regarded here as a crucial prerequisite for economic development and growth. To achieve it, most emphasis has been given to the role of institutions that shape politicians' incentives. However, another key element is to have an honest, competent political class.⁵ Thus, "good governance" is an indeterminate term used in development literature to describe how public institutions conduct public affairs and manage public resources in order to guarantee the realisation of human rights.

The concept of 'good governance' often emerges as a model to compare ineffective economies or political bodies with viable economies and political bodies. Because the most "successful" governments in the contemporary world are liberal democratic states concentrated in Europe and the Americas, those countries' institutions often set the standards by which to compare other states' institutions. The focus for this chapter is going to be the process of building good governance within political parties and political associations and how that can influence good leadership.

International organisations' view on good governance

The following is a summary of how three of the key international organisations – the IMF, the United Nations and the World Bank – regard *good governance*:

- (a) In 1996, the IMF (International Monetary Fund) declared "promoting good governance in all its aspects, including by ensuring the rule of law, improving the efficiency and accountability of the public sector, and tackling corruption, as essential elements of a framework within which economies can prosper." The organisation feels that corruption within economies is caused by the ineffective governance of the economy, either too much regulation or too little regulation. To receive loans from the IMF, countries must have certain good governance policies in place.⁶
- (b) The United Nations emphasises reform through human development and political institution reform.⁷ According to the organisation, good governance has eight characteristics; hence, good governance is a) consensus oriented, b) participatory, c) in the following the Rule of Law; d) effective and efficient, e) accountable, f) transparent, g) responsive, and h) equitable and inclusive.⁸
- (c) The World Bank is more concerned with the reform of economic and social resource control. In 1992, it underlined three aspects of society which it felt affected the nature of a country's governance. These aspects were: a) the type of political regime; b) the process by which authority is exercised in the management of the economic and social resources with a view to development; and c) capacity of governments to formulate policies and have them effectively implemented.⁹

From the foregoing, it is clear that the international community is demanding that the global culture has to be democratic and that good governance is paramount, not just because we are part of the global community, but more because good governance is critical for economic development and in ascertaining the enjoyment of rights.

The degeneration of political parties in Kenya: From ideology-based to ethnic-based entities

Aquiline Tarimo, in his paper, “Politicisation of Ethnic Identities and the Common Good in Kenya”, has stated that,

It is often argued that economic insecurity makes self-interest seekers recruit men and women of their own ethnic groups into authoritative positions for the interest of their ethnic groups. Ethnic identities, taken from this perspective, generate a loss of national culture, a culture that could be enriched immensely by the absorption of different cultural identities. If ethnic identities are constructively appropriated they could become a national treasure. Ethnic identities are not evil in themselves as it has been portrayed by the forces of colonisation and post-colonial politics. Ethnic identities become harmful when manipulated for self-interest.¹⁰

Tarimo further states that it is unrealistic to think that a state can ignore ethnic identities without repercussions. His argument is that, “ethnic identities need not be destroyed; what should be destroyed, instead, is the practice of manipulating them. Similarly, it is a mistake to think that state affairs could be dictated from the viewpoint of one ethnic group.”¹¹

Barasa Kundu Nyukuri argues that one of the long-term causes of the clashes in Kenya can be attributed to the colonial legacy. This is essentially historical, but with ramifications in the post-independence era. Indeed, it is a historical fact that the indirect rule administered by the British colonialists later turned out to be the “divide and rule” strategy that polarised the various ethnic groups in Kenya. As a result, Nyukuri states that the early political parties in Kenya that championed the nationalist struggle against colonial establishments were basically “distinct ethnic unions”. The Gikuyu, for instance, formed the Kikuyu Central Association (KCA), the Akamba formed the Ukambani Members Association (UMA), the Luhya formed the Luhya Union (LU), the Luo formed the Young Kavirondo Association (YKA), the Kalenjin formed the Kalenjin Political Alliance (KPA), the Coastal tribes formed the Mwambao Union Front (MUF), the Taita formed the Taita Hills Association (THA). He concludes that as a result of the foregoing ethnic trends, a situation prevailed in this country in which a common political voice was not possible.¹²

Despite the introduction of multiparty politics in 1990, Kenyan political parties continued to be ethnic-based. At the same time, as Nyukuri argues, the advent of pluralism appears to have been misconceived as the advent for democracy. This was implied in some of the political slogans and ideologies propagated by the various pressure groups and political parties that were formed in the early 1990s. For instance, FORD (Forum for the Restoration of Democracy), implying that

democracy was once full realised, but later destroyed and now pluralism had given the orchestrators a forum to re-capture or reconstruct it. This is misleading in the sense that, although the intention may have been good, the apparent implication was questionable because Kenya had never attained full democracy since 1963.¹³

Just as the significance of ethnic identities did not diminish with the formation of nation-states for several reasons, one of which was that most African governments did not respect the freedom of the judiciary and the rule of law, which result in the disregard of political morality and responsible leadership,¹⁴ so did ethnicity not diminish in Kenya with the advent of pluralism. Kenya has not had the opportunity in the past to have properly constituted national ideological parties. Even NARC, which took over power and political leadership in 2002 after 39 years of KANU dictatorial rule, quickly receded into ethnic enclaves that evidently killed the party “of the second liberation”. The party remains a shell just like its predecessor FORD became fragmented into competitive ethnic parties (FORD-Kenya, FORD-Asili, FORD-People, and now New Ford-Kenya). *The Constitution of Kenya 2010* and the Political Parties Act 2011 have outlawed ethnic-based political parties

KENYA'S CONSTITUTIONAL REFORM AGENDA

The struggle for Constitutional reform led to a consensus among Moi's government, other political parties, the civil society and faith groups on the process and the agenda for reform which was given effect in the Constitution of Kenya Review Commission (CKRC) Act of 2000. The same reform agenda was repeated in the 2008 Constitution Review Act.

The important goals of review were:

- peace, national unity and integrity of the country
- respect for ethnic and regional diversity, and inclusion of all communities in institutions of the state
- the well-being of the people and the basic needs of all
- democracy, good governance and the Rule of Law (protected in part by the separation of powers and checks and balances)
- devolution of powers to facilitate the participation of people in the governance of the country (and presumably to provide for sharing of power, and effective government at local levels)
- full participation of the people in the management of public affairs
- human rights (especially equality and non-discrimination), as essential to economic, social, religious, political and cultural development
- gender equity, giving women equal rights to men, and fair representation in state institutions

- independent institutions that review the abuse of power and violation of rights, and provide redress. Independent institutions also for politically sensitive tasks, like managing the electoral process
- competence, accountability, efficiency, discipline and independence of the judiciary.

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Political parties' nomination process

Political parties are considered one of the key political actors in modern democracies. They create a link between voters and politicians and provide the organisational infrastructure needed to enter and participate in political life.¹⁶ However, despite their role as gatekeepers of the political arena, little is known about the effect of party institutions on political selection and the implications for economic and policy outcomes.¹⁷

For purposes of this chapter, nomination is the process of selecting a candidate for an election to an office. In the context of elections for public office, a candidate who has been selected by a political party is normally said to be the nominee of that party. The party's selection (i.e., the nomination) is typically accomplished during one or more primary elections or by means of a political party convention or caucus, according to the rules of the party and any applicable election laws.¹⁸

There are three main processes used for nominating political party candidates, namely:

- a) Where nominations are by the party leader; hence, a party leader unilaterally chooses the party nominees;
- b) Where party members vote for the party nominees; and,
- c) Where party members compete for the nomination through spending; usually the one who spends most gets the nomination.¹⁹

The form of nominating system is dependant mainly on the party itself. Nonetheless, nominations are a critical part of elections.

Party primaries

A primary election is one where party members or voters select candidates for a subsequent election. Primary elections are one means by which a political party nominates candidates for the general election. In Europe, closed primaries, involving only party members, are common. However, open primaries that allow all party supporters to take part remain the exception. Such nominations have been organised in Greece, Italy and France.

Besides primaries, other ways that parties may select candidates include caucuses, conventions, and nomination meetings. Canadian political parties chose their candidates in party meetings in each constituency. Party leaders are elected at leadership conventions, although some parties have abandoned this practice in favour of one member, one vote systems.

Most of the countries in which primary elections are not organised by the administration but by parties themselves, generally distinguish only two types of primaries, namely closed and open primaries. In *closed primaries* (also referred to as internal primaries or party primaries), only party members can vote, while in *open primaries* all voters can take part, but the party may require them to express their support to the party's values and pay a small contribution to the cost of organising the election.

In practice, political parties around the world use different institutions to select candidates. A key difference among them is the degree of democracy or participation of other stakeholders. In the United States of America party primaries have their origins traced to the progressive movement. Primary elections are conducted by the government on behalf of the parties. Elsewhere in the world, however, the nomination of candidates is usually the responsibility of the political parties and does not involve the general public.

Other types of party primaries that can be differentiated in the United States include the following:

- *Closed elections.* People may vote only if they are registered members of that party. Independents cannot participate. Note that because some political parties name themselves independent, the term “non-partisan” often replaces “independent” when referring to those who are not affiliated with a political party.
- *Semi-closed elections.* As in closed primaries, registered party members can vote only in their own party's primary. Semi-closed systems, however, allow unaffiliated voters to participate as well. Depending on the state, independents either make their choice of party primary privately, inside the voting booth, or publicly, by registering with any party on Election Day.
- *Open elections.* In this system, a registered voter may vote in any *party primary* regardless of their own party affiliation. When voters do not register with a party before the primary, it is called a “pick-a-party primary” because the voter can select which party's primary they wish to vote in on Election Day. Because of the open nature of this system, a practice known as *raiding* may occur. Raiding consists of voters of one party crossing over and voting in the primary of another party, effectively allowing a party to help choose its opposition's candidate. The theory is that opposing party members vote for the weakest candidate of the opposite party in order to give their own party the advantage in the general election. An example of this can be seen in the 1998 Vermont senatorial primary with the election of Fred Tuttle for the Republican candidate.
- *Semi-open elections.* A registered voter need not publicly declare which political party's primary that they will vote in before entering the voting booth. When voters identify themselves to the election officials, they must request a party's specific ballot. Only one ballot is cast by each voter. In many states with semi-open primaries, election officials or poll workers from their respective parties record each voter's choice of party and provide access

to this information. The primary difference between a semi-open and open primary system is the use of a party-specific ballot. In a semi-open primary, a public declaration in front of the election judges is made and a party-specific ballot given to the voter to cast. Certain states that use the open-primary format may print a single ballot and the voter must choose on the ballot itself which political party's candidates they will select for a contested office.

- *Run-off election.* This is a primary in which the ballot is not restricted to one party and the top two candidates advance to the general election regardless of party affiliation. (A run-off differs from a primary in that a second round is only needed if no candidate attains a majority in the first round.)
- *Presidential election.* The series of presidential primary elections and caucuses is one of the first steps in the process of electing the President of the United States of America. The primary elections are run by state and local governments, while caucuses are private events run by the political parties. A state primary election usually is an indirect election; instead of voters directly selecting a particular person running for president, it determines how many delegates to each party's national convention each candidate will receive from the state.

As Chris Trueman has noted in his History Learning Site,

American political parties have to operate within a very diverse society and a federal system of government; they, therefore, tend to be broadly-based coalitions of interests organised in a decentralised way rather than tightly disciplined hierarchical structures. The organisation of American parties has traditionally lacked a strong central authority . . . An argument in favour of supporting the view that parties remain relevant is that political recruitment of potential government leaders occurs through the political parties. Close ties and a long history of party connections are usually needed to become a candidate to lead the party. The vast majority of the political elite have risen through the party systems.²⁰

In Latin America, Caillaud and Tirole argue that inter-party competition erode incentives to improve platform design and thus to increase intra-party competition. In particular they argue that parties would prefer competitive nomination procedures when inter-party competition is low, voters are poorly informed, or when the ego rents are relatively small. They also argue that in fact the appeal of competitive procedures reduces with the degree of partisan motivation and ideological polarisation.²¹ Aragon had however said that in Latin America, political commitment is difficult to enforce when the type of politician becomes more relevant than the design of political platforms.²²

Latin American democracies share many institutional and historical features. Their colonial heritage is reflected in their language and legal institutions. They all have civil law systems, proportional electoral systems and strong presidential governments in which the executive plays a central role in national politics.²³ The parties have used different methods to nominate presidential candidates with procedures ranging from nominations by party leaders and conventions to party primaries.²⁴

Use of primaries in Latin America has increased over time, in particular during the 1990s. In practice it means that not all the candidates are primarily nominated in a given election.²⁵ There is variation in the institutional set-up of a party and it is possible to observe parties switching nomination procedures between elections; for example, in Argentina, the Union Civica Radical used primaries in the presidential elections in 1989, 1995 and 2003, but not in 1999, while the Partido Justicialista used primaries only in 1989, nominating former president Carlos Menem, but stopped using them afterwards. In Mexico, the Institutional Revolutionary Party (*Partido Revolucionario Institucional, PRI*) started holding primaries in 2000. Before, the candidate was directly nominated by the incumbent president.

Choosing the selection method has been mainly a party decision. In most countries there is no legal requirement to use primaries or any particular selection method.²⁶ Only recently, some countries like Uruguay, Paraguay and Panama included some form of legal obligation to use primaries in the electoral legislation. However, this requirement has not been fully enforced.

In Europe, primaries are not organised by the public administration but by parties themselves. Legislation is mostly silent on primaries. The main reason to this is that the voting method used to form governments, be it proportional representation or two-round systems, lessens the need for an open primary. Party fragmentation reduces wasted votes and does not hamper the chances to win, like in single-winner elections. Coalitions can be formed before (Sweden) or afterwards (Netherlands).

Governments are not involved in the election process. However, parties may need their cooperation, notably in the case of an open primary, for example to obtain the electoral roll, or to cover the territory with a sufficient number of polling stations.

Whereas closed primaries are rather common within many European countries, few political parties in Europe have already opted for open primaries. Parties generally organise primaries to nominate the party leader (leadership election). The underlying reason for that is that most of the countries are parliamentary democracies. National governments are derived from the majority in the Parliament, which means that the head of the government is generally the leader of the winning party. France is one exception to this rule.

Unlike at member state level, primaries are completely unknown at the level of the European Union. So far, European political parties, which are federations of national political parties and are mainly based in Brussels, never consult individual party members (let alone voters) while

designating their top candidates. However, some European parties are considering changing that for the next European elections in 2014.

Closed primaries happen in many European countries, while open primaries have so far only occurred in the socialist and social-democratic parties in Greece and Italy. France's Socialist Party organised its first open primary in the country in October 2011.

In Kenya, candidate nomination has been haphazard, majorly relying on the wishes of the party leader or the presidential candidate. During the one party rule, it was common to see, say, former President Daniel arap Moi go to Kasarani Sports Stadium where KANU supporters had been ferried from different regions the whole night and declare by a show of hands or loud shouts who the next presidential candidate was going to be. Apparently, the history of political parties' nomination processes is replete with corruption, parochialism, securing of the interest of the party leader(s), rigging, and failure to observe meritocracy, thereby denying people of good standing opportunity to ascend to leadership positions. This denies the citizens an opportunity to get good leaders.²⁷ Yet for a democratic country to get good leaders, who in turn promote good governance, the manner in which political parties conduct nominations is critical.

Kenya's culture did not change much with the advent of multiparty rule as most other party leaders were defectors from KANU and were cultured that way. With the legislation on political parties in place, the theatrics that have accompanied Kenyan candidate nominations will be controlled to an extent. According to the Political Party's Act 2007, a political party that "does not allow regular, periodic and open election of its office bearers" shall be de-registered (this clause was retained in the Political Party's Act 2011). Thus, by law, Kenyan political parties are required to have elections of their party officials in an open and transparent way. The party constitutions are also deposited with the Registrar of Political Parties and the rules for each party election are therefore known and members can appeal if elections are not conducted as required by law or by party constitutions.

Political party registration (The Political Parties Act 2011)

On the eve of the 2007 elections there were more than 300 political parties (though not all were registered with the Registrar of Societies).²⁸ Of these parties, 117 nominated candidates for election to the National Assembly.²⁹ This proliferation of political parties was checked by enforcement of the Political Parties Act 2007, which reduced the number of registered parties to 47 by March 2010.³⁰ Parties that had previously been registered with the Registrar of Societies under the lenient regime of the Societies Act (Cap 108) were given 180 days to reregister (though some indulgence was provided for) in compliance with the Act, failing which they were deregistered.

The Act was not only far more demanding than the Societies Act in terms of initial registration criteria and requirements for continuation of registration, but it also supplied the administrative machinery necessary to monitor and enforce compliance. The Act mandated the Registrar of Political Parties to undertake the registration of the parties; the office fell under the Interim Independent

Electoral Commission (IIEC). Thus, in June 2010, for instance, the Chair of the IIEC was able to instruct the Registrar to conduct an audit of the operations and finances of registered parties to ensure that they were in compliance with the Political Parties Act. This was warning that those who did not comply would be deregistered.³¹

CONDITIONS OF FULL REGISTRATION OF POLITICAL PARTIES

Article 7, Political Parties Act, 2011

7. (1) An application for full registration of a political party shall be in writing and shall be signed by an authorised official of the political party.
- (2) A provisionally registered political party shall be qualified to be fully registered if —
 - (a) it has recruited as members, not fewer than one thousand registered voters from each of more than half of the counties;
 - (b) the members referred to in paragraph (a) reflect regional and ethnic diversity, gender balance and representation of minorities and marginalised groups;
 - (c) the composition of its governing body reflects regional and ethnic diversity, gender balance and representation of minorities and marginalised groups;
 - (d) not more than two-thirds of the members of its governing body are of the same gender;
 - (e) it has demonstrated that members of its governing body meet the requirements of Chapter Six of the Constitution and the laws relating to ethics;
 - (f) it has submitted to the Registrar —
 - (i) a list of the names, addresses and identification particulars of all its members;
 - (ii) the location of its head office, which shall be a registered office within Kenya and a postal address to which notices and other communication may be sent; and
 - (iii) the location and addresses of the branch offices of the political party, which shall be in more than half of the counties; and
 - (g) it has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule.
- (3) A person is disqualified from being a member of the governing body if that person—
 - (a) is an undischarged bankrupt;
 - (b) has been convicted of a criminal offence and sentenced to imprisonment for a period of not less than six months;
 - (c) has been suspended for a period of six months for violating the code of conduct of the political party; or
 - (d) has contravened the provisions of Chapter Six of the Constitution.
- (4) The Registrar shall, within thirty days of an application under subsection (2), issue a certificate of full registration to a provisionally registered political party which has fulfilled the conditions of full registration.
- (5) A person who is not a citizen of Kenya shall not be appointed to any office or be a member of a political party in Kenya.

Conclusion

If the citizens neglect their *duty* and place unprincipled men (and women) in office, the government will soon be corrupted. Laws will be made, not for the public good so much as for the selfish or local purposes. Corrupt or incompetent men and women will be appointed to execute the laws that have been enacted, public revenues will be squandered on unworthy men and women, and the rights of the citizen will be violated or disregarded.

According to Noah Webster, an American patriot and scholar, the citizen has a critical role in making sure that leaders of principle are elected into office. He connects delivery of good laws and good leadership to the role that an electorate plays in picking leaders (principled or unprincipled). My experience for the last seven years working with political parties towards institutionalising and giving a life to parties in between elections has shown that without sound and tight laws regulating the political party and its leadership, the citizens often neglect their duty in electing good leaders. That is why I am elated by both *The Kenya Constitution 2010* and the Political Parties Act 2011, both of which set out a different culture on how we manage public and leadership offices.

Chapter 4 under the Bill of Rights, Article 27, speaks of equality and freedom from discrimination in the political sphere. Article 27 (3) affirms equal rights and opportunities for women and men including the right to equal opportunities in political, economic, cultural and social spheres. Article 27 (6) requires the state to take legislative and other measures, including affirmative action programmes and policies, designed to redress any disadvantage suffered by individuals or groups because of past discrimination. Article 27 (8) requires the state to observe the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

Chapter 6 in the constitution is on leadership and integrity. Articles 73-78 describe in detail the expectations and behaviour of leaders holding public office. Articles 79 and 80 speak of legislation of establishing an Ethics and Anti-corruption Commission within one year of the promulgation of the constitution and legislation on leadership within two years respectively. In an earlier chapter in this volume, Lumumba has made reference to Articles 10 (i) and 10 (ii) provided by the constitution on national values as he ably described the type of leader that we should look out for as a nation.

In effect, there are many articles and clauses in the constitution that affect the way we shall manage our political parties, run our political affairs and select our leaders including elaborate reference to inclusivity and participation. Both the constitution and the Political Parties Act have hastened our pace in making sure that we find good leaders because falling short is not acceptable. When Noah Webster urged the American public to be responsible and not neglect their duty there was something he understood about the citizen and corruption. Clearly what Webster spoke of can be related to our country. We have neglected our duty to elect good leaders, opting instead for mediocre, corrupt, ethnic bigots, drug dealers and war mongers.

While we have always had a choice, we have clearly neglected our responsibilities in electing good leaders. We shall have to follow the guidelines in Chapter Six of the constitution and even if all may not be perfect at the beginning, as a country, we shall begin to build a culture with strong values, and there will be less room for manoeuvre for those who wish to advance their selfish interests.

It is generally easier to break the law than abide by it, to use force or forceful language rather than dialogue. It is therefore paramount that citizens are constantly vigilant and proactive in defending the law. Left to conscience alone, many prefer to choose wrong instead of right and to ignore laid down principles. Within the Kenyan political party, this is best exemplified in the statement below by Antony Kagiri:

Our political parties are in a shambles. They are a theatre of all the bad things. From suspected drug lords, high level corruption suspects and the Hague watch list, not forgetting the daily squabbling and threats of splitting. Looking on any of the 47 registered political parties to give us a good leader is probably a pipe dream. We are likely to recycle the old guard who control the nomination process. Whereas political parties are meant to be institutions with ideals and values on which leadership shall be based, ours are simply political vehicles created to ascend to power. They are easily identified with “their” owners. It is not surprising that the top leaders are the undisputed presidential candidates.³²

The description of the “political party leader” by Kagiri and the description of “servant leadership” that Lumumba refers to (where he speaks of “a leadership that portrays service, virtue in action and character”) gives us the stark contrast of where we are coming from and where we should be headed.

The literature on political selection suggests that competitive elections, informative media and adequate rewards play a part in improving the quality of politicians.³³ More recently there is an emphasis on the informational role of primaries; for example, Meirowitz develops a model in which primaries offer voters an early opportunity to signal their preferences of candidates.³⁴ Also, early primaries can help parties know the campaign skills of candidates. In Castanheira’s view, political parties that improve the quality of their electoral platforms are the ones that adopt competitive nomination procedures.

In this chapter, we have discussed in detail the role of primaries in nominations and looked at how other countries do it. Adopting a number of methods used elsewhere could play a key role in changing how our leaders are selected. A representative democracy requires a procedure to govern nomination for political office. In many cases, nomination for office is mediated through pre-selection processes in organised political parties.³⁵

For the 2012 and future general elections, political parties in Kenya have two major roles: to nurture and develop sound political parties and to nurture good leadership. The Political Parties Act 2011, under Article 7(2) (e), obligates the Registrar of Political Parties to only give full registration to a political party whose governing body has met the requirements of Chapter Six of the constitution (on leadership and integrity) and the laws relating to ethics. The Political Parties Act is accompanied by a code of conduct (which is the First Schedule). The code under Article 1 obligates the political parties to subscribe and observe the code of conduct in pursuant to Articles 91 and 92 of the constitution and section 8 of the Act.

Article 2 of the code of conduct states clearly that its role is to “regulate the behaviour of members and office holders of political parties, aspiring candidates, candidates and their supporters, promote good governance and eradicate political malpractices”. Therefore, nurturing good leadership is a combination of a number of factors and processes, among them the following:

- Adherence to the Kenyan constitution
- Adherence to accompanying legislations that regulate political parties
- Adherence to international standards set out for elections and respect for the respective electoral processes
- Introduction of respectable and independent intra-party nominations including a trial at party primaries of one type or other
- Finally, the individuals selected or elected must meet the leadership and integrity test under Chapter 6 of *The Kenya Constitution 2010*, and it is both the responsibility of the political party to vet their members and for the offices of the Registrar of Political Parties and the Kenyan Election Management Body to enforce adherence.

More importantly, the role of the citizen to constantly seek out and promote good leaders within their political parties, and therefore within the nation, is not just urgent but extremely important.

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Political Leadership and Economic Development

Joseph Kwaka

Introduction

In this chapter, we take a critical look at the role of political leadership in economic and human development. We take the perspective that even though development, in its simplest meaning as the act or process of improving conditions of living, is the responsibility of every person and that even though leaders at all levels take responsibility, political leaders take the highest responsibility as they have the best means to spearhead development. They will have failed their country or county or community if they do not make appropriate decisions, take appropriate actions and develop programmes that enable people to move to another level in their quality of life.

Among other issues, this chapter attempts to address the following regarding political leadership and economic development in Kenya: political leadership; economic development; human development; the performance of Kenya's top political leaders in economic development over the years; the constitutional provision for political leadership and governance for development; corruption as the most critical bane of Kenya's economic development; and, the expectations of economic development on a political leader.

Meaning of leadership

Leadership, as a service, can be provided by an individual at various levels, examples of which may include a parent providing leadership as the head of his or her family. In this capacity, for his or her leadership to be demonstrated, and assuming that the circumstances are conducive, he or she must ensure that the family members' basic needs, such as food, shelter, security, clothing and access to education, are met. This leadership would ensure that the family's conditions of living keep improving. In supportive socio-economic conditions, a father or a mother will not be seen to be providing good leadership to his or her family if their quality of life keeps going down.

Fathers and mothers who mobilise and organise their family members in diligence on food production from their farms lead their families towards household food security. A parent who

instils discipline and ensures that the children obtain education works towards not only making the family adjust to the demands of modern society, but also is investing strategically in them and helping them in securing their own future. Such parents leave a legacy and excite fond memories in the minds of their descendants.

Another form of leadership is heading an institution or an organisation. A principal of a secondary school is expected to ensure that they mobilise and direct the financial, human and material resources within the time available to enable as many students as possible to obtain quality education and examination grades necessary for them to competitively access opportunities for further studies in higher institutions of learning. They also provide an enabling environment, instil appropriate culture and run programmes in the school that nurture the students to later face life with the knowledge, skills and discipline required for them to succeed. If these things happen, then the principal will have provided good and transformative leadership. Such teachers are remembered, even when they are long dead, for the legacy they leave behind.

Leadership, in this context, is a process or act of making decisions, taking actions, directing resources and influencing the people being led towards common goals that translate into the common good, progress and happiness. True leadership therefore cannot make the conditions of the people or nation or performance of the institution worse than they were in the preceding era.

Political leadership

Political leadership, in our context, is the process or act of utilising the mandate given to an individual, through a popular vote or appointment through a political process to a public office, to make decisions, formulate policies and pass legislation, take actions, design and implement programmes while using the state apparatus and public resources under the control or influence of the position occupied by the leader to enable the nation or county or community to achieve its aspirations and goals – translated into optimum livelihood, comfort and happiness of the people.

In the new constitutional dispensation, political leaders include the President, county Governor, Senator, Member of the National Assembly, Member of a County Assembly, and the Speakers of the National Assembly, Senate and County Assemblies. Appointed Secretaries in the President's cabinet and the Governor's county Executive Committee may also be considered political leaders by virtue of being appointed through a political process and executing politically-designed actions and processes. All these leaders will control or have some influence over state instruments and public resources. And with all these at the disposal of the President at the national level and the Governor at the county level, these political leaders at the helm of the state super structure determine whether the country or the county, as the case may be, will prosper or stagnate or degenerate in economic and human development.

Economic development

A meaning may be conferred on economic development that refers to it as a condition or a state or a situation, on the one hand. On the other hand, we can define it as an active process or an act in which the leader and people are involved. As a condition, it is the rise in the standard of living of the people as natural resources are utilised in a sustainable manner and production is modernised to move the nation or county from a low-income to a high income level.¹

Economic development may also be considered as the act or process of mobilisation of the country's or county's material, natural, human and financial resources and their deployment in activities that increase the standard of living of the people in a sustainable manner. Since the main aim of economic development is to raise the standard of living of the people of a county or country in general and without discriminating on the basis of region or ethnic community or gender or age group, what is produced by deploying resources commonly owned by the citizens must be equitably distributed and the leader must be judged on this aspect of socio-economic justice. Kenya's case runs diametrical to this meaning as most industries, best hospitals, headquarters of nearly all state departments and corporations, best infrastructure and state institutions such as the military, the police and other training institutions, have all been heaped in the country's capital since independence.

In Kenya today, like in all other developing countries, the mere creation of material wealth and the subsequent improvement in material welfare of the people are not the only goals of economic development. Nor is the main aim of economic development merely to reduce material poverty. For it to be meaningful, economic development must, in addition to conventional provisions like job creation, access to food and other basic requirements, eradicate illiteracy and disease, environmental degradation, provide an environment where people enjoy peace and a dignified life and, on the whole, improve the quality of life.

It is a generally accepted fact that good governance, as presented in Chapter 2, is a prerequisite to economic development. In democratic societies with a culture of constitutionalism, such as the one being constructed by *The Constitution of Kenya 2010*, political leaders are the ones with the mandate of the people to control state instruments and public resources for economic development and general societal progress. It all starts with a good political leader defending the constitution and safeguarding and promoting good governance, which then ensures stable conditions to accelerate and sustain economic growth.

Human development

Development experts agree that economic development must be pegged on people as the *real wealth of a nation*. Ultimately, economic development is to be considered as either the most critical means to human development, or pegged on human development as both the strategy and the end result.

According to the United Nations Development Programme (UNDP) *Human Development Report of 1990*,² human development is the process of enlarging people's choices so that they can live long and healthy life, be educated, have access to resources for a decent standard of living, enjoy political, economic, social and cultural freedoms, and enjoy protected human rights, self-esteem and opportunities for being creative.

Industrialised countries, such as the United States, the United Kingdom, Japan and Germany, present their populations with a dignified standard of living while at the same time provide a social, political, economic and cultural environment where individuals have wide choices and opportunities to live a dignified life and have self-esteem. In Kenya and other African countries, the prevailing socio-economic conditions stifle creativity or frustrate the pursuit of happiness as people are preoccupied with seeking fulfilment of basic needs.

The conventional measures of development of a country have for many years been presented in terms of the rate of growth of its economy and income spread in the population. These are normally measured in terms of the amount of wealth (goods and services) produced per year and are known as gross domestic product (GDP). The calculated estimate on income for each individual member of the country's population is called per capita income. The Human Development Index (HDI) has been adopted as a more advanced and realistic way of examining the state of development of a country.³ This approach represents and seeks a broader definition of well-being.

The HDI provides a composite measure of three basic dimensions of human development: health, education and income. It avers that development can only be seen to be taking (or has taken) place if there is higher access to quality health care services, quality education and, the household income is high enough to enable the majority of people in a given population to afford most basic necessities, and are comfortable and live a dignified life. Development cannot be measured in terms of the proliferation of skyscrapers in a country's cities, or the number of expensive cars on its roads, or even the level of profit the banks are raking. Development must be seen from the perspective of the improved quality of life of the people, which is seen in terms of percentages of the population with access to quality health care services, the percentages of children, young people, retained and enabled to proceed to higher levels in a quality education system, and the proportion of the population that can purchase the items that make people comfortable.

Constitutional provision for economic and human development

The fight for independence by the colonised nations was essentially about human rights that colonialists had violated. And yet once the new indigenous ruling class came to power, they forgot about these rights and anybody demanding them was trampled upon through the use of the state's instruments of power. As Firoze Manji points out in his paper, "The Depoliticisation of Poverty", that "... political associations were soon to be discouraged, if not actually banned, while trade unions were constrained, incorporated into the structures of the ruling party, or simply disbanded."⁴

In Kenya, from the mid-1960s up to early 1990s, dissenting views were suppressed, the umbrella body of trade unions, the biggest national women's movement for rights (called *Maendeleo ya Wanawake*) and other pressure groups and associations soon became part of the ruling and only political party, KANU, while the song played everywhere was *Kanu is the mother and is the father*. The president and the ruling clique had monopoly over political, social and economic activities in the country under the guise of "development", arguing that all other people with differing opinions were anti-development. The reality was that the ruling class aimed to control all aspects of life and have hegemony over the population for purposes of safeguarding accumulation of wealth by a few.

The new constitution, promulgated in August 2010, was designed to improve governance, not as an end in itself, but as a means to unlocking the potential of the nation in realising socio-economic development in an accelerated and equitable mode. The experts who drafted the constitution and a clear majority of Kenyans agreed that the country was sliding towards a failed state in the manner of comparing the potential with the general state of affairs. The unacceptable socio-economic conditions were manifest in the deplorable poverty that engulfed well over half of the population, the ever widening gap between the rich and the poor, and the regional imbalance in the distribution of the national wealth.

Further, the discriminatory manner in which opportunities and wealth were being distributed to favour the incumbent president's tribe and region, the lack of national cohesion and integration due to tribalism perpetrated by the top political leadership, the centralised system and top-down approach to planning that excluded and prevented people from participating in decision-making, the concentration of power in the presidency, the run-away corruption, and the general poor performance of the economy were to be addressed by the constitution. Thus, the Constitution was set out to address these intolerable socio-economic conditions through several provisions and stipulations, which include the following:

- a) Devolution of power from the centre through the creation of two layers of government – national and county – whereby the latter assumes a certain level of semi-autonomy with decentralised funds to the county government and the residents to plan and manage their development process and local affairs.
- b) Reduction of the power of the President through the strengthening of Parliament and delinking the Legislature from the Executive to ensure checks and balances.
- c) Setting out national values and principles of good governance, leadership values and ethics and specifying that sovereignty rests with the people.
- d) Providing for a comprehensive Bill of Rights and stipulating that development is a human right.⁵

In section 42 of Chapter Four (Bill of Rights), the Constitution states that every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures.

Section 43 of the same chapter dictates on economic and social rights, and states that every person has a right to the highest attainable standard of health (which includes the right to health care services, including reproductive health care), to accessible and adequate housing, and to reasonable standards of sanitation, the right to be free from hunger, and to have adequate food of acceptable quality, the right to clean and safe water in adequate quantities, the right to social security; and the right to education. Section 46 of the chapter states that every consumer has a right to goods and services of reasonable quality, the right to the information necessary for them to gain full benefit from goods and services, the right to the protection of their health, safety and economic interests, and the right to compensation for loss or injury arising from defects in goods and services.

The new constitution therefore, in its letter and spirit, restores the right to development and obliges the Governor and the President, as the top political leaders at their respective levels, to ensure that their core business is good governance that facilitates economic and human development in a fair and equitable manner. The citizenry must monitor and judge these two political leaders whom they give the biggest mandate, first and foremost, on their performance on economic and human development.

Political leadership for good governance and development

Unless there are natural disasters, war with other nations or some circumstances which adversely derail the management of the national or county government, a political leader on top of the government, adhering to the principles of constitutionalism and good governance as espoused in Chapters One and Two of the Constitution of Kenya, should be able to move the country or county to the next level in development. Inversely, the absence of a significant development progress over a period is a definite indicator of bad governance. And yet any citizen vying for such political leadership should be driven by nothing else but the desire to do better than the incumbent or predecessor in good governance. But is that what most individuals competing to ascend to political leadership in the Kenyan political arena aim to do?

Experts at the World Bank, led by Daniel Kaufmann, in their policy research paper, “Governance Matters II”,⁶ strongly linked good governance with development. According to them, participation of the people and accountability of the leaders, political stability, government’s effectiveness in service delivery, the quality of regulation of sectors, maintaining the rule of law and control of corruption, are the major signs of good governance. For Kenya, and perhaps many other countries, we must add the elimination of tribalism, impunity and inequitable distribution of resources for development of national wealth as critical indicators of good governance. A good constitution, good policies and strong institutions may be in place, but it is good leadership that ultimately guarantees this good governance.

The ways of good political leaders

Good political leaders at the head of governments, who have moved their countries to high levels of economic and human development, have been known to be selfless, visionary, exhibiting servant leadership stance as espoused in Chapter 2, inspiring a national pride in the citizenry, patriotic and not tolerating corruption. Evaluating political leaders on good leadership, and therefore good governance, towards economic and human development, does not need special expertise. By their “fruits” as illustrated in the model in Chapter 2, good leaders are known.

The most important mechanism through which political leaders who are at the head of governments, like the President or a county Governor, can better manage economic and human development is choosing appropriate policies and programmes, and building the capacity of requisite institutions to effectively implement the programmes. Then, through pure meritocracy, they put the right people in charge of such institutions and programmes.

Lee Kwan Yew, the first Prime Minister of Singapore, led his country from a poor one to an economically developed nation.⁷ He simply formulated the right economic policies which integrated that city state into the world economy in the 1960s. In the absence of natural resources, he initiated the strategies and development policies that attracted private sector investments in a liberalised economy. His is a shining example of how good leadership must have a vision for the country which it rallies the people to buy into and pursue as a nation. This type of leadership formulates sound policies, is disciplined in managing public affairs, remains committed to national goals, is nation-centric and not region or ethno-centric in its world view, and, above all else, is a servant in leadership and does not pursue personal or parochial interests.

In excerpts of his speech carried in the *Daily Nation* on 15 November 2010, Victor Koh, a member of the Kenyan Economic and Social Council, told the Kenyan cabinet while on a retreat, how his country, Singapore, moved from a Third World economy to a First World economy within one generation.⁸ Thanks to an astute leadership of Lee Kwan Yew, who put a strong foundation in socio-economic development, Singapore’s GDP now ranks 11th out of 213 countries.⁹ The country is ranked third out of 139 in global competitiveness index, and number one in the ease of doing business, cooperation in labour-employer relations, country credit rating and quality of education and system. The country, known as one of the Asian economic tigers, ranks sixth in national savings rate, twelfth in life expectancy, and fifth as a least corrupt country according to 2010 statistics. These are the fruits of good political leadership of Lee Kuan Yew, the first Prime minister.

In his remarks, Dr Koh emphasised that a country can only develop to greater heights if it is led by men and women of integrity, who eliminate corruption, and selflessly manage its affairs for the benefit of the nation at large. He affirmed that Kenya requires visionary, development, and management-oriented leaders, and, that all these types of leaders should have a servant leadership heart, a shepherd leadership heart, and a steward leadership heart.

Malaysia is also another example of a country whose economic development leap is attributed to nothing but good political leadership.¹⁰ Mahathir Mohamad, the former Prime Minister, was responsible for the creation of a world-class economy in his country. Malaysia has a veritable high standard of living, high literacy and high life expectancy. Mohamad, though not a gobbler of just any Western values, adopted capitalism with its liberal economic principles within which he envisioned economic growth for his country. He formulated and implemented appropriate economic policies to encourage Malaysian enterprises to grow and expand by adopting the latest technology and good management practices. This made Malaysian economy compete globally.

In around 1964, Kenya and Malaysia were at more or less the same economic level. Comparatively, Malaysia's economy is much bigger than that of Kenya. According to the *World Bank Economic Update of 2010*, Singapore's GDP is about USD 190, Malaysia's is USD 194, while that of Kenya is USD 32. The Malaysian story is that of good leadership.

Contemporary Kenya can still learn several lessons even on how to deal with ethnic animosity due to inequitable economic development. Malaysia faced a wide disparity between the Malays and Chinese ethnic groups which resulted in bloody clashes in 1969, while the post-election violence of 2008 in Kenya was largely caused by the regional or ethnic economic disparities that had been running since independence.

Mahathir Mohamad (Prime Minister of Malaysia from 1981 to 2003) implemented a set of affirmative (*Bhumiputra*) policies under which Malays were given preferential treatment in education, employment and even in equity ownership.¹¹ Thus, he combined free market policies with redistributive policies, which minimised the ethnic disparities and ensured social harmony.

Kenya's ethnic favouritism in high public office appointments reached its peak in 2011. This is despicable, coming after the post-election violence whose underlying cause was partly tribalism in public service employment and distribution of development resources. In a recent survey report by the (Kenya) National Cohesion and Integration Commission, statistics on ethnic representation indicated that over 45 per cent of staff at the State House came from the President's ethnic community.¹² Newspaper columnists and other commentators frequently deplore the fact that certain sectors of the public service are so dominated by the President's ethnic community that it is possible to conduct meetings of the top decision-making officers in their ethnic language of those attending. The sectors are finance, security, energy and transport, to mention but a few.

Although not the best example because of the absence of political liberalism, China is yet another example of what a political leadership does to spur economic development in a country. Former President of the Peoples' Republic of China, Jiang Zemin, has been credited with transforming a centralised communist economic system to a capitalist market stimuli and achieving spectacular rates of growth of GDP in China. Now, in 2011, China has quickly overtaken Germany and Japan to become the second largest economy after the USA.

It is important to note that Jiang Zemin and the top members of the Chinese communist party boldly initiated appropriate policies which induced a deluge of foreign capital and technology into China, thereby transforming a poor suppressed economy into a manufacturing destination of the world.

Manmohan Singh, India's Prime Minister from 2009, is the latest example of how a political leadership determined to transform its country can succeed even against stiff domestic opposition and other odds. The Prime Minister took great risks in introducing economic reforms such as liberalisation, privatisation and globalisation, which enabled India to raise its GDP growth rate to a higher level, and integrated the Indian economy into the global economy.

Kenya's history of economic underdevelopment under poor political leadership

Forty-eight years after independence from the British rule, Kenya had had three presidents – all presiding over abject poverty that covers the majority of the population, while their families and those of the people surrounding them celebrate exponential accumulation of wealth. For these presidents and the people close to them, “it is our turn to eat”, as captured in the title of a book on Kenya's corruption by Michela Wrong¹³.

About a decade after the attainment of independence in 1975, the late Josiah Mwangi Kariuki (famously known as JM Kariuki), then Member of Parliament for Nyandarua, sounded an outcry over Kenya's economic mismanagement and inequality: “We did not attain independence to have a country of ten millionaires and ten million beggars.” Not long after this reprimanding protest, his bullet-riddled body was found dumped in a forest west of Nairobi. JM Kariuki was bemoaning a culture of land grabbing and primitive accumulation of wealth by those in power at the expense of the equitable development of the nation.

As at 2011, poverty levels and regional inequalities are worse than they were in 1975. Poverty is embodied in a widow who has only one dress, which she washes one night after a long period with warm water as she has no soap. That night, she has to hang it over the left-over of her cooking fire for it to quickly dry up for the coming day break. She and her three young children have just cooked and eaten some slimy bitter leaves with a measly of *ugali*. Under one old blanket, they cuddle for the night in a mat on the floor of her grass thatched hut. Sleep hardly comes as the thoughts of where the next meal for her children will come from and the biting cold torment her. She cannot afford to send her children to school, for even with the so-called free education, she needs to first put something in the stomach of the children, clothe them and provide them with some basic stationery and other requirements. Famine is soon knocking on her door. Malaria and other diseases might soon decimate the number of her children, while her vulnerability may soon expose her to HIV infection. And when she goes, the children remain alone; alone, that is, for them to be upgraded to a higher level of poverty, destitution and misery, while poor political leadership endures.

In 2005, the Kenya National Bureau Statistics captured the mapping of poverty in a report titled, *Geographic Dimensions of Well-Being in Kenya: Who and Where Are the Poor?*¹⁴ The report gave disparities in wealth distribution among parliamentary constituencies. The richest area, according to the report, was the central part of the country, while the poorest ones were Nyanza Province in the Lake Victoria area, whose poverty level was 65 per cent. According to surveys by the World Bank, over 50 per cent of Kenyans live below the poverty line of less than USD 2 per day.

The inequality indicators are that about 80 per cent of Kenya's wealth rests in the hands of about 10 per cent of the population and that there is regional imbalance in which about 70 per cent of the national wealth is concentrated in the central region of the country (including the capital city of Nairobi). This situation is attributed to the political patronage and poor political leadership of the presidents who favour their tribes or marginalise areas of opposition strongholds. Central Province has had two presidents since independence while two of the most marginalised regions, Nyanza and North-Eastern Provinces, have been historically associated with opposition politics and attempted secession respectively.

After Kenya achieved independence on 12 December 1963, the political leadership embarked on development with a democratic system of government. There was a multiparty political system and a two-chamber Legislature (the House of Representatives and the Senate). They started drawing development policies, plans and programmes. The Sessional Paper No. 10 of 1965 on African Socialism and its Application to Planning in Kenya based the development of the country on what the leaders of the time coined as "African socialism".¹⁵ But whereas it was meant to articulate development policies aimed at correcting regional imbalances and removing poverty, ignorance and disease, the authors sneaked in a clause that would prioritise allocation and investment of resources for development to the so-called high-potential areas. This meant that the priority for development of the infrastructure and industrial locations would be in the former White Highlands. It was asserted that these were the areas with high potential for commercial agriculture, which was to be the backbone of the economy. As spelt out in the Paper, from that time, Nyanza and North-Eastern Provinces would be categorised as low potential areas, which would not be of priority for investment with the limited government resources. Thus, ironically, the deplorable inequalities and regional economic imbalance in Kenya today is an affliction brought about partly by that Sessional Paper. Over forty-five years down the line after independence, economic development is mainly concentrated in the central region of Kenya.

The regional imbalance aside, the first regime under President Jomo Kenyatta proved to be a good steward of the economy. Analysts in development aid organisations observe that if Kenya had sustained its economic performance of the 1960s, it would today be in the same league with countries like Malaysia, Argentina or even Portugal. The 1975 World Bank Country Report, *Kenya – Into the Second Decade*, showed Kenya as a country on the right track of economic development.¹⁶ The economy was growing at between 7 and 7.6 per cent annually. The report noted a sustained

growth in production and income that had rarely been surpassed by the country's contemporaries in development.

Jomo Kenyatta died in 1978 and Daniel arap Moi succeeded him as the President. Kenya's economic growth during the Moi presidency began to experience a down-slide. While Moi took over a vibrant economy, the *World Development Report* in 1981 showed that economic growth had slumped to 2.7 per cent¹⁷.

As if to take advantage of the 1982 coup attempt, Moi purged the public sector of his perceived enemies and launched his 24 years of autocracy. There was a heavy flight of capital, as investors saw high politically-associated risks building up. As investment dwindled, individuals close to the seat of power siphoned out money, stashing it in secret bank accounts abroad. And as the economy took a nose dive, the civil service became bloated, with the number of employees increasing by six per cent between 1982 and 1987.

Before Moi, Kenya had become an investment destination for Western capital for its relatively reliable infrastructure, receptivity to Western capitalism, a liberalised market and a peaceful political atmosphere. The Moi regime took the country back several years and brought the economy to near stagnation. While this was happening in Kenya, other countries like Malaysia and Singapore, led by visionary leaders of integrity, with love for their nations, were experiencing economic reform programmes with their economies growing steadily.

The Moi regime was fraught with corruption, with the biggest and most impacting being the Goldenberg Scandal of 1990 to 1993. The scandal involved export compensations for the fake export of diamond and gold. A commission of inquiry appointed by President Mwai Kibaki (after Moi had left office) found that in one transaction, some USD 1.8 billion was siphoned out by the Central Bank to Goldenberg International – a firm jointly owned by a Kenyan tycoon of Asian origin, Kamlesh Pattni, and the Director of Security Intelligence, James Kanyotu. The money was ostensibly meant to purchase the accruing foreign exchange.

Under Daniel arap Moi, Kenya had a rough time with the international aid providers. The disagreement started in November 1991 when the Paris Club (of multilateral aid) suspended most forms of external assistance following the government's failure to implement major political and economic reforms. This prompted some yielding by the Moi regime, evident in the re-introduction of multiparty democracy and the introduction of sweeping economic reforms – ranging from the removal of price controls, the liberalisation of domestic and international trade, as well as the restructuring of state corporations. As a result, aid was restored in 1993. However, corruption still thrived.

Failure to tackle corruption strained the relationship again with the international donor community in 1997. This led to another round of suspension of donor aid, which was briefly lifted in July 2000 only to be reinstated in December the same year following the government's disbandment

of the Kenya Anti-Corruption Authority (KACA). At the time, the GDP growth rate languished at around 1 per cent. Meanwhile, Kenya's neighbours, Uganda and Tanzania, were attracting investors and recording rocketing growth rates of between 6 and 7 per cent.

The year 2002 was by far the worst for Kenya. The economy grew at a meagre 0.4 per cent. This was the period the government could not collect enough revenue to enable it to effectively provide key social services such as education and health. The gains in these sectors, such as free primary education and efficient health care systems, were reversed. It is all to be blamed on poor leadership during the Moi regime; an irresponsible and directionless leadership characterised by corruption, tribalism, impunity, despotism and disregard for the rule of law. Merit and competency were never considered in hiring, it was the period of getting a job or service only through you-know-who opportunities. It was also the period when dissenting voices were brutally silenced, resulting in widespread fear amongst the citizens. Most people could not discuss the issues affecting their country freely in social spots without looking over their shoulders, in case an agent of the intelligence force was listening. Elections were characterised by violence and outright rigging and, only politically-correct individuals emerged victorious. Senior provincial administrators, controlled from the Office of the President, such as the District Commissioners, were known to go into private telephone conversations with superiors, after the counting of votes, to be told who of the candidates to declare the winner.

Political crackdown on the perceived dissidents led to the establishment of torture chambers, extra judicial executions and detentions without trial. The ultimate impact of the autocracy and bad governance was the near collapse of the economy, debilitating poverty, unemployment, the collapse of the health system, insecurity and a myriad of social problems.

There was hope with the new regime led by President Mwai Kibaki, which came to power at the end of 2002. The upward trend of the economy began to emerge. Riding on the crest of popularity across the country, the regime promised Kenyans an economic recovery and a development strategy to revamp the health care system, revive the agricultural sector, create employment, provide free primary education, rehabilitate and improve infrastructure, reduce poverty, and govern with zero-tolerance to corruption. The Kibaki regime also promised to fast track constitutional review and to build better institutions for good governance for economic development. It came up with an Economic Recovery Strategy for Wealth and Employment Creation, putting emphasis on reforming the local government to empower people in their participation in governance, improve services delivery and reduce poverty.

In effect, the economy started growing tremendously with the GDP growth jumping from 0.6 per cent in 2002 to 6.3 per cent in 2007¹⁸. The regime established decentralised funds such as Constituency Development Fund, and Youth and Women Enterprise Funds. It further revived collapsed agriculture-based industries and other enterprises, re-introduced free primary education, and embarked on rebuilding roads and generally improving infrastructure.

However, as indicated earlier in this chapter, GDP or per capita income figures cannot tell the true story of a country's state of development. For instance, in 2010, China overthrew Japan in position two in terms of the size of the economy, which is considered in GDP. But on the parlance of the quality of life of a majority of the population, China will take many decades to catch up with Japan. With its titanic population of 1.4 billion, compared to Japanese population of 127 million, it is not easy to improve the quality of life for the majority in China.

According to the World Bank, despite some GDP growth, Kenya still ranks in the world as one of the most unequal countries⁹⁹. It did not take long for the signs of poor leadership to start emerging in the Kibaki regime. As has been indicated earlier in this chapter, it is doubtful whether tribalism has ever been or will ever be at the level the Kibaki administration is infamous for. This is the period when there is talk of "Mount Kenya mafia" – pointing to domination of key sectors of the economy and security by the tribe from which the president hails, which with other related tribes occupy the Mt. Kenya region. A good leader in an ethnic diverse nation such as Kenya must ensure that there is open and equitable access to opportunities in appointments to public offices to all qualified citizens.

If the previous regime of Daniel arap Moi inherited corruption at its infant stages from the Kenyatta era and nurtured it, the Kibaki regime developed it to its full growth. For a regime that came to power on the platform of zero tolerance to corruption, the Kibaki administration dampened the hope of Kenyans that the elephant that knocks them into poverty, or the python that swallows their children, would be slewed. Cases of grand corruption started sprouting on the face of the government like measles. Scandals came in all sizes, big and small and in all sorts of names they were printed – the Anglo Leasing, Triton, water, maize, Tokyo embassy and jet fighters, to name just a few. They were planned and executed in discotheques, golf courses, public offices, water dam project sites, judges' chambers, hotel dinner tables, construction road sides and bedrooms.

Kenyans had very high expectations of the Kibaki leadership given his impressive curriculum vitae. He was a Western educated economist. Of all the presidential hopefuls in the early stages of the campaign towards the general elections that gave him the keys to the State House, Kibaki was the one with the best experience in statecraft and government operations, having been a minister for Finance and Planning, and Vice President for many years.

The Human Development Report 2011 by the United Nations Development Programme showed Kenyans were worse off in terms of poverty and human development than they were some year before (Ref: Human Development Report 2011, Sustainability and Equity: Better Future for All, New York, Palgrave Macmillan, 2011). In an article titled "Corruption, high cost of living deprive Kenyans of basic needs", in his column in the Standard on Sunday November 6 2011, Billow Kerrow commented, referring to the UNDP report:

"The UN Human Development Index 2011 just published reveals how the lives of most Kenyans are getting more miserable. Our poverty levels are rising just when the global poverty population is declining. The report that ranks Kenya at position 143 out of 187 countries surveyed portrays a

worsening quality of life for the citizens. ... The UN index measures how a country provides basic needs to its citizens. These essentials then help the citizens to live longer, descent, healthy lives and access education ... Corruption is a key factor in the poverty and deprivation that degrades our quality of life. If we do not express outrage in such plunder, socio-economic development will be an illusion.

Today, about 50 per cent of the Kenyan households live below the poverty line of less than USD 1 per day. Unemployment is at over 70 per cent. The Kenyan economic growth is a dim reflection of the country's potential. Hunger and malnutrition kill Kenyans in hundreds every year, while less than 15 per cent of Kenyans have access to quality health care services.

No country's economy can develop without a proper transport infrastructure, and every sensible leader knows that. And yet the Kenyan railway has never been resuscitated from virtual comatose in the late 1990s. While the railway system is down, corruption facilitates the overloading of trucks, thereby destroying newly built highways within no time. The same corruption continuously undermines infrastructural development. For instance, a road that would cost five million shillings per kilometre consumes four times the actual cost.

Political leadership, corruption and underdevelopment

One single factor that has over the years undermined Kenya's economic development more than anything else is corruption. Therefore, the issue of corruption cannot be over-emphasised in a discourse on political leadership and economic development in Kenya; it deserves to be illuminated. Kenyans know that corruption starts at the top and the reason it has no let up is that it has found residence at the highest office.

Grand corruption in the highest offices in the government, involving hundreds of millions, such as the ones mentioned earlier in this chapter, encourage the small acts of corruption. High Court judge taking money to deliver a ruling that favours the bribe giver, or a clerk being induced with money to speed up the processing of a payment claim, or a traffic police demanding a bribe from a public transport driver, are all but symptoms of corruption in high places.

The big corruption scandals involve government procurement tenders and contracts. They involve processes and transactions such as purchasing of aeroplanes, motor vehicles, equipment and other government supplies, procurement of services for public works such as construction of roads and water dams. These procurements are done at high levels and there are individuals who do not sit at meetings where decisions are made but are in control and are the ultimate recipients of the bigger chunks of the loot. In the case of the traffic police, for instance, a junior police officer who does not divide the daily collection with the boss back in the office may be redeployed elsewhere. This chain is reflected in the bigger corrupt operations that involve hundreds of millions of shillings. That is why it is difficult to see those who are known to be involved in the bigger scandals going to jail because they are given protection by the real big eaters, who are in control of the state apparatus.

The first president came to power a poor man but at the time he died after only 15 years in office, he left his family with mind-boggling assets. A Commission of Inquiry into Illegal or Irregular Allocation of Public Land, set up in 2005 and chaired by a Nairobi lawyer, Paul Ndungu, reported in part that the Kenyatta family owned land totalling over 15,000 square kilometres, or about the size of Nyanza Province, or bigger than Luxembourg or Jamaica.²⁰ The enormous assets and investments each of the first three Presidents' families own are incongruent with their income and could not have been generated from mere hard work. As the president begins to trade the path of grabbing public resources, his senior officials, and others surrounding him, jump into the first lane to grab. Then the lower ranking official jostles not to be left without a chair when the music stops. In their book, *The Kenyatta Succession*, Philip Ochieng and Joseph Karimi noted that President Kenyatta criticised Bildad Kaggia, one of the freedom fighters, for not using his position to grab land and accumulate wealth.

The day the president of a country decides to end corruption and remain faithful to the cause of national development and social justice, corruption begins to dissipate. Corruption thrives because the head of state has not decided to end it as he or she and their closest people are the first beneficiaries. If you see corruption thriving in your county, you know that either the Governor or the closest people to power or both are involved.

Corruption in Kenya was developed to its full life by the Commission of Inquiry into the Public Service and Remuneration, chaired by Duncan Ndegwa.²¹ Among other recommendations that the Ndegwa Commission (as it came to be known) of 1970/1971 made were that civil servants be freed to engage in private enterprise to speed up the indigenisation of the private sector. Then, as still is the case today, the main purveyor of big business tenders and contracts was the government. The scramble began for strategic positions in departments like the Treasury, the Ministries of Works, Water and Health. Today, some of the richest people in the country are former civil servants who "did business with the government", which simply means manipulation of government contracts and tenders to award them to their own companies and/or taking kickbacks.

While the Kenyan leaders have been doing these evil deeds against their country all these years, other leaders of nations that have today made leaps and bounds in economic development were engrossed in eliminating corruption. The following story by Lee Kuan Yew tells it all on how Singapore was liberated from the jaws of corruption into development:

We had a deep sense of mission to establish a clean and effective government. When we took the oath of office at the ceremony in the city council chamber in June 1959, we all wore white shirts and white slacks to symbolise purity and honesty in our personal behaviour and our public life. The people expected this of us, and we were determined to live up to their expectations. The pro-communists paraded their working-class credentials in their dress style (rumpled shirt sleeves and slacks), travel mode (buses and taxis), sleeping

quarters (back rooms of unions offices), and Chinese school education. They derided my air-conditioned office and home, my large American Studebaker car, my golf and beer drinking, my bourgeois family background, and my Cambridge education. But they could not accuse my colleagues and me of making money out of the workers and unions we helped.

We made sure from the day we took office in June 1959 that every dollar in revenue would be properly accounted for and would reach the beneficiaries at the grassroots as one dollar, without being siphoned off along the way. So, from the very beginning we gave special attention to the areas where discretionary powers had been exploited for personal gain and sharpened the instruments that could prevent, detect, or deter such practices.

We decided to concentrate on the big takers in the higher echelons and directed the CPIB (sic) on our priorities. For the smaller fish we set out to simplify procedures and remove discretion by having clear published guidelines, even doing away with the need for permits or approvals in less important areas.

The most effective change we made in 1960 was to allow the courts to treat proof that an accused was living beyond his or her means or had property his or her income could not explain as corroborating evidence that the accused had accepted or obtained a bribe. With a keen nose to the ground and power to investigate every officer and every minister, the director of the CPIB, working from the Prime Minister's Office, developed a justly formidable reputation for sniffing out those betraying the public trust.

We had established a climate of opinion that looked upon corruption in public office as a threat to society. A precondition for an honest government is that candidates must not need large sums of money to get elected, or it must trigger off the cycle of corruption.²²

The above excerpt, together with others from the same book appearing in this chapter, tells the story by a statesman about statesmanship. It is the story about coming to such summit of political leadership of a country and recognising that your country men and women have put their destiny in your hands to lead the nation to economic prosperity, peace and stability; that they have not given you the mandate to grab wealth and "eat" with only those close to you and your tribe as it has all along been happening in Kenya.

The corruption evidence featured in the last paragraph of the quote above abounds in Kenya. Sadly, however, a judge in Kenya, who does not need Lee's book to get wisdom on such matters, ruled against the prosecution on such a case brought by the Kenya Anti Corruption Commission (in Civil Suit number 448 of 2008 in the High Court of Kenya).

In a commentary in *The Standard* newspaper, Prof. P.L.O. Lumumba, former director of the Kenya Anti Corruption Commission, said,

Cynics and pessimists now think ours is a lost cause and that corruption cannot be rooted out. It is true that the current generation of politicians is ill-suited to fight corruption because the bulk of them are products of it. Our duty as a nation is to continuously expose them until their moral nakedness is bare for everybody to see and soon they will begin to wither.²³

Construction of greed and corruption by the post-colonial elite

Immediately after the attainment of independence by most of the African countries in the late 1950s and early to mid-1960s, the populace had high hopes as their new leaders declared their commitment to prioritisation of the fight against poverty, ignorance and disease. Disillusionment soon set in as it dawned on the people that what had happened was de-racialisation of exploitation of the people and accumulation of wealth by the ruling class at the expense of equitable development. There is perhaps no African country typifying this scenario more than Kenya. In his paper, "The Depoliticisation of Poverty", Firoze Manji says,

It is true that, in the early period, there had been a fairly broad moral and humane discourse. Nyerere, Senghor, Kaunda, Houphouet Boigny and others articulated their ideas on development or socialism usually in moral terms, with a discourse about African socialism being concerned with sharing, solidarity, and the common good.²⁴

The intentions might have been noble and good, but that was before the taste for luxury, which was once the preserve of the whites, and the insatiable appetite for wealth entered and festered in the minds of the new ruling elite.

Firoze Manji goes on to observe that, "... while those like Nyerere sought to control the capacity of functionaries using the State as a source of accumulation, in many other countries such restraint was largely unknown. Access to the State as a source or means for accumulation of private wealth became an end in itself among the elite, the emerging ruling class."²⁵

Greed, acquired taste of luxurious lifestyle and the inexorable appetite for wealth accumulation were not the only causes of the onset of corruption in its ugly form in Kenya. The overdrive to siphon public money into individual bank accounts abroad and grab public land, were partly the results of a political situation created by the ruling class. They had dismantled structures for accountability, transparency and democracy and created state super structures that would ensure the reproduction of political conditions and social relations to support the amassing of wealth by the few. The constitution was amended to create a single party system and trade union laws changed to give the government more control.

Colin Leys, in *Underdevelopment in Kenya*, narrates the muzzling of trade unions through legislation and presidential directives. Those who dissented were either thrown into detention or assassinated murdered. The first vice-president, Jaramogi Oginga Odinga, his followers and the like, soon found themselves in detention for protracted periods, while other former freedom fighters like Pio Gama Pinto, Argwings Kodhek, Ronald Ngala, Tom Mboya, popular political figures like J.M. Kariuki and others were either killed or died in mysterious circumstances.²⁶

With all the atrocities accumulating at the doorsteps of the ruling class, they began to feel the heat of guilt, and fear brought uncertainty among them. They knew that any time they could be either overthrown through *coup d'états* or the mass uprising would be looming. Thus, it explains the siphoning of huge sums of money into foreign bank accounts for personal security in the event of running into exile.

Leader for economic and human development

For the counties, and the country at large, to benefit from the good provisions in the new constitution, leaders who do not fit the model of leadership in the new dispensation should find other engagements other than political leadership. If you are contemplating seeking a political leadership position, it is critically important to weigh yourself, and also present yourself to be assessed by the opinion leaders among the people you want to lead or represent against the expectations of a leader.

After reading the features of spurious leaders in this chapter, you will realise how the typical characteristics have been in most of our Members of Parliament as they mismanage resources under their control, such as the Constituency Development Fund, Bursary Fund and the other decentralised development resource instruments. We know how some of them, in allocation of funds for infrastructural development, would favour the areas that gave them most votes in the previous elections. We also know how they fear working with talented and professional individuals in their constituencies lest such people be seen to be good leaders and pose a threat to the incumbent's leadership. And we have also seen such conduct and behaviour manifested in the higher echelons of political leadership, including among Ministers and in all the three first presidents of Kenya. We have seen that most MPs and all of Kenya's first three presidents love the habit of mostly surrounding

themselves with sycophants and making appointments to strategic public offices not on the basis of merit and talent, but ensuring they first look inwards within the tribe or family or families and friends of those close to the President.

On economic development, a political leader at national or county level should take the following path:

- a) Developing own economic and human development vision, policies and programmes and articulating them to citizens and mobilising them to support and own them.
- b) Ensuring true zero tolerance on corruption and to take responsibility to punish even family members and closest friends and functionaries if found to be corrupt.
- c) Through scientific evidence, identifying the country's or county's economic development potentials and developing a variety of programmes (including the sports sector) to create employment for the youth.
- d) Reviewing or initiating appropriate legislation, policies and programmes to attract foreign investment and external development aid.
- e) Originating appropriate policies geared towards developing micro-economies, encouraging domestic or local trade and the redistribution of goods and services.
- f) Maintaining an appropriate size of professional, disciplined, motivated and efficient public service and instilling in it the culture of servant leadership and stewardship, in recognition that sovereignty belongs to the people.
- g) On meritocracy and nurturing of leaders, identifying and engaging talented people across the country or county (not own tribe or clan or family only) to manage development programmes that should outlast the leader.
- h) On addressing inequalities, formulating policies and coming up with effective programmes to address inequalities and regional imbalances, being pro-poor and taking affirmative action on ethnic, gender, regional and social considerations in the distribution of jobs, education opportunities, and national or county wealth.
- i) Adhering to, upholding and promoting constitutionalism and the rule of law.
- j) Ensuring optimum security for residents or citizens and private property.
- k) Improving legislation and policies to ensure environmental protection and to set the country or county on the path of prudent exploitation of natural resources and sustainable development.
- l) Developing and maintaining infrastructure to encourage and facilitate investment and industrialisation.
- m) Ensuring protection and promotion of human rights as enshrined in the Bill of Rights in the Constitution.

- n) Encouraging and embracing modern technology to spur economic growth and make the country's or county's goods and services compete effectively in the global market.
- o) Formulating policies and legislation to encourage scientific and technological research to unearth new opportunities and encourage knowledge or science-based development.
- p) Improving the quality of social services like health and education and ensuring access for all.
- q) Ensuring that the administration empowers and mobilises the people to rally on and have a sense of ownership of policies and programmes through transparency, access to information, sensitisation and effective communication.
- r) Safeguarding and promoting democracy, and adhering to laid down structures and procedures for people's participation in policy formulation and decision-making.

A leader worth the title of President, Cabinet Secretary, Senator, Member of National Assembly, Governor, Member of County Assembly or Member of County Executive, or Speaker, should never be found to be associated with any of the following:

- a) Not having a conscience: If one is a bad leader, they will not have a conscience nor will they have commitment to promises they will have made to the people in their manifesto at the time of campaigning for election to the current position. They will not have the moral courage or humility to accept responsibility when they make mistakes or when things go wrong under their watch. They will always think they are politicians first and leaders second, and so they will be bent on playing political games all the time with all issues.
- b) Not being bothered by the problems of the people: This is where the leader is a person who is not bothered by the poverty and other problems of their people. It is not the passion on these issues that drives them; hence, they sought the political leadership position simply for self-actualisation so that when they get it, they feel that they have "arrived". They had probably accumulated some ill-gotten wealth and they asked themselves, "What next is remaining for me in this world? I think I should now use the money to ascend to a position where I am addressed as *mheshimiwa* (honourable)." Thus, they wanted to use their money to seek power and be in a position where they could influence the system to protect what you had acquired and add more. They were not driven by the misery of the people; or they were simply opportunists. They took advantage of the death of their fathers who used to be leaders and thought that you could walk to people under that umbrella of the respect or popularity that their father had among the people. Otherwise how come people never saw much of them before their fathers' demise? They know that they never had any traits of leadership; they are just buoyed by the circumstances (an opportunist) and they were not concerned about people's problems.
- c) Having no vision: Because of the above self-centeredness, the leader has no vision for their county or country and, if they had put out any, it was out of pretence – they did not mean it; they simply wanted to tell people the things they knew they wanted to hear, for them to elect them.

- d) No respect for the Constitution: This is a leader who has no respect for the Constitution, or rules, or regulations, nor laid down procedures of administration and operations.
- e) Impunity: This is where a leader does not adhere to the rule of law; impunity rules their lives. For them, the law is for the low-down people and from their inner perspective the law is not made for all. It is for the chicken thieves and young boys fighting in the rural market places and ghettos and on the dusty roads on their way home. The laws, to them, are for people who ride bikes on roadsides and footpaths without head lumps. And so they protect their henchmen and others close to them when they are found on the wrong side of the law. They believe they are untouchable on this parlance and, the law, according to them, is not made for them and their cronies who are in high offices.
- f) No gender sensitivity: Such leaders are neither gender sensitive nor do they have any commitments to women empowerment. In their presentation of opportunities for employment or appointments of senior officials, they simply meet the constitutional requirements of a “third” and they are reluctant to go beyond that.
- g) No sense of justice: These leaders have no sense of social justice or equity. They have no respect for ethnic diversity or fairness in presenting all Kenyans or people from all corners of the country or county with opportunities for public office appointments, or in distribution of county or national development resources and wealth.
- h) Corruption: These are leaders who only pay lip service to the fight against corruption. They ascended to their respective public offices and got control of the state apparatus and public resources, and found it too tempting to just let go of what they can grab. They cannot see themselves living a modest life. They think they have the opportunity here that they cannot lose in amassing wealth. The rest of the officials working under their leadership have observed this and started engaging in corruption as well. Now they and their teams in the county or national government are looting public funds. They came to power with a modest income and a level of wealth, but all of a sudden, they own properties and investments all over the county, country and beyond, and members of their families, relatives and friends have bank accounts that cannot be explained from their income. They cannot fight corruption because they, their family members and those close to them, for whom they are beholden for their survival, are deeply in it.
- i) Vindictiveness: These are leaders who are vindictive and hold grudges against tribes, clans and individuals whom they perceive to be their enemies. Their worldview is that their tribes or clans should dominate and have all hegemony on others in the county or country. They oppress them and always plot for their marginalisation and how they can bring down their businesses and sack them from the jobs they hold. They openly discriminate against them in the distribution of development resources and opportunities.
- j) No regard for human rights: Such leaders have no orientation on human rights and yet that is one of the biggest issues for good governance in the Constitution. And so their

administration tramples on the rights of people while they do nothing about it.

Leaders who fit into the above categories cannot be trusted to do any significant economic and human development. One evening, as I sat in a flight from Kisumu to Nairobi after the 2007 general elections, a newly elected Member of Parliament for one of the constituencies close to the lake city was busy narrating to his friend next to him how he spent over KES 25,000,000 (about USD 330,000) in the campaign and had to find ways of recouping the losses. When one hears that and they instantly know that such a person fits in the manifestations above.

After the promulgation of the new constitution in August 2010, it was common to hear Members of Parliament, in uncontrolled moments, telling each other about their wish to become a Governor because that is where the big money will be going after the next elections, for the counties are slated to receive at least 15 per cent of the total revenue collected, which translates into about 3 billion (around USD 30,000,000) annually from the national government to each of the 47 counties.

Conclusion

Every commentator analysing and providing insight into the state of Kenya, every citizen with the slightest awareness on public affairs walking on the Kenyan urban streets and rural roads, every expert on political, economic and social issues, is resolute that Kenya is underdeveloped and that the majority of Kenyans live in abject poverty because of poor leadership. Of the three Presidents that Kenya has had – Jomo Kenyatta, Daniel arap Moi and Mwai Kibaki – none can claim to have moved this nation to any reasonable level of economic and human development. No country can develop without good transformative leadership.

To paraphrase a speech in Kenya by Jose Maria Aznar, the Prime Minister of Spain from 1996 to 2004, quoted by Sunny Bindra in his column in the Sunday Nation, Kenyan economic development problems are not insurmountable.²⁷ Kenya is not faced with misery for cultural, historical, religious or even ethnic reasons. It is simple, Kenya is doomed to its desperate situation because of two factors, namely that the political leaders engage in mere politics of struggle for power for purposes of controlling and grabbing public resources and, that the political leaders engage in protecting the illegally acquired wealth in their possession and in the possession of those close to them.

And as Chinua Achebe would have put it, reflective of what he says in his treatise, *Trouble with Nigeria*, one should not look for what is wrong with Kenya anywhere; it is all in her political leadership.²⁸ When we finally see true leadership in any county or at the national level, it will be a servant leader of the people, selflessly and single-mindedly committed to providing stewardship on public resources and working with the best brains on sound plans and programmes to unlock the local or national potential for economic and human development.

The stoicism and reticence with which the Kenyan people have accepted their leaders to defraud them of their rights are troubling. And yet the pessimism that causes despondency that

for some time Kenyans may have to make do with some of the most self-centred political leaders the world brings forth will no longer be the reality; for the (new) constitution and the new crop of political leaders it is likely to cause to emerge can save the people. However, to paraphrase Lee Kuan Yew's observations, we should not forget that public order, personal security, economic and social progress, and prosperity are not the natural order of things, but are achieved by a county or country only through ceaseless effort and attention from an effective government led by an honest leader that the people must elect in Kenya at both county and national levels.²⁹

In the history of every nation, there comes a time when the people must say enough of the acts of the sons of evil; a time when men and women must take courage and put a stop to the mediocrity and excesses in the betrayal by their leaders; when they must rise and take charge of their destiny. That time for Kenya is now; elections are the people's weapon.

Endnotes

- 1 Paraphrased and developed from the World Bank's students book, *Beyond Economic Growth: An Introduction to Sustainable Development, 2nd Edition* (Washington, D.C.: World Bank, 2004).
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- 25 Ibid. p.18
- 26 Colin Leys, *Underdevelopment in Kenya* (London: Heinemann, 1975), p. 142.
- 27 *Sunday Nation*, 3 April, 2011.
- 28 Achebe, Chinua, *The Trouble With Nigeria* (Nairobi: Heinemann Writers Series, 1984) p.1.
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Women in Leadership and Good Governance

Jacqueline Adhiambo Oduol

Introduction

The participation of women in leadership and in decision-making has been a key area of focus in discussions on gender equality and women's empowerment globally. At the national level, the promulgation of a new constitution in Kenya in August 2010 promised new avenues for giving women greater participation in political processes at all levels in the country, in a context where deeply entrenched socio-cultural dynamics continue to work against women in their private and public lives.

The constitution is an appropriate start for examining how its dispensation is likely to influence the participation of women in leadership. Since what the country needs is not just *leadership*, but *good leadership* and *good governance*, the implications of these requirements for women seeking leadership positions must of necessity be factors to consider.

In this regard, this chapter gives an overview of what has been advanced on women and good governance, and the resistance women continue to face in their quest for leadership. It does so by presenting competing worldviews and goes on to show indirectly why, in the Kenyan context, it might be best to use a dynamic but 'home grown' worldview to the issue of women in leadership, as exemplified in the leadership qualities and experience of Mama Phoebe Muga Asiyu. Gatekeepers standing in the way of change must also adjust to values and thinking carried in the spirit and letter of the constitution.

The chapter concludes that personalities like Mama Asiyu have important roles in mentoring women for leadership positions. A greater contribution is however likely to come from having proper institutional structures in state and non-state organs to increase the participation of women in leadership.

Constitutional provision for inclusion of women in leadership

The Constitution of Kenya 2010, promulgated on 27 August, 2010, is considered a key achievement in promoting women's participation in leadership and in providing a framework for good governance. This is because it spells out clear standards for gender equality and women's empowerment in all spheres of life, private and public.

To start with, the constitution outlaws discrimination on the grounds of sex (Article 27) and guarantees gender equality and non-discrimination through the elimination of gender discrimination in law (Article 60 (1)(f)). Women have now become equal citizens of Kenya and for the first time have the capacity to confer citizenship to a foreign spouse (Article 14 (2)). Moreover, any laws, including customary laws, which are inconsistent with the constitution are considered void (Article 2 (40)). There is also equal parental responsibility (Article 53). Furthermore, the constitution spells out the recognition and protection of special populations, which include women with disabilities, the girl child, the young girl and older women. It also protects the matrimonial home during and in the termination of marriage.

In the electoral system, not more than two-thirds of members of elective public bodies are to be of the same gender (Article 81). Party lists are also expected to have an appropriate number of qualified candidates that have a clear gender dimension (Article 91).

In the new constitutions, a county assembly will consist of special seats to ensure equitable representation of men and women (Article 177). In addition, not more than two-thirds of the members of any county executive committee should be of the same gender (Article 197). At the National Assembly level, the representation of women will include the 47 seats for women, some of the 290 seats, as well as some of the 12 special seats for the youth, persons with disability and workers. The Senate will have at least 16 seats for women and some of the 47 elective county seats. The public service, constitutional commissions and independent offices are also required to be gender responsive.

In the county governments, women will constitute at least one-third of the county assembly, and one-third of the county executive, and will occupy some of the seats for other marginalised groups. The principles of schedule 27 (98) also apply to the local government, and the judiciary is expected to uphold a one woman one man principle. For the Parliamentary Service Commission, four people will be nominated by both houses, two of whom shall be women.

Context, reflections and perspectives

Why celebrate the constitutional provisions for women's leadership? It is important to include women in leadership as presented in the new constitution, first, because it is the right thing to do, and secondly, because women bring different perspectives, values and skills to leadership. They are considered less corrupt, more consultative and therefore more likely to contribute to good

governance. Moreover, women have demonstrated their ability to influence in the private and public spheres.

However, women's involvement as provided for has also elicited contrary attitudes about their level of competence, commitment and even interest in occupying high strung positions in public leadership. A number of men and women still believe women have no future in elected leadership. Hence, in addressing the matter of women's leadership in the context of the constitutional framework, we must tackle the matter of resistance and how the principle of two-thirds of either gender in appointments and in political representation will be achieved.

Competence, which is a key attribute for every leader, presents the greatest challenge to women's leadership given the prevailing attitudes towards women and leadership. It is no secret that the celebration of the promulgation was immediately followed by a sense of dilemma and conflict about the details of what the two-thirds of either gender translates into in real terms for women.

The challenge facing the country is on the process as well as the outcome that can ensure women will take up their seats as stipulated in the constitution. Given the prevailing situation of conflict between constitutional standards on leadership and cultural values and beliefs about women, there is need for a plan of action. Critical in this is the urgent need for gender sensitisation and training for all Kenyans at the county level.

It is also not enough for women interested in leadership to develop and sell a clear vision. They must not take anything for granted, but must know how to resource their vision by maximising on the opportunities presented by the constitution to achieve their goals. To succeed in leading for good governance, these women must hone their people skills in order to sense what is happening among the people and to know and address their hopes, fears and concerns.

Women who offer themselves for leadership at the county level must also know their strengths and weaknesses as leaders. They have to discover what they see as their individual calling for leadership for such a time as this. It is only then that they can understand one another's leadership problems, evaluate their leadership abilities and plan accordingly. Thus, women's capacity must be developed so that individually and collectively, they can influence their lives through effective planning and strategising to secure leadership positions and ensure they can hold elected leaders to account. This is particularly so given the perception that women do see the world differently from the men; that they manage resources and relationships differently from the way men do. This is one of the most compelling reasons for bringing women into the fold of politics.

Globally, the low representation of women at parliamentary and ministerial levels is therefore of great concern. It has been said that women's exclusion from decision-making positions can affect development, although empirical evidence to support this view is not definitive. Results presented in various reports show that women's influence is reflected in their potential to do the following: provide new perspectives on decision-making; enhance government legitimacy; bring

new skills, styles and visions to political processes; and, develop a perspective in politics that is different from that of male politicians by being more conciliatory in responding to disputes. This array of benefits, drawn from the reflections of women in politics, suggest that women are probably better placed to represent women-friendly interests by fighting for the enactment of laws that target such as gender-based violence, children's rights and social security concerns.

In the Kenyan context, Nyokabi Kamau attempted to grapple with the issue of women in leadership through ten case studies of women leaders.¹ However, there is no evidence in the publication to illustrate gendered dimensions of women's participation in politics. What it has is anecdotal information which she regards as the women's perspective in politics. Of greater significance, however, is her observation that in Kenya, the political perspective of men sets the standards for judging the performance of women in politics. In this kind of setting, women leaders overlook the interests of other women. On occasion, they even go further and do whatever is needed to safeguard their positions. This observation, while not surprising, should be a matter of concern, as the country continues to assume that the new constitution will enhance women's visibility in leadership.

Women's marginalisation in public decision-making

The record of women's participation in politics and in public decision-making since independence in 1963 has been disappointing. The first woman was elected into the National Assembly and one more nominated against 11 male-nominated members. In 1991, out of a total 200, there were only two elected women Members of Parliament.

The 1992 general election registered a record of six women winning parliamentary seats. This was largely attributed to a strong women's movement that galvanised women for serious political contention. However, the number of women elected in the subsequent election of 1997 dropped to 4, although more women ran for political office with two running for presidency.

This momentum led to the formation of the first women's political lobby, the Women Political Caucus, in 1998, made up of 43 women's organisations and the 6 Members of Parliament. This lobby, which was instrumental in ensuring the application of the Affirmative Action principle in female representation, split in 2001. Despite this, the number of elected women rose to 10 in 2002 and to 15 in 2007. A key feature of the 2002 elections was a well-funded capacity building programme called Engendering the Political Process Programme (EPPP).

It is disappointing however that women and men alike would agree that throughout this process women political aspirants have been treated in a dismissive and discriminatory manner by the male-dominated party leadership and male competitors. An example is an incident that took place in Siaya during the July-August 2011 nationwide mayoral and county council elections. An elected woman councillor and her two female colleagues have had to take legal action against her opponent, a male councillor, who had beaten up because she was going to win the seat of chair

of Siaya County Council. It is notable that while the general community and some women leaders denounced this action, the said councillor and some male political leaders showed no remorse or regrets.

Women's leadership and good governance

Given the potential impact of minimum standards in the new constitution and affirmative action measures, one would assume that this time round the inclusion of women in leadership at all levels of governance, from the county to the national level, is guaranteed. Since the exclusion of women from leadership has been seen as great social injustice, one would further assume that the new constitutional dispensation heralds good governance in leadership, firstly, because it makes provision for the inclusion of the women's voice in the leadership, and secondly, because it empowers women as citizens, thereby increasing their sense of self-worth and capacity to challenge negative cultural beliefs and practices.

Essentially, it implies that the increased number of women in leadership at the county level will lead to greater accountability and service delivery with a focus on the needs of the person and community being led and not on the achievement or person of the leader. This is due to the general belief that, unlike men who are big in status, power and position, hence on their self-interest of gain, women identify with people's suffering and focus on addressing their felt needs.

Thus, some people hold the view that women make better leaders because of their preference for collaboration and consultation, and for the tendency to approach matters from the heart. Such women lead with a conscience and are more committed and accountable to the agenda of the people. Therefore, if elected, women leaders in the county government would focus on the right use of resources, through commitment to service. This should result in a reduction in excesses abuse of office and resources and a tangible output of activities that concern the citizens such as food security, health, education and the protection of the interests of special populations such as persons with disability and the elderly through priority setting.

Moreover, it is also assumed that by outlawing gender discrimination, the constitution automatically causes women to recognise the existence of a platform on which to build awareness and consciousness of their power to challenge bad governance. The freedom and opportunity for women to participate in governance on an equal footing with men is expected to enable women to develop coherent messages on relevant governance issues at the county level and to form an identity of 'womanhood' and or 'sisterhood' around these issues. Such consciousness and clarity of vision are further expected to transform women's numerical strength at the community level into visible political engagement, full of authority and power, and capable of challenging ineffective leaders.

It should further challenge gender neutral programmes and approaches and develop clear criteria that qualify women and men for leadership at the county level. In this way, the women's voice at the county level would finally come of age through a women's movement that has

character and substance. It would break the vicious circle of sexism that has frustrated efforts by women to ascend to elective positions and/or use their numerical strength to negotiate who takes leadership, particularly as regards participation in politics and in public decision-making. In addition, it should enable more women to gain the confidence to take up leadership positions, with the realisation that criticism and confrontation come with the territory. Of great significance however is the awareness that the implementation of these constitutional provisions for women's leadership and good governance do not occur in a cultural vacuum, but in specific cultural and social contexts which influence their application and impact.

In order for gender equality and women's empowerment strategies to reach their potential as vehicles for social innovation for women's leadership and good governance, it is necessary to understand more fully and deeply how and why certain actions, phenomena or institutional gender-related outcomes occur. This chapter seeks to emphasise the dynamics, behaviour and thought patterns in the context of women's political participation in Kenya, to which all actors must pay attention.

In this regard, this chapter highlights a description of actions and interaction patterns manifested in the experience of women leaders with gender discrimination. The aim is to provide guidelines for personal reflection and agenda-setting for women and men who would seek leadership at the county level. It demonstrates the attitudes, value systems, communication strategies and innovative perspectives on leadership that those committed to women's leadership and good governance must develop, if the constitutional provisions on gender equality are to move from intention to reality.

Women in leadership vs women and leadership: A Case Study

In this section we revisit the question of the difference that women can bring to leadership and the potential that lies untapped, through a reflection on the sites of knowledge production for women who take up elective /party politics. We do this by asking the following questions:

- How have women organised themselves to take up leadership positions and have a voice that can hold leaders accountable?
- How will women use the space and opportunity provided by the constitution?
- How will they organise to break the vicious cycle of sexism and manage the methods of gender dominance that inhibit women's effective leadership?

My point of reference is Mama Phoebe Muga Asiyo of Kenya. Mama Asiyo provides a rich case study on how women can deepen and mature for leadership, level their perspectives, and broaden their understanding. In particular, it shows how women must have the character and courage to endure seasons of unfruitful preparation and have the ability to recognise and seize opportunities that come their way.

Most of the women in Kenya today can list excuses on why they are not ready for leadership at the county level. They face a major challenge of having to convince everyone, including fellow women and current opinion and political leaders, to let them take up the constitutional positions and apply their leadership skills. This requires shrewd planning and the conscious restructuring of the community. It further requires that, as women develop plans to take up leadership in the new order, they must expect to make adjustments along the way as they navigate the journey to the finish line.

I suggest that women need to utilise the acronym given below by John Maxwell to navigate their way and think through their plans in the face of the major challenges they face in their quest for opportunities for leadership. The acronym reads PLAN Ahead:

P- Predetermine your course of action

L- Lay out your goals

A - Adjust your priorities

N - Notify key personnel

A - Allow time for acceptance

H -Head into action

E - Expect problems

A - Always point to your successes

D - Daily review your progress.²

With the wide range of opportunities available for women's leadership, it is clear that many want to take up leadership positions hoping that freedom and power await them. These women think that because positions have been guaranteed by law, there will be reduced opposition and plenty of rewards. Yet, women's leadership demands constant sacrifice, perhaps more so than that of men. It is therefore extremely important that every woman who seeks to lead at the county level stops to reflect on the price they are willing to pay if they are to become effective leaders. Although pursuing their stated visions and rallying people around these remain critical, the women will find it difficult to give up so much and to make great sacrifices without growing bitter or resentful if they do not consciously prepare to serve with wisdom.

Three characteristics that have enabled successful leaders to make sacrifices and lead in difficult circumstances provide interesting insights into our investigation and should be considered by women preparing to take up leadership. The first concerns the ability to listen. Most leaders tend to be on the go and rarely quiet themselves enough to listen to anybody, including themselves, their constituents or even their god. Women leaders must deliberately arrange for reflection time and grow quiet enough to hear the voices of those they serve, particularly their family and mentors.

The second concerns the arrogance and cockiness characteristic of those who, by virtue of their leadership, are used to getting what they want. The tendency to hero worship and praise leaders

in Kenya has created a situation where those who occupy leadership positions become cocky and unaware of their weaknesses. In some cases, they become unaware even of their mortality. It is necessary that women who seek to take up leadership humble themselves for service, look at themselves honestly, and admit their weaknesses. This will enable them to become servant leaders, attract people who can compensate for their weaknesses, and demonstrate the difference women can bring to leadership.

The third concerns the realisation that none of us, no matter how gifted or talented, can undertake anything worthwhile and make a difference to the quality of the lives of those we serve when we remain staunchly self-reliant. It has been argued that women are much more relationship-oriented than men and therefore more likely to consult and be team players. Yet, many women adopt male characteristics and leadership values in order to be accepted and to feel they belong.

The focus on Asiyo has been motivated by the need to explore how African women (such as Mama Asiyo), who have profoundly influenced gender relations in their societies, have crafted a unique way of thinking about and approaching feminism and gender issues. Their approach might be useful for others in the continent as it shows that to “meaningfully explain the phenomenon called African feminism, it is not to Western feminism, but rather to the African environment that one must refer”.³

Through an analysis of relevant traits of Mama Phoebe Asiyo, one of Kenya’s long-term women political leaders, we can get answers to questions surrounding this perspective. Additionally, we can get an understanding of the kind of women we expect to see in leadership at county level, as well as the core values and behaviour patterns we expect from them at this level. Asiyo’s leadership style and experience must be read in the context of known challenges with political parties, the practice of tokenism and the under-engagement of women in mainstream decision-making processes.

It is clear that Asiyo has character and qualities that are crucial for a successful career in political leadership such as persistence, decisiveness, strength, an analytical mind, organisational skills, being good with people, and being a good listener. In addition, her leadership style, both during her term as the Member of Parliament for Karachuonyo and in the community and nation to date, reflects a number of salient characteristics of the servant leader as defined by the Executive Director of the Greenleaf Centre, Larry Spears. These are listening, empathy, healing, awareness, persuasion, conceptualisation, foresight, stewardship, commitment to growth of people, and community building. Thus, Mama Asiyo’s leadership style, knowledge base, understanding and application can serve as a framework for women who seek to run for office at the county level and showcase what their leadership can achieve.

It also counters the claim that women are not ready to serve as public or political leaders and further challenges the tendency by some men to conspire to place ‘safe’ or ‘token’ women on elective seats such as those available at the county level. Such opinion leaders appear bent on

limiting women to these special seats, apparently on the grounds that these are the seats where they belong, contrary to the spirit and letter of the constitution. Providing evidence of women's competence in elective politics can be a pointer to criteria that can be used to judge the suitability of women for the various seats, apart from demonstrating how this should be determined and how the women themselves can confront and manage gender bias.

Good governance

World Bank has defined governance “as the method through which power is exercised in the management of a country's political, economic and social resources for development”.⁴ Between 1996 and 2009, the Bank, through its Worldwide Governance Indicators (WGI) project prepared country governance reports based on dimensions of governance that can be useful in reflecting on the subject of women's leadership and good governance.

The first of these are voice and accountability and it refers to how one can measure the ability of citizens to hold politicians accountable. An important factor that contributed to the overwhelming support for the constitution on the occasion of the referendum of 4 August, 2010, was the realisation that it would take away excessive powers from the leadership and give citizens information, power and voice. This would in turn enable citizens to hold the leadership to account.

As regards the matter of women and leadership, the following questions are, therefore, pertinent: What is currently communicated to women about their place, role and ability in leadership at the community and national levels? How are women organising to break the vicious cycle of sexism and develop consciousness and a voice with which they can hold leaders accountable, particularly at the county level? What needs to be done to manage the known methods of gender dominance that inhibit women's meaningful engagement and participation in public leadership? How are women organising to translate the gains in the constitution from intention, rhetoric and/or token selection to free and fair participation?

Next is the matter of control of corruption. There is general consensus that it is the use of resources at the county level that will make the difference in the quality of people's lives. Many Kenyans believe that the centralised structure of resource allocation creates loopholes for corrupt practices and that devolution to the county provides an opportunity for checks and balances. Senators can check the excesses of the executive and other excesses of abuse of office and resources. Categories of participation through special interest groups such as youth, women, persons with disability and the elderly have a clear mandate and voice and authority of representation. They form a strong and organised force committed and capable of vigilance in monitoring to ensure the right use of resources. Thus, citizens can be equipped to assess the extent to which public power is exercised in a given county for private gain. From a gender perspective, it would also mean a reduction in corruption if we agree with the claim that the increased involvement of women in leadership will reduce corruption because as a gender, women tend to be less corrupt.

It is however important to recognise the difficulty inherent in trying to support this position. Our first challenge arises from coming up with a consistent and accurate measure of corruption largely due to its consensual nature and because participants in corruption essentially agree to commit a crime. In an insightful article, Goetz sends a word of caution that it may be premature to suggest, as in the case of World Bank, that women are less corrupt than men due to certain, fundamental flaws. She also says that there are conceptual challenges in trying to define corruption and illustrates the difficulty through the following questions: Is corruption simply about the theft of public resources for private profit? What about actions that do not involve theft of money or property, such as cheating in elections? What about the systematic exercise of bias in the allocation of public services or in the treatment given to clients by public officials, be they doctors or teachers or licence-issuers?⁵

KACC may have answers to these questions. The point being made, however, concerns the nature of the instruments currently in use to measure corruption. Some, like the index in the *International Country Risk Guide* rely on other corruption indices, which depend on perceived levels of corruption, as reported by a selection of people. These include businesspeople, journalists and foreign investors who may be predisposed to present subjective impressions based on cultural stereotypes.

The second difficulty comes from Goetz' contention that, in a given context, the critical issue for governance is the way gender relations can influence opportunities for corrupt behaviour. This would be the case, for example, in a situation where corruption functions largely through all male networks, or in settings that socially exclude women. Clearly, in such situations, there would be low levels of female corruption. Conversely, in contexts with all female networks, there would be high levels of female corruption. Hence, the expected increased number of women in leadership at the county level in Kenya under the constitution highlights the significance of closely monitoring the relationship between leadership and gendered access to opportunities and governance.

Goetz provides evidence to show that in South Asia, the interaction between gender and the social constructs of class, religion, family connections and caste relations limit women's access to leadership positions. This factor prevents women from cultivating independent profiles in leadership, or from being role models in championing good governance. Their integrity faces additional challenges whenever they find themselves being forced, just like men, to engage in unethical practices that include bribing politicians or party officials to win party candidacies. Such occurrences led Goetz to the following conclusion: If we are hoping that women in political leadership will prove themselves less corrupt than men, we need to understand the ways parties selectively recruit and socialise women to politics, whether political competition requires the use of "muscle" and the generation of huge sums of money for campaigns, and whether parties offer women and men different opportunities for illicit or illegal activities.⁶

The third dimension of good governance is political stability and absence of violence. In Kenya, as in a number of other countries, politics is perceived as a dirty game rife with violence particularly against women. It is in fact seen as a fierce battleground war for which a woman only qualifies through a display of muscle power. This dimension focuses on how citizens, and women in particular, gauge the likelihood that women could be intimidated and locked out of leadership positions by unconstitutional or violent means. Thus, the warrior and war zone model of politics presents a major challenge to women's leadership.

Despite demonstrated evidence and knowledge that women have a greater capacity to withstand pressure than men, that they are courageous fighters for what they believe in, and that they are the backbone of society, the parameters applied in political measurement are masculine. The society does not believe that a woman should go to war and is therefore not keen on supporting women's political participation, unless she shows that she can "fight like a man". This often means that the woman and/or her campaign team have to adopt foul, aggressive and violent styles and methods. When she does this, she is burdened with guilt and shame and shunned for being too aggressive and manly in approach. When she does not play rough, she is not elected and is reminded that politics is not for the 'faint hearted'.

Other useful dimensions of good governance raised by the World Bank in its report include government effectiveness, regulatory quality and rule of law.⁷ These dimensions address aspects on who the target of the assessment of the quality of public service should be and what the capacity of the civil service is as well as its independence from political pressures. They also seek to determine how to measure the ability of government to provide sound policies and regulations that promote private sector development and the extent to which agents have confidence in, and abide by the rules of society. Over all, we can use these six dimensions to gauge the quality of the traditions and institutions by which authority in the county will be exercised.

By way of comparison, Rottberg regards governance as the delivery of high quality political goods to the citizens of a country. The political goods include the following: national security to deter potential threats to national order and social structure; rule of law, which is represented by the existence of relevant laws and procedures as well as by the presence of an independent judicial system; participation, to allow a country's citizens to participate freely in political processes; sustainable economic opportunity, as marked by the presence of an effective macro-economy; and, a strong infrastructure to spur growth and commerce.⁸

These goods are the basis of the *Ibrahim Index of African Governance*. Up to 2009, the index was used to evaluate forty-eight sub-Saharan African countries according to fifty-seven variables to produce overall rankings of governance attainment as a diagnostic tool for interested bodies. The 2008 rankings show that Mauritius, Seychelles, Cape Verde, Botswana, South Africa and Ghana were among the top in governance performance. Kenya was placed in the group of countries occupying the segment below that of the top ten performers, although the scores did not take

into account the violence that erupted following the 2007 disputed elections, due to lags in data availability.⁹

This selection of perspectives on the meaning of governance also provides a basis for examining the relationship between women in leadership and good governance. It is also significant that they are consistent with the leadership and integrity requirements of Kenya's Constitution. In Chapter 6 of this constitution, the guiding principles of leadership and integrity are listed as:

- (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
- (b) objectivity and impartiality in decision-making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
- (c) selfless service based solely on the public interest;
- (d) accountability to the public for decisions and actions;
- (e) discipline and commitment in service to the people.¹⁰

Addressing the woman leader (in waiting)

The increased number of women in elected positions to date demonstrates women's ability, their engagement and the way institutionalised gender bias continues to lead to their under-engagement. Women in leadership have acquired the positions they hold through various ways, which include election on merit, election because of connection to a powerful family member (usually father or husband), token appointment, pelvic power, other influence and competence, and/or mastery of the game of politics the male way. To enhance women's leadership and good governance at the county level as envisaged by the constitution, there must be a transformation of prevailing attitudes, beliefs and practices concerning leadership, gender relations and a commitment by the men, women and youth of Kenya to good governance.

A key factor in this process is the turnaround by individual women to use their gifts to sensitively and courageously take up leadership positions and to address the needs of the community through action. By solving practical problems in a practical way, women will gain credibility through demonstration and not just through proclamation as is often the case.

Sofola attributes this tendency to the 'de-womanisation' of African womanhood, which has "produced the contemporary African women who are to a large extent, disoriented, weakened, and rendered ineffective and irrelevant."¹¹ She echoes the sentiments of many women and men in Africa and in the African Diaspora when she laments the impotence of the "so-called modern, Western-educated African woman vis-à-vis her rural, illiterate counterpart with regard to the wisdom required to change and manage gender power relations". Furthermore, she argues that through a subtle process of coercion, this group of African women, and increasingly a number of men as well, have come to adopt perceptions and practices about gender relations that are

generated from a global context, even when the perceptions contradict their life experiences and core values. This accounts for the steady shift from acquiring gender knowledge grounded in a specific social cultural environment and experience such as displayed by Asiyo. Instead, the focus is on developing skills for acquiring new knowledge of gender discourse, irrespective of its symbolic and psychological violence on the African perspective, thought and language systems.

Nnameka captures the challenge of gender and feminist scholarship in African gender discourse as follows:

Quite often, when one hears the Western-educated African woman speak in a demeaning manner about her illiterate, rural, “traditional” counterpart, one cannot help but pity the former for her false sense of importance and delusion of grandeur. It never occurs to her that while she parrots, “what a man can do, a woman can do better”, her illiterate counterpart asserts: “what a woman can do, a man cannot do”. While she quotes the European saying, “Behind every successful man is a woman,” her illiterate counterpart affirms: “The strength of a man is in his woman”, or “A soldier with a mother does not die at the war front”. While she conceives of herself as someone to be seen not heard, her illiterate counterpart says: “If Ada (daughter) says that a day-old chick is a hen, so it is.”¹²

This, according to a number of people, is why the situation in many African countries, including Kenya, fail to appreciate women’s rights and gender equality principles. Women and girls are discriminated against in areas ranging from ownership of assets to access to social and economic services. The general view is that the African society encourages male dominance and regards it as legitimate, natural and in fact inevitable. And although the empowerment of women is now recognised as important, given the challenges of globalisation and development, one of the primary arguments raised against working towards women’s empowerment and towards more equal gender relations, is the notion that it is against the dominant African culture. It is, in effect, a ploy to impose Western feminism on ignorant African women.

In recent years, global frameworks such as the Beijing Declaration and the efforts of various women’s rights coalitions and strategic alliances have reinforced a sense of suspicion that gender is just another avenue for the West to spread their dominance and control in the bloodstream of African socio-cultural and political life. This is why African women and men from diverse cultures have been cautioned to carefully consider the contextual framework, which defines gender equality, as they seek to promote the participation of women in leadership. I urge them to engage critically and constructively with their specific heritage and consider its impact on women.

Those who seek to increase the representation of women in leadership in line with the constitutional requirements are expected to help the diverse cultural groups in Africa to reach consensus on how the rights of women in their community will be defined, managed and protected.

Here is a role for gender experts and women's research groups to examine contextually relevant mechanisms through which gender differences created by culture will not construct unequal relationships between women and men. Thus, a major challenge of delivering on the stipulated provision in the constitution for women's leadership is the question of how to manage the tough choices associated with striking the right balance between abolishing traditional practices which discriminate against women on the one hand and promoting the retention of cultural identity and core values on the other.

At one end are African women whose gender politics Asiyo describes as "unashamedly conservative". To shed some light on how this can be done, it is necessary to examine the quality of gender discourse to unpack the precise use of language in discussing gender issues as ordinary expressions are often loaded with meaning, peeled off from real life experiences. Indeed, an important concern in this chapter is to first understand what the right words are before their application in gender discourse in specific cultural contexts, given how powerful the right or wrong words can be.

In this regard, when and how, for instance, do we make the fundamental distinction between gender relations that only mark cultural differences (gender-as-difference) as opposed to those that mark the use of power by one group over the other (gender-as-power)? Under what circumstances should we regard the different characteristics, roles and responsibilities assigned to male or female members of the various cultural groups as mere gender differences or as socially constructed relationships of inequality?³

The insights for me reside in the local domain of specific systems of action and interaction. This is why I have chosen to use the case study as a basis for understanding more fully and deeply the behavioural dynamics in the situations or processes in which successful or unsuccessful behaviours for ending gender discrimination are practised. I argue that it is important to be proactive and to move on in search of authentic insights from the way that the transformation is exercised in the transitional situation, without relying on a prior theoretical position. I therefore look at how gender discourse is practised and how and why certain actions, phenomena or outcomes occur within particular social contexts reflected in the evaluation reports, through participant observation and in case studies.

The case of Asiyo constitutes a significant unit of analysis in this regard because of the profound impact she has had on her own generation (in Kenya) and the promise that her guidance and wisdom on gender relations can offer. Asiyo has made a public contribution to the contemporary women's leadership models at the national, regional and international levels. She has widespread name recognition as a sharp politician and as an outstanding leader in Kenya, since her first election as a Member of Parliament for Karachuonyo Constituency in 1979. She is also well known in the local Kenyan communities for her work and demonstrated commitment to development at the grassroots level.

Significantly, Asiyo is widely acknowledged for her outstanding ability to blend the modern and the traditional aspects of African gender relations in many varied ways and domains. These range from national politics to localised interactions and engagements with her family and immediate community. She promotes the welfare of women and advances women's empowerment, while also remaining highly respectful of men and of the progressive traditions of her local community and country. This is reflected in the following observation by a 28 year old male from Kenya.

Mama is one of the few people I know who have combined modernity with tradition without making an apology. Her life has always revolved around striking a balance between the family and the public. She has never compromised her family life for political gain. It takes a well-grounded person to balance these two aspects. It also requires the understanding of a spouse.

Through her ability to confront men, particularly the male-dominated leadership of faith-based organisations, political parties, development partners and the council of elders, she has overcome numerous obstacles at the national and international levels. As can be seen from the examples presented below, she pays special attention to the symbols of her communication and takes appropriate account of the relevant discourse strategies that appeal to her target audience.

Asiyo's pattern of gender discourse tackles African gender relations on its own terms rather than in the context of Western feminism.¹⁴ It is clear from the interactive data that a key factor that has contributed to her successful dismantling of gender stereotypes is her capacity to moderate her language to suit the specific contexts of African experiences. Her discourse strategies are sufficiently grounded in her cultural context of communication. She has acquired global knowledge on gender, but understands that gender discourse is a socially situated encounter between agents of change, such as herself and the communities whose values need to change. She also understands that the meaning of what the experts and/or gender equality statements say "involves much more than knowing what words refer to; [Instead], it involves understanding how what is said relates to the context in which it is said (register meanings), what the goal or the purpose of the talk is (genre meaning) and what beliefs and values are implicated (ideological meanings)."¹⁵

It is not surprising that her systems of action and interaction are more acceptable and effective. Through a complex but conscious process, she employs a variety of discourse strategies (imperatives, obligation statements, questions, hints) appropriate to the cultural capital of respective cultural communities. This helps to address changes, which pose (or are perceived to pose) a significant threat to the identity and worldviews of the culture in question. It also helps to manage the fears and suspicions that arise as a result of different perceptions and value systems in specific contexts. The 28 year old Kenyan male referred to earlier further notes:

She has a way of imparting knowledge/influences indirectly then leaves it to you to make a decision on how to make use of the information; i.e. indirect persuasion. More often than not, she succeeds in getting the desired results. I am, however, wondering how she should share her practical knowledge and experiences with the younger people.

An interesting example of Asiyo's philosophy in practice can be seen from what happened at a *baraza* in a village during her term in Parliament. The meeting, which had been attended by women as well as men, covered a number of items on the agenda with the active participation of both women and men. One elder at the meeting then announced that they wanted to discuss some weighty issues and asked Mama Asiyo to tell the 'women' to leave so that the meeting (read men) could continue. Mama Asiyo responded by thanking him and everybody else for the opportunity to participate at the meeting and told him she would then leave. The elder was surprised.

This elder's intention was to reinforce the stereotype that women are not competent and worthy of serious engagement in public leadership. In effect, Mama Asiyo was expected to feel special because she had earned a place with the men in leadership. And she challenged him by focusing on her leadership and drawing his attention to the fact that her being a woman was irrelevant. Her refusal to allow this elder to make the women invisible forced him to face his bias. The elder immediately responded by trying to reassure Mama Asiyo that he did not mean that she, Mama Asiyo (being the MP), should leave, only the women. Then the moment of revelation hit and he apologised to the women and asked them to stay as the meeting continued.

These actions and discourse strategies by Asiyo demonstrate the significance of an adequate command of requisite cultural capital, "the intellectual skills and dispositions that distinguish some members of society from (the Luo and/or African communities) the others" in African gender discourse.¹⁶ The quality of Mama Asiyo's gender discourse is "less a response to the language of Western feminism and more a manifestation of the characteristics of the African worldview".¹⁷ Notice how Mama Asiyo has consistently repositioned herself as she has negotiated space for her own leadership and the inclusion of other women at all levels, from the family to the nation. Her actions and the actions of those with whom she interacts always take both the local context and the changing global conditions and the resulting multiple transformations into account. Thus, she not only uses the African languages of Kiswahili and Dholuo to discuss gender related issues, but when she has to use English or the legitimate (global) international gender language she also moderates it by providing appropriate interpretation of the concepts and not simply a translation of the global view. This helps to reproduce the value of the new global knowledge on gender that is sensitive to the socio-cultural context.

As an example for Mama Asiyo, feminism is not just about rights. It is a process of "learning to accommodate, sometimes even giving in, without losing what is dear to you as a woman. And

any woman embarking on this journey must be prepared to sacrifice and know that it can be very painful".¹⁸

Despite her reconciliatory views and calm, respectful demeanour to women and men alike, she is no walkover. She says that she has never felt inferior to any male, right from her childhood days, and is very concerned about the sorry state of the modern African woman who, even when she is quite highly educated and economically empowered, seems to have lost her sense of self-worth and has become dependent on men. It is her opinion that gender inequality is now rampant in the Luo community because the modern Luo woman has lost her sense of self-worth and belief in her capability and human dignity. And it is the way she has become dependent on the man that constructs a relationship of inequality between her and the men in her life, which in turn makes her adopt practices and behaviour that reinforce this perception as illustrated through her following remark:

I am horrified at the way the modern Luo woman behaves. She will dash from a meeting because she has to get home by a certain time. It is this behaviour that brings inequality in her relationship with her husband. She is scared stiff of the husband. She will abandon important meetings and very useful opportunities for personal growth and empowerment and even contribution to national development, and run home because of an individual, her husband.

Mama Asiyo says that women are now so dependent on men that they feel that without a man's name, they have no human value. She also thinks that the modern Luo woman has become submissive to men in ways that are totally foreign to traditional Luo values (largely due to influence of Western views). The impact of this misplaced sense of submission by the Luo women to their husband is far reaching.

In the traditional context, according to her, Luo women did not take up their husbands' names when they got married. Instead, women were referred to by their clan place of birth as for instance, *Nyagoro* (the daughter or girl from Goro) or by their praise names such as *Nyar Omollo* (the daughter of Omollo). She recalls her mother's reaction when she (Asiyo) took on her husband's name and started referring to herself as Mrs. Asiyo. Her mother told her that she should refer to herself as Muga, the daughter of Ondelo.

It would also seem that most women and men either do not know about these values and practices that created respect for all regardless of one's gender, or they have chosen to ignore them. Domestic violence and child abuse have increased and we have a large number of singly headed households, or those which have figurative or real absentee husbands. In addition, the sense of rapport and goodwill characteristic of male-female relationships, particularly in marriage, has been replaced with rhetoric about equality between the sexes. This has created power struggles that block the progressive transformation of gender relationships.

According to Mama Asiyo, the approach of emphasising equality between the sexes has not helped the situation, since it presents gender equality objectives in a way that demoralises the men. It also makes women think that they are “less” than men, and so they embark on a journey to become equal with men, when in Asiyo’s view they already are. What they need is to be empowered and to confront the challenges facing them, their families and their communities by developing and implementing strategic action plans. This will start with the African (Luo) women’s realisation of their self-worth, a strong belief in their responsibility and capacity to make a difference, in their own personal lives, the family and the nation and appropriate changes in their attitudes, behaviour, performance and subsequently quality of life. And this calls for a high level of commitment, sacrifice and willingness to tap the large resource base available at the community (including family), national and international levels to establish strategic partnerships and devise mechanisms that can break the barriers, while anticipating and managing areas of resistance and backlash.

As things stand now, particularly in the Luo community, women claim to be equal to men but act in ways that create and reinforce their subordination. They are defiant of their husband’s claim of authority over them, but are not focused on activities and networks that can enable them to gain space and a voice of authority within the home and the community. Women, who have the capacity and opportunity to do so, do not engage in economic investments. Moreover, few of them take time to grow professionally and network with other women and supportive men, with a focus on breaking the traditions and values that inhibit the realisation of gender equality.

Men perceive the talk of equality as a personal threat and interpret any contribution by women, particularly their wives, as a reflection of their failure by saying, for instance, that “this woman is competing with me and wants to defeat me”. For such men, the absence of mentors who can prepare them for life skills and who can show them how to manage their relationship with women only fuels their determination to ensure that women do not beat them by taking charge in private and public spheres.

And so we have a situation where women make tremendous contributions to their family and to the nation, but which remain totally invisible or unappreciated. This situation is responsible for the following observation by Mama Asiyo:

As a woman you are the one maintaining your family, community and nation and yet you are invisible – nobody knows nor appreciates what you do. This is a big challenge to women’s advancement and improvement of their quality of life. Women are made invisible when they are the ones who are carrying the burden of the community’s development at all levels. Women must not allow themselves to remain invisible.¹⁹

However, they must know how and what to address for positive and lasting transformation. She goes further to state that:

Men do not really know the nuts and bolts about keeping relationships strong; therefore, you must love them, and must ensure that they support you with your personal and professional growth. But you must cook for them and ensure that they are well fed. This will bring them close to you. You must remember that men are different and feel very threatened by some of the emerging trends.²⁰

In contrast to this perspective are women who, for a variety of reasons, including negative experiences with cultural traditions and taboos, and the influence of the new body of knowledge on gender, use gender equality work as a platform to call for the abandonment of the entire indigenous heritage. Some of these women have great intolerance for any reference to African cultural authority and they recommend the wholesale adoption of some other culture as the only recourse that African women have for ending gender discrimination. They are increasingly taking action and articulating positions in matters of gender equality that have appropriately been described as “radically subversive”, not only in the African context, but also in other parts of the world. Such women must recognise the greater challenge this approach presents as they seek to take up positions of leadership.

Conclusion

It is clear from our discussion that good governance is not dependent on one’s gender. It may depend instead, on creating institutionalised political parties. This occurs when a party has rules that are respected and that determine candidate selection. It also occurs whenever a party has an organisational structure with clear-cut-policy concerns, around which members can have a common vision.

In the Kenyan set-up, this scenario is absent. The overbearing presence of under-institutionalisation at the party level is the norm, coupled with the relatively low representation of women in leadership positions. To exacerbate this problem is the tendency of placing women in the ragbag category of “women, youth and other vulnerable groups”, which essentially projects not only their helplessness, but also their lack of key leadership qualities. The generalised nature of the handling of the *women’s perspective* and its potential impact in key policy documents is, therefore, a cause for concern.²¹

Kenyans already understand the legislative and policy position of engaging women in leadership. What is now left is for women and men alike to know how to apply this knowledge. These are two different things.

Change begins with knowledge, moves to understanding and then results in application. While we can legislate against the exclusion of women as is done in the constitution, it is not possible to legislate or enforce inclusion. Women’s leadership for good governance must begin on the inside and start with women particularly and male leaders who are committed to women’s empowerment.

It should not be through tokenism, intimidation and domination. Excellence is not an accident and so, to be effective, leaders must be committed to lifelong learning and to model standards of practising gender responsive leadership for good governance. Leaders must also call for excellence from everyone and act to hold one another accountable for equipping other leaders to realise their potential. They must use every tool they have to grow other people, especially women and the youth.

This is what makes gender equality work in the African context, for example, in relation to the task of implementing the constitutional requirements at the county level, which is a complex web of tension and contradiction. The vicious circle of sexism continues to reinforce gender stereotypes,²² but the women's movement continues to grow in strength.

Gender and feminist scholarship continues to spread to institutions of higher learning through the teaching of gender studies. It is also notable that African men are beginning to identify with gender equality goals, even calling themselves feminists and advocating change to end gender-based violence. However, resistance to gender equality goals also continues to take place at the personal and institutional levels, and to come from women and men alike. Every gain in gender equality brings a challenge and there is an urgent need to work for a more active and calculated engagement between theory, research, policy and practice.

In order to safeguard the gains that have been made and to manage the increasing resistance and cases of backlash, women and men committed to promote women's leadership should valorise the local knowledge of African communities on gender equality and women's empowerment. They should also move into the local communities to learn and record their beliefs, attitudes, values and customs and incorporate this in the formulation of frameworks for addressing the needs of gender transformation work in Kenya and in the continent. They should learn more from leaders such as Mama Phoebe Asiyo and reproduce her competence and fluency for other generations.

Endnotes

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Leadership in the Nation and in the Counties

Barrack O. Muluka

The nation

A *nation* has traditionally been defined as a group of people living within the same geographical and political boundaries.¹ These will usually also be people who share the same history, language and culture.² To this extent, many African countries today can be said to be made up of different nations. Indeed, one of the foremost challenges to African nationhood is the consciousness of citizens to their ethnic nationhood.³

In pre-colonial times, the tribes that are found in what are today fifty-four different African countries lived separately as independent nations; that is to say, that there were hundreds of independent nations in Africa before Europeans engaged in the scramble for Africa in the late 19th century. The Europeans engaged the continent in the partition process that created the African countries and new nations that we have today.⁴ In Kenya, for example, there was the Kikuyu nation, the Kamba nation, the Luo nation and many others, making up no less than forty-two different nations. Other countries like Nigeria had more than three hundred independent African nations within them. They had the Yoruba-Fulani, the Ibo, the Itsekiri and scores of others. The biggest challenge to African nationhood today is making members of each of these traditional African nations place their countries above the traditional ethnic nation.

The easiest defining factors of any pre-colonial African nation were language, culture and territory. From the ancient African kingdoms that we read of in history, such as Ghana, Mali and Mwenemutapa, the commonest defining factors were that these people lived in the same territory and they spoke the same language. But language is itself not just a part of a people's culture. It is a vehicle of expression of their history, their religion and belief systems, their philosophy and indeed their laws. It captures and expresses the totality of both their material and philosophical culture.

When European colonisation arrived in Africa, therefore, it found a wide range of African people living separately as independent nations, enjoying diverse material and philosophical cultural

realities. This is regardless that different nations may have found ways of cooperation with each other, through such things as trade and other forms of exchange.⁵

Traditional Kenyan nations in the making of constitutions

The constitution of any nation is its supreme source of law.⁶ All other laws derive their authority from the constitution. Accordingly, in Kenya today, for example, it is clearly stated at Article 2(1) of *The Constitution of Kenya 2010* that the Constitution is the supreme law of the Republic. Further to this, it is stated that the Constitution binds all persons and all institutions. Moreover, no person may claim to exercise any authority in the country, except as is provided in the Constitution (Article 2(2). Any law, therefore, that is inconsistent with the Constitution is null and void to the extent of that inconsistency (Article 2(3).

In the same vein, the various pre-colonial Kenyan nations had their own laws and systems of law.⁷ These laws were unwritten, but everybody knew them, for they defined the customs and practices of the people, relative to each other, and to property. We sometimes refer to these laws as customary laws. This is to say that they expressed the customs and practices of these people. They determined people's rights, responsibilities and obligations right from birth to death. They captured the essence of what one should expect from their society and what their society expected from them. Moreover, these laws determined people's relations to property and to each other. In some communities such as the Agikuyu, property like land was privately owned. Kenyatta has explained at some length the Gikuyu traditional land tenure system and how people came to lay claim to land as their private property.⁸ In some other nations, such as the Maasai, land was communally owned. This is to say that it was the property of the entire nation and nobody could fence off a portion of it and lay sacrosanct personal claim to any portion of it as exclusively belonging to them.⁹

It is instructive, therefore, that at the coming of colonialism, the British found no less than forty-two different legal systems in what they first declared a British Protectorate on 1 July 1895 and afterwards a British Crown Colony in 1920. The declaration of the British East Africa Protectorate by Sir Arthur Harding and later on as a colony by an Order in Council in the UK brought Kenya effectively under British Crown Law as territory under the British. The colony was effectively a part of the British Empire. Apart from the Principles of British Common Law that were introduced to Kenya, the British also imported parts of Indian Law to the colony. These two legal systems, therefore, became the primary sources of the laws of Kenya.

Technically speaking, the Kenya colony was comprised of the hinterland of what is Kenya today. A ten-mile coastal strip was considered to belong to the Sultan of Zanzibar. However, it fell under the British colonial administration in the Colony as a special protectorate. They, therefore, spoke of the Colony and Protectorate of Kenya as a single administrative unit under the same law.

We note that forty-two different nations that had up to now functioned under their own independent customary laws were brought together under new laws, most of them quite strange

to everybody. Even where cultural practices were not completely disrupted, they were generally discouraged, especially by the Christian church whose different denominations established themselves in different parts of the colony. It is also true that, in some respects, the colonial order not only outlawed some practices of African law while banning others outright, but it also demonised and illegalised some practices, like female circumcision, traditional dances and other rites of passage, under the new colonial order.¹⁰

The critical point here is that colonialism introduced a new order. It was an order that brought together, under new laws, people who had so far been relatively independent of each other. Despite mutual ethnic-based suspicions that were fuelled by colonial policies of divide and rule, these people began looking at themselves from a common platform as colonial subjects in the face of the new arrangement.¹¹ It is also useful to note that the British introduced a new economic and social order that began relocating significant swathes of people from their traditional settlements, both temporarily and permanently.

Temporary relocation took the shape of people having to move from their homes to participate in a new wage labour economy in rising urban centres. They became increasingly alienated from their communities embracing as they did a new urban culture.¹² On the other hand, a deliberate land alienation programme between 1903 and 1935 dislocated large populations from their land in central Kenya and got them to migrate elsewhere in search of new settlement.¹³ The spinoff in both cases was that people from hitherto different legal and cultural systems lived together under a new social, economic, political and, fundamentally, a new legal system. The notion of nationhood accordingly began shifting from an understanding of what it had always been. The notion of right and wrong would accordingly be defined by the new system and environment.

The notion of whether the new nationhood was universally accepted by the stakeholders in the new arrangement is another matter. It would seem, however, that Kenyans have never fully accepted each other outside the traditional ethnic pre-colonial nations.¹⁴ Affinity to the tribe has tended to be the most fundamental challenge to nationhood in the post-colonial set-up in Kenya. Yet a sound sense of nationhood in the post-colonial dispensation requires a broader appreciation of our citizenship as a new nation. The moral community must also be redefined to include people whom, in their time, our progenitors may have considered outsiders.

Post-colonial nationhood and the rule of law

Kenyans often hear about the Lancaster House constitution-making process of 1960–63. What is rarely emphasised is the fact that the process sought to harmonise a post-colonial situation of forty-two nations that had been forced to belong together by the colonial situation. Emphasis has instead been on the fact that the process paved the way for independence. But independence was not just about ending colonial rule. It was also, in a very fundamental way, about the supreme source of law in the new state.

We have seen that the British brought together, under colonial rule, disparate African nations. Never mind that the partition of Africa into various colonies had in 1885 ignored the pre-existing national organisations and went on to straddle a wide range of nations across new political arrangements. Therefore, we had the Maasai straddling the Kenya and Tanzania borders, even as we had the Abaluhya in Kenya and Uganda, the Somali in Kenya and Somalia, and the Luo in Kenya and Tanzania, among other such discordant arrangements.

The nationhood of these people was redefined, even as they found themselves operating under different legal systems. For example, before Tanganyika was taken over as a UN mandated territory under the British following the end of the First World War in 1918, the African peoples in that territory were under German administration. Two Maasai families, one in Kenya and the other one in Tanzania, would therefore find their nationhood redefined and the legal system that they should respond to completely varied, and both under two different foreign arrangements. The prospect of independence, therefore, while not correcting this anomaly altogether attempted to respond at least in part to the concerns, through constitution making.

The challenge here was that the soon-to-be independent peoples of Africa could not go back to their traditional national arrangements as discussed above. After the Second World War (1939-1945), there was agitation for independence and self-rule everywhere on the continent of Africa. Self-rule could not take the form of return to traditional instruments and institutions of governance.

In Kenya, relations had changed drastically over the short period of 65 years since the declaration of a protectorate by the British and the making of what is now the famous speech by the British Prime Minister, Harold Macmillan, in February 1960, that a wind of change was blowing across Africa and that, whether they liked it or not, the Europeans would have to accede to independence. So, what law would inform self-rule?

One could not take the customary law of one of the African nations and make it the new law, for example. It was important to fashion a new instrument that would function as the supreme law of the land. That new instrument became the Constitution of Kenya, as negotiated and agreed at the Lancaster House talks (1960-1963). And so, a new nationhood came into being – a Kenyan nationhood.

Nationhood and statehood

Nationhood is not necessarily the same thing as statehood, although the two often go together. Nationhood is at once the state of belonging to a certain nation and being imbued with the sense of belonging. On the other hand, statehood is a product of belonging to a geographical entity called a state. Therefore, in principle, it is possible to be of a certain nation while not having a *state*. The situation that has obtained in the Middle East for a long time demonstrates this. Before the establishment of the Israeli state in the Middle East in 1948, the Jewish nation was scattered in different parts of the world, without a state – or homeland. Indeed, the Jewish nation did not even

have a common language, or other shared cultural and political traits that would ordinarily be taken to define a nation. There were such people as German Jews, Polish Jews, and the like. The critical factor in their case was that they were imbued with a sense of their Jewish nationhood and dreamt of Jewish statehood in a homeland, someday.

A feeling of nationhood of this sort is crucial in the journey towards a people finding harmony and living peacefully together in a just society as a people who belong to one nation. The converse of the Israeli situation today is, paradoxically, the Palestinian situation. The Palestinian nation exists in Israel and elsewhere in exile, without a state.

Nationhood, statehood and fellow feeling

The lesson from the foregoing is that the fact that people live in a shared nation state does not automatically translate into recognition of their oneness and nurture of fellow feeling for each other as compatriots. Indeed, one of the most troublesome phenomena after the end of the Cold War (1949-1989) has been the rise of intra-state conflict. The first decade after the war (1989-1999) was witness to an outbreak of not less than sixty internecine wars worldwide. More than half of these were in Africa.

Some of this strife is still ongoing. Instructively, it is fought across ethnic groups. But even where ethnic tensions have not broken into violent conflict, they have in the African situation provided the basis for political formations and competition. This sense of nationhood has often proved disastrous as was exemplified in the Rwanda genocide of 1994 and in the unending clan-driven conflict and anarchy that has ruled Somalia for two decades.

Kenya the country restored multiparty democracy in November 1991. It is a paradox that, while the management of the country's political life should have become better, because of expanded democratic space, it has instead degenerated because of the people being fractured along ethnic political formations. Since that time, some of the most horrible things that could happen in a society that claims to be democratic have happened in Kenya, negating the citizens' nationhood and sense of pride. It is a normal ritual to slay fellow citizens at election time because of their belonging to a different political party or tribe.¹⁵ Others are displaced, robbed and their houses torched. Rape and sodomy have become "acceptable" election tools.¹⁶ One can use them against anybody who does not belong to their moral community and nothing will happen to them. And because nobody does anything about it, it has become common to simply forget and move on until the next election. By then, people who fought and killed on opposing sides can come together and form new alliances to kill different "enemies" at the new election.

A proper sense of nationhood should enable us to question some of the things the political class has led entire ethnic communities into embracing. Kenyans have been slow in this regard. Even when prominent politicians from rival and often mutually hostile camps of yesteryear come

together, we have not asked any questions about past atrocities that they led in opposite tribal political camps.

In a narrative that mirrors our situation, George Orwell wrote in the story *Nineteen-Eighty-Four* that the name of the enemy can change from Eastasia to Eurasia.¹⁷ And the people will not tell the difference. Everyone simply cheers their leaders on, as if nothing has changed. And so people die while others are displaced. But Kenya takes this to be normal.

The failure to address the shame of 1991-2002 brought Kenya to its knees in 2008. Climates of this kind encourage the growth of tribal political warlords, who also become lords of impunity. The lords of impunity become emboldened with each passing election. They get confident that nothing will happen to them, even if they do the same kind of things that were previously done.

Anatomy of negative nationhood in Kenya

The negative nationhood that has ailed the post-colonial Kenyan state has not been accidental. It is the direct outcome of deliberate efforts by both the colonial and post-colonial state to keep the people under the hypnosis of ethnic divisiveness, in the interest of the ruling class. Berman has discussed the dialectical relationship between the capitalist state and accumulation of wealth.¹⁸ It is a state that concurrently creates and emerges out of intra-class and inter-class struggles.¹⁹

The anatomy of negative ethnic nationhood in Kenya, both in the colonial times and after, is best appreciated within this prism of intra-class struggles within the ruling class on the one hand and an inter-class struggle between the ruling class and the ruled on the other. While the ethnic elite in the post-colonial state is engaged in an intra-class struggle for political power, it enlists tribal elements as cannon fodder in this struggle that is disguised as an inter-ethnic power struggle. No tribal element is left outside this struggle. Academicians, religious leaders and the *holloi polloi* alike take their place in the tribal formation.

Colonialism was itself the outcome of an intra-class struggle within the newly industrialised European class. By the end of the 19th century, the passions generated by the European scramble for Africa had helped to poison the political climate in Europe almost to the point of bringing Britain and France to war. It also precipitated an intra-class struggle between the British and the Boers at the southern tip of Africa. In the fullness of its element, it was a curtain raiser to the bloodiest war since the Congress of Vienna resolved the effluence of the Napoleonic Wars in post-revolution France in 1815.²⁰

Within the colonial state, it served the colonial authorities well to keep the various ethnic communities divided and suspicious of each other. This would make them easier to manipulate and rule, as they lacked comprehensive solidarity in their grievances against the colonial presence.

The architecture of tribal control was such that:

Colonial officials drew local boundaries of control round invented ethnic provinces, tribal districts and, within each district, a dozen or more clannish rural 'locations' under official chiefs. Chiefs collected tax and recruited labour within these smallest circles. At the wider levels provincial and district commissioners codified the law. At all levels the British hoped to profit by the natural conformities that tribal custom ought to provide. Employers then tried to pin down the confusing anonymity of migrant workers by inventing stereotypes that predicted which tribesmen would best perform what job. Missionaries outlined economical geographies of evangelism by standardising local dialects in sacred languages of print, bound in tribal Bibles. Cattle quarantines and famine regulations reduced inter-ethnic trading contacts. In these and other ways, white rulers, wittingly and unwittingly, reconstructed loose African ethnicities as restrictive tribal control.²¹

If the colonial situation kept Kenyans divided and suspicious of each other along tribal lines, the independence situation did not do much to correct matters. On the contrary, the independence ruling class worked hard to entrench ethnic division and suspicions. Jomo Kenyatta was the symbol of Kenya's independence.²² However, to appreciate the rise of negative nationhood under Kenyatta, it is useful to take a brief look at the nature and character of the Mau Mau movement in Kenya (1952–1960).

Mau Mau was at once a rebellion against British colonialism and a civil war among the Gikuyu people.²³ The nature of British land alienation and occupation in Kenya was such that it was the Gikuyu who felt the brunt of this alienation most. The ensuing struggle for the return of the stolen lands therefore became very much an affair between the Gikuyu and the British.²⁴

Other communities, especially from the coast and western Kenya, remained largely outsiders to this struggle. This was despite the fact that nationalist leaders like Tom Mboya, Jaramogi Oginga Odinga, Masinde Muliro and Ronald Ngala, among others, were prominently enjoined in the struggle for independence. There is need, however, to distinguish between Mau Mau as a struggle for the return of stolen lands and the wider struggle for independence, driven by other more broad-based grievances that were felt by both the Gikuyu and other Kenyans elsewhere in the colony.

By and large, the Mau Mau centred around Gikuyu land grievances and drew its following from this community. But it was not every Gikuyu who supported the cause of Mau Mau; the Gikuyu home guards suppressed Mau Mau activists, at the behest of British colonialists. The Gikuyu, therefore, remained divided between the freedom fighters and the loyalists.

Even when the Mau Mau leader, Field Marshal Dedan Kimathi was captured in October 1956, the Gikuyu remained deeply divided.²⁵ Seven years to independence, the country's integrity was

at the very best uncertain.²⁶ Many Luo, Abaluhya, Kalenjin and other people from the coast and Rift Valley were reluctant to rally behind Gikuyu leadership against the chiefs, emerging local entrepreneurs and Christian missionaries. They remained on the sidelines, waiting to see who would be triumphant, between the Gikuyu and the colonialists.²⁷

Yet colonialism could not last much longer, as we have seen. Apart from the fact that Kenyans were agitating for independence, as exemplified by the Mau Mau rebellion, colonialism had itself become too expensive to sustain. Europe emerged from the Second World War (1939-1945) with thoroughly weakened economies. Put together with the resistance that colonialism was suffering virtually everywhere, it was clear to the British that they would have to disengage. Following Macmillan's wind of change speech, it was clear that independence was no longer a debatable option. It was the only option. Moreover, the excesses of British colonial administrators in the Kenya Colony were causing serious problems at home for Macmillan. The last straw was a massacre at the Hola Detention Camp at the coast.

The colonial government was not happy about what it saw as premature transfer of sovereignty. Yet it had no choice. In this case, the most logical thing to do was to ensure that power was handed over to an African elite class that favoured a worldview that the British felt was appropriate. It was in this regard that the next wave of negative ethnic nationhood began to be fashioned.

First there would be need to hand over power to people that Kenyans could trust as their national leaders. Second, there was the need to ensure that such leaders would not betray colonial interests in the independent state. This was where Kenyatta fitted the bill very well. Kenyatta had been involved with civic activities in the colony for close to forty years and towered above everybody else in this regard. Although he spoke of independence, the Gikuyu home guards could feel comfortable with him.

When Kenyatta was released in 1961 from detention where he had been for nine years, ostensibly for "being the leader of Mau Mau", he found the nationalists badly divided along tribal lines. He eventually followed the drift and became the leader of the KANU party, which was the party of his Gikuyu community together with the Luo. But the Gikuyu were by no means united, for the fractures and concerns around land and the Mau Mau remained.

Among Kenyatta's very first tasks, initially as Prime Minister and later as President, was to restore Gikuyu unity and to cause the Gikuyu to believe that the government he led was a 'Gikuyu government.' This was achieved through selective resettlement through what was called the Million Acres Scheme in Nyandarua as well as domination of appointments in the public sector.²⁸ There was significant healing of divisions amongst the Kikuyu, setting up the stage for subsequent negative ethnic competition.²⁹

The Million Acre Scheme was, however, more of a token to appease the landless Gikuyu while concurrently preparing European settlers for independence. It did not exactly address the issue of Kenyan African nationalism for the recovery of the White Highlands.³⁰ There continued to be a

clamour for land rights among radical members of the newly independent Kenyan Parliament and even government, among them Vice President Jaramogi Oginga Odinga, Bildad Kaggia and Kung'u Karumba – the latter two had been detained with Kenyatta in 1952.

Odinga argued that without restoration of land rights, as well as other grievances that had been agitated for during the nationalist struggle for freedom, Kenya could not be said to be independent. The response was to demonise Jaramogi and the radicals around him as disgruntled troublemakers. A scheme, sponsored by Tom Mboya, was hatched to expel them from government. The scheme reached its apogee at an infamous KANU conference in Limuru in March 1966, when the position of party vice president was watered down by being split into eight – one for each province – and candidates invited to contest for them. Together with other radicals, Jaramogi resigned from KANU and formed KPU.

But KANU was not yet done with the radicals. In a swift move, the party used its majority in Parliament to push through the fifth amendment of the constitution, making it mandatory for a Member of Parliament defecting from his party to seek a fresh mandate from the electorate. In the subsequent 'Little Election', as it has been called, Odinga and KPU were painted as a tribal outfit, disgruntled against the Kenyatta regime. Kenyatta painted Kaggia in Central Province as a traitor, who was working with enemies of the Gikuyu tribe. Mboya amplified this by labelling Odinga a tribal leader and the party he led as a tribal outfit. Thus was the stage set for the first open manifestation of negative ethnic nationhood and competition, ostensibly pitting the Gikuyu against the Luo. The assassination of Tom Mboya, a Suba who was perceived to be Luo, moved things from bad to worse. It solidified Luo nationalism around Jaramogi, who now became decidedly Kenyatta's nemesis in what now looked like a tribal political power game.

Meanwhile, Kenyatta continued to irrigate the impression that he was leading a 'Gikuyu Government' by placing his tribesmen in prominent positions, with only a few token appointments of other people to senior positions in the public service. An impression was thus entrenched that the Gikuyu were doing well at the expense of everybody else. Never mind that in real terms, there continued to be many poor and landless Gikuyu. It was enough that the government had a predominantly Gikuyu face. It is a portrait that the political elite from other communities would use to galvanise their own ethnic sympathies and support creating the impression that if one of their own should get into power, then 'the good life' would shift to their advantage. It is a refrain that one continues to hear today, as ethnic maestros appeal their tribal communities to strive to place 'one of our own' in State House.

In essence, what happens is that a small cabal of ethnic overlords occupies strategic positions in government, locking out their counterparts from other communities. Out of feelings of relative deprivation, ethnic elites from such other communities then go to the rooftops, preaching to ethnic crowds how they have been marginalised by the 'ruling tribe' and how they should now seek to take over so that their tribe can also benefit from the privilege of having a member of their tribe as the President.

Justice and nationhood

Justice goes hand in glove with a sound sense of nationhood. The Kenyan experience has shown that the political class, as we have seen, thrives best in the context of a national population that is fractured along ethnic lines. Negative ethnic perceptions of other groups make for fertile ground for corruption and misrule. While this has served the lords of impunity very well at the national level, it can also work very well at the devolved county level. It is possible for devolution to degenerate the transfer of the bad practices into the county that have bedevilled national government. An understanding of how the ethnic networks at the national level work should help us understand what to avoid at the county level.

It all begins with conflict between distributive justice and the selfish appetites of a few individuals who create the illusion that their occupancy of positions of power and leadership is synonymous with the whole ethnic group exercising the power of those positions. Figures recently released by the National Cohesion and Integration Commission (NCIC) have demonstrated that this drama plays itself around three key concerns – procurement, finance and auditing. If you can put in place a cartel that controls the three, then you can loot public coffers with impunity. If you can create the impression that this is good for your ethnic group, you have a good fallback population on whose shoulder you can cry, each time you are called to account. You can always tell members of your ethnic community that investigations or any other action against you is a conspiracy against the tribe. While this has happened at the national level, it is quite possible for it to happen at the county level, if the population in any one county will allow the political leadership to divide it along ethnic, clan or religious lines. Above all, a broad sense of nationhood is required to defeat corruption at both the national and county level.

Is it possible to enjoy the benefits of good governance while being concurrently partial to bad governance and injustice? This is a rhetorical question. Bad governance and the benefits of good governance are mutually exclusive. Yet citizens from a certain ethnic group will be encouraged by the political leadership from that group to think and predispose themselves sympathetically to bad governors, provided that they are from the same ethnic group. Michela Wrong has given the narrative of the experience of John Githongo, who was appointed as President Mwai Kibaki's special adviser on corruption when Kibaki came to power in December 2002.³¹ Githongo's short experience in government has shown that the overriding attitude in high places in government was that it was "our turn to eat". Githongo ran afoul of the power brokers around the President because he did not share in the philosophy of "our turn to eat".

Political parties have been highly ethnicised, giving the impression that political parties would wish to accede to power so that they can also eat. This eating is best done to the exclusion of everybody else. County government must consciously steer away from this kind of orientation.

The impact of political leadership on other forms of leadership

Former President Daniel arap Moi was, in his heyday, fond of telling Kenyans, “*Siasa ni maisha. Siasa mbaya, maisha mbaya.* (Politics is the mother of the quality of life. Bad politics gives birth to a bad life).” This was a rather cynical way of justifying the KANU politics of exclusion under his regime (1978-2002), which perfected the politics of the carrot and the stick.

Upon ascending to presidency, Moi moved swiftly to consolidate political and economic power with the clarion call of “*Fuata Nyayo*”, which translated into “Toe my line or perish.” Within four years of this administration, KANU made it very clear that the President, the party and the government were one institution and that this institution would brook no dissent. Accordingly, whole zones of the country were marginalised because leading political figures from those areas were seen to be less than supportive of the Moi government.

Two such areas were Central and Nyanza Provinces. Few individuals from these places were appointed into senior public offices, and these were carefully handpicked individuals, whose role was mainly to play the sycophant and to give the impression of national inclusiveness. Such marginalisation often left people feeling embittered against the government and indeed against citizens from the ethnic communities that were considered to be politically correct.

But KANU’s political cynicism aside, there is a veritable sense in which political leadership influences everything else, including other forms of leadership. Kwame Nkrumah of Ghana was fond of advising the people of Africa to seek first the political kingdom and everything else would fall in line. Accordingly, societies that have got their politics right have got most of their other life right. Because of this, it is useful to look at some specific ways in which political leadership affects other kinds of leadership and how this affects society generally – and how, indeed, this augurs for county leadership.

Political leadership and education

One of the areas that have been adversely affected by poor political leadership is education. We live today in a country in which people are only too conscious of their tribal identity. It is more important to many Kenyans to be Gikuyu or Luo than it is for them to be Kenyan. Accordingly, it would shock one to find a Luo head teacher in a primary school in Gikuyuland and vice versa. Indeed, it is almost impossible to find such an arrangement even at higher levels of learning.

Kenyans have been overwhelmed by the negative notion of “our people” and “one of our own”. Accordingly, members of every tribe would like to see only people from their tribes heading learning institutions in their tribal homelands. We have seen this happen at high school level. Even university chancellors, vice chancellors, college principals and other leaders today “must” come from the tribal community in which the institution is based. This is regardless of whether the institution is private or public. People go out screaming that they want to be led “by one of our own”.

The trouble with this kind of attitude is that it creates a dangerous self-feeding cycle of mediocrity, ethnic suspicion and hostility, and even feeds corruption. We have reached a point where in some schools all the teachers are from one tribe. The first outcome is that they speak their language in almost all their forums. While there is essentially nothing wrong with our languages, if an institution should find itself in the solid grip of one language community, then something is drastically wrong. The broader sense of nationhood is endangered. Institutions of learning can easily degenerate into breeding grounds of ethnic misapprehensions and even conflict. It is desirable, therefore, that as we move towards county government, political leadership needs to embrace a broader sense of nationhood, beyond the local ethnic nationhood. Good political leadership should encourage diversity in the county with education as the starting point. Schools should reflect diversity in student intake and in staff recruitment.

Political leadership and religion

There are indeed scholars who now recognise religious leaning as a form of ethnicity.³² Indeed, religion is part of a people's cultural heritage and belief system. Traditionally, people living within the same environment in the same territory were likely to be of a shared history and heritage. Their religion, language, customs, habits and general belief system were likely to be the same, or closely related. Religion is, therefore, a very important component of any cultural heritage.

Prof. Stepaniants asserts that, in some cases, religion is even presented as the most crucial factor in the formation of an ethnicity and consequently the formation of a nation.³³ If religion can unify a people within an ethnic community, it can also unite them across such communities. This is, for example, true of both Islam and Christianity, as the two major world religions. People of otherwise diverse ethnic and other socio-cultural backgrounds identify with each other solely on account of belonging to the same religion, or even to the same denomination. But if religion can unite, it can also divide. Indeed, some of the violent conflicts of our time have been staged in the name of religion. Both local and international terrorists claim to be killing for God. Where specific religions are associated with specific ethnicities, these religions have sometimes led to national disintegration.

Political leadership that seeks to embrace non-inclusiveness has sometimes driven a wedge between people on account of their religion. Some counties in the country will invariably have religious majorities and, conversely, religious minorities. Both political and religious leadership are behoved to embrace inclusiveness and religious tolerance in order to promote both the enjoyment of people's rights and civil stability in the county. History shows that minorities can be oppressed only for so long. In the fullness of time, they will revolt to assert their rights, sometimes with far-reaching consequences.

Nationhood in the *Constitution of Kenya 2010*

The Constitution of Kenya 2010 is in the entirety of its letter and spirit about nationhood and lawful transaction of relations within the Republic of Kenya. These are relations between citizens and their leaders – including the right to call their leaders to account on the basis of a clear platform of leadership values and ethics. It is also about citizens’ access to power and leadership positions on behalf of fellow citizens and for them. It is about citizens’ enjoyment of rule of law about how citizens relate with each other around property. The Constitution is also about citizens’ right to be served by an efficient public service as well as their right to serve in that service. It is about representation and about a broad spectrum of rights, duties and obligations.

In the preamble, the Constitution recognises itself as an endowment to the people of Kenya and to future generations. The preamble, moreover, recognises the ethnic, cultural and religious diversity of the people and underscores the need for all the people of Kenya to be proud of this diversity. It underscores this centrality of this diversity quite early.

There is also commitment to the protection of Kenyan communities and the nation. The preamble recognises seven principal concerns on the basis of which the Constitution has been adopted and enacted. There is acknowledgement of the supremacy of the Almighty God, respect for departed national heroes, respect for the environment as our heritage, and commitment to the well-being of the individual, the family, the community and the nation. The philosophy in this preamble is the bedrock of the rest of the Constitution. It is a philosophy that guarantees the rights and freedoms. It also spells out the duties and obligations of citizenship. These are cardinal tenets to which all nationals are beholden. There is no one individual, family or community being superior or inferior to any other.

Whenever Kenyans think about themselves, as individuals, families or communities, they must never forget the contents of these seven cardinal and introductory paragraphs of our Constitution. For us, it was necessary to write out the entire Constitution that captured the spirit of constitutionalism. Indeed, a country like the United Kingdom does not have a written Constitution. Its constitutionalism is, however, captured in various legal documents.

At the heart of all this is the notion of nationhood and expectations around it – what nationals should do, what is expected of them and what they should expect of others. Such is case with our nationhood and our Constitution, too. Therefore, in everything one does, they should ask themselves, “Is it constitutional?” Whatever one does – or even refuses to do – it is all in the Constitution and it boils down to their Kenyan nationhood and other citizens’ Kenyan nationhood, too.

As the entire Constitution is about nationhood, we highlight – below – just a few of the constitutional guarantees that will need to be taken into account when county government becomes a reality. Foremost, is the entire content of Chapter Four on the Bill of Rights. This Bill of Rights pertains to all nationals, without exception. It does not limit any one individual’s rights, unless

the right being claimed is unconstitutional. Nor does it confer any more rights to any individual or community. Accordingly, the Bill of Rights is the framework for social, economic and cultural policies (Article 19.1). It protects the human rights and fundamental freedoms (19.2). One cannot discriminate against any Kenyan national in their county, just because they believe that they should belong to some other county, perhaps on the basis of their ethnicity or ancestry. All Kenyans are equal in any one county they may find themselves in, at whatever time, and they have equal human rights and fundamental freedoms as anybody else within that county. These rights and freedoms are detailed in this chapter.

Chapter Eleven of the Constitution is the chapter on devolved, or county, government. It is critical to note that the objects and applications of this chapter relate to all citizens, without exception. Article 174(a), for example, defines, one of the objectives of devolved government, as the promotion of democratic and accountable exercise of power. It is the intent of the Constitution to give power to the people to participate in their governance at the grassroots level by expanding the opportunity to participate in making decisions on leadership and even competing for leadership on a much wider raft than was the case before (Article 174 (c)). But even while taking power to the people so that they can have a say in the decisions of state organs affecting them (174 (c)), it is recognised that devolution must still foster national unity (Article 174 (b)).

National diversity is emphasised as one of the objects of devolution. Devolution recognises the right of communities to manage their own affairs and to further their development (174 (d)). But this should not be on the basis of discriminating against anyone who may be perceived as “an outsider.” One of the critical responsibilities of county governments will be to protect the rights of minority language groups in the county so that they are not discriminated against by majority language groups in the same county – especially by those who consider themselves the “indigenes” while they perceive others as “outsiders”.

Article 39 guarantees the freedom of movement and residence. In particular, Article 34(3) states that every citizen has the right to enter, remain in and reside in any part of the country. Among other things, this means that any Kenyan can live in any county in the country and enjoy the full rights of a citizen in that county. Read together with Article 40, we see that a citizen may acquire and own property of any description in any county, provided that the property has been lawfully acquired (Article 65). It is worth emphasising that all the rights enshrined in the Bill of Rights in Chapter Four of the Constitution apply both at the county government level and at the level of the national government. Respect for these rights at the two levels of government will foster nationhood and good leadership at both county and national government levels.

Article 27(1) guarantees the equality of all persons before the law. Such equality includes equal rights of all persons within the county, regardless of such considerations as ethnicity, race, gender and religion. Men and women within the county will enjoy the same rights in political, social, economic and cultural spheres (27 (3)). Such rights will apply everywhere, including in the counties.

Conclusion

Where to now with nationhood at the county level? This is the critical question that must inform discourse at the county level at all times. Embracing devolution does not mean that the path has now been opened for discrimination and exclusion of any citizen or group of citizens at the county level. The geopolitical nature of Kenya is such that the forty-seven (47) counties tend, by and large, to model themselves along specific language groups. There exists a real danger of specific counties being mistaken to “belong” to some specific language group. Mindsets of this kind could engender situations in which some people may be prone to attempting to limit the rights and fundamental freedoms of other citizens within the county, just because they see them as “outsiders”. Any practice of this kind would be unconstitutional. Good governance at the county must therefore be leadership that secures the rights of all.

Endnotes

- 1 See, for example, Ali Mazrui and Michael Tidy, *Nationalism and New States in Africa* (Nairobi: East African Educational Publishers, 1994), pp. xii – xiii.
- 2 Ibid.
- 3 Ibid.
- 4 See Thomas Pakenham, *The Scramble for Africa* (London: Abacus, 1992), p. xxiii.
- 5 See, for example, Paul Tiyambe Zeleza, *A Modern Economic History of Africa* (Dakar, CODESRIA, 1993), p. 13.
- 6 Gibson Kamau Kuria, “Returning Kenya to Its original Values,” in Joseph Oloka-Onyango, Kivutha Kibwana and Chris Maina Peter (eds), *The Struggle for Democracy in East Africa* (Nairobi, Claripress, 1996), pp. 350-352.
- 7 The Constitution recognises, for example, that there exist such institutions as customary laws of various Kenyan communities and protects them, where they are consistent with the Constitution (Article 2 (4)).
- 8 Jomo Kenyatta, *Facing Mount Kenya* (Nairobi: East African Educational Publishers, 1995), pp. 20-52.
- 9 Bruce Berman, *Control and Crisis in Colonial Kenya: The Dialectic of Domination* (Nairobi: East African Educational Publishers, 1990), pp 49-50.
- 10 Bruce Berman and John Lonsdale, *Unhappy Valley: Conflict and Africa, Book Two – Violence & Ethnicity* (Oxford: James Currey, 1992), pp. 240-241
- 11 See, for example, Wunyabari O. Maloba, “Decolonisation: A Theoretical Perspective,” in Bethwell.A. Ogot and William R. Ochieng (eds), *Decolonisation and Independence in Kenya* (Nairobi: East African Educational Publishers, 1996), pp. 9-11.
- 12 Berman and Lonsdale, *Unhappy Valley*, op cit., p. 341,390.
- 13 Wunyabari O. Maloba, *Mau Mau and Kenya: An Analysis of a Peasant Revolt* (Bloomington: Indiana University Press, 1998), pp. 24-27.

- 14 See John Lonsdale, "The Moral Economy of Mau Mau: Wealth, Poverty and Civic Virtue in Kikuyu Political Thought", in Berman and Lonsdale, *Unhappy Valley*, op cit., pp. 326-332.
- 15 See for example the *Report of the Commission of Inquiry into Post-Election Violence* (Nairobi: Government Printer, 2008) for details of the 2008 post-election in Kenya.
- 16 Ibid.
- 17 George Orwell, *Nineteen-Eighty-Four* (London: Secker and Warburg, 1949).
- 18 Berman, *Control and Crisis*, op cit. pp. 30-33.
- 19 Ibid.
- 20 Pakenham, *Scramble*, op cit.
- 21 Berman and Lonsdale, *Unhappy Valley*, op cit., p. 330.
- 22 David Throup and David Hornsby, *Multiparty Democracy in Kenya* (Oxford: James Currey, 1998), p.11.
- 23 Ibid.
- 24 See, for example, Berman and Lonsdale, *Unhappy Valley*, op cit., p. 326.
- 25 Ibid
- 26 Ibid, p. 7.
- 27 Ibid.
- 28 Throup and Hornsby, *Unhappy Valley*, op cit., p.11.
- 29 Ibid.
- 30 Tabitha Kanogo, *Squatters and the Roots of Mau Mau* (Nairobi: East African Educational Publishers, 1987), p. 170.
- 31 Michela Wrong, *It's Our Turn to Eat: The Story of a Kenyan Whistle-Blower* (London: Fourth Estate, 2009).
- 32 Marietta Stepaniants, "Ethnicity and Religion", Institute of Philosophy, Russian Academy of Sciences, available at www.dartmouth.edu/~crn/crn_papers/Stepaniants2.pdf. Accessed on 01 October 2011.
- 33 Ibid.

The Youth in Leadership and Good Governance

Okoth Okombo

Youth already see the world around them differently from the way older generations do ... *Someday we must be prepared to follow our children when they chance to lead us to some place we have never been before* [emphasis added].

– Walter Mercado, *Visions of the New Millennium*¹

Introduction

According to the General Provisions in *The Constitution of Kenya 2010* (Article 260), the youth are defined as “the collectivity of all individuals in the Republic who (a) have attained the age of eighteen years; but (b) have not attained the age of thirty-five years.”² This chapter discusses leadership issues pertaining to the youth as a demographic category in society, especially their participation in the decision-making processes and other activities that shape the politics of the Kenyan society.

In general, we view politics in this chapter “in its broadest sense” as “the activity through which people make, preserve and amend the general rules under which they live.”³ The idea of activity is important here. Since human beings engage in different types of activities, it is useful to work with some generally accepted idea of political activity.

The political scholar, J.C. Johari reminds us of a traditional view in political scholarship which says that:

[An] activity is political when it relates to a public issue, and it relates to a public issue when two conditions are met. In the first place, it must relate to the decision-making of a group, i.e., it must concern group policy, group organisation, or group leadership, or it must concern the regulation of group inter-relationships. In the second place, it must come within the realm of the controversial.⁴

This is the idea of political activity/participation that guides our discussion of youth leadership in this chapter. In other words, we examine the participation and involvement of the youth in the provision of leadership in the public affairs of our society as explained above. This kind of participation goes beyond activities in which the youth act merely as messengers or agents of their older counterparts who enjoy real decision-making power. For example, we do not view it as a genuine case of youth leadership when older political party bosses simply give the youth assignments (often negative) to carry out for the benefit of the party bosses themselves. We are looking at situations in which the youth can be said to be in charge/control as the key decision-makers. However, before we go deeper into such concerns, let us take a quick look at some of the significant attempts that have been made to capture youth issues and perspectives in recent times.

Attempts at capturing youth issues and perspectives

In 1994, AIESEC International (an association of students of commerce and economics) defined “a youth action plan” for the 21st century citizen advancing the view that “Empowerment and participation will be central aspects of 21st century citizens.”⁵ The association argued at length in defence of the idea that the 21st century society would need “dreams and courage” rather than a passive embracing of what the 20th century tended to naively accept as reality. Its members developed the argument to say that the youth are particularly strong in these two aspects of human nature: dreaming (imagining new possibilities) and acting with courage (taking the necessary risks to try out the possibilities revealed in their dreams). As they put it:

The world needs dreams and courage. Change is always possible if there is somebody able to think or dream about it. Young people have always been the trustees of dreams. They have responded in decisive moments of history transforming what had seemed to be unchangeable realities.... [This] capacity to dream of a better world of prosperity and equity of opportunities is needed [in leadership].⁶

This line of thinking simply states in different words the current view that a leader is essentially an agent of change – a Moses leading a group of people out of a certain Egypt (an unpleasant situation) to a Canaan (an envisioned new situation where the circumstances of life are significantly much better). Of course, the transit from Egypt to Canaan need not involve an actual geographical relocation, only a change of people’s circumstances in life.

At the turn of the century, the AIESEC theme was amplified in a number of voices that sought to draw the world’s attention to the need to allow the youth to occupy a more central place in shaping the affairs of their communities (at various levels). Key among such voices (publications) was one (not precisely dated) by the Carnegie Young People Initiative, appropriately titled: “Taking the

Initiative: International Perspectives on Young People’s Involvement in Public Decision Making.” Apart from providing a rich inventory of information on youth participation in different capacities in various parts of the world, the publication made a significant contribution to the debate by defining participation and outlining “the benefits of youth participation”.⁷

Working with a much broader conception of young people (including even those who have not reached “the voting age”), it explains the concept of participation in relation to the wider notion of “democratic citizenship” as follows:

Key to understanding participation is the concept of democratic citizenship. Democratic participation refers to the broader and more regular involvement in the public decisions within one’s community.... Therefore, by democracy we do not mean simply voting a political party into government, at the local or national level, on an occasional basis.⁸

After explaining the nature of democratic participation, the publication explains that the term democratic citizenship is an even broader idea, saying:

Democratic citizenship is a broader term. It includes many actions that capable people take to contribute responsibly to society. At the root of it is the desire and ability of young people to be part of the processes that determine what happens to one’s life and the lives of others in the community.⁹

The benefits of youth participation in public decision-making is justified first and foremost by the fact that it is their right, not just as youth in the restricted sense (based on their age bracket), but even in the broader sense of young people. Moreover, there are significant benefits both to the youth themselves and to society in general. These include:

- Ensuring that the decisions made in their communities are “more relevant to their lives”;
- Promoting early acquisition of valuable life skills;
- Developing a healthy self-esteem;
- Earning more respect by contributing to the “social capital” of their communities; and,
- Embedding “a sense of common purpose” among the generations and increasing social inclusion.¹⁰

Finally, we must note the important point that:

Inculcating a culture of participation at an early age makes it more likely that young people will continue to be active citizens as they grow older and this pattern of behaviour becomes a lifestyle.¹¹

To all these benefits, we must add the AIESEC argument, mentioned earlier in this discussion, that the youth are better at thinking of new possibilities (dreaming) and exercising the necessary courage to try them out. Leaders, we must keep reminding ourselves, are essentially agents of change – seeking ambitious visions in the endeavour to fulfil their missions.

As we stepped into the 21st century, the Commonwealth Secretariat produced a publication that proclaimed the new spirit of (youth) participation and social change, giving it the assertive title “Young People at the Centre”. It sees the minimum for youth participation as follows:

Only systematic participation can gain momentum, and revitalise the whole society. This is why one-off consultations and token youth representation is inadequate.... When involved in the design, implementation and evaluation of public policy, young people know their participation has been substantive. We must aim at nothing less.¹² That is to say, the minimum requirement for youth participation must reach a level where they (the youth) are:

- involved in the design of public policy,
- involved in its implementation, and
- involved in its evaluation.

These, clearly, are leadership activities, as further evidenced by the following words:

Through participation, young people cease to be passive recipients of services or passive victims of indomitable social and political forces. *Within this progressive perspective, young people are seen as stakeholders with distinct and legitimate interests and thus are entitled to share in the exercise of power at all levels (emphasis added).*¹³

To be sure, the youth have participated in significant ways since Kenya’s pre-independence days. The problem seems to be what the lines of thinking mentioned above refer to as a “the democratic deficit,” explained in the Commonwealth Secretariat publication as follows:

...younger generations are deprived of a sense of fully belonging to society. This does not reflect the potential of young people in development. Rather, *it is a symptom of under-engagement itself (emphasis added).*¹⁴

The issue, therefore, is that of under-engagement, not complete non-engagement of the youth, and young people in general, in matters of leadership and governance.

In Kenya, as elsewhere, there have been noticeable examples of youth participation in leadership. One outstanding example is the case of the late Joseph Tom Mboya, whose brief story is presented below.

Tom Mboya: An outstanding case of youth participation

Tom Mboya was born in the colonial sisal plantations of Kilimambogo in Central Kenya (officially in 1930). He started his leadership activities as Chairman of the Student's Union at Jeans College, Kabete, where he was studying for a medical officer's certificate after finding himself unable to pay for upper secondary school education. Soon after graduation from Kabete and securing a job, he joined the trade union movement.

When Jomo Kenyatta and other leaders of the Kenya African Union (KAU) were arrested during the emergency in the early 1950s, Tom Mboya joined KAU to try and keep it alive. Soon KAU was banned and Mboya put more of his energies into trade unionism, rising to the top of the then national union and using it as a platform for voicing political concerns. Later, when Africans were allowed a little more political space, he became a Member of Legislative Council (MLC), representing the cosmopolitan African constituency in Nairobi. There was no turning back until his assassination in 1969, when he was regarded as the most powerful minister in the Kenyatta Government.

For most of his time in political leadership, Mboya was within the age bracket of the youth as defined at the beginning of this chapter. He was a visionary leader, who created educational opportunities through the Tom Mboya airlifts to prepare young Kenyans for leadership roles in the newly independent country. His leadership abilities and contributions to Kenya's development are still fondly remembered by many Kenyans.

In the section below, we take a look at various generations of youth leaders in Kenya, using some well known personalities as flag-bearers to label the relevant generations.

A generational overview of youth leadership in Kenya

As pointed out above, the real issue concerning youth leadership in Kenya, as in many other places in the world, is captured by the notion of democratic deficit or under-engagement. In this section, we provide a summary of the key (political) leadership roles that the youth have played in over five decades of Kenyan history, namely the pre-independence period (treated as a single block), the 1960s, the 1970s, the 1980s, the 1990s, and the first decade of the 21st century (2000 - 2010). In all cases, each generation (called 'days') is characterised by two leading personalities. For each profiled personality, the days in question are those in which they were within the constitutional youth bracket as defined in section 8.1. Although a perfect balance of male and female leaders has not been established, a lot of effort has been made to approximate such a balance.

The days of Dedan Kimathi and Elijah Masinde [Pre-independence]

The Mau Mau rebellion of the early 1950s remains the single most memorable event in Kenya's fight against domination by the colonial regime and the white settler community that supported it. The undisputed leader of the rebellion was Dedan Kimathi, a Kenyan in his years of youth. He remains a great symbol of courage and patriotism in the minds of many Kenyans.

About the same time in western Kenya, another young person, with what are reputed to have been some kind of spiritual powers, was leading an anti-colonial rebellion which led to his imprisonment many times by the colonial government. He was later to lead a spiritual revolt that led to the formation of a new religious movement known as Dini ya Musambwa (the religion of the Spirit of the People). That man was Elijah Masinde.

Although Kimathi died in the hands of the colonial authorities, Masinde ironically survived colonial detentions only to suffer more in independent Kenya until he died a miserable freedom fighter in 1987, long after his days of great energy as a youth (evidenced by his having been a football player in the Kenya national team).

Other youths at the time were Daniel arap Moi, who later became the second president of the Republic of Kenya after Kenyatta's death in 1978, Jaramogi Oginga Odinga, Achieng' Oneko, Paul Ngei, Kung'u Karumba and Pio Gama Pinto among many other luminaries of Kenya's struggle for independence.

The days of Mwai Kibaki and Martin Shikuku [The 1960s]

In the year of Kenya's political independence, 1963, Mwai Kibaki was 32 years old, only slightly older than Martin Shikuku, who was 30. Thus, both Kibaki and Shikuku were within the constitutional youth bracket (below 35 years) when, in that year, they become Members of Parliament for Donholm (later called Bahati and still called Bahati) Constituency and Butere Constituency respectively.

Although Mwai Kibaki rose to become the third president of the Republic of Kenya, it is important to remember that his political career started when he was in the youth bracket. Born in 1931 in Othaya (in the then Nyeri District), Kibaki went through the colonial education as a brilliant student, finally gaining admission to the then prestigious Makerere University College in Uganda, where he graduated with a Bachelor of Arts (First Class Honours) in Economics. Slightly later, he took up further studies in Britain, leading to a Bachelor of Science in Public Finance. He had a short stint as an assistant lecturer at Makerere until 1960 when he returned to Kenya to become an administrator in a political party, serving as the Executive Officer of the Kenya African National Union (KANU), before joining competitive politics in 1963. By the time Kibaki became Minister of Commerce and Industry in 1966, having served for some time as Assistant Minister of Finance, he was just completing his days as a youth as per the constitution.

Martin Shikuku was born in 1933. His formal education ended at St. Peters Seminary (Mukumu) in western Kenya, where he had gone after attending Mumias Secondary School. He first joined

politics in 1959 by becoming a member of the Nairobi People's Convention Party (NPCP), rising to become the party's Secretary-General. Before independence, he left NPR and became the Youth Leader of the Kenya African Democratic Union (KADU), which was a stronger party. It was as a member of KADU that Shikuku became MP of Butere in 1963 (at the age of 30).

In a spirit of unity, KADU was disbanded in the same year (1963) and its members (Shikuku included) became members of KANU, the most popular party at that time. In spite of his problems with the Kenyatta regime, Shikuku, has had one of the most memorable political careers in Kenya's history, earning himself the popular title of 'People's Watchman' because of his pro-people contributions in Parliament.

The days of Chelagat Mutai and George Anyona [the 1970s]

Known simply as Chelagat Mutai, her full name is Philomena Chelagat Mutai. She was born in 1949 in Nandi District within the expansive Rift Valley Province. She went to Highlands Girls' High School from which she proceeded to the University of Nairobi where she studied political science.

After an active life in the student politics of the 1970s, Mutai became the first Kalenjin woman to be elected to Parliament at the tender age of 24, following her uncle's death in 1972. In 1976, she was accused of inciting her constituents to uproot a sisal plantation in her constituency. She was found guilty by a court of law and sentenced to six months in prison. Later, hounded by the government, with renewed threats of imprisonment over various allegations of criminal offences, she decided to lead a quite private life.

When George Moseti Anyona joined politics in 1974, the year he won the Kitutu East parliamentary seat, he was approximately 29 years old. Born in 1945 in Kitutu Masaba, Kisii (Kenya), Anyona went to the prestigious Alliance High School and later joined Makerere University, Uganda. His subjects at Makerere were Political Science, English, Economics and History. Only two years after his debut into politics, he was detained (in 1977). His political career was generally characterised by anti-establishment struggles and corresponding suffering in the hands of the powers that be.

The days of James Orenge and Koigi Wamwere [1980s]

James Aggrey Orenge was born in 1950 in Ugenya, Siaya District. He had a brilliant academic career as a young person culminating in his admission to Alliance High School, from where he proceeded to the University of Nairobi's Faculty of Law in 1971, graduating with a Bachelors degree in 1974.

Orenge became a household name in Kenya in the 1970s because of his popularity as a brilliant student leader at the University of Nairobi, where he outsmarted the then university administrators in public debates on student affairs. Almost naturally, Orenge joined politics

in the late 1970s and featured prominently in the parliament of the early 1980s as a formidable anti-establishment politician. Together with the likes of George Anyona, Koigi Wamwere and Mwashengu wa Mwashofi, he was in the group of MPs who earned themselves the wrath of the government, leading to their being nick-named the 'Bearded Sisters' by the then no-nonsense Attorney-General, Charles Njonjo.¹⁵

Koigi Wamwere was born in 1949 in Nakuru District, Rift Valley Province. He went to Nyeri High School and had some college education experience in the United States of America, which seems to have ended prematurely owing to some personal difficulties. Koigi formally joined politics in 1974, when he had an unsuccessful attempt to secure the Nakuru North (now Subukia) parliamentary seat. His political views were unpleasant to the Kenyatta regime, leading to his detention in 1975.

Once out of detention, after Kenyatta's death, Koigi managed to get elected in 1979 (at the age of 30) as the MP for Nakuru North. Following the 1982 coup attempt, he was detained again, this time by the Moi regime.

The days of Martha Karua and Musalia Mudavadi (1990s)

Martha Wangari Karua was born in September 1957 in Kirinyaga District, Central Province. Martha studied law at the University of Nairobi, graduating in 1980, and immediately proceeding to the Kenya School of Law to gain the mandatory professional requirements for admission to the Kenyan roll of advocates and licensing to practise law in Kenya.

After working for some time in the Judiciary and privately as an advocate, Karua joined the opposition movement in the early 1990s. She won in the 1992 general election to become the MP for Gichugu Constituency, making history as the first woman lawyer to be popularly elected to parliament in Kenya.

Karua's political career is still strong. Having served in various ministerial capacities before her resignation as Minister for Justice, National Cohesion and Constitutional Affairs in April, 2009, she subsequently declared her candidature for the 2012 presidential elections.

Wycliffe Musalia Mudavadi was born in September, 1960, in Vihiga District, Western Province. He first became an MP for Sabatia Constituency in 1989 following the death of his father, who had occupied the same seat for many years under the Moi regime. Musalia Mudavadi was then only 29 years old.

His political career blossomed in the 1990s leading to his brief stint in the position of Vice-President in 2002. He was appointed the Deputy Prime Minister and Minister for Local Government in the coalition government of 2008. He is also a Deputy Leader of the Orange Democratic Movement (ODM).

The days of Cecile Mbarire and Danston Mungatana [2000-2010]

Little is written about Cecile Mbarire. However, during her student days at Egerton University in the 1990s she was highly visible as a female student leader. This visibility was enhanced by her involvement in civil society activities after her graduation.

She shot to national prominence in 2002, evidently still in the youth bracket, when she became a nominated member of parliament. Later, in 2007, having left the official youth bracket, Cecily proved her own political maturity when she was elected to represent her constituency (Runyenjes).

The story of Mungatana is a little better known than Cecile's. Born in 1970, he excelled in the Kenyan school system, finally graduating with a Bachelor of Laws from the University of Nairobi in the 1980s, followed by a post-graduate diploma in law and registration as an advocate in Kenya. All this culminated in his setting up a law firm (Mungatana & Co. Advocates) in 1998. However, he soon got attracted to politics, leading to his election to become the Member of Parliament for Garsen Constituency in 2002 at the age of 32.

Before he reached the age of 35, he had served as Assistant Minister, Office of the Vice President and Ministry of Reconstruction, Assistant Minister, Ministry of Regional Development, and Assistant Minister, Office of the President in Charge of Provincial Administration. Although he is no longer in the youth bracket, it is important to observe that his political career is still bright as he continues to serve as the Garsen MP and the National Secretary-General of Narc-Kenya, having resigned from government in 2009, alongside his party chairperson, Gichugu MP, Martha Karua.

Roger Hart's Ladder of Young People's Participation and its implications for youth leadership in Kenya

As pointed out in Section 8.1, the crucial factor in the role of the youth, and possibly other young people, in society is participation. The problem with the concept of participation is that it can be given different meanings by different people in positions of power. The range of possible meanings is captured in Roger Hart's Ladder of Young People's Participation, represented on a scale as follows:¹⁶

Level 1: Participation [lowest] – manipulation – young people simply do or say what the 35-plus adults (in positions of power) do and say.

Level 2: Participation – Decoration – the youth (and other young people in general) participate in events simply by entertaining the powerful 35-plus through such activities as singing and play-acting. They merely decorate an activity in which they have no concrete influence in terms of what happens, why it happens and how it happens.

Level 3: Participation – Tokenism – The youth (as young people) are given a chance to say what they think or feel about events and issues, but with significant restrictions on what they may possibly say and how they may say it. The restrictions may be legal, given an organisational or socio-cultural climate.

Level 4: Participation – Assigned but Informed – The powerful 35-plus decide on what it is to be, but allow the younger people to offer their services and express views which the decision makers respect (without necessarily changing the key decisions).

Level 5: Participation – Consulted and Informed – The powerful 35-plus decide on what is to be done and generally run the show, while the youth are consulted and their views are respected as the decision-makers remain in control of what happens.

Level 6: Participation – Controlled Power of Initiative – The powerful 35-plus initiate plans and ideas but involve the youth in decision-making, planning and implementation of the plans/ ideas.

Level 7: Participation – Full Power to Lead and Initiate Action – While the 35-plus are present, the initiation and implementation of ideas is left to the youth.

Level 8: Participation – Sharing Decision-Making – The youth and the 35-plus share decision-making about what is to be done and its implementation.

Simplifying the participation model

The eight-level youth participation model summarised above is a little too detailed for guiding policy and practice on youth participation if we stay strictly within the 18-34 years youth bracket. Since 18 years is also the onset of the age of majority in the Kenyan constitution, the age bracket focused on in this chapter may also be called bracket for young adults (for lack of a better term). As young adults, the youth are already quite assertive and independent in Kenya. Moreover, a good number of them are decision-makers in their personal lives and leaders in various private organisations and, especially, civil society organisations.

The main concern is about their participation in political leadership, where there is clear evidence of what we referred to in the introduction of this chapter as a democratic deficit. In every real sense, that age bracket provides the physical and intellectual energy that drives our economy.

The under-representation of its members in political leadership and, therefore, in the making of the creative decisions that define the future of the country and counties that now constitute the basic units of our national development is based on the relative economic advantages of those in the 35-plus bracket. As simpler model of youth participation in political leadership may be one in which we think of it in terms of three levels of empowerment categorised as follows:¹⁷

1. Grossly under-empowered: For the Roger Hart's levels of manipulation, decoration, tokenism and assigned but informed, all of which give very little, if any, decision-making power to the youth.
2. Under-empowered: For the Roger Hart's levels of consulted and informed, and controlled power of initiative (by the 35-plus).

3. Adequately empowered: For the Roger Hart's level of sharing decision-making, skipping level 7 (full power to lead and initiate action).

In principle, the category of adequately empowered represents the ideal situation, where young adults and the 35-plus share decision-making in proportions that reflect the true nature of democratic equity – some kind of fairness to each demographic category in society in matters of participation in decision-making. The need to achieve democratic equity is our justification for leaving out Roger Hart's level 7 participation, which is a form of reverse discrimination, as it creates a situation of under-empowerment for the 35-plus age bracket.

To be fair to Roger Hart, it should be pointed out that his primary interest was in the project conceptualisation, planning and implementation, not the larger issues of political leadership to which we have applied his model, simply because it is the clearest of such models that is widely used. One aspect of our participation in political leadership where the youth are grossly under-empowered is in the leadership of our political parties to which we turn our attention in the next sub-section.

Youth leadership and (political) party organisation in Kenya

Cosmas J.O. Kanyadudi has explained, in a 2010 FES (Friedrich Ebert Stiftung) publication, the relegation of the youth to the periphery in the management of political parties in East Africa. He says:

The youth leagues of various political parties like Orange Democratic Party (ODM), Party of National Unity (PNU), KANU, Democratic Party and Ford Kenya operate on ad hoc basis. They are yet to be institutionalised although party constitutions and by-laws recognise them.¹⁸

It is important to note that while parties have mechanisms and provisions for allowing their senior party officials (usually 35-plus) to get direct (uncontested) nomination as party candidates during general special elections, there are no similar arrangements for their youth-league officials. As Kanyadudi explains:

Most political parties do not have a directive principle on affirmative action for the youth in terms of party leadership and governance structures. There is no policy that guarantees youth nomination in a local authority or parliament by the political parties.¹⁹

The idea of affirmative action is relevant as Kanyadudi suggests in the foregoing quote. The economic disadvantages of youth make it difficult on a level playing ground against the 35-plus. As we have seen in the profiles of many Kenyans (e.g. Tom Mboya, Mwai Kibaki, Martin Shikuku, etc) who managed to get into positions of political leadership while still within the youth bracket, political party structures provide the best forum for one's growth as a political leader. However, even opportunities for obtaining a party ticket to run for a political position at any level involve a lot of competition, which requires very good – certainly above-average – financial resources.

The youth, as party members, have very little chance of succeeding in a such a competitive game without a special party intervention by way of affirmation. Such affirmation may take the form of special clearance at the time of party nominations, which may also need to be augmented by party support (financially and morally) at the time of campaigning against candidates from other parties. Affirmative action in favour of the youth at the party level may also take the form of nominations into party allocations for nominated parliamentary and local leaders.

While opportunities based on affirmative action may not take the youth to the level of adequacy in terms of representation/empowerment, they may be the only way for a party to take its youth participation towards some semblance of balanced empowerment. The ideal situation, of course, would be for the youth to use their numerical advantages to push more of their type into positions of political leadership.

This ideal, however, is still difficult to attain because of the unemployment within the youth bracket, which makes them vulnerable to the corrupt practices of the moneyed 35-plus competitors. It is, therefore, worth stressing that in such circumstances only some form of affirmative action can take us anywhere close to achieving democratic equity for the youth in matters of political leadership. Political parties are best placed to implement the necessary affirmative action policies. We shall pursue this issue further in the section in relation to the provisions of the constitution.

Preparing the youth for more effective participation in leadership: A case of Youth Agenda's Political Leadership Development Programme (PLDP)

One of the key questions often asked in leadership debates is whether individuals can be trained for leadership, political or otherwise. In this section, we shall extensively discuss one significant effort to train the youth for political leadership. However, before we delve into that case study, let us briefly review the thinking on the equation of leadership training.

Leadership training

A number of leadership scholars are saying yes to the possibility of training people for a wide range of leadership roles in society. Stephen R. Covey, for instance, shot into prominence in the area of leadership through his highly acclaimed book *The 7 Habits of Highly Effective People*.²⁰ Covey is now paying attention to the subject of leadership training.

Of closest interest to us is Covey's 2008 publication titled, *The Leader in Me*, in which he reviews efforts by "schools and parents around the world" to prepare children for leadership roles. We shall look especially at his observations about the relevant schools in the United States of America and other places covered in his survey.²¹ Summarising the goals of the involved educators, Covey says:

In short, what these educators are doing is teaching basic leadership principles to young students – as young as five years. They are teaching oft-neglected skill sets for making good choices, for getting along well with others, and for managing time wisely. In addition, they are *providing authentic opportunities for students to apply them by giving student leadership opportunities in the classroom, in the school, and in the community* (emphasis added).²²

Covey emphasises the need for teachers to act as role models to their students on the basic principles of leadership, saying that, "Teaching, therefore, is the culmination of what is seen, felt, and heard".²³ He explains that, as role models, teachers serve as examples to the students. They inspire confidence and trust in the learners. However, he is realistic about it, telling us (at the same place) that 'perfection' is not required, but a strong semblance of 'making an effort' certainly is. It is all part of inspiring trust, which is the vital core of any change initiative.²⁴

Covey thus identifies the key requirements in programmes that integrate leadership training into their broad educational agenda as follows:

Step One: Inspire trust – "ensure that there is a solid core of trust."²⁵

Step Two: Clarify purpose – which involves answering four questions: 1) What is our mission (the core purpose)? 2) What is our vision (the destination)? 3) What is our strategy (the path)? And 4) what is expected of each individual in navigating the path?

Step Three: Align systems – attracting, positioning, rewarding and developing people to be in line with the mission, vision, strategy and expectations.

Step Four: Unleash talent – because "leadership is the highest of all arts. It is the enabling art. Leadership is about unleashing the whole person towards inspiring and worthwhile goals".²⁶

On step four, Covey explains further:

In a school, [leadership] is about finding teachers' and administrators' strengths – their gifts, their voices – and then letting them soar. It is about engaging their hearts, minds, bodies, and spirits. It is also about optimising students' gifts and unleashing their talents.²⁷

What Covey is talking about is relevant to the whole question of leadership training and how early it can start. We shall now proceed to look at a local example of a significant effort to conduct political leadership training for the youth.

Youth Agenda's Political Leadership Development Programme (PLDP)

Although attributed to the Youth Agenda in the short title above, PLDP is a joint initiative of two non-governmental organisations, namely Citizens' Coalition for Constitutional Culture (4Cs) and Youth Agenda (YAA), working in partnership with an international (German) organisation, Friedrich Ebert Stiftung (FES). The short title is based on the fact that PLDP is publicly associated with Youth Agenda. As a matter of fact, it is not the only local effort to provide leadership training, political or otherwise. From time to time CSOs organise short training activities for Kenyan leaders and people aspiring to become leaders in various capacities. Nevertheless, the PLDP is the most ambitious political leadership training effort currently offered in Kenya, if not East Africa as a whole. I am a key participant in the programme and, therefore, I find it the easiest to talk about.

Introductory remarks on the PLDP

The overarching idea behind the PLDP is the desire to develop a new political culture for transforming Kenya into a truly democratic, value-oriented and efficient society. It is a special intervention intended to realise our vision of the Kenya we want by creating a new political leadership culture in Kenya. It seeks to nurture and promote value-driven leadership for good governance in a democratic and pluralistic society. The training follows an outcome-based curriculum, which focuses on what the course participants know and can do at the end of the training experience rather than merely remembering the content.

Although, the programme contains three learning areas (as identified below), each is divided into specific study units, all the study units address the relevant gender issues.

The programme is intended to last one year during which each study unit is covered through seminars and practicals (including field activities) in 60 hours in the following portions:

- Seminars: 30 hours
- Practical sessions: 15 hours
- Field activities: 15 hours (pooled to make 180 hours)

Seminars usually take the form of various training activities, including the following:

- Input sessions by the trainers
- Buzz groups/syndicates/focus groups
- Discussions

- Demonstrations/modelling
- Question-and-answer sessions
- Brainstorming sessions
- Case studies/scenario-setting
- Experience sharing.

Practical sessions are intended to give participants opportunities to interact with one another in solving relevant problems, trying out practical skills introduced in the input sessions, or in some other way demonstrating the target outcomes. Typical activities during the practical sessions include:

- Debating
- Simulation
- Drama
- Role playing, etc.

As suggested by the kind of activities recommended for seminars, a fair amount of practical work can be accommodated in the seminar sessions. However, it is expected that during seminars the training involves a higher degree of trainer involvement than during practical sessions when a trainer's role remains mainly facilitative.

Field activities are meant to provide opportunities for participants to gain experience in work or task situations in which target skills are applied. Similarly, such activities are intended to make it possible for the trainers to observe (directly or by proxy) participants applying target skills in relevant work/task situations.

Participants who have jobs in such situations may simply be observed in their usual places of work to see how they are applying the target skills. For participants who do not have such jobs, arrangements are made for work attachment in relevant places whenever possible.

In all such field activities participants are expected to play some kind of participant-observer's role and submit brief reports on their experiences. Each report submitted on completion of any activities should, among other things, provide:

- A clear description of the field situation
- An evaluation of the relevance of the principles and skills learnt in the training programme to the challenges encountered in the field activity
- An indication of how useful the field experience has been as an aspect of the training programme.

Evaluation of the participant's performance in the training is based on the participant's demonstration of the kinds of knowledge, skills and attitudes stated/suggested in the broad and specific objectives of the course (as may be seen below). The demonstration of such competencies

by course participants is monitored by the trainers on a continuous basis throughout the duration of the programme as each learning area is covered in the seminars, practical sessions and field activities. Variations based on availability/unavailability of resources may from time to time be suggested by the trainers especially on matters pertaining to field activities. However, substantive curriculum changes must be approved by the programme managers (4Cs, YAA, and FES) and key trainers.

The broad objectives of PLDP

Broadly the programme is intended to prepare potential political leaders who can effectively play their leadership roles as:

- Policy makers
- Decision-makers
- Communicators
- Facilitators
- Enablers
- Negotiators
- Resources mobilisers
- Overseers
- Power brokers
- Institution builders
- Leaders
- Lobbyists

As already stated, the overarching goal of the programme is to transform Kenya into a truly democratic, value-oriented and efficient political entity guided by leaders who have appropriate knowledge, attitudes, values and skills. The training areas and course curriculum are outlined in Appendix 6. Although gender is treated as a study unit in Area A (Unit 3), all the study units in this course are expected to address the relevant gender concerns. The treatment of gender as a study unit in Area A should provide the trainees with necessary tools and concepts for addressing gender concerns wherever/whenever they arise.

The trainer's responsibilities

The responsibilities for delivering the programme fall into three categories: the programme manager's, the trainee's and the trainer's responsibilities. The three programme managers (YAA, 4Cs and FES) together take care of the necessary financial, administrative and logistical

arrangements. The learners, of course, have to report for training at the appointed time and place. They also need to dedicate themselves to the various training activities and tasks.

The trainers, like the trainees, must report for the relevant training responsibilities. In addition, they must show evidence of adequate preparation for the job. One requirement in the area of preparation is understanding the curriculum and preparing a detailed course outline to give the trainees a clear idea of what they are expected to learn in a given course unit under the guidance of the trainer. As an example of how the curriculum objectives are interpreted by a trainer, the detailed course outline for PLDP Area 'A' – Unit 1: Introduction to Political Leadership (for which I have so far been the key trainer) is presented in Appendix 6.

The course objectives stated above are intended to give guidance in the expected outcomes of each study unit in the programme. Programme experts handling the training in the various training areas are expected to study the objectives and determine the necessary content for each study unit. They must also recommend the reading and other study activities that should lead to the realisation of the stated objectives (study outcomes). The objectives listed in the course description (Appendix 6) are intended for illustration only. In each case a number of course unit objectives have been left out to save space. It is hoped that the indicated ones will give the reader a good idea of how the course is designed and delivered.

Continual curriculum enrichment

The PLDP curriculum is continually reviewed and, when deemed appropriate, enriched either by modifying the content of an existing course unit or by introducing a completely new course unit. The latest addition to the curriculum involves a unit in Area 'A' that introduces political leadership trainees to the issues of conflict management. The key objectives of this unit (Managing Conflict in Political Relationships) are that by the end of the unit trainees should be able to:

- Discuss the historical and contemporary factors behind political conflict in Africa
- Analyse a given conflict using the tools for mapping and describing the nature of conflict
- Demonstrate adequate familiarity with theories about the cause of conflict
- Outline some basic approaches to managing, resolving or transforming conflict, and
- Demonstrate basic skills seeking a win-win solution in a negotiated settlement

Some PLDP alumni actively engaged in political activities

PLDP alumni are already actively involved in political activities, some pursuing political careers. Examples include Rachel Shebesh, Pauline Owoko and Rosa Buyu. Shebesh is very active in her responsibilities as a nominated ODM MP (nominated after the 2007 elections). Owoko was a candidate for the Makadara Constituency's seat in the 2007 general elections and is still active at

the grassroots. Buyu is another well known candidate in 2007 who was running for the Kisumu Town West seat.

Others alumni include Imelda Obwana, who is a councillor (at one time Mayor) in Busia town, Christopher Mabingu, who is an active ODM grassroots mobiliser in Taita Taveta, not to mention Kepta Ombati, a top CSO executive and well known political activist. In this category (that of political activists) one must also mention Anne Njogu. There are also people like Rachel Kamweru, a nominated PNU councillor in Bahati Ward (Nairobi), Caren Magara, who contested the South Mugirango seat in 2007, and Brian Weke, who contested the Kamukunji by-election on a Narc-Kenya ticket; all these alumni are strongly involved in political activity.

The level of political participation evidenced by the activities and career ambitions of the alumni mentioned above suggests strongly that the PLDP is making some contribution to Kenya's political leadership.

What the constitution says about youth leadership

Article 55 of *The Constitution of Kenya 2010* states, among other things, that:

The state shall take measures, including affirmative action programmes, to ensure that the youth...(b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life.²⁸

The fact that the constitution prescribes even affirmative action to ensure that the youth participate in the political sphere of life (as well as economic and social spheres) means that those in national and county governments must ensure the availability of political leadership space for the youth, e.g. county governors have the power (under Article 179 (2b) to appoint members, "from among persons who are not members of the assembly."

Similarly, Article 97 requires the National assembly to consist of "... c) twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90 [Allocation of party list seats], to represent special interests *including the youth* (emphasis added), persons with disability and workers".²⁹

Constitutional provisions such as these (Article 179 and Article 97) create great opportunities for the political leadership needs of the youth to be addressed. This is one avenue to be used in addressing the democratic deficit pertaining to youth leadership.

Summary and conclusion

In this chapter, we strove to demonstrate that the youth have always been involved in Kenya's political leadership since the post-independence days. The problem is one of democratic deficit

– that is, not non-representation but under-representation. We have also argued that the youth can be trained for political leadership and extensively profiled one such effort (the PLDP) as a case study.

Finally, we have demonstrated that the constitution has provisions that can be used, given adequate goodwill and, indeed constitutionalism, to ensure involvement of the youth in political leadership at national and county levels of government.

Endnotes

- 1 See Walter Mercado, *Visions of the New Millennium: Beyond the Horizon* (New York, NY: Grand Central Publishing, 1997).
- 2 Republic of Kenya, *The Constitution of Kenya 2010* (Nairobi: Government Printer, 2010).
- 3 Andrew Heywood, *Politics* (London: Macmillan, 1997).
- 4 J.C. Johari, *Contemporary Political Theory: Basic Concepts and Major Trends, Second Edition* (New Delhi: Sterling Publishers Private Limited, 1987).
- 5 Vasudeva Sumita et al, *Education and the 21st Century Citizen: A Youth Action Plan* (Brussels: AIESEC International, 1994), p. 19.
- 6 Ibid, pp. 15-17.
- 7 Steve Mokwena (ed.), *Taking the Initiative: International Perspective on Young People's Involvement in Public Decision-making* (Dunfermline, UK: The Carnegie Young People Initiative, 2002), pp. 1-4.
- 8 Ibid, p. 2.
- 9 Ibid.
- 10 Ibid., pp 3-4.
- 11 Ibid.
- 12 Jane Foster and Kumi Naidoo (eds.), *Young People at the Centre: Participation and Social Change* (London: Commonwealth Secretariat, 2001), p. 11.
- 13 Ibid., p. 29.
- 14 Ibid. p. 11.
- 15 The list of the seven 'Bearded Sisters' includes Koigi wa Wamwere, Abuya Abuya, James Orengo, Chelagat Mutai, Chibule wa Tsuma, Mwashengu wa Mwachofi and Lawrence Sifuna.
- 16 Katindi Sivi Njonjo, *Youth Facts Book: Infinite Possibility or Definite Disaster?* (Nairobi: Institute of Economic Affairs & Friedrich Ebert Stiftung, 2010).
- 17 See Roger Hart's Ladder in Njonjo, *ibid.*
- 18 Cosmas J.O. Kanyadudi, *From the Wings to the Mainstream: The Role of Political Parties Youth Leagues in Democratisation and Regional Integration in East Africa* (Nairobi: FES), p. 15.

- 19 Ibid.
- 20 Stephen R. Covey, *The 7 Habits of Highly Effective People: Powerful Lessons in Personal Change*. (London: Simon and Schuster, 1989).
- 21 See Stephen R. Covey, *The Leader in Me: How Schools and Parents Around the World Are Inspiring Greatness, One Child At a Time* (New York: Free Press, 2008).
- 22 Ibid. p. 4.
- 23 Ibid. p. 168.
- 24 Ibid.
- 25 Ibid. p. 166.
- 26 Ibid. p. 181.
- 27 Ibid.
- 28 Republic of Kenya, *The Constitution of Kenya 2010* (Nairobi: Government Printer, 2010).
- 29 See Article 97, *ibid.*

The Rights of Minority and Marginalised Groups in Accessing Leadership Positions

Betty Sungura

Introduction

Political representation can be viewed as part of minority rights, a facilitator for other minority rights and as a broader tool to advance democratic governance in a country.¹

Minorities should have the right to participate in the formulation and implementation of public policies and be represented by their political and community leaders. Thus, minority participation in political leadership is key in ensuring human rights and equal opportunities for all members of society.

Minorities' participation in public life is an indicator of whether or not a society ensures democratic, equal and fair treatment of all its citizens. The inclusion of minorities and their political parties in public life and decision-making is an important condition for ensuring democratic governance and an open, functional and pluralist society. The European Court of Human Rights has quite accurately captured the rights of minorities in light of democracy which is basically the rule of the majority. The court has emphasised that although individual interests must on occasion be subordinated to those of a group, democracy does not simply mean that the views of the majority must always prevail; a balance must be achieved that ensures the fair and proper treatment of minorities and which avoids any abuse by the dominant group.² In a democratic society even small and informal campaign groups must be able to carry on their activities effectively. There exists a strong public interest in enabling such groups and individuals outside the mainstream society to contribute to the public debate by disseminating information and ideas on matters of general public interest.³

The Constitution of Kenya 2010 has enhanced the position of minority and marginalised groups in accessing leadership positions in Kenya. This chapter outlines and discusses the various

provisions of this new constitution, which enable marginalised or minority groups to access leadership positions at the local and national levels, hence ensuring fair political representation. The chapter begins by demonstrating that the debate on minority or marginalised groups has been ongoing since the constitution making process in Kenya began. It shows the difficulty of defining the terms ‘marginalised’ or ‘minority’ groups and the approach that the new constitution has given it. It analyses various provisions that favour minority or marginalised groups and the manner in which the groups may use them to access leadership positions in Kenya. It further attempts to demonstrate the best way of implementing the new constitution in a manner that will ensure minority rights. In discussing the various aspects of this article, I examine examples from various marginalised groups in Kenya.

Constitution making debates on marginalised groups vis-à-vis fair representation

The constitution making journey in Kenya has consistently reflected social issues of minority and marginalised groups vis-à-vis fair representation. In 1960, the colonial government convened the Lancaster House Conference to deliberate on Kenya’s next constitutional dispensation. One of the main items on the agenda was the issue of representation through parliamentary institutions and the security of minority interests.⁴ By 2007, a total of 38 amendments had been occasioned to the independence constitution. Most of these amendments touched on leadership positions, democracy and fair representation.⁵ On minority representation, the December 1968 amendment recognised the vulnerable minorities by providing for 12 nominated members to represent special interests. Perhaps the most remarkable amendment that boosted democracy and fair representation for all occurred in 1992 with the introduction of multiparty democracy.

While the 38 piecemeal amendments were taking place, there was an unrelenting fight by civil society, opposition parties and later by the government to overhaul the constitution. The journey towards a new constitution started way back at independence as demonstrated by various amendments. A number of stakeholders, including the civil society, politicians, professionals and the people of Kenya in general, played their respective roles towards the realisation of the new constitution which was ultimately promulgated on 27 August 2010.⁶ Calls for the introduction of a multiparty system in the early 1990s and demands for a comprehensive reform of the Constitution before the 1992 general election saw the drafting of the “Proposal for a Model Constitution” by the Kenya Human Rights Commission, the Law Society of Kenya and the International Commission of Jurists (ICJ).⁷ The formation of the Inter-Parties Parliamentary Group (IPPG) led to the interim reforms being enacted before 1997 in a bid to level the playing field in the then impending elections.⁸ Enactment of the Proposed Constitution of Kenya Review Act (1997) and its amendment in 2008 institutionalised the process of constitutional review.

In 2002, when a new government came into force, the process of constitution making was rejuvenated. On 21st November 2005, the country held its first constitution referendum, but the people rejected the draft on account that it had been adulterated by government.⁹ The spirit of

wanting a new constitution did not die. A new draft was done after several consultations with the public and was adopted by the public in the second referendum held on 4 August 2010 and promulgated several weeks later on 27 August 2010. It is therefore the resilience in constitutional review process that saw the drafting and passage of the new constitution.¹⁰

The implementation of the new *Constitution of Kenya, 2010* is now underway. It is thus important to understand its content insofar as the guaranteeing of fair representation of the minority and marginalised groups is concerned, with a view to effectively implementing it.

Dilemma in definitions

There has been an ongoing debate as to what the terms minority and marginalised groups mean. Consequently, the rights and privileges that would ordinarily be bestowed to the groups have been denied because of the debate.

Clearly, defining minorities or marginalised groups is the first step in ensuring that their rights and privileges are protected. In an ethnically polarised and diversified society like Kenya, the definition of these terms would be far from being settled unless it is clearly defined by a statute or the constitution. The use of the word 'minority' or 'marginalised' groups draws various connotation based on numerous variables. Some of these variables relate to population size, social status (sex, age, race, ethnic group and family background), education level, employment status, wealth or political power.¹¹ The term may be defined using any of the variables and one group may be a minority in one respect and majority in the other. In effect, women may be a minority in their occupation of leadership positions or social status but a majority in population size.¹²

The Kenya Constitution 2010 has tried to put the debate on definition to rest by at least defining the word marginalised group and marginalised community (the term minority group or community is, however, not defined.) It defines a marginalised group as a group of people who, because of laws or practices before, on or after the effective date of the new constitution were or are disadvantaged by discrimination on, one or more of the grounds of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.¹³

Article 260 of the constitution further defines a marginalised community as a traditional community or an indigenous community which, because of their relatively small size, desire to preserve their identity or culture or maintained a hunter and gatherer lifestyle, have been unable to fully participate in the integrated social and economic life of Kenya as a whole. Pastoral persons and communities are also included.

The term 'minority' has been defined by the International Covenant on Civil and Political Rights (ICCPR) as a group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense

of solidarity, directed towards preserving their culture, traditions, religion or language.¹⁴ Due to the difficulty of finding a conventional definition of the phrase “minority and marginalised groups”, the phrase is used in this chapter to capture the attributes stated above and as defined in the constitution. Hence, the words “minority” and “marginalised” shall be used interchangeably and shall be regarded as having the same meaning.

Minority and marginalised communities in Kenya

Kenya is a country of great ethnic, linguistic, cultural and religious diversity. Various communities are considered to belong to the bracket “minority and marginalised” in Kenya, most of which have been marginalised on the basis of culture, population, lifestyle, level of education and gender, among others. Below is an outline of some of the marginalised groups.

Ogiek

The Ogiek community is a group of hunters-gatherers with a population estimated to be approximately 20,000, though no exact census has been done clearly targeting this community, which is endangered.¹⁵ The majority of its members live in Mau Forest, on the western side of the Rift Valley. Ogiek means “caretaker of all” of plants and animals, or scientifically the flora and fauna. The Maasai nicknamed the community members “Iltorobo”, which meant a poor person without herds of cattle. Their lifestyle and culture (hunter-gatherer) is that since time immemorial, even with the coming of civilisation, they have remained in the forest.

Due to their small number, the Ogiek have been an easy target for all kinds of encroachments including those seeking land on which to farm or graze. Over the years, the group has been marginalised by successive governments in the name of environmental conservation. Their culture and lifestyle has been considered to be inferior, hence they have been denied their rights to local and national representation.¹⁶ Currently, the Ogiek continue to be denied security, education, employment and the opportunity to grow into productive citizens.

El Molo

The little known El Molo is the smallest tribe in Kenya with a total population of about 4,000, though the pure El Molo people are few¹⁷. The name El Molo comes from a Maasai phrase meaning, “those who make a living from other sources other than cattle”. The Samburu name for El molo is “*loo molo onsikirri*”, which means “the people who eat fish”.

El Molo people live in small villages on the south-eastern shore of Lake Turkana. With increased access to modern medicine and intermarriages with neighbouring Turkana and Samburu people, the tribe that once faced extinction has increased in population.

Maasai

Unlike the Ogieks and the El Molos whose marginalisation is mainly due to their small population and lifestyle; the Maasai have a relatively big population. Their main marginalisation is based on deprivation of grazing land.

Since the beginning of colonialism in East Africa, the Maasai have been progressively dispossessed of their land by governments and other communities. Their unique culture, which they have preserved to date, has also been a reason for marginalisation by the corporate world, especially the hospitality industry.¹⁸

Women

Women have been marginalised in various respects one of which is their participation in the political process and another is the set of biased laws.¹⁹ The population of women in Kenya is higher than that of men and yet they are the least represented in positions of leadership. Over time, women have been socialised into believing that the political arena is for men only. Further, they have over time been denied opportunities like education, health and other social services. Since independence, public appointments have also been made without regard to gender balance.²⁰

The participation of women in political and public decision-making is viewed as critical to the actualisation of gender equality because women must command real political power if their concerns are to be prioritised meaningfully in the national agenda. Several laws that have existed in Kenya since independence have been an indelible source of women's marginalisation. Some of the laws that need to be addressed to introduce gender balance are laws relating to citizenship, marriage, property, inheritance and education.

Constitutional provisions on marginalised and minority groups

The *Kenya Constitution 2010* is progressive in providing for the rights of minority or marginalised groups. For the first time, the country has a constitution providing for the rights of these groups.

Various provisions empower minority or marginalised groups in accessing leadership positions which means fair representation of their interests. The following is a discussion of these provisions.

Enforcement of the constitution

Article 23(1) of the constitution empowers every person to institute court proceedings claiming that a right or fundamental freedoms in the Bill of Rights has been denied, violated or infringed, or is threatened. Further, Article 258 confers upon every person the right to institute court proceedings, claiming that the constitution has been contravened, or is threatened with contravention. This

section opens up the issue of *locus standi* and provides that a suit may be instituted by a person acting on behalf of another person who cannot act in their own name; a person acting as a member of, or in the interest of, a group or class of persons; a person acting in the public interest; or an association acting in the interest of one or more of its members.

The constitution provides for other rights of marginalised groups. Those rights cannot be realised if there is no clear enforcement mechanism. Now the constitution gives the marginalised groups, or even certain groups of people, the power to enforce these rights through a court. Women, for example, may now go to court to challenge any appointment on the basis that they have been left out in public positions.

In the case of the *Centre for Rights Education and Awareness (CREAW) & 7 others v Attorney General* [2011] eKLR, Musinga J, sitting in Kisii High Court, found that among other articles of the Constitution, Article 27(3) was violated regarding equal treatment of men and women. He therefore concluded that:

In view of the violations to the letter and spirit of the Constitution..., even without considering other relevant provisions of the Constitution, like Article 10, which spells out national values and principles of governance, I am satisfied that the petitioners have demonstrated that they have a prima facie case with a likelihood of success. Consequently, and in view of the court's findings regarding constitutionality of the manner in which the aforesaid nominations were done, I make a declaration that it will be unconstitutional for any State Officer or Organ of the State to carry on with the process of approval and eventual appointment to the offices of the Chief Justice, Attorney General, Director of Public Prosecutions and Controller of Budget based on the nominations made by the President on 28th January, 2011.

In the case of *Muslims for Human Rights (MUHURI) and others v Attorney General and others*,²¹ the petitioners sought the court orders to nullify the appointment made by the President to the positions of the Chief Justice, Attorney General, the Director of Public Prosecutions and Controller of Budget; the President had nominated Hon. Justice Alnashir Visram, Prof. Githu Muigai, Kioko Kilikumi and William Kirwa respectively. In nominating the four the President neither consulted the Prime Minister and the Judicial Service Commission nor nominated a woman in line with the spirit of the new constitution. MUHURI petitioned the court on the account that nominations were done in contravention of the Constitution of Kenya; one of the arguments in the MUHURI suit was that the appointments did not give regard to gender balance since no woman had been appointed. Ibrahim J. issued *ex parte* conservatory orders against the publication of the names in the Kenya gazette until the determination of the hearing. Later the President withdrew his list of nominees.

Articles (23(1) and 258 on the enforcement of the constitution can go a long way in ensuring that marginalised groups are offered leadership positions either through appointments or elections. Interest groups, lawyers and individuals should be vigilant on the constitution implementation journey to ensure that it is implemented properly.

The internationally recognised rights of minority and marginalised groups

The Constitution of Kenya 2010 recognises general rules of international law, any treaty or convention ratified by Kenya as part of the applicable law in Kenya.²² This recognition means that several conventions discussed below shall apply in helping minority and marginalised groups to attain their rights in leadership and other areas.

Right to existence is protected in the United Nations' Declaration on the Right of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which emphasises that all states shall protect the existence and the national or ethnic culture as well as the religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity.²³ According to Sachs, the right to non-discrimination is the most powerful principle to have emerged in relation to the protection of minorities.²⁴ This right is so central to international human rights law that all but one of the major instruments prescribes it as an article of general application. It is central to the Universal Declaration of Human Rights, especially Article 7, which states that "All are equal before the law and are entitled without any discrimination to equal protection by the law".

These views are confirmed by the ICCPR, which affirms that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the freedom to freely express, preserve and develop their identity without any discrimination and in full equality of the law.²⁵ The right to develop autonomously within civil society is also protected. The Convention declares that those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

On political representation, the political participation of minorities has roots in international human rights law. Key international conventions, such as the ICCPR, guarantee the right of all citizens to participate in the political life of the country. In effect, Article 25 of the ICCPR notes that every citizen shall have the right and the opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and to have access, on general terms of equality, to public service in their country.

The above conventions, as well as many others, which Kenya has ratified, shall now have the force of law. Members of marginalised communities like the Ogiek or members of marginalised groups like the disabled or women should seek to enforce the international conventions to ensure that they access positions of leadership to represent their interests.

National values and principles of governance

The new constitution outlines national values and principles that guide all public officers, state officers, state organs and all persons in the application and interpretation of the constitution. The same principles are to be upheld in the enactment, application or interpretation of any law or government policy. Among the values and principles that will enhance the position of minority and marginalised groups are: human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised.²⁶ Each of the communities in Kenya must now be protected by the state and their culture considered in determining matters of national importance.

Implementation of rights and fundamental freedoms of marginalised groups

The new constitution provides and guarantees the social, economic and cultural rights of all. All state organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities. It is now a fundamental duty of the state and its officers to observe, respect, protect, promote and fulfil the rights and fundamental freedoms of all including marginalised groups.²⁷

Under Article 43, the constitution states that every person has the right to health, education, food, social security, housing and work.²⁸ As Article 2 states that the general rules of international law shall form part of the law of Kenya, the inclusion of the economic, social and cultural rights means that every state action, including appointments to position of leadership and distribution of resources, must be done in observance of these rights. Where the government fails to observe these rights it risks being sued under Article 22, which expands the right of any person who wants to bring forth a claim for breach of the said rights.

A good example where economic, social and cultural rights have been enforced in Africa can be drawn from a case filed by the Treatment Action Campaign (TAC) in South Africa.²⁹ TAC sued the South African government for not ensuring that mother-to-child HIV/Aids transmission (MTCT) prevention was available to pregnant mothers. Consequently, the South African government devised a programme in 2001 to deal with MTCT (using Nevirapine) as a response to the crisis.³⁰

The programme restricted the availability of Nevirapine to two sites in each province, which only served about 10 per cent of the population. This was despite the fact that Nevirapine manufacturers offered to make Nevirapine available free to the government, for a five-year period.

Pilot sites were linked to satellite clinics, which provided a full package for the treatment of MTCT. The result was that, while doctors in the private profession were not prohibited from prescribing Nevirapine to their patients, doctors in the public profession were absolutely prohibited. This meant that pregnant mothers who did not have access to satellite clinics, and who could not afford private health care were left to die because they could not have access to ARVs.

When TAC challenged the government to provide legally valid reasons as to why Nevirapine could not be made available to patients in the public health sector, the Minister of Health listed a number of social, economic and public health implications of breastfeeding by HIV-positive mothers, and cultural and financial impact of formula-feeding as a substitute. In addition, the Minister outlined the complexity of providing a comprehensive package of care throughout South Africa. As a result, TAC brought an action before the High Court against the government when it became clear that their initial demands for a comprehensive MTCT prevention programme had received a sympathetic ear from government.

The basis of the action was that the government had violated the right to health, on the premise that its measures to provide access to health care services were deficient. The programme that prohibited the administration of Nevirapine at public hospitals and clinics outside the research and training sites could not be said to be reasonable as a measure to give effect to the right to health care services in the constitution.

TAC sought an order compelling government to devise an effective MTCT national programme, including the provision of Nevirapine, voluntary counselling and testing, or other appropriate medicine where appropriate, and formula milk for feeding. Additionally, the petition sought a declaratory order requiring government to provide Nevirapine to all pregnant women giving birth in public health facilities, where medically indicated. The Pretoria High Court ruled in favour of TAC and found that the government had acted unreasonably in refusing to make Nevirapine available in the public health sector. It ordered the government to provide ARVs in public hospitals where medically indicated.³¹ In passing the ruling the Court stated as follows:

A society must seek to ensure that the basic necessities of life are provided to all if it is to be a society based on human dignity, freedom and equality. To be reasonable, measures cannot leave out of account the degree and extent of the denial of the right they endeavour to realise. Those whose needs are the most urgent and whose ability to enjoy all rights therefore is most in peril, must not be ignored by the measures aimed at realisation of the right. It may not be sufficient to meet the test of reasonableness to show that the measures are capable of achieving a statistical advance in the realisation of the right. Furthermore, the constitution requires that everyone must be treated with care and concern. If the measures, though statistically successful, fail to respond to the needs of those most desperate, they may not pass the test.³²

The above case demonstrates that social, economic and cultural rights may indeed be enforced in favour of marginalised communities and groups in Kenya. The judiciary should now be pro-active in enforcing these rights so that marginalised groups are empowered in preparation to taking up leadership positions in the country.

Constitutional provision on minorities and marginalised groups

The Kenya Constitution 2010, under Article 56, provides for an affirmative action programme designed to ensure that minority and marginalised groups participate and are represented in governance either at the national or at the county level. Affirmative action refers to policies that take factors including race, colour, religion, gender or national origin into consideration in order to benefit an underrepresented group, usually as a means to counter the effects of a history of discrimination. The scope of such policies ranges from employment and education to public contracting and health programmes. Affirmative action programmes should ensure that the groups participate and are represented in governance and other spheres of life, are provided with special opportunities for access to employment, develop their cultural values, languages and practices, and have reasonable access to water, health services and infrastructure.

The United Nations Commission on the Status of Women has been responsible for organising and following up the world conferences on women in Mexico (1975), Copenhagen (1980), Nairobi (1985) and Beijing (1995). The latter was very successful whereby the delegates came up with the Beijing Declaration.³³ Among the issues agreed on was the push for affirmative action for women. Over time, the Government of Kenya has continued to take measures towards gender equality. Several gender responsive laws have been progressively developed, which include the Sexual Offences Act (2006), Employment Act (2007), National Cohesion and Integration Act (2008), Truth and Reconciliation Act (2008), Witness Protection Act (2006), Political Parties Act (2007) and the HIV/Aids Control Act (2006). A number of pending bills have also been presented to Cabinet, namely the Family Protection Bill (2009), Marriage Bill (2007), Affirmative Action Bill (2007) and Matrimonial Bill (2009). The Equality Bill has been renamed the Equal Opportunity Bill.

Other policies formulated by the government include *Sessional Paper No 2 of 2006 on Gender Equality and Development*, National Land Policy, National Reproductive and Health Policy, and Gender Policy in Education 2007. Those in the final stages include Social Protection, Community Development Policy and the National Policy for the Abandonment of Female Genital Mutilation (2008-2012). Vision 2030, under its Social Pillar takes into account gender, youth and vulnerable groups in ensuring that there is equity in power and resource distribution and in general improvement of livelihoods.

Representation of the people

It is a common observation that political representatives tend to be drawn from the elite stratum of society; for example, the presidential politics in Kenya since independence has been held

between five large communities, namely Kikuyu, Kalenjin, Luo, Kamba and Luhya.³⁴ Even where representatives are chosen through fair and democratic elections, it is often said that legislative assemblies remain “unrepresentative,” and, in particular, that they are under-representative of women, ethnic minorities, and the poorer and less educated social classes. This is especially true of representation at the national level.

Kenya has adopted measures intended to improve the political representation of women and other minority groups. *The Constitution of Kenya 2010* has established an electoral system which complies with several principles including the freedom of citizens to exercise their political rights; that not more than two thirds of the members of elective public bodies shall be of the same gender, hence enhancing the position of women in leadership positions; fair representation of persons with disabilities; and fair representation and equality.³⁵

Basic requirements of political parties

Political parties are organisations that seek to influence government policy, usually by nominating their own candidates and trying to seat them in political office. Parties participate in electoral campaigns, educational outreach or protest actions. They often espouse an expressed ideology or vision bolstered by a written platform with specific goals, forming a coalition among disparate interests.³⁶ In some countries like Kenya, political parties play a vital role in determining who takes a political position in representing others. In most cases, and in the practice of politics in Kenya, members of political parties are from the dominant communities and groups. Over time, therefore, minority and marginalised groups have lacked representation in politics just because they could not participate in party politics.

In cognisance of the marginalisation of some groups, the new constitution now requires political parties to embrace certain basic requirements, which include the following: respecting the right of all persons to participate in the political process, including minorities and marginalised groups; respecting and promoting human rights and fundamental freedoms, and gender equality and equity; and, promoting and upholding national unity. This basic requirement, coupled with other values and principles encapsulated under the constitution, ensures that political parties give minority and marginalised groups a chance to participate in party politics and ultimately local and national politics. It is important to note that the practice suggests that minority rights are often not implemented without political representation of the minorities themselves.

Further, in situations where minorities are not represented in political parties, the constitution provides for independent candidates.³⁷ If members of marginalised communities feel that they are being excluded from activities of a political party, then they may either form their political party or raise independent candidates. But they need to be educated about the opportunities that the new constitution offers. Already some communities like the Ogiek and the Maasai have groups that they

can use to push their agenda. The Ogiek have the Ogiek People's Development Programme and the Maasai have the Maasai Association.

Legislation on representation by marginalised groups

Article 100 mandates and requires Parliament to enact legislations that promote the representation of women, persons with disabilities, youths, ethnic and other minorities and marginalised communities. This section may be a deal breaker in determining the level to which minorities and marginalised groups will be ascending to leadership positions. The bills must accurately and identifiably list the characteristics of a marginalised group and specific affirmative steps to be taken to uplift their status. The social, economic and cultural rights of marginalised groups must be protected and guaranteed by the new legislations.

Devolved government

Devolution is being considered based on power and resources. The main object and principles of devolution are, among others, to recognise the right of communities to manage their own affairs and to further their development, to protect and promote the interests and rights of minorities and marginalised communities, and to foster national unity by recognising diversity.

With regard to devolution of power, under the new constitution, the government has been devolved into county and national governments. To achieve the devolution objectives the constitution states that County Assemblies should consist of a certain number of members of marginalised groups, including persons with disabilities and the youth. The number is to be prescribed by an Act of Parliament.

The composition of the National Assembly shall constitute, among others, the forty-seven (47) women, each elected by the registered voters of the counties, each county constituting a single member constituency; twelve (12) members nominated by parliamentary political parties according to their proportion of members in the National Assembly in accordance with Article 90, to represent special interests including the youth, persons with disabilities and workers.³⁸ On its part, the Senate shall consist of sixteen (16) women members who are to be nominated by political parties; two representatives of the youths and two representatives of persons with disability.³⁹

Regarding the devolution of resources, the use of public funds shall be guided by certain principles which shall include promotion of equitable development of the country, including making special provision for marginalised groups and areas.⁴⁰ The constitution establishes an Equalisation Fund which shall be employed in providing basic services including water, roads, health facilities and electricity to marginalised areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation.⁴¹

The national government may also use the Equalisation Fund either directly or indirectly through conditional grants to Counties in which marginalised communities exist. The Commission on Revenue Allocation shall determine, publish and regularly review a policy in which it sets out the criteria by which to identify the marginalised areas for purposes of utilising the Equalisation Fund.⁴²

Education of minorities

The right to education has been universally recognised since the Universal Declaration of Human Rights in 1948 (though referred to by the ILO as early as the 1920s) and has since been enshrined in various international conventions, national constitutions and development plans. However, while the vast majority of countries have signed up to, and ratified, international conventions (such as the UN Convention on the Rights of the Child) far fewer have integrated these rights into their national constitutions or provided the legislative and administrative frameworks to ensure that these rights are realised.

In some cases the right exists along with the assumption that the user should pay for this right, undermining the very concept of a right. In others, the right exists in theory but there is no capacity to actualise it. Inevitably, a lack of government support for the right to education hits the poorest and minority groups hardest. Currently, the right to education is still denied to millions around the world.

As well as being a right in itself, the right to education is also an enabling right. Education ‘creates the “voice” through which other rights, like minority rights, can be claimed and protected’, and without education people lack the capacity to ‘achieve valuable functioning as part of the living’. If people have access to education they can develop the skills, capacity and confidence to secure other rights.

Education gives people the ability to access information detailing the range of rights that they hold, and government’s obligations. The quality of representation and leadership depends on the level of education of the minority and marginalised groups. It supports people to develop the communication skills to demand these rights, the confidence to speak in a variety of forums, and the ability to negotiate with a wide range of government officials and power holders.

For minorities to ascend into leadership positions they must embrace education. The new constitution recognises social and economic rights and key amongst them is the right to education.⁴³ While Article 52 of the constitution states that every child has a right to free and compulsory basic education, the right to education of marginalised groups is also recognised in Kenya Vision 2030 whose Social Pillar underscores that the country’s journey towards prosperity also involves the building of a just and cohesive society, which enjoys equitable social development in a clean and secure environment. This quest is the basis of transformation in eight key social sectors, namely Education and Training, Health, Water and Sanitation, the Environment, Housing and Urbanisation,

as well as in Gender, Youth, Sports and Culture. It also makes special provisions for Kenyans with various disabilities and previously marginalised communities.⁴⁴

Avenues for minority representation

In light of the provisions on the rights of minorities under the new constitution as discussed above it is apparent that the minorities have various avenues to ensure fair representation. They can achieve representation in four different forms either directly or indirectly, captured by the letter and spirit of the constitution.

First, minority associations can have a formal role in representing minority interests. This can have the advantage of depoliticising certain minority-relevant decisions. At the same time the associations are not necessarily representative and might exclude parts of the community, be it women or members of a minority living in a different region.

Secondly, minorities can be represented through specific institutions which are established to represent minority interests. A problem these institutions often encounter is the form through which they are elected. Direct election by minorities raises a plethora of problems, from questions on who can vote (and who can determine who can vote) up to potential discrimination, whereas indirect elections can be exclusionary and be used by one particular party to exclude others.

Thirdly, minority interests can be articulated by parties or bodies which do not represent minorities *per se*, but rather a broader constituency which also includes a particular minority. In theory, such an inclusive form of representation can avoid overemphasising difference and ethnicity. In reality, the record suggests that minority interests are easily ignored in this format, which does not address the challenge of minority representation.

Fourthly, it has been a feature of minority politics in many countries that most minorities have either opted for their own political representatives, as has been the case with most large and geographically concentrated minorities, whereas others have withdrawn from the political system altogether. This might be a function of disagreement with the larger political system or state, or a consequence of insufficient political mobilisation and organisation. The configuration of the party system along ethnic lines is largely a consequence of the unwillingness of majority parties to seriously incorporate minority community concerns, often due to fears of alienating the majority.

From the foregoing discussion, the following recommendations should be implemented with regard to the minority and marginalised communities:

- The rights of minority and marginalised communities with regard to their lands and resources, effective political participation and distinct cultural identity should be implemented. Specific legislation should be correspondingly enacted, including affirmative action where necessary.

- The national census should identify minority and marginalised groups and provide disaggregated data in order to understand their specific needs and facilitate the elaboration of appropriate public policies.
- The government, through the electoral body, should regulate the nomination of Members of Parliament by political parties in particular to ensure adherence to the constitutional provisions on the need to take into account special interest groups in those nominations.
- The current procedures for granting national identity cards should be reviewed to remove obstacles affecting minority and marginalised communities, and such identity documents should be provided to members of minority and marginalised communities who still do not have them.
- Efficient mechanisms should be established to address historical injustices and settle current land and natural resource disputes resulting from dispossession of lands traditionally owned by minority and marginalised. These mechanisms should include the possibility of revocation and rectification of irregular titles, as well as the restitution of lands and/or effective compensation to the affected communities.
- The government should ensure that all allegations of torture, rape and other human rights violations are promptly, independently and thoroughly investigated by a body capable of prosecuting perpetrators. The rights of human rights defenders and indigenous activists should be specifically protected.
- Minority and marginalised communities should participate actively in the design, implementation and evaluation of the poverty reduction strategy and the realisation of the Millennium Development Goals (MDGs).
- Affirmative action should be applied to promote education for indigenous children at all levels, particularly for indigenous girls. Free boarding and mobile schools should be an integral part of the free universal primary education programme. More appropriate educational curricula should be devised, taking into account indigenous peoples' distinct ways of life.
- Efforts should be made to protect the languages of the minority and marginalised communities from extinction, by appropriate educational, linguistic and cultural policies.
- Existing customary laws and practices should be revised to eliminate discrimination against women, especially with regard to their property rights and harmful traditional practices, and ensure their full participation in decision-making at the community and national levels.
- Indigenous communities and organisations should renew efforts to find constructive solutions to existing conflicts with other communities, taking into account customary practices, the principles of transitional justice and the respect for human rights.

Conclusion

There are various positive provisions that may be relied on by the citizens of Kenya to ensure that marginalised groups enjoy a decent and dignified life besides ascending to positions of leadership

at the national and local levels. For the first time, the constitution guarantees social, economic and cultural rights for all. These rights open up opportunities for marginalised groups in ascending to leadership positions. Their justifiability depends on the progressiveness of the judicial officers. The Kenyan courts should learn lessons from the South African courts which have set a good example.

Endnotes

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- 2 *Young, James & Webster v. United Kingdom*, Judgment of the European Court of Human Rights of 13 August 1981, Series A No. 44 p. 25, para. 63; *Chassagnou & Others v. France*, Judgment of the European Court of Human Rights of 29 April 1999, para. 112.
- 3 *Steel & Morris v. United Kingdom*, Judgment of the European Court of Human Rights (Fourth Section) of 15 February 2005, para. 89.
- 4 Kenya Independence Order in Council, S.I. No. 1968 of 1963
- 5 Kithure Kindiki, "The Emerging Jurisprudence on Kenya's Constitutional Review Law," *Kenya Law Review*, Vol 1 (2007): 153.
- 6 Y. Ghai, *Reviewing the Proposed Constitution: A Guide to the Kenya Constitution* (Nairobi: CKRC, 2002), p. 4. The calls for the introduction of a multiparty system in the early 1990s and demands for a comprehensive reform of the constitution before the general election of 1992 saw the drafting of the 'Proposal for a Model Constitution' by the Kenya Human Rights Commission, the Law Society of Kenya and the International Commission of Jurists (ICJ). The reform movement intensified its campaign and in a short period starting in 1992, it won the support of religious groups, opposition political parties, professional associations, trade unions and a broad spectrum of civil society. The formation of the Inter-Parties Parliamentary Group (IPPG) led to enactment of interim reforms to be enacted before the 1997 general election in a bid to level the playing field. Attempts such as the Bomas Draft, the Kilifi Draft, the Wako Draft and the Harmonised Draft Constitution are the products of the attempts to review the constitution. The Wako Draft was rejected at a referendum held on 21 November, 2005. In 2008, the government enacted two Acts, the Constitution of Kenya (Amendment) Act, 2008 and the Constitution of Kenya Review Act, 2008. See Government of Kenya. *2005 Referendum Results*. Available at http://www.communication.go.ke/referendum_results.asp (site accessed 4 August, 2011).
- 7 *Ibid*, 4. Calls for the introduction of a multiparty system in the early 1990's and demands for a comprehensive reform of the Constitution before the General elections of 1992 saw the drafting of the 'Proposal for a model Constitution' by the Kenya Human Rights Commission, the Law Society of Kenya and the International Commission of Jurists (ICJ). The reform movement intensified its campaign and in a short period starting in 1992, it won the support of religious groups, opposition political parties, professional associations, trade unions and a broad spectrum of civil society.
- 8 *Ibid*, 2. See also P.L.O. Lumumba, "The Kenya's Constitution Making Journey: Home at Last." Paper Presented at Sarova Stanley Hotel on Tuesday, 4 May 2010. According to Lumumba, "After the 1997 elections, the political class in the opposition, for a second time, realised that piecemeal legislative amendments would not solve the governance issues but this time round, the pressure for review took a firmer course. Initially, the government, through Parliament, took the initiative and enacted the Constitution of Kenya Review Act, Chapter 3A of the Laws of Kenya which provided for the creation of

- a commission of fifteen (15) Commissioners to be appointed on the basis of expertise and provincial representation. The Commission, which was to be served by a full time secretary, was to collect and collate views from Kenyans and to produce a draft Bill for alteration of the new constitution which would receive the final imprimatur of Parliament. In protest, the civil society, the clergy and a large segment of the opposition refused to participate in what was then referred to as the ‘Parliament Process’ on the grounds, *inter alia*, that it was Executive controlled and *ipso facto* not people driven. The protesting group congregated at Ufungamano Hall, a facility owned by the National Council of Churches of Kenya (NCCCK) in Nairobi, forming what they named the ‘People’s Commission’ but it was to be eponymously christened ‘Ufungamano Initiative.’”
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 - 11 Louis Wirth, “The Problem of Minority Groups”, in Ralph Linton (ed.), *The Science of Man in the World Crisis* (New York: Columbia University Press, 1945), p. 347.
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 - 18 Mohamed Amin, Duncan Willetts and John D. Eames, *The Last of the Maasai* (Nairobi: Camerapix Publishers International, 1987).
 - 19 W.N. Ndiritu, “Inequality Between Sexes: To What Extent is the Statutory Corpus to Blame?” LLB Dissertation, University of Nairobi, 1980.
 - 20 Phoebe Asiyo, “Legislative Process and Gender Issues in Kenya”, in Ombaka Mbeo (ed), *Women and Law in Kenya* (Nairobi: Public Law Institute, 1989), p. 41.
 - 21 High Court Petition No. 7 of 2011 at Mombasa.
 - 22 Article 2 (5) and (6), *Constitution of Kenya, 2010*, op cit.
 - 23 United Nations, “European Charter of Regional and Minority Languages”, in *Human Rights: A Compilation of International Instruments* (New York: United Nations, 1992).

- 24 *South African Foundation for Education and Training vs Gauteng Provincial Legislature*, Sachs J, South African Law Reports, CCT 39/95 [1995].
- 25 United Nations, “International Covenant on Civil and Political Rights,” in *Human Rights: A Compilation of International Instruments* (New York: United Nations, 1980).
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- 29 The Treatment Action Campaign (TAC) is a South African AIDS activist organisation that was founded by the HIV-positive activist Zackie Achmat in 1998. TAC is rooted in the experiences, direct action tactics and anti-apartheid background of its founder. It has been credited with forcing the reluctant government of former South African President Thabo Mbeki to begin making antiretroviral drugs available to South Africans.
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- 34 David Throup and Charles Hornsby, *Multiparty Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Election* (Nairobi: East African Educational Publishers, 1998).
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- 40 Article 201, *The Constitution of Kenya 2010*, op cit.
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Vetting and Social Audit of Leaders

Joseph Kwaka

Introduction

Kenyans voted overwhelmingly on 4 August, 2010, in a referendum for a new Constitution, which was subsequently promulgated on 27 August, 2010. This gave them a break from bad governance caused by poor leadership.

Previously, the country had experienced the typical characteristics of bad governance in dictatorship, violation of human rights, impunity, corruption, contempt for the rule of law, favouring of the tribe of the top leadership while discriminating and marginalising others, social and regional inequality, and economic and human underdevelopment. Kenyans voted to give themselves a new republic and so a new beginning after forty-eight years of independence from the British colonial rule. However, they are aware that no matter how good a constitution is (and the new Kenyan one is rated the most progressive so far in the world on many issues), a nation cannot realise democratic aspirations and economic prosperity unless the leaders in charge are competent men and women of vision, ready to serve with a sense of commitment to common good.

In a normal and functioning nation state, which *The Constitution of Kenya 2010* reinstates, the citizenry holds the right to good governance, services, and economic and human development. This is summed up in the statement in the constitution that “Sovereign power belongs to the people” and further entrenched in the Bill of Rights (Chapter Four).

However, from independence, governance and management of public affairs degenerated to the extent that the Kenyan leaders at all levels became rulers who felt only accountable either to themselves or to their political patrons. Leaders felt and behaved as if they owned the people instead of being beholden to them. Leaders largely excluded the people from participating in decision-making on issues affecting them. Over time, the citizenry and local communities got used and resigned to the situation, stopped demanding for their rights, and lost their space in governance and management of issues affecting them.

Cases worth citing are about decentralised development instruments: Constituency Development Fund, Local Authority Transfer Fund, Constituency Bursary Fund/ Constituency HIV/Aids Fund, Secondary Education Bursary Fund, Constituency Roads Maintenance Fund, to mention only a few. According to the regulations, these constituency-focused decentralised funds are controlled by the area Member of Parliament who is the *patron* of the respective management committees, the selection of whose membership they direct. It is therefore not difficult to imagine how the politics of patronage influences the governance and management of development programmes in any locality. In many instances, awarding of a development project to any corner of the constituency or bursary to an orphan is regarded by the people wrongly as a favour from the Member of Parliament.

In many cases, procurement for supply of materials and services in those development programmes is done by just a few people in consultation with the MP, who is regarded as the “big man”. These funds are often looted or used in a manner that gives political mileage to the MP while very little goes into programme implementation for the benefit of the local community. Thus, poor leadership takes root from allowing wrong elements to take up such state offices, which leads to bad governance, causing underdevelopment. And yet there must be a way of ensuring that individuals bent on dragging the nation back do not ascend to positions of leadership. Vetting of leaders is one such solution.

Public vetting of leaders to clear them before they occupy public offices and assessing their performance periodically during their tenure are in accord with the letter and spirit of the constitution. Such due diligence would fulfil the following provisions of the Constitution: (i) affirming Chapter One, which states that sovereignty belongs to the people, and therefore they must have a say in the election and selection of who manages their affairs and resources; (ii) facilitating public participation in decision-making and governance of their affairs; and, (iii) ensuring adherence to Chapter Six on Leadership and Integrity – that occupants of public offices shall be people of integrity.

Vetting of people who seek to become senior state office holders is well-provided for and seems to have been largely accepted in the process of finding suitable persons to occupy senior positions in the Judiciary and other appointive senior positions in the civil service. In the case of the Judiciary, the hiring of the judges is done through a competitive process by the Judicial Service Commission, an independent body whose members come from the stake holding sectors and sections of society, like the law society, professional associations, faith-based bodies and others. And so they represent the public rather than the Executive arm of the state. The rigorous interviews and vetting are conducted transparently and the media and the public are allowed to submit information on candidates to which the candidates are challenged to respond. Regarding the senior positions in the civil service, key presidential appointments must go through Parliament where the people’s representatives vet them on behalf of the public and submissions from the public on each nominee are admitted.

However, there is neither constitutional nor legislative provision for vetting those who aspire for political representative seats in the legislative arms of the national and county governments. Findings from surveys, opinion polls and public consultations by constitution implementation bodies indicate an overwhelming demand from the citizenry that individuals seeking elective or appointive positions across the board be vetted. The challenge is the absence of a legal or institutionalised mechanism for this type of vetting with public participation especially regarding elective positions. Similarly, apart from performance contracting, which is an in-house mechanism, there is no legal procedure for holding leaders in such positions accountable by periodically assessing their performance.

In this chapter, the concepts of social vetting of individuals seeking elective positions of leadership as well as the social audit of leaders on their performance and behaviour during their tenure are introduced. As Lee Kuan Yew says correctly, “We cannot afford to forget that public order, personal security, economic and social progress, are prosperity and not the natural order of things; that they depend on ceaseless effort and attention from an honest and effective government that the people must elect”.¹

The bold advocacy for the idea of vetting and social audit in this chapter is, therefore, born out of a conviction that a mechanism must be found to ensure that the people reinstate themselves to be in charge of their affairs and destiny. Taking cognisance of the uniqueness of this subject, I attempt to diligently explain and simplify various aspects of the concepts. I have also provided sample vetting and social audit tools, which non-state actors may adopt and adapt to suit the circumstances in which they are to be applied.

The sections with tools indicating what the leaders should be vetted and socially audited on are largely informed and influenced by the chapters one to nine in this publication.

The meaning of ‘vetting’

The term *vetting* has lately gained currency in the political and leadership discourse. It is borrowed from the practice in management of horse racing whereby a veterinarian evaluates horses to ensure they are healthy and fit to compete in a race. Horses with physical or health disorders are not allowed to participate; and this is to avoid a risk on the horse itself and the rider. A horse can be banned permanently from taking part in future races if, in the judgement of the veterinarian, the seriousness of the disorder is beyond certain thresholds. Therefore, vetting is a background check done as an examination or assessment or evaluation on a person who is being nominated or proposed or someone aspiring or applying for a public office to determine their suitability for the position.²

In the United States, a political party’s presidential nominee chooses a running mate to be the Vice-President should the presidential candidate win. The practice is that the individual to be named as running mate undergoes thorough vetting for the political party and the presidential

candidate to be certain that the person is clean and does not have a bad track record, character or behaviour in the past that can be used by the rival party or candidate or the media to undermine the chances of the presidential candidate in the race. In effect, choosing a leader expected to steer a county to the next level of development is as important as choosing a running mate.

The team chosen to do a background check looks at several aspects including the finances, personal character, conduct, behaviour and previous coverage in the media of the prospective nominee. Choosing a running mate is an important step for any presidential contender. The candidates must be vetted carefully to avoid any unforeseen problems that could cost the contender the election.³ Similarly, a country or a county may lose the opportunity for development and progress just by allowing wrong people to take leadership positions.

Over the years in Kenya, the national security intelligence institution is assigned to collect, compile and submit background information to the relevant authorities on any individual about to be nominated or appointed by the government to a senior public office. This is a form of vetting that checks several areas including past political activities, alignments, associations and criminal record, if any. Today, this vetting by the state agencies goes further and includes finding out whether the person is tax compliant.

It is notable that there are certain sectors in Kenya and in other countries where application for certain licences requires some form of vetting by the regulatory authorities. For instance, anybody who is already qualified as a driver and is applying to drive a commercial passenger public service vehicle must obtain an additional licence. For this, the person requires a Certificate of Good Conduct from the Criminal Investigation Department (CID) to ensure that they do not have a criminal record. The certificate is requisite for engagement in many jobs, including in some financial institutions and some sensitive state bodies. This is another type of vetting.

The type of people-managed vetting being proposed in this chapter for political candidates and other individuals slated for or seeking public offices covers extensive background should check also on the candidate's relatives, friends, business associates, close supporters and key personalities in their teams. The vetting agency or non-state actors network should also check on statements the candidate made in the past, integrity, how they acquired their wealth or whether they have ever been involved in any financial scandal or economic crime. It must conduct a lifestyle audit to find out whether their past and current expenditures are matched by the known income, and whether they have been properly paying taxes. Not to be left out is the candidate's family life and whether they are of good moral standing.

Reasons for vetting leaders before they occupy public offices

Kenya is a nation emerging from a history of poor leadership that has immensely undermined the nation's progress. There is no better reason to vet those who want to take up positions in the high ranks of leadership than to filter out individuals who were once involved in bad leadership,

or who have only a self-centred view of leadership and are likely to perpetuate bad leadership. It is imperative that as Kenya opens a new chapter in its political, social and economic life with a new constitution, it also turns a new page for the most important determinant of societal progress – leadership.

The aim of vetting is to ensure that only individuals of good standing in society who possess irreducible minimum qualities of leadership are entrusted with managing public affairs and resources. Kenyans have had a terrible experience with individuals who, if vetting were to be done, would not have got anywhere near leadership positions. There are many other roles certain people can play and not everybody with the basic higher educational qualifications or association with certain families or other leaders or a lot of money must be a leader or be in charge of people's affairs or wealth.

Every community or nation ought to ensure that the person they are giving a mandate to represent them or manage their resources at whatever level is not a person with a propensity to selfish behaviour nor are they corrupt. Such an individual must be a person with a vision to pursue the common good, has self-control, lives according to societal norms and is not easily tempted to immoral behaviour. Such individuals control their emotions and are able to make wise judgements, are law-abiding citizens who have no criminal history or tendencies, are humble and respect human rights, have compassion for the poor, and have feasible programmes for poverty eradication.

Vetting aspiring political leaders is an important fulfilment of the voters' right to have adequate information about someone requesting for their consent to represent them on matters affecting their lives and the lives of future generations. Chapter Four of the Constitution of Kenya (The Bill of Rights), Article 38, provides that "Every citizen is free to make political choices...." The spirit of the constitution is that the citizen must have adequate information to be able to make the political choices, and that is why, as a requisite to that right, Article 35 states that, "Every citizen has the right of access to information (a) held by the state; and (b) information held by another person and required for the exercise or protection of any right or fundamental freedom".

Vetting also actualises Chapter Six (Leadership and Integrity) of the constitution which, among others, provides for responsibilities of leadership; conduct of state officers and, financial probity of public office holders. In Article 73(2), "The guiding principles of leadership and integrity include: (a) selection on the basis of personal integrity ...; (c) selfless service based solely on the public interest, demonstrated by (i) honesty in the execution of public duties; and (ii) the declaration of any interest that may conflict with public duties." These are requirements to be fulfilled in a person inching closer to a state office, either through election or appointment, and can only be ensured through vetting.

Vetting is about reducing risks for public good. In many countries, the regulation of the education sector, a private school must meet certain standards to get accreditation or a licence.

This vetting system is a measure taken to protect both the students and communities to ensure quality education, safety, value for money and an effective contribution to the national education (sector) goals. Vetting is therefore for societal good.

Vetting of applicants for senior positions in all industries and sectors and of people who apply for licensing and various accreditations has become common in many countries in the world. A driver of a taxi may be vetted by the regulatory authorities or security agents to ensure that they are not the kind of persons who might have criminal intentions with passengers who will be in their care. If a nation is so keen as to take care of the lives of one or two people in a taxi, how much more should it be careful with massive national resources, which, for instance, are meant to save the lives of hundreds of thousands of babies in the health care service sector?

And yet vetting is of benefit to the person being vetted as well. In politics, a vetting process that enables the person to come out and clarify certain allegations removes any falsehoods that his opponents may use to discredit him or her. Such a candidate that has gone through vetting has the confidence to take a platform in a race without fearing that some issues in the grapevine about them would pop up again. On the other hand, a political candidate who declines to be vetted or who fails to take up the opportunities availed is risking losing a race because the public will take their silence or refusal to respond as admission of guilt.

Most importantly, if the person aspiring or about to be appointed to a public office believes in the letter and spirit of the constitution and acknowledges that power and sovereignty belong to the people (as the constitution states) and that the people have the right of access to information about him or her so that they can make informed choices to allow him or her to be in charge of their affairs, then he or she cannot resist vetting. If one steps forward to contest for or accepts to be appointed to a public office, one effectively agrees to lay bare one's background, and present one's life to be subjected to public scrutiny.

The meaning and purpose of social audit

Social audit is a kind of assessment of performance or evaluation by the people to find out whether their representative or an occupant of a public office has kept to the path of good leadership and whether he or she has achieved the expected results or is still on the right track towards achieving those results for the benefit of the people. While vetting is done to determine whether the individual should be allowed to take up an appointment or nomination or to present themselves to be elected to represent the people, social audit is done continuously and periodically on the leader during their tenure.

A leader is an employee of the people, entrusted with managing certain public affairs and resources on behalf of the people and is paid from the people's taxes. Social audit is therefore about holding the leader accountable to the people and ensuring that the leader is behaving in accordance with the letter and spirit of the constitution. Suffice it to state that the social audit

of the leader is an action that advances the actualisation of the constitution as it provides for a constant check on the leader by those for whom he or she is working.

Performance contracting and periodic appraisals are common for appointed public office holders by their superiors. But these mechanisms for performance assessment are in-house measures to ensure the meeting of goals and targets by the officer. The public is shut out of such mechanisms and they are shrouded in confidentiality in the management of state affairs. That is why social audit (evaluation by CSOs and other representatives) is the only avenue left to enable the public to put pressure on their leaders to keep observing principles and values of good leadership and to remain committed to the pursuit of the common good; it is a way of compelling leaders to remain accountable to the people and be kept on their toes.

In many countries, such as India, social audit by the civil society tends to focus mainly on exposing or preventing corruption. Even though the biggest likely vice of leaders is indulgence in corruption, a proper social audit of leaders ought to be expansive enough to include all areas in the performance against the expectations on matters of good governance generally, delivery of tangible results in the reduction of poverty and improvement of people's quality of life, service delivery and moral behaviour for the sustenance of the confidence of the citizenry or residents of a county in that public office. As such, systematic social audit presupposes setting of irreducible minimum standards, benchmarks, goals and targets.

Because it is done in a participatory manner, social audit is a democratic exercise meant to empower people and increase their participation in public affairs, empower them to hold their leaders accountable, and facilitate them to be in charge of their affairs. Its impact is also meant to reduce corruption and promote the culture of transparency and accountability.

Social audit has the potential to ensure the following: accountability; implementation of policies; equity and fairness; efficient implementation of development programmes; and, responsiveness to and prioritisation of issues of the poor and marginalised.

Conducting the vetting and social audit of leaders

A question arises: who should conduct the vetting and social audit of leaders? Branding an action *social* gives it a societal or people-centred attribute. As such, social vetting and social audit acquire anchorage on the citizenry or local community. This contrasts with the vetting or auditing undertaken by individual experts or commissions or institutions, which, although at times also solicits for public input at certain stages, is not clearly viewed as a process where the rights holder is overtly examining the duty bearer. In short, the type of vetting and audit deliberately labelled *social* and specifically targeting *leaders* here are people-driven exercises meant to hold leaders accountable and to assert the sovereign power of the citizenry or county residents over their affairs, resources and development processes.

As affirmed by the Constitution of Kenya, sovereignty, ultimate power and authority are held and retained by the people – the citizenry or, in the case of a county, the residents. The people do not forfeit their power, authority, participation space or responsibility simply because they have elected a representative or someone has been appointed to serve them. It is the responsibility of the people to safeguard and maintain purity in leadership positions. They should vet the individuals in their midst who aspire to or are about to be appointed to state offices, and periodically evaluate them while they are in those public positions of responsibility. It is acknowledged, however, that these exercises can neither be spontaneous nor done by the people en masse. Therefore, for effective social vetting and social audit to be realised, the people must be mobilised, sensitised and educated, organised and structured to empower them to participate while ensuring efficiency.

In Kenya the civil society (NGOs, faith-based organisations, interest groups, lobby groups, professional associations and trade unions) together with the media and the higher institutions of learning and social research, should be able to form viable partnerships and undertake these tasks in a participatory manner. Political parties have over the years been held in disrepute for nominating individuals whom they know have no leadership qualities and probably have objectionable past. But these people are given party tickets simply because they have brought a lot of money to the party or to the party leader or the nominee is a friend or a relative of the party leader or of someone influential in the party. Unlike political parties in mature democracies, Kenyan political parties are still developing in ideology, values, internal structures, systems and policies and so they still lack the capacity to vet those seeking their nomination or sponsorship. It is also likely that the political parties will find vetting their aspiring members unwelcome owing to the parties' weaknesses and the absence of the concept in their vocabulary and tradition.

Since social vetting and social audit are high level technical undertakings should never be for witch-hunting, fault-finding or malicious intent, not everyone can be involved in the exercise. The credibility of any social vetting or social audit exercise depends on its being conducted by people with the requisite technical competence, and who are of good standing in society. The individuals carrying out this delicate and sensitive work should be, as much as possible, non-partisan in politics. If possible, they should also be vetted through a participatory process to give the prospective social vetting and social audit candidates the necessary confidence in the process. Where possible, only those with intellectual maturity (not necessarily academic) and wide experience in professional and socio-economic parlances should volunteer to undertake the exercise.

Whereas intellectually-capable individuals should play the technical roles and provide leadership in the process, a wider participation of the citizenry and residents of a county can be facilitated through a multi-layer structured system reaching down to the grassroots and involving village elders, youth groups and women groups.

How vetting and social audit is to be done

Conducting a participatory vetting exercise (that involves the people) requires a prior construction of efficacious social infrastructure. It is noteworthy that effective participation of the people is not possible unless they are properly sensitised and educated on the necessity and relevance, and about it generally. The following are the steps to conducting vetting and social audit:

Step one: The lead agency conducts civic education and training for the local civil society and other non-state actors, covering the subjects of citizens' human rights, freedoms and responsibilities generally, the importance of people's participation in public affairs, and, particularly, the concept of social vetting and social audit. Only when the civil society organisations have understood, accepted and internalised the concept can they propagate it in the local communities. Where there is no local county civil society network, the CSOs may be facilitated to form one at county and sub-county levels. Where there are existing networks, effort should be put in giving them orientation on this exercise and its purpose.

The networks should include both corporate and individual membership and also other non-state actors where possible. The civil society network, can be given any name, such as county civil society network, residents' forum, and vetting and social audit forum.

It is necessary for each civil society network at both levels to have a secretariat, which may be hosted by a member organisation until resources are available for it to have its own offices. Sub-county and county secretariats should have competent and reputable staff or volunteers. Thus, the success of the vetting and social audit of leaders requires and depends on adequate strength in the structure and technical capacity of the civil society network.

Step two: The lead agency and the local civil society network sensitise and conduct civic education generally, and, particularly, on the concept of vetting and social audit of leaders. Sensitisation, elaborate civic education and mobilisation of the citizenry for their appreciation, sense of ownership and participation in vetting and social audit of their leaders are critically important for the effectiveness and impact of these exercises.

The network then facilitates the process for each village or the lowest level of county government to elect five enlightened opinion leaders to represent the village in the sub-county civil society network for purposes of vetting and social audit at the grassroots. The representation must adhere to gender equity and include youth, people with disability and marginalised groups where possible.

Step three: Each sub-county network elects three eminent persons with relatively higher level of education, relevant experience and good standing in the community from among the village representatives and civil society workers. The elected persons from each sub-county network team up to form a county civil society and leaders' panel for purposes of conducting vetting and social audit of leaders.

The panel establishes partnerships with institutions of higher learning in the area, religious bodies, professional groupings, the media and other non-state actors. These partnerships can be either loose cooperation for purposes of inclusivity, participation and information gathering and sharing, or may be formalised as collaborative partnerships with binding instruments like charters. Where necessary, and if so desired, the panel may then increase its size by co-opting members of these other bodies.

Step four: Once the vetting and social audit movement gains the above level of strength, the panel seeks partnership with the top most popular political parties in the area. This relationship should begin with consultative meetings with political parties' leaders to sensitise them on the concepts of vetting and social audit and to establish a shared understanding of working together towards giving the county or community good leadership. This may then be formalised with a memorandum of understanding to facilitate cooperative partnership.

The partnership with political parties is crucial as the vetting findings should ultimately be shared with them to assist them in their nominations of candidates for various leadership positions. It should be brought to the understanding of political parties that their engagement and cooperation in this process is for their benefit as it enables them to gain credibility and increase their popularity with opinion leaders.

Step five: The civil society network and the panel adopt (and further develop where necessary) the sample guides and tools provided herein for conducting the vetting or social audit exercise. Adoption and further development of these sample tools should, of necessity, be done through consultations and wide participation for generation of ideas and issues, and for ownership by all stakeholders, including political parties.

Step six: The civil society network and the panel collect information on the leader to be vetted or socially audited, provided that:

- i) Information is collected through methods that adhere to standards and acceptable scientific approaches.
- ii) The exercise is participatory and transparent to the extent of enabling the village representatives to conduct public information collection.
- iii) Vetting is focused on *issues* around the prescription on leadership as provided for in the constitution such as competency, integrity, character, associations,

statements and the utterances that the person under vetting has made in the past, and the like.

- iv) Information is collected in accordance with “i” above for social audit and official government documents are obtained (in accordance with “the right to information” as provided for in the constitution) for desk review. These include the following: Acts of parliament and legislation by the county assemblies; policy documents; development programme and project design documents with detailed construction specifications; reports; minutes; official memos; and, circulars.

The following activities are critical to ensuring public participation in social audit, especially when focusing on issues pertaining to development programmes and projects under the leadership of the individual being socially audited:

- a) village-based public hearings to collect information on the candidate;
- b) participatory budget tracking meetings; and,
- c) service delivery assessment meetings.

Participants in the public meetings held for purposes of collecting information for vetting or social audit should ideally include people who might have been victims of abuse of power under the leadership of aspiring candidate or the leader being socially audited.

Social audit is a form of monitoring and evaluation and therefore while some information will be collected in participatory events periodically, other types of data should be continuously collected using appropriate tools. For example, construction of a road or other physical infrastructure should be monitored regularly to ascertain if the contractor is within the timelines, is adhering to specifications on quality, and to watch out for corruption.

Step seven: The civil society and the panel analyse, cross-check and compile a draft report. They hold a closed-door consultative meeting with other stakeholders to discuss certain sensitive issues emerging on the leader being vetted or socially audited and validate the report. It is important to note that the report has been confidential up to this stage.

Step eight: The network and the panel share the report for feedback with the relevant political party, the aspiring leader, or the appointing authority or the individuals themselves, as the case may be. The response must be received within fourteen days after which a public hearing must be organised at county, sub-county or ward level, as the case may be. In such public hearings, where the leader gets not only the opportunity to publicly respond to issues raised in the report, but also to answer other questions

from members of the public, there should be a jury (a panel of respected non-partisan individuals who might be invited from outside the area) to give a verdict on the leader at the end of the meeting. For meetings being conducted purely for social audit, participants should include government officers, especially those in charge of the line ministries where the project or programme falls.

Step nine: The network and the panel compile the report from the public meeting for record and dissemination to stakeholders. In the case of vetting, where a political party insists on going ahead with the nomination of the aspiring leader despite a clear indication that the person has failed the leadership test, the vetting agency should ensure that the information is disseminated as widely as possible for the voters to have it and make informed choices at the polls.

Although the individuals in the vetting agency (the network and the panel) should remain as non-partisan as possible, they cannot afford to be neutral and indifferent at this stage, when the political party or an appointing office stubbornly decides to push a person who has failed leadership test to a leadership position. After all, their responsibility, in the first place, is to ensure the people get good leadership. They, however, must ensure that they do not appear to campaign for the rival party or candidate and must display a high level integrity in the process.

The goal of social vetting and social audit is to ensure that the people get good leaders for societal progress. Therefore, in the event of an individual failing the leadership test, the civil society network should take action towards compelling the candidate to step down or pressurising the relevant political party or appointing authority to withdraw the intended nomination or appointment of the individual. In the case of social audit, any actionable wrongdoing must be pursued, including demanding for the leader to step aside, submitting report to the relevant authorities for further investigations, and, demanding for sacking and legal action. If vetting or social audit are not translated into action with concrete results in favour of public interest, then it is an exercise in futility, and, bad leadership, impunity and bad governance will continue to thrive and get perpetuated. However, like in all matters where there is a dispute and the parties involved are unable to solve it on their own, any individual or group has the freedom to seek redress in a court of law.

Leaders that must face vetting and social audit

Another question arises: which leaders must face vetting and social audit? The list of positions for which candidates should be vetted and socially audited is long, but, for purposes of focus, it includes the following obvious ones:

- The Governor
- The Deputy Governor – running mate of the Governor

- The Senator
- Member of the National Assembly
- Ward Representative – to County Assembly
- County Executive Committee Members (i.e., members of the Governor’s cabinet)
- The City Mayor, and
- The head of administration in a sub-county

Vetting and Social Audit Tools

Tool 1: Vetting of Candidates for Leadership in State or Public Positions

The following is a sample vetting tool to be applied on any leader seeking an elective leadership position or nominated for an appointive position. Even though the tool is designed for vetting individuals for the top echelons of leadership in a county government, it may also be applicable for leadership in public offices at national level. It may be adapted or modified to suit the conditions and circumstances as necessary.

The questionnaire is designed for the quantitative data collection processes through individual interviews. It may also be used with modification to guide a qualitative process, such as focus group discussions (FGDs) key informant interviews or workshops. The selection of attributes has benefited from existing body of literature on leadership, such as John Maxwell’s *21 Indispensable Qualities of a Leader*.⁴

The respondents for this tool should be at least 30 individuals sampled in a structured multi-layer system in a cross section of the population which the candidate seeks to represent or serve. Preferably, they should be categorised as literate men and women above 18 years of age who have been residents in the county for five years and clustered in the following cohorts: (i) at least primary school education; (ii) at least secondary school education; and, (iii) key informants with at least post-secondary school education/training who are at least 35 years of age. At least 10 per cent of sampled respondents should be residents within five kilometres of the leader’s home. No more than two-thirds of the respondents shall be from one gender.

The rating is based on a scale of 1–5 as follows:

- 1 - Poor
- 2 - Below Average
- 3 - Average
- 4 - Above Average
- 5 - Excellent

Section A: Questionnaire

Respondent Number: (no name) () Gender: (F) (M) Name of the Ward of residence _____ Age: (18 – 25); (26 – 35); (36 – 45); (46 – 55); (56 – 65); above 65 Education level: Completed Primary School () Completed Secondary school () Has post-secondary school education ()		
How do you rate the candidate on:	Defining indicators	Your score (1 – 5)
Competency	<ul style="list-style-type: none"> • Level of education, experience and exposure required for this position compared to other elite in the community/ county. • Understanding of what needs to be done to solve peoples’ problems, and how to run and improve the administration. • Demonstration of knowledge of people’s expectations. 	
Pro-poor and development conscious	<ul style="list-style-type: none"> • Track record of being concerned about poverty in the community and taking initiatives or joining those started by others to reduce poverty and or enhance community development. • General contribution in community development. 	
Being visionary	<ul style="list-style-type: none"> • The candidate’s picture of where to take the county or community to. • Extent to which the candidate articulates a vision. • Extent to which the candidate has sold the vision and whether other leaders have associated with it and are helping to champion it. 	
Integrity	<ul style="list-style-type: none"> • Extent to which the candidate’s past is clean and devoid of corruption scandals or misappropriation of public resources or grabbing of public land. • Extent of trust that the wealth the candidate has is earned from hard work over a period of time and not acquired through corruption. 	

<p>Good standing in the community</p>	<ul style="list-style-type: none"> • Being a God-fearing person with strong values. • Extent to which the candidate can be relied on and trusted on what he/she says. • Track record of being selfless and considerate of other's needs/problems. • Demonstration of a moral life style. 	
<p>Gender sensitivity and respect for women</p>	<ul style="list-style-type: none"> • The candidate's utterances, actions and behaviour demonstrating understanding, respect for and intent on promoting gender equality. • Extent of inclusion of women empowerment in development plans, policies and actions. 	
<p>Respect for human rights</p>	<ul style="list-style-type: none"> • Competency on issues of human rights (from utterances and answers to questions). • Respect for human rights in the past (from utterances and actions in past leadership roles). • Extent of inclusion of human rights issues in vision, development programme/agenda and policies. 	
<p>Humility</p>	<ul style="list-style-type: none"> • Being down-to-earth in interactions with people. • Being accommodating and patient. • Demonstrations of readiness to serve others. 	
<p>Tribalism/nepotism</p>	<ul style="list-style-type: none"> • Staffing in workplaces under the candidate's leadership in the past. • Appointments to important private or public offices under the candidate's leadership in the past. • Provision of scholarships and other opportunities. • Allocation of resources for development under the candidate's leadership in the past. 	
<p>Communication</p>	<ul style="list-style-type: none"> • Public speaking skills and ability to be coherent and articulate. • Ability to explain complex concepts to be understood by less sophisticated audience. • Being a good listener. • Being conscious of people's right to information, and volunteering the same. 	
<p>Comment</p>	<ul style="list-style-type: none"> • Is there any comment you would like to make about this candidate? 	

Section B: Written statements/comments from respondents

This section provides for any information by the respondent or any other concerned stakeholder on any incident, case, scandal or issue about this candidate which makes the respondent doubt the candidate's capability of providing good leadership and which the respondent thinks should be known by the voters or the appointing/approving authority. The information may be provided in confidence in a signed statement or memorandum, or anonymously.

Section C: Response by the candidate on the findings in both Sections A & B above

The candidate should be given an opportunity in a gathering of selected opinion leaders numbering between 50 and 100 men and women to respond to the findings. It should be an orderly meeting where the candidate is given a fair hearing on questions asked first by the moderator and then by other opinion leaders present. There should be a panel of eminent persons, preferably from outside the area, to finally give a verdict as to whether or not the candidate has passed the leadership test.

The response from the candidate should be added to the report as a section titled: "Response from the Candidate". If the candidate fails to appear before the opinion leaders to respond to the findings and allegations, the panel or civil society network shall conclude the report and leave the section on "Response from the Candidate" blank with a comment to indicate that the candidate failed to respond. The vetting panel shall then make the report available to the public, the political party to which the candidate belongs and/or to the nominating authority.

Tool 2: Social Audit of Leaders on Performance and Behaviour

Social audit of leaders on their performance and behaviour is based on the assumption that a leader is a servant of the people, an employee of the citizenry or county residents. Men and women in key positions of governance, therefore, must strive to be hands-on and involved in the management of public affairs and resources to the extent necessary to ensure that people's expectations are always in focus and systems and processes are in place to attest to their good leadership and outlive them.⁵ The following is a sample social audit tool to be applied on any leader in an elective or appointive position at policy making level. Even though the tool is designed for evaluating the performance of leaders and public office holders in a county government in particular, it may also be applicable at a lower local or higher national level. It may be adapted or modified to suit the conditions and circumstances as necessary.

The questionnaire is designed for the quantitative data collection process through individual interviews, but may also be used with modification to guide a qualitative process, such as FGDs key informant interviews or workshops. The respondents for this tool should be at least 30 individuals sampled in a structured multi-layer system in a cross section of the population which the leader serves. Preferably, they should be categorised as literate men and women above 18 years of age who

have been residents in the county/area for five years and clustered in the following cohorts: (i) at least primary school education; (ii) at least secondary school education; and, (iii) key informants with at least post-secondary school education/training who are at least 35 years of age. No more than two-thirds of the respondents shall be from one gender.

The rating is based on a scale of 1–5 as follows:

- 1 - Poor
- 2 - Below Average
- 3 - Average
- 4 - Above Average
- 5 - Excellent

Section A: Questionnaire

Respondent Number: (no name) () Gender: (F) (M) Name of the Ward of residence _____ Age: (18 – 25); (26 – 35); (36 – 45); (46 – 55); (56 - 65); above 65 Education level: Completed Primary School () Completed Secondary school () Has post-secondary school education ()		
How do you rate the leader on:	Defining Indicators	Your Score (1 – 5)
Competency	<ul style="list-style-type: none"> • Running and improving the administration to achieve efficiency. • Knowledge of people’s expectations. • General management of development programmes. • General handling of public affairs. 	
Service delivery (Applicable for Governor and any members of County Executive Committee)	<ul style="list-style-type: none"> • Improvement of services, with a focus on the following, during this leader’s period of administration under review in terms of quality and access: health care services, education, security, supply of water and sanitation, electricity (others may be added in accordance to uniqueness of certain services in different counties). 	
Pro-poor and development conscious	<ul style="list-style-type: none"> • Prioritisation of poverty reduction/eradication in development planning. • Prioritisation of budgetary allocation on targeting the poor or tackling poverty. • Prioritisation of the poor in service delivery and other programmes. 	

Development programmes or projects	<ul style="list-style-type: none"> • Effectiveness of development programmes or projects in producing results. • The linkage of development programmes and projects with the vision given by the leader during campaign. • Extent of freshness and innovativeness of ideas or initiatives in programmes/projects. • Cost-effective in terms of taking minimum resources and having optimum impact/results. • Completion of implementation of projects within timelines. • The quality of projects and adherence to standards. • Extent of positive change in people's quality of life as a result of the leader's projects and actions. 	
Integrity	<ul style="list-style-type: none"> • Extent of demonstration of integrity by the leader in the management of public resources. • Extent of cleanliness regarding corruption scandals or grabbing of public resources since coming to office. • Extent to which the wealth the leader has so far matches his or her known income since coming to office. • Extent of remaining consistent and committed to the promises and pledges he or she made during the campaign. 	
Accountability and transparency	<ul style="list-style-type: none"> • Extent of remaining consistent on zero-tolerance to corruption since coming to office. • Extent to which actions taken by the leader on any corruption scandal is in accord with public interest. • Evaluation results by the public oversight bodies on the management of resources under the leader. • Extent to which the leader takes responsibility whenever wrong-doing is found in his or her administration. • Extent to which his or her administration provides information to the public and gives briefing regularly. • Frequency of the leader's personal appearance in public and to the media to give briefing to stakeholders and citizenry and answer their questions. 	

<p>Participation of the people</p>	<ul style="list-style-type: none"> • Existent of functioning structures such as forums for people to dialogue with their leaders. • Extent to which the leader and his or her administration respects, provides for and acts on people’s views, right to participation and involvement in development planning, implementation, progress monitoring and right to information. • Extent to which the leader shows respect and responsiveness to this social audit exercise. 	
<p>Gender sensitivity and respect for women</p>	<ul style="list-style-type: none"> • Extent to which the candidate’s utterances, actions and behaviour demonstrate understanding, respect for and intent on promoting gender equality. • Extent of inclusion of women empowerment in development plans, policies and actions. • Extent to which the leader practices equitable gender representation and participation in the appointments and constituting governing and management bodies. • Extent of demonstrating special consideration to the disadvantaged gender in planning for service delivery. 	
<p>Respect for human rights</p>	<ul style="list-style-type: none"> • Competency on issues of human rights (from utterances and answers to questions). • Extent of inclusion of human rights issues in development programme/agenda and policies. • Extent to which his or her utterances, decisions, instructions, actions, policies and programmes indicate respect for human rights as enshrined in the constitution. 	
<p>Humility and temperament</p>	<ul style="list-style-type: none"> • Extent of being down-to-earth in interactions with people. • Extent of being accommodating and patient. • Extent of demonstrations of being a servant of the people since he or she came to office. 	

Tribalism and nepotism	<ul style="list-style-type: none"> • Extent to which staffing under the leader’s administration shows principle of equity and fairness. • Extent to which appointments to public offices under the leader show equity and fairness. • Extent to which scholarships given out show equity and fairness. • Extent to which allocation of resources show equity and fairness. 	
Communication	<ul style="list-style-type: none"> • Public speaking skills and ability to be coherent and articulate. • Extent to which the leader explains complex policy issues in a simple manner to less sophisticated audience. • Being a good listener. • Being conscious of people’s right to information and volunteering the same. • The frequency of coming out to personally provide information on issues/policies and adequately and clearly respond to questions from the people. 	
Constitutionalism and rule of law	<ul style="list-style-type: none"> • Extent to which the leader’s behaviour, decisions and actions are in accord with the letter and spirit of the constitution, legislation, policies and laid down procedures. • Extent to which the leader consistently makes decisions and takes actions or allows for action to be taken in accordance with the law without fear or favour of people close to him or her or relatives or friends. 	
Comment	<ul style="list-style-type: none"> • Is there any comment you would like to make about this leader? 	

Section B: Written statements/comments from respondents

This section provides for any information by the respondent or any other concerned stakeholder on any incident, case, scandal or issue about the leader being assessed which in the opinion of the respondent should be known by the public. The information may be provided in confidence in a signed statement or memorandum, or anonymously.

Section C: Response from the candidate on the findings in both Sections A & B above

This section provides for giving the leader being assessed an opportunity in a gathering of selected opinion leaders numbering between 50 and 100 men and women to respond to the findings. Alternatively, the response can be made during the citizens quarterly forums. Such meetings should be orderly and the leader given a fair hearing on questions asked first by the moderator and then by other opinion leaders present.

The response from the leader should be added to the report as a section titled “Response from the Leader”. If the leader fails to appear before the representatives of the citizenry/residents to respond to the findings and allegations, the panel or civil society network shall conclude the report and leave blank the section on “Response from the Leader” with a comment to indicate that the leader failed to respond. The panel shall then make the report available to the public, the political party to which the leader belongs and to the law enforcement agencies. This tool target those with higher levels of education as respondents key informants are preferred.

Tool 3: Citizens’ Demands

This tool may be used to extract citizen’s demands to the leaders on development, leadership behaviour, policy, legislation and on other matters at the beginning of a leader’s tenure or during the Social Audit exercises.

Issue	Question
Service delivery	Which services do you want improved?
Poverty reduction	What are the three things that should be done to reduce poverty in your area or county?
Economic development	Which development projects or programmes would you like to be designed and implemented to improve the economy of this area?
Conduct of the leader	What behaviour and conduct of the leader are you unhappy with and which you would like to see corrected as soon as possible?
Leaders not meeting people’s expectations	Which leaders are not meeting your expectation in leadership and what exactly are they doing that you are unhappy with?
Improving leadership	What should the top leader do to improve leadership in the county or your area?
Policy and legislation	What new policies and laws do you suggest to be made to improve governance and grow the economy of the county?

Participation	What would you like to be improved with regard to peoples' participation in development prioritisation, planning, decision-making, discussions with leaders, and general management of issues affecting you and the people in your area?
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Conclusion

The failure of leadership in Kenya, and so in Africa, starts with the perception by those who occupy the presidency, or any other such top position of power, that it is a chance to amass wealth for oneself, family, cronies and favour one's ethnic community. Thus the typical behaviour of an African ruler seems to be guided by a tacit code: "Self-Family-Friends-Tribe-Nation". Leadership then rots as the behaviour of the person at the top trickles down to other persons in other lower ranks of power and authority. Corruption in the race to amass wealth becomes fashionable and institutionalised. Kenya, and Africa, cannot realise good governance and economic prosperity as long as the individuals seeking and occupying those positions do not distinguish them as sacred positions for and opportunities to uphold the service and loyalty code: "God-Nation-Family". The self must be denied, the friends must be called upon to emulate and support the leader's vision and the family made to understand that the leader must put God and then nation before relations.

The declaration in *The Constitution of Kenya 2010* that sovereignty belongs to the people and its provision for wider participation of the citizenry lends legitimacy to social vetting and social audit of leaders. The vetting and audit of leaders (in a process where the people are in charge through representation by the civil society and other opinion leaders in the locality), even though not provided for expressly in a legislation, are imperatives if Kenya and its counties are to be led by individuals worthy of those honourable positions. Whereas vetting (coupled with periodic social audit) may not be the panacea to the poor leadership phenomenon in Kenya, it has the potential to significantly contribute to cleaning up the leadership space of bad elements and usher in individuals oriented to the philosophy of leadership as a service to society. Indeed in the discourse on a continuum of governance reforms, vetting and social audit deserve a legislation to entrench them properly into law.

The role of the civil society in vetting and social audit of leaders cannot be overstated and is bound to loom large. The challenge is the technical ability and capacity for objectivity of civil society organisations in the counties. Thus, the appropriate direction would be for the civil society to form strong networks for this and other purposes, and to establish partnerships with intellectuals, scholars and other credible non-state actors. The participation of these other non-state actors is critical for the enhancement of the intellectual capacity and credibility of such exercises. It needs no emphasis that vetting and social audit must be done by credible men and women of good standing in society, who volunteer after being vetted and are accepted by the local leaders.

Although vetting and social audit are rather new in the Kenyan socio-political culture and practice, the very act of leaders acceding to people-managed vetting and social audit will be an indicator that the individual seeking a leadership position is acknowledging and surrendering to the people's sovereignty, displaying humility and readiness to be a servant of the people. The very act of accepting to be socially vetted and audited then becomes the passing of the first test in the quest for a leadership position.

The need for good leadership for good governance calls for the people to take charge of the procedure of getting such individuals in a more rigorous process than has been the practice before. Such a process should include a public scrutiny of the background of individuals to prequalify them for elections or appointments. And after ascending to those positions of leadership, they must be held accountable. And so, vetting and social audit by the people are some of the most practical and viable mechanisms to ensure that the country or a county gets good leaders in this era.

The vetting and social audit tools proposed in this chapter are people-owned and people-driven and are meant to facilitate and enhance people's ownership and management of their leaders. They are meant to enable the people to become true bosses of their leaders through a people-managed process of recruitment and hiring of leaders and periodic appraisal of them in a process and relationship that reflect, as closely as possible, the role of an employer over employee. The tools are designed to enable the people to check on their leaders as objectively as possible. They are meant to allow good people to occupy important leadership positions and not necessarily to enable a community, county or country to get great leaders.

Endnotes

1. Lee Kuan Yew, *From Third World To First* (New York: Harper Collins Publishers, 2000), p. xiii.
2. <http://en.wikipedia.org/wiki/vetting>. *Vetting* (Accessed on 19 October 2011).
3. <http://usconservatives.about.com>. (Accessed on 19 October 2011).
4. John Maxwell, *The 21 Indispensable Qualities of a Leaders* (Nashville: Thomas Nelson, 1999).
5. Aubrey C. Daniels and James E. Daniels, *Measure of a Leader* (New York: McGraw-Hill, 2007) p.8

APPENDICES

APPENDIX 1

KENYA'S ETHNIC CLUSTERS

Aweer: Sometimes called the “Boni”, this community is small and isolated, found by the coast of Kenya near the border with Somalia. There are only 7,602 Aweer people left. This Kenya tribe is best known for its unusual practice of using semi-domesticated birds to find honey, with whistling signals. Like other coastal tribes, the Aweer are mostly Muslim. Their remote territory is heavily wooded and the people are traditionally hunter-gatherers.

Bajuni: They are mainly along the coast in Somalia, but with some villages in northern Kenya. The islands in the Indian Ocean near Kismayo are mainly populated with Bajuni people. Naturally, they mostly live on fishing. Their language is called Kibajuni, and it is very similar to the popular Swahili of the region. The people are very isolated and there are only 6,294 of them left.

Dahalo: The Dahalo is a very small coastal community with some of its people living among the Swahili and other coastal tribes with no territory of their own. The language of the Dahalo has very unusual clicking sounds. They number 2,398.

Embu: The Embu, numbering 324,092, are found on the south-east side of Mount Kenya. They are an agricultural community.

Kalenjin: The Kalenjin, living in the central part of the Great Rift Valley, comprise a population of 4,967,328 people. They are a collection of several communities with related languages. They were originally pastoralists but have successfully adopted farming in the recent decades. The sub-ethnic communities that compose the Kalenjin are: Keiyo (313,925), Kipsigis (1,916,317), Marakwet (180,149), Nandi (949,835), Ogiek (or Ogiek) (78,691), Dorobo (35,015), Aror (25,099), Cherangany (15,956), Bung'omok (3,704), Pokot (632,557), Sabaot (240,886), Terik (300,741), Senger (11,000), Sengwer (33,187), Samor (5,484), Endo (6,058), Endorois (10,132), El molo (2,844) and Tugen (109,906). Most of the Kenyan runners in the international arena come from this ethnic group.

Kamba: Also called the Akamba, the community is located in eastern-central with many others in the coastal areas of the country. They are pastoralists, farmers and are also involved in various trades. Among other things, they are known for artistic crafts, particularly wood carving and pottery. They number 3,893,157.

Kenyan Arabs: There are Kenyan Arabs numbering 40,760, who are the descendants of Arabs and Persians who settled along the East African coast around the first century AD. They are found mainly in the coastal towns of Mombasa, Lamu and Malindi.

Kenyan Asians: The Kenyan Asian community, originally from the Indian sub-continent, forms a significant part of the country's population. Numbering 46,782, they have descended from Indians who the British brought in to work in building the East African Railway (from the Indian Ocean coastal city of Mombasa to Kampala the capital of Uganda). They settled in the country and embarked on small business in Kenya while others went to live in Tanzania and Uganda. They were later joined by some kin and friends whom they invited. The community is today the strongest ethnic group in commerce and industry in Kenya.

Kenyan Whites: There is also a considerable size of the white community who are Kenyan citizens, mainly of European and American descent and numbering about 7,588.

Kikuyu: Also called the Agikuyu, they are the biggest single block of ethnic community in Kenya. They number 6,622,576 (22% of the national total). Although most of them live in the fertile central highlands of the country, there are many members of the ethnic community now in many parts of the country. They dominate the country's political and economic affairs and have produced the first and the third presidents.

Kisii: Also known as the Abagusi, they live in a heavily populated area in the western corner of Kenya, not far from the shores of Lake Victoria. Due to the congestion of their homeland, many Kisii have acquired land and established homes in other parts of the country. They number 2,205,669 people.

Kuria: With their larger community in Tanzania, the Kuria live in the south-western part of the country, neighbouring the Kisii. They are farmers, fishermen (those living near Lake Victoria) and pastoralists. They number 260,401 people.

Luo: The second largest single ethnic block (with a uniform language) is the Luo after the Kikuyu with around 4,044,440 people (12% of the country's population). Apart from the Kenyan Luo around Lake Victoria, some Luo ethnic communities live in Tanzania, Uganda, Congo, Central Africa Republic and South Sudan. They are mainly farmers. President Barack Obama is partially of Luo descent.

Luhya: The Luhya (or Abaluhya) is a conglomeration of several sub-ethnic communities. Put together, the group has about 5,338,666 people (about 14% of Kenya's population) and forming the second largest community (after the Kikuyu). The community's territory has always been synonymous with what used to be called Western Province in the old constitution. Its sub-groups include: Bakhayo (124,555), Banyala (273,198), Banyore (310,894), Batsotso (121,518), Bukusu (1,432,810), Idakho (170,720), Isukha (217,327), Kabras (252,761), Kisa (137,268), Marachi (155,341), Maragoli (618,340), Marama (152,427), Samia (124,952), Tachoni (118,363), Tiriki (209,814), Tura (30,388) and Wanga (309,407).

- Maasai:** Most famous for maintaining their traditional lifestyle, the Maasai number 841,622, half of who live in Kenya (1.5% of the population) and the other half in northern Tanzania. They are semi-nomadic and their language is called Maa.
- Mbeere:** Sometimes identified with the Embu, whom they live close to, the Mbeere are engaged in crop farming. They are about 168,155.
- Meru:** The north-eastern side of Mount Kenya is the home of the Meru tribe. They number 1,658,108 people with 7 sub-groups that all speak their own dialects of the Meru language. The Meru people are thought to be one of the very few Kenyan communities which had a democratic system of leadership before the country's colonial period.
- Mijikenda:** The Mijikenda (meaning nine villages or sub-communities) is composed of nine related ethnic communities. They number 1,960,574, live along the coastal area and are known to hold their forests as sacred. Their languages and Kiswahili have interacted and mutually contributed to the development of the other. The sub-groups that comprise the Mijikenda are: Chonyi (148,806), Digo (313,288), Duruma (396,667), Giriama (751,531), Jibana (35,216), Kambe (25,350), Kauma (52,851), Rabai (98,680) and Ribe (14,482).
- Orma:** The lands of the Orma are in the north-eastern part of Kenya along the Tana River while many of them live in Ethiopia. They are a nomadic people, travelling with their herds of cattle across the semi-arid regions. They number about 66,275.
- Oromo:** Most of the Oromo people live in Ethiopia, but a small part is in northern Kenya. They are about 25 million people as a collection of smaller sub-groups in both Ethiopia and Kenya. The religious composition is today roughly half Christian and half Muslim, with a small number holding traditional beliefs. In Ethiopia, they take about a third of the overall population of the country. They are well-represented in Ethiopian politics. In Kenya, there are: Oromo-Boran, Oromo-Gabra, and Oromo-Sakuye.
- Pokomo:** The Kenya community of the Pokomo are found in the flood plains of the Tana River, near the territory of the Orma tribe. They usually farm along the banks of the river, and also fish for food. They number 94,965.
- Rendille:** The Rendille people are semi-nomadic camel herders who are found mainly in the dry regions in northern Kenya. Originally from Somalia, they are today aligned with the Samburu tribe. The Rendille villages are very large, with hundreds of people living together. They number 60,437.
- Samburu:** They are closely related to the Maasai (the Maasai and Samburu language are 95% the same). They live in northern Kenya and number 237,179 forming only 0.5 per cent of the Kenyan population. They are semi-nomadic and their lives revolve around their goats, sheep, cows and camels.

Sengwer: Found in the central Rift Valley area with a population of 33,187, the Sengwer are still mainly hunter-gatherers, who lived in the forests of Marakwet. They are not a legally recognised ethnic community and so do not have the benefits that come with political representation.

Somali: As the name suggests, this community is from Somalia where the larger community is found. Around 2,385,572 Somalis live in Kenya. They gained their own independence in Somalia as a nation in 1960. The Somali are almost exclusively Muslim, with a pastoralist lifestyle while many are in modern business.

Suba: This ethnic community, also known as the Abasuba, is one of the smaller ones with a population of about 139,271 people. Originally from Uganda, their territory is limited to two islands in Lake Victoria, Rusinga and Mfangano, with many of them currently living on the shores of the lake. Although a few of them still speak Suba, they have mostly adopted the language and culture of the Luo with whom they now largely identify.

Swahili: The Swahili are mainly a trading tribe, who live along the coast. Considered an offshoot in the intermarriages between Africans and Arabs, they have had long interaction with the Arab and the Persian traders who docked there before the Portuguese and the British arrived. They are an Islamic community who speak Kiswahili, which is common across much of eastern Africa and now one of the two official languages of Kenya (with English). They number 110,614.

Taita: The Taita are in the south-eastern Kenya. They are also known as the Dawida or Dabida and number about 273,519. They were originally successful farmers, but became more trade-oriented up until the British colonial period.

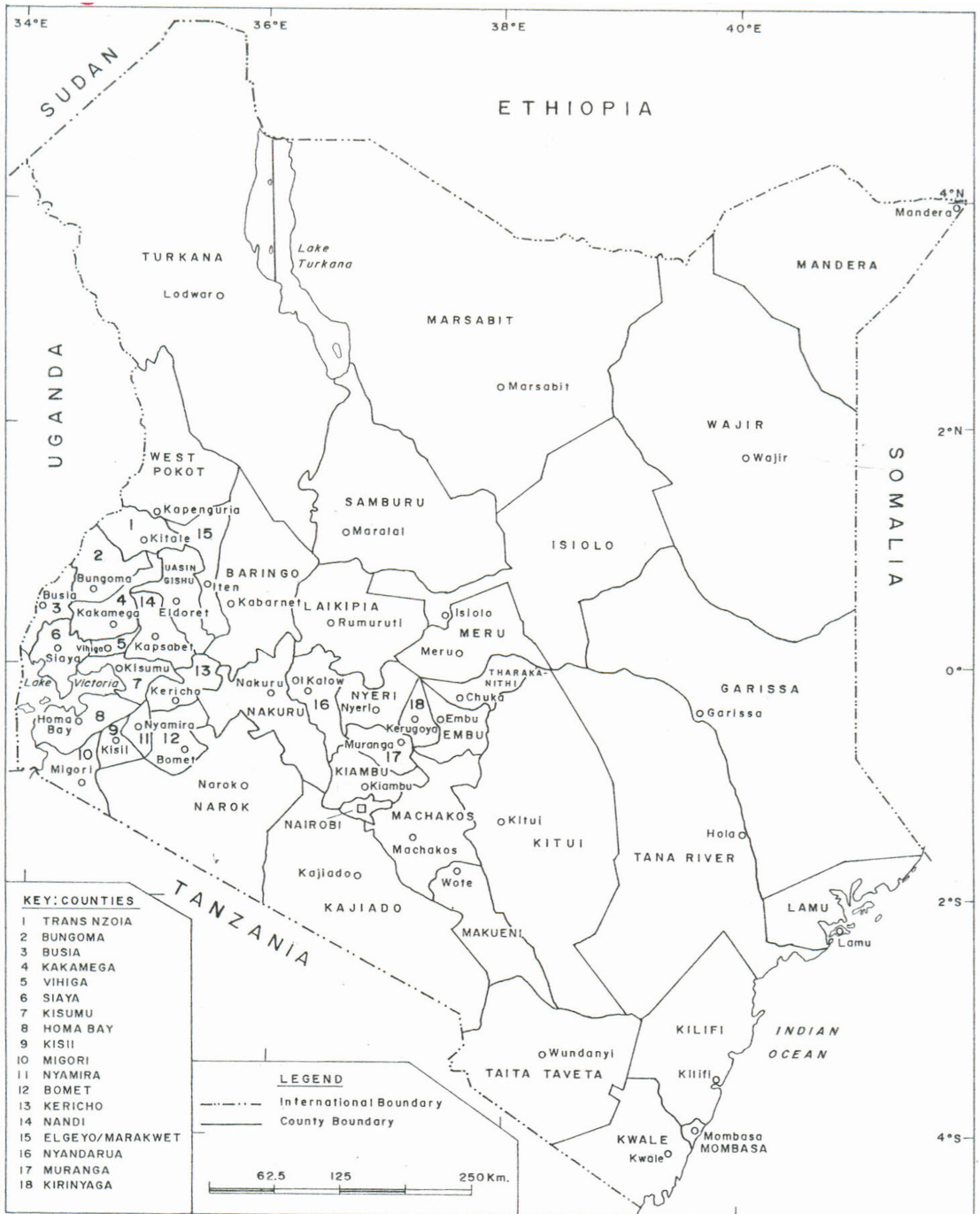
Taveta: The Taveta territory is in the southern-central parts of the country, near Mount Kilimanjaro, and is the immediate neighbours of the Taita. The Taveta are agriculturalists, and many have turned to cash crops. Their population is around 20,828 people.

Teso: The Teso ethnic community live in western Kenya and are farmers. They number about 338,833.

Turkana: The Turkana is one of the ethnic communities that are still traditional in their pastoralist lifestyle. They live in northern Kenya to the west and are about 988,592.

APPENDIX 2

Map of Kenya: Counties



APPENDIX 3

POWERS AND FUNCTIONS OF THE DIFFERENT GOVERNMENTS

FOURTH SCHEDULE

(Article 185(2), 186(1) and 187(2))

DISTRIBUTION OF FUNCTIONS BETWEEN THE NATIONAL GOVERNMENT AND THE COUNTY GOVERNMENTS

Part 1 – National Government

1. Foreign affairs, foreign policy and international trade.
2. The use of international waters and water resources.
3. Immigration and citizenship.
4. The relationship between religion and state.
5. Language policy and the promotion of official and local languages.
6. National defence and the use of the national defence services.
7. Police services, including—
 - (a) the setting of standards of recruitment, training of police and use of police services;
 - (b) criminal law; and
 - (c) correctional services.
8. Courts.
9. National economic policy and planning.
10. Monetary policy, currency, banking (including central banking), the incorporation and regulation of banking, insurance and financial corporations.
11. National statistics and data on population, the economy and society generally.
12. Intellectual property rights.
13. Labour standards.
14. Consumer protection, including standards for social security and professional pension plans.

31. Energy policy including electricity and gas reticulation and energy regulation.
32. Capacity building and technical assistance to the counties.
33. Public investment.
34. National betting, casinos and other forms of gambling.
35. Tourism policy and development.

Part 2—County Governments

The functions and powers of the county are—

1. Agriculture, including—
 - (a) crop and animal husbandry;
 - (b) livestock sale yards;
 - (c) county abattoirs;
 - (d) plant and animal disease control; and
 - (e) fisheries.
2. County health services, including, in particular—
 - (a) county health facilities and pharmacies;
 - (b) ambulance services;
 - (c) promotion of primary health care;
 - (d) licensing and control of undertakings that sell food to the public;
 - (e) veterinary services (excluding regulation of the profession);
 - (f) cemeteries, funeral parlours and crematoria; and
 - (g) refuse removal, refuse dumps and solid waste disposal.
3. Control of air pollution, noise pollution, other public nuisances and outdoor advertising.
4. Cultural activities, public entertainment and public amenities, including—
 - (a) betting, casinos and other forms of gambling;
 - (b) racing;
 - (c) liquor licensing;
 - (d) cinemas;
 - (e) video shows and hiring;
 - (f) libraries;
 - (g) museums;
 - (h) sports and cultural activities and facilities; and

- (i) county parks, beaches and recreation facilities.
- 5. County transport, including—
 - (a) county roads;
 - (b) street lighting;
 - (c) traffic and parking;
 - (d) public road transport; and
 - (e) ferries and harbours, excluding the regulation of international and national shipping and matters related thereto.
- 6. Animal control and welfare, including—
 - (a) licensing of dogs; and
 - (b) facilities for the accommodation, care and burial of animals.
- 7. Trade development and regulation, including—
 - (a) markets;
 - (b) trade licences (excluding regulation of professions);
 - (c) fair trading practices;
 - (d) local tourism; and
 - (e) cooperative societies.
- 8. County planning and development, including—
 - (a) statistics;
 - (b) land survey and mapping;
 - (c) boundaries and fencing;
 - (d) housing; and
 - (e) electricity and gas reticulation and energy regulation.
- 9. Pre-primary education, village polytechnics, homecraft centres and childcare facilities.
- 10. Implementation of specific national government policies on natural resources and environmental conservation, including—
 - (a) soil and water conservation; and
 - (b) forestry.
- 11. County public works and services, including—
 - (a) storm water management systems in built-up areas; and
 - (b) water and sanitation services.
- 12. Fire fighting services and disaster management.
- 13. Control of drugs and pornography.

14. Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

APPENDIX 4

PLDP Training Areas and Curriculum

The Political Leadership Development Programme is based on three major training areas as outlined below:

Area A: Understanding Key Concepts and Issues

Area B: Establishing Structures and Processes for Political Leadership/Strengthening Political Institutions

Area C: Securing and Retaining a Political Office

Area A: Understanding Key Concepts and Issues

Unit 1: Introduction to Political Leadership

Unit 2: Ethics in Leadership and Governance

Unit 3: Gender and Political Leadership

Unit 4: Managing Conflict in Political Relationships

Unit 5: Political Leadership in the Global Context

Area B: Establishing Structures and Processes for Political Leadership/ Strengthening Political Institutions

Unit 1: Building Infrastructure for Political Leadership and Political Organisation and Mobilisation

Unit 2: Party Organisation and Management, Institution-Building and Organisation Skills

Unit 3: Budgeting and Resource Mobilisation

Unit 4: Introducing and Managing Organisational Change

Area C: Securing and Retaining a Political Office

Unit 1: Packaging a Candidate and Running an Election Campaign

Unit 2: Designing and Operationalising Political Media Strategies

Unit 3: Communication and People Skills for Political Leadership

COURSE DESCRIPTION FOR SPECIFIC STUDY UNITS

Area A: Understanding Key Concepts and Issues

Unit 1: Introduction to Political Leadership

By the end of this study unit, participants should be able to demonstrate understanding/awareness of:

- The meaning and implications of leadership
- The role of the politician as a leader
- The role of leaders in society/an organisation
- The emergence of leadership
- The personal/social characteristics of a leader
- The nature of political leadership vis-à-vis the general principles of leadership
- The different sites for exercising and delivering political leadership
- The various forms and styles of leadership
- The parameters of assessing integrity in political leadership
- The challenges of political leadership in a multi-ethnic state
- The place of ideology in political leadership
- The political leader and the global environment

Unit 2: Ethics in Leadership and Governance

By the end of this study unit, participants should be able to:

- Outline the moral obligations of a political leader
- Demonstrate understanding/awareness of the nature of ethics and its place in human society
- Discuss the relationship between personal and leadership values
- Explain the importance of moral judgements in leadership tasks
- Outline the challenges in making moral judgements in a plural society
- Discuss the place of trust in social relations
- Provide guidance in formulating a code of ethics for a political organisation
- Demonstrate concern for moral values in a leadership role
- Show sensitivity to acts of discrimination in leadership and governance activities
- Explain and apply the notion of equity to leadership/governance issues in Kenya

Unit 3: Gender and Political Leadership

By the end study of this unit, participants should be able to:

- Explain the role of the leader as a negotiator and power broker
- Identify the common sources of conflict in political encounters
- Outline various approaches to conflict resolution
- Outline the advantages of a collaborative approach to resolving conflict
- State different ways of negotiating a win-win settlement in conflict resolution
- Discuss the circumstances and basic principles of mediation in conflict resolution
- Discuss the circumstances and basic principles of facilitation in conflict resolution
- Demonstrate the practical skills required in negotiation, mediation, facilitation and arbitration in conflict resolution
- Demonstrate awareness of and ability to address political/electoral violence

Area B: Establishing Structures and Processes for Political Leadership/Strengthening Political Institutions

Unit 1: Building Infrastructure for Political Leadership and Political Organisation and Mobilisation

By the end of this study unit, participants should be able to:

- Show awareness of the role of the political leader as an institution builder
- Demonstrate good imagination in formulating a vision for his/her country
- Construct an appropriate political platform for his/her political party
- Put in place the necessary leadership structures at the lowest levels of political organisation
- Establish appropriate leadership structures at the middle ranks of political organisation
- Establish top-level leadership structures in his/her organisation
- Form effective alliances for political leadership
- Establish efficient communication channels within his/her political organisation
- Identify and establish appropriate contact points in the organisation's catchment areas
- Demonstrate awareness of the managerial aspects of political leadership
- Legally establish a political group
- Explain the procedures for registering a new political party

Unit 2: Party Organisation and Management, Institution-building and Organisation Skills

By the end of this study unit, participants should be able to:

- Demonstrate the managerial abilities and skills for party organisation and management
- State and explain the various types of organisation and corresponding management challenges
- Explain the nature of the political party as a voluntary organisation
- Identify the pros and cons of having a dual leadership (public and association) in a political party
- Outline ways of stemming the tendency for voluntary organisations (including political parties) to degenerate into oligarchies
- Outline appropriate decision-making processes in the management of a political party
- Outline how to promote and manage innovation for increased organisational effectiveness in a party
- Demonstrate skills of time management
- Demonstrate appreciation of good institution-building and organisation skills
- Outline various types/sources of power and their application in the organisation of a political party
- Determine the necessary space and technological requirements for a political organisation

Unit 3: Budgeting and Resource Mobilisation

By the end of this study unit, participants should be able to:

- Demonstrate a good understanding of the leader's role as a resource-mobiliser
- Outline the various types of resources required by a political organisation
- State different ways of mobilising the necessary financial and non-financial resources for a political organisation
- Explain the nature of the budget as a tool for organisational planning and control
- Demonstrate competence in short-term and long-term budgeting for a political organisation
- Show skills for handling the cash budget
- Show awareness of the usefulness of a budget account and how to operate one
- Demonstrate awareness of the need and skills for budgetary controls in an organisation

Area C: Securing and Retaining a Political office

Unit 1: Packaging a Candidate and Running an Election Campaign

By the end of this study unit, participants should be able to:

- Demonstrate a reasonable awareness of the problems of running an election campaign
- Outline the basic processes/procedures of strategic planning
- Perform a reliable SWOT analysis, choose a strategic emphasis, and clearly state the intended strategic (campaign) action
- Critically evaluate a candidate's readiness/suitability for the intended strategic (campaign) action
- Harmonise intended strategies with party values, strategies, guidelines, etc
- Determine the necessary alliances, resources and preparatory activities to consolidate a candidate's strengths and bolster his/her weaknesses
- Assist a candidate in developing compelling behavioural practices in terms of power play, acting skills, body language, voice quality, etc

Unit 2: Designing and Operationalising Political Media Strategies

By the end of this study unit, participants should be able to:

- Explain the significance of managing a leader's perception by the public
- Outline the use of the media in public relations
- State the benefits, procedures and implications of using public relations consultants
- Plan a public relations programme involving the use of the media
- Define and identify the publics of a political leader
- Demonstrate an adequate understanding of how media organisations work
- Outline the conventions governing one's conduct in an effective press interview/conference
- Outline how to establish and maintain good press relations

Unit 3: Communication and People Skills for Political Leadership

By the end of this study unit, participants should be able to:

- Explain the significance of self-marketing in securing and retaining a political office
- Outline the basic expectations in grooming, clothing and other personal characteristics of a political leader

- Demonstrate improved listening skills
- Demonstrate ability to discuss in small groups
- Show a good understanding of parliamentary procedures as used in formal meetings

Detailed Course Outline for PLDP Area 'A' – Unit 1: Introduction to Political Leadership

Introductory remarks

This is the 1st Unit of Area A, whose theme is “Understanding Key (Leadership) Concepts and Issues”. This particular unit is intended to provide the concepts and issues relating to political leadership. The spirit of the whole training programme is geared towards political leadership. The general understanding is that people provide political leadership in many different settings, which do not always involve bearing the label of ‘politician’. Political leadership is, of course, an aspect of leadership in general and shares many concerns and principles with other types of leadership. It should therefore not be surprising that the first three topics of this unit refer to leadership generically without restricting it to politics.

Anyone who is a leader is first and foremost just that – a leader. However, politics has enough of its own leadership challenges to warrant some specialised attention. Some of the topics do give attention to leadership matters that are characteristically political.

It will be noted that some of the key points are merely suggested by asking questions aimed at revealing them. This is a strategy adopted especially where the intended key points are likely to be controversial, thus requiring some good discussion before they are presented.

In general, it needs to be understood that matters regarding concepts and issues are usually clouded with much controversy. There are few conceptual matters on which authorities will have a unanimous opinion. This means that the views presented here are based on choices made by the outline writer. Such views are not meant to be unquestionable. During the discussion sessions the alternative views will be considered. Indeed, trainees may adopt rather different views from those presented here. We hope that we shall be able to strike some compromise on most of the issues.

Expected study outcomes

The expected outcomes stated by the trainer are essentially the same as unit objectives indicated in the respective areas and will not be repeated here. We therefore proceed to list the course content/topics for the study unit.

Course Content/Topics for Study Unit 1

1. The meaning and implications of leadership
2. The role of leaders in society/organisations
3. The personal/social characteristics of a leader
4. The nature of political leadership
5. Sites for exercising and delivering political leadership
6. Leadership styles and the emergence of leadership
7. Assessing integrity in political leadership
8. Political leadership and pluralism in Africa
9. The global context of political leadership

Intended Training Activities

As in other units, training in this unit will take the form of seminars, practical sessions and field activities. Seminars will normally start with whole-group brainstorming sessions guided by the trainer. The function of such sessions will generally be motivational, preparing the trainees for a major input session by the trainer. Other seminar activities will include discussions, demonstrations/modelling, case studies and experience sharing. Questions by trainees may interrupt input sessions to clarify relevant matters.

During practical sessions, simulations will have a major training function alongside role playing and debating. Full-length drama will be rare, but may be used to illustrate certain leadership qualities and challenges. Field activities will be arranged to cover many different units in terms of the knowledge, skills and attitudes to be applied. The level of abstractions to be dealt with in this unit will make awareness and attitudes the main target of training.

Course Content Summaries: Topic Objectives and Key Points

1. The Meaning and Implications of Leadership
By the end of this study topic, trainees should be able to:
 - Explain the idea of leadership
 - State some of the implications of leadership
 - Discuss the risk element in leadership
 - Explain why a leader needs followers
 - Discuss the motivational function of a leader

Key Points

- Leadership entails empowering people

- Leadership involves motivating people to realise their dreams
- Leadership entails having followers and getting the most out of them in terms of achieving group goals
- Leadership involves risk-taking and self-discovery

2. The Role of a Leader in Society/Organizations

By the end of this topic, the trainee should be able to:

- State what followers expect of a leader
- Identify the various functions of a leader
- Display practical awareness of a leader's role when stimulating leadership role.

Key Points

- Followers expect leaders to give them, hope, direction, confidence and opportunities
- Leaders act to solve problems in line with their vision
- Leaders are (to some extent) teachers/communicators
- Leaders manage conflict
- Leaders motivate themselves and others
- Leaders make policies and decisions
- Leaders facilitate processes
- Leaders are power brokers
- Leaders are enablers of others
- Leaders are mobilisers of resources
- Leaders are institution builders
- Leaders are lobbyists
- Leaders do lead

3. The Personal/Social Characteristics of a Leader

By the end of this topic, the trainee should be able to:

- Discuss the personal, behavioural, functional and other characteristics of a leader
- Relate the characteristics of leaders to the situations in which they lead.

Key Points

- Do leaders have any personal traits?
- Do leaders have any behavioural characteristics?
- Do leaders have any special functions?
- Do leaders have any special style of doing things?
- Are leaders determined/justified by situations?

- Can leaders be characterised by more than one set of variables?

4. The Nature of Political Leadership

By the end of this topic, the trainee should be able to:

- Discuss the origins of leadership qualities
- Explain how political leadership is influenced by the social dynamics of a group
- Compare aspects of political leadership to those of organisational leadership
- Indicate awareness of how political leaders perform some of their functions

Key Points

- Are political leaders born or made?
- Does political leadership lean towards being charismatic, transformational, or transactional?
- How is political leadership influenced by the social dynamics of a group? e.g. group norms, group pressure for conformity, group cohesiveness and group membership criteria.
- Is political leadership compatible with professional management practices?
- To what extent can political leadership be useful in the following leadership functions (which work best in organisations)?
 - Helping interpret the meaning of events
 - Creating alignment on objectives and strategies
 - Building task commitment and optimism
 - Building mutual trust and cooperation
 - Strengthening collective identity
 - Organising and coordinating activities
 - Encouraging and facilitating collective learning
 - Obtaining necessary resources and support
 - Developing and empowering people
 - Promoting social justice and morality
- How do political leaders perform the following leadership functions?
 - Creating the state of mind that citizens relate to their society
 - Serving as symbols of the moral unity of their society
 - Expressing the values that hold their society together

5. Sites for Exercising and Delivering Political Leadership

By the end of this topic, the trainee should be able to:

- Identify some sites for exercising and delivering political leadership
- Discuss what makes a group need political leadership
- Explain how politics relates to power and influence

Key Points

- Essentially, political leadership may be exercised and delivered wherever there is an enduring group of people whose members want to influence the making of binding decisions about matters over which there are competitive interests
- Such a group may be as big as a state or a number of states forming a bigger political organisation, e.g. a regional union
- The group may be physically scattered, e.g. a trade union
- The group may have only one common interest, e.g. an international association of people against smoking in public
- It may be a racial group, an ethnic group, an interest group, a pressure group, a religious group, a sports group, etc
- The making of binding decisions requires power and influence. Thus, political leadership is often associated with situations where the sharing of power and influence is competitive

6. Leadership Styles and the Emergence of Leadership

By the end of this topic, the trainee should be able to:

- Identify some leadership styles
- Explain the difference between democratic and authoritarian leadership
- State and discuss some factors which influence the emergence of leadership

Key Points

- There are different leadership styles and they often emerge in different circumstances.
- At the highest level of classification, leadership styles belong to two categories: democratic leadership or authoritarian leadership
- Other classifications of leadership styles include: laissez faire, consultative, etc
- Some factors which lead to the emergence of leadership (which may be continued or adopted in exercising power) include: force, control of reward and punishment, persuasion, obligation, legitimacy.
- What other ways of accounting for the emergence of leadership or sources of power exist?

7. Assessing Integrity in Political Leadership

By the end of this study topic, trainee should be able to:

- Assess the level of a leader's integrity
- Discuss the factors used for judging the integrity of a leader

Key Points

- Integrity is seen in terms of consistency of a leader's behaviour with his/her declared values
- Factors related to integrity include honesty, ethical standards and trust or worthiness
- Leaders lose credibility when their integrity is questionable
- A leader's integrity is also judged in terms of: the extent to which a leader fulfils his/her responsibility of service and loyalty to follows, confidentiality and taking responsibility for one's actions and decisions.

8. Political Leadership and Pluralism in Africa

By the end of this study topic, trainee should be able to:

- Identify the factors forming the bases of pluralism in Africa
- Discuss the difficulties African leaders experience in promoting pluralism

Key Points

- Plurality is the African reality
- Cultural diversity is a key factor in the tendencies towards pluralism in Africa
- Plurality does not necessarily lead to negative conflict
- Leaders often exploit diversity for selfish political gains
- Cultural homogeneity has not led to peace where it exists in Africa
- Pluralism requires cross-cultural understanding and tolerance
- The political future of Africa depends on our ability to accommodate pluralism

9. The Global Context of Political Leadership

By the end of this study topic, trainee should be able to:

- Identify the global factors influencing political leadership in Africa
- Discuss the leadership problems weakening Africa as a participant in the global village

Key Points

- The history of Africa places it at a disadvantage in standing up to global forces of socio-cultural destruction
- The post-colonial experiences of Africa have worsened the pre-colonial disadvantages
- Africa's backwardness in information technology will further hurt Africa's chances of competing favourably in the global market of values and artefacts

- The spirit of the African renaissance needs visionary leadership and a lot of political goodwill for it to make a difference in African global relationships
- The current unipolar world is not good for the socio-economic future of Africa

Glossary of Key Course Vocabulary

The trainer usually provides a glossary of terms likely to be unfamiliar to the learner. Such list has been left out on this account.

List of Contributors

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Betty Sungura-Nyabuto, a holder of a Bachelor of Laws degree from the University of Nairobi, is an advocate of the High Court of Kenya and a legal and governance consultant. She has interacted widely with the legal profession at the bar, the bench and in the public sector, and at local, regional and international levels, including the East African Court of Justice (EACJ) and the East African Community (EAC). She has sat in the legal counsel FIDA-Kenya (2003-2006) and is the immediate former Chief Executive Officer and Secretary of the Law Society of Kenya (2006-2009).

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Hazel Miseda Mumbo is a lecturer of Health Economics and Human Resource Management at The Great Lakes University of Kisumu. She is also a Director of the University Enterprise. She holds a Bachelor's degree in Education from Kenyatta University, Kenya, an MBA from Kenyatta University, and a PhD degree from The Great Lakes University. She also holds a Postgraduate Diploma in Human Resources Management from Galilee College, Israel and has published in the areas of strategy, governance, entrepreneurship and community health and development.

Jacqueline Adhiambo Oduol is an Associate Professor of Linguistics. She is the Secretary for Children's Affairs in the Ministry of Gender, Children and Social Development in Kenya. She has taught at the United States International University Africa (USIUA) in Nairobi. She is widely known for her unique ability to break resistance strategies, motivate cross-fertilisation of ideas between

government and sector specific experts and facilitate effective communication for appropriate action and responsibility for the rights of the disadvantaged, particularly women. She has been a visiting scholar at the Universities of Bayreuth and Bonn, Germany, a Research Fellow at the International Centre for Research on Women (ICRW), Washington D.C. and an expert member and Research Fellow of UNESCO's programme on Women and a Culture of Peace. She has provided technical advice on gender to the Division for the Advancement of Women (DAW) United Nations Secretariat, New York, UNDP, UNESCO, UNFPA, UNIFEM, Economic Commission for Africa (ECA), IGAD and to a number of countries including Kenya, Rwanda, Uganda, Ethiopia, Malawi and Djibouti. Her publications include "Traditional Mediating Techniques for Peace by Women in Africa" (1997), "Priorities for Research on Women in Kenya" (published in *From Strategies to Action: a Research Perspective* – 1995), "The Ideology of Titles and the Women's Movement in Kenya" (1993), and *English as a Lingua Franca: A Threat to Gender Discourse – the Case of Dholuo* (2007).

Joseph Kwaka, is the Executive Director of Community Aid International. He is a political science and literature graduate with postgraduate qualifications in communication and journalism. His experience spans the civil service, journalism, public relations, the UN and the civil society. A crusader of transformative leadership, he has been the initiator, designer and leader of several development programmes for the last 20 years in the NGO and private sectors. He chaired the (Kenyan) Lake Victoria Development Strategy Initiative under the auspices of the East African Community and is currently the Chairman of Translakes Ltd, a real estate company. He also chairs and plays a lead role in the governance of several educational institutions, regional and community development initiatives.

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