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Terrorism, Democratisation, and American Foreign Policy towards Kenya: 1990 – Present.

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Chapter Two
US POLICY TOWARDS KENYA IN THE POST COLD WAR ERA

Introduction

As the Cold War came to an end, issues in the international scene changed. There was a popular demand for change, with an emphasis on democracy, open economies and human rights reforms from the international community. This demand for change was mainly led by the US who had emerged from the Cold War as the sole hegemony in the international system. Former Cold War allies that did not heed to this call were abandoned, in reviewing previous policies the US and its allies were critical of the authoritarian regimes that they had previously supported.

The combination of domestic and international pressure resulted in the loss of the financial aid that most African countries had become dependent on. Thus many of these countries experienced national democratic elections in the early 1990s. (Haynes 1997:40) Various African leaders reacted to the internal and external pressure differently. Robert Pinkney (2003) observes that some of these countries chose to bow down and change, while others interpreted the pressure to suit themselves and their current leaders, while some chose to outright reject the pressure. Kenya was continuously pressurised by domestic and international forces to hold multiparty elections, a concept President Moi did not care for. In the beginning Moi opted to outright reject the calls for reforms. Eventually, after immense pressure and the loss of aid from major donors Moi called for constitutional change allowing for multiparty elections.

US relations with Kenya were not as strong in the immediate post-Cold War period as they had been before, mainly due to the various changes that were taking place in the region. The US was forming allies with former socialist countries in the Greater Horn of Africa as they moved towards democracy. According to Macharia Munene (1995) during this time the US preferred to be identified with the desires of the people instead of the wishes of the ruling elite or undemocratic regimes as had been the case in the Cold War.

Leaders in government constantly accused the US for being solely behind the calls for reforms noting Kenyans were not interested though this was not the case as pointed out by M. Rutten, A. Mazrui and F. Grignon (2001). The international community might have played a very influential role but the people of Kenya wanted the changes and called for them continuously.[15] Minor reforms undertaken by the government to pacify the people were found undesirable as noted by M. Rutten et al (2001) the nation was ready for reforms and had started the upheaval. The senior Bush Administration and the international community applied immense pressure on President Moi forcing him to grant change.

The primary purpose of this chapter is to look at US foreign policy in the post-Cold War era towards Kenya and especially the role it played in Kenya's move to holding multiparty elections. The works of Smith Hempstone (1997) will be extensively used to offer an insight on the US position towards Kenya during this period and the pressure US applied on Moi. The US abandoned its policies occasionally for various reasons the implications of this inconsistency will also be addressed along with Kenya's transition process. The chapter will also address the theory liberal internationalism in depth as the theory that informs this study.

The US Expansion of Liberal Democracy

The end of the Cold War and the decline of Africa's perceived strategic importance to the US and the Soviets affected the continent considerably as the concerns of the international community shifted to issues of democratic governance, respect for human rights and free capital market. The extension of democracy was seen to greatly facilitate international stability since democracy was equated with peaceful behaviour. (Spanier and Hook 1998; 271) The US was to play a leading role in calling for African States to reform and hold democratic elections.

[15] A KANU Review Committee set up by the President in 1991 went round the country receiving the people's grievances; its findings noted that the populace wanted change. See, Francois Grignon, Marcel Rutten, and Alamin Mazrui, 'Observing and Analysing the 1997 General Elections: An Introduction,' in Marcel Rutten, Alamin Mazrui and Francois Grignon (eds) Out of the Count: the 1997 General Elections and Prospects for Democracy in Kenya (Kampala; Fountain Publishers, 2001) pp. 1-2

On November 1990, Assistant Secretary of State for Africa, Herman Cohen, declared that:

> 'The US is heartened by the democratic trend in Africa…we intend to pay special attention to Africa's democracies and to countries that are actively engaged in the democratisation process'. (Cough 1992; 58)

The Bush Administration laid down its policy to support the expansion of democracy in Africa and continuously promised African states more aid if they reformed. (Hempstone 1997; 90) This was a policy built on a long history of America's foreign policy. Some observers have gone even further to conclude that the end of the Cold War marked a revival of democratic commitment similar to that felt at the end of the first world war, when Woodrow Wilson claimed that the world had once again been made safe for democracy. (Spaniner &Hook 1998; 321,)

According to G. Parry and M. Morgan (1994) the emergence of the US as the most powerful actor in the international system ensured it was the hub in the system, spreading its ideals across the world. These ideals were to foster democracy abroad as a way of ensuring national security, liberal economies and respect for human rights. A policy the US took up with vigour towards Africa. This policy came to be termed liberal internationalism, a term synonymous with 'Wilsonianism'. (Smith 1994; 7, Korwa 1998) In his article '*The Crisis of Liberal Internationalism*', Stanley Hoffman (1995) argues that liberal internationalism has been the most important and distinctive contribution in international history of the 20th Century. The US's political and military power has been used to expand democracy and free trade, to defend democracy from its enemies and to protect and promote human rights around the world.

Tony Smith (1994) argues that liberal internationalism encourages US international engagement, including military interventions to bring US values and political systems to the rest of the world. This theory refers to the particular form of democracy that evolved in Europe during the 19th Century, also known as liberal democracy. (Birch 1993:46) It is derived from the liberal thoughts of theorists such as John Locke, John Stuart Mill, and

Adam Smith. Liberalism as an ideology holds that people should have freedom; this should be guaranteed through freedom of religion, speech, association, and press among others it is characterised by checks and balances which ensure that power is shared. According to Birch (1993) governments should be democratic and minimal, with as little government interference in people's lives as possible. A democratic State is expected to have open competitive elections periodically which result in a popular representation. Despite the fact that liberal internationalism has been highly advocated by the West it has its weaknesses like any other theory. Stanely Hoffman (1995:159) claims that it has never been good at specifying what liberal States interests are beyond physical security and survival and whether setting up an international system of liberal States was a vital interest and not merely a legitimate aspiration, of liberal States. Nevertheless he argues that it is the best vision of world affairs to date.

Democracy is a concept with no single precise and agreed upon definition, it is a concept that is contested to this day. (Ake 2000:9) In the modern sense, it came into use during the course of the 19th Century to describe a system of representative governments in which the representatives were chosen by free competitive elections held regularly.(Birch 1993:45) In such a government the will of the people is sovereign; it also ensures open competition for the leadership. The open competition by opposing parties holds the government accountable; they question the government's motives, ensuring the peoples' needs are addressed.

Democratisation in Kenya

President Daniel arap Moi came into power after the death of Jomo Kenyatta in 1978 before that he had served as his vice-president for twelve years. Rok Ajulu (1997:7) described the new Moi coalition as indigent; it compromised of a relatively weak economic class unlike the previous one which had constituted the most prominent pre-colonial and colonial accumulators. Therefore, one of Moi's important tasks was to construct a capital base for his new alliance. However, as Ajulu further pointed out in the absence of fresh areas of accumulation they engaged in massive acts of corruption and

fraud. A trait that characterised the regime during Moi's 24 years of rule that came to an end in 2002.

At independence little was done to develop institutions for competitive politics, according to Schimidt and Kabara (2002:4) expressions of interest were only possible through the only viable cohesive groupings Africans had ever known, ethnic groups. Hence, since independence the country was faced with the question of ethnicity, which has shown its face constantly in Kenya's political scene. Ethnicity is used as a broad concept, covering a variety of distinguishing factors like language, race and colour, which distinguish one group of people from others. According to Yash Pal Ghai (2000:4) when these dissimilarities cease to be mere means of social distinctions and become the basis of political identity and claims to a specific role in the political process or power, ethnic distinctions are transformed into ethnicity. The transformation could take place due to manipulation of these differences for whatever reasons, be they political or economic. This became a central strategy for formulating and legitimising claims on State resources by various sections of the population, especially the new ruling elite. Hence, in the process, ethnicity became embedded in the process of economic and political resource allocation. (Ngunyi 1995:124-5)

Soon after coming into power the Moi government started to clamp down on government critics, cultivating a political culture of intolerance, leading to unsatisfied political leaders attempting to establish an opposition party to put the ruling party KANU in check. In June 1982, an attempt by George Anyona to register a new political party, the Kenyan African Socialist Alliance (KASA), was blocked mainly to ensure there was no opposing voice. Eventually he was detained along with his counterpart Oginga Odinga. Thereafter, section 2(a) of the constitution was amended, making Kenya a *de jure* one party State.[16] On 1st August 1982, an attempted coup by junior air-force officers was foiled. This resulted in political detentions and press censorship. There being no party to oppose KANU and its leader, Moi was re-elected in the national elections in 1983 and there after

[16] The amendment was introduced in parliament and passed in less than 20 minutes; there was neither debate nor opposition.

in 1988. These elections were State-controlled and non-competitive, as expected in a patrimonial one party State. Following the 1988 elections the populace began to agitate for political reforms relentlessly and as these calls grew Moi's rule became more and more autocratic. The rule of law and constitutionalism was steadily throttled under his rule, leading to a major public outcry from both within the country and from the international community.

The Moi government trained its guns against all dissenting voices in society and moved in to get the one-party system on an even keel. A report by the Kenya Human Rights commission (1998:6) claimed that the ruling party focused more on those leaders and organisations of the civil society who challenged its monopoly over power and leaders with national or international clout such as Tom Mboya, John Ouko and J.M Kariuki were assassinated while others were detained.[17] By the late 1980s the government had achieved what it had set out to do, create a political culture of intolerance, having used all means possible to achieve this.

Though the US espoused human rights in Africa, it continued to support repressive regimes, due to the nature of the Cold War period where global strategy was of more concern than the characteristic of the local governments. (Rotberg 1988:8) Kenya is an example of where as a major US ally President Moi's repressive rule and lack of respect for human rights were overlooked for her strategic importance. Periodically attention would be given on the repressive rule but not enough to push for reforms. This though was not to remain the case as the Cold War came to an end and as politics changed in the international arena it trickled down to Kenya.

The Bush Administration: Smith Hempstone's Days

In 1989, the Bush Administration sent a former Africa-based journalist, Smith Hempstone, as the US ambassador to Kenya. Hempstone adopted an outspoken policy

[17] The detention law was introduced by President Kenyatta in 1966 thus making it legal to detain people for day's even years without a trial. When Moi came into power in 1978 the law was reversed but following the attempted coup in 1982 Moi re-established it. The Law gave the President the power to detain at will and for indefinite periods of time, this particular law violated the prisoners' right to a fair trial and was admonished at by the international community. It was later repelled in 1997.

especially on the issues of multiparty democracy, and human rights improvement. He often clashed with the government, by continuously calling for reforms, giving refuge to those the government threatened to detain due to their calls for change, this in turn earned him the title 'Rogue Ambassador'.[18]

In May 1990, Hempstone made a speech reflecting the Bush Administrations policy on democracy. He stated

> 'A strong political tide is flowing in our Congress, what controls the purse strings, to continue our economic assistance on those of the worlds nations that nourish democratic institutions, defend human rights and practice multiparty politics…'(Hempstone 1997:91)

His speech created ripples in the Kenyan political arena, with newspaper headlines reading '*US Mounts Pressure for Multiparty*.' Statements like the one made by Hempstone were not well received by President Moi, who continuously refused reforms. Marina Ottaway claims that throughout Africa leaders who were not ready for change argued that a multiparty system was foreign to Africa as it was Western in origin and was being imposed on them. Moi and other members of his government strongly challenged the relevance of the system and continued to equate it with civil disorder.

A few weeks after the speech the Assistant Secretary of State for African Affairs, H. Cohen, flew to Kenya on a two day visit. His visit was viewed as an attempt to 'smooth Moi's raffled feathers',(Hempstone 1997:94) in an effort to try and repair what Washington saw as the damage done to US-Kenya relations. Cohen stated during his visit that while the US favoured a multiparty system they did not declare it was good for everyone; according to African Watch (1991:377) this dealt a blow to the entire human rights community in Kenya and by extension in Africa as a whole. This visit was a clear indication of a lack of continuity in the US policy for reforms towards Kenya and even Africa.

[18] This is the title of his book, see, Smith Hempstone, The Rogue Ambassador: An African Memoir (Tennessee; University of the South Press, 1997)

As confidence in the government faltered due to corruption and repressive rule, donor funding was increasingly channelled through Non-Governmental Organisations (NGOs). By 1990 the country had the largest NGO community in Sub-Saharan Africa, the community was accused by government of being puppets and mouth pieces for foreign donors as the regime had lost foreign funding to the organisations. Kenya had lost donor backing due to its high level of corruption in the government, the crack down on opposition leaders and their supporters along with their arbitrary arrests.

Following the arbitrary arrests of opposition leaders and their supporters on 7 July 1990 (*foot note this events…saba saba...90*) Denmark, Norway, Sweden and Finland cut aid to the Kenya. (Ajulu 1997:7) US Senator, Edward Kennedy, called for immediate cancellation of all economic and military aid to Kenya, while other congress officials urged the Secretary of State, James Baker, to reassess US aid to Kenya and freeze all aid in the pipelines. Eventually the US froze five million dollars in un-disbursed military aid to Kenya, but on the other hand continued with economic assistance. By 1990 Kenya was the largest recipient of US aid in SSA. The freezing of part of the aid left the government in a quagmire; there was also fear that other smaller donor countries would also pull back their aid. (Hempstone 1997, 114) Foreign aid is an instrument of foreign policy, though Hans Morgenthau (1971:247) emphasises that it is a form of bribery it is used to win over the other government, and manipulate its policies. In Kenya aid was conditioned following instructions from the donors, Kenya was dependent on aid thus making it possible for the donors to dictate the government's actions, it was also used to manipulate what legislation the government was to enact. (Munene 2004:8)

Inconsistency in US Foreign Policy

In February 1991, the Bush Administration rewarded the Kenyan government with five million dollars for military assistance. This action went against the US Foreign Aid Appropriation Act which specified frozen aid to a government could only be disbursed if there was an improvement in human rights and the political environment. (Ajulu 1997; 9) The Administration justified the aid grant as a reward for 'marginal improvements' in the country's human rights record. (Hempstone 1997; 378) This though was not the case as

the Moi government continued to clamp down on all opposition voices in the country. It was later revealed that the monies objective had been firstly to convince President Moi to provide a home for 350 Libyan dissidents who had fled Chad, where they were being armed and trained in guerrilla warfare by the CIA against Gaddafi.(Clough 1992:100) In 1988, Moi had severed diplomatic ties with Libya citing that Libya was conspiring with Uganda against him as there were increasing signs that Libya was interested in undermining Moi's regime, partially because of Kenya's position as the strongest State in the region.(Barkan 1994:249, Hempstone 1997:137) Therefore, when Moi was approached by the US government to host the exiles under US protection he agreed in what came to be known as 'operation magic carpet'.

The release of this grant to the Kenyan government raised many questions both locally and internationally. Congressional leaders in the US reacted with sharp disapproval as according to Hempstone (1997:379) this led to the suspension of all assistance to Kenya. He further sates that the awarding of the aid was seen as a drawback in the quest for democratisation in the country. The US Administration had abandoned its reform policy for their personal benefit to the dismay of Kenyans and Congress.

During the democratic transition period in Kenya, the Bush Administration cannot be attributed to have had a consistent voice calling for democratic reforms human rights improvements in Kenya. Congressional scrutiny was the most consistent US voice; they consistently called for the improvement in Kenya's human rights record, including the release of detained opposition leaders. It continuously called for the need to move from an authoritarian rule to a democratic one and called for the reduction of the president's powers and the change of the constitution.

On the other hand Britain, Kenya's former colony and biggest trading partner did little to promote change. It kept silent on the human rights situation in Kenya, even when other government's voiced their concerns. It continued to observe Kenya as a stable and peaceful country (Africa Watch 1991:362) mainly because of the strong economic ties. In 1990, the British government stated that they would only support governments that were

democratic, respected the rule of law and human rights; ironically they also declared that this would not affect Kenya. As noted by Africa Watch (1991:362-66) on a state visit to Kenya the Prime Minister, Margaret Thatcher, announced a British government grant. This went against their call for democratic change in the country. According to Musambayi Katumanga (2002:137-196) Britain had an interest in Kenya's elections not only because of the economic ties but also for the safety of the thousands of British citizens residing in the country. During the 1992 elections Britain was convinced that Moi would retain power and so sought to court him to the disappointment of the opposition, the British government proceeded to offer financial and material support for the electoral process. Therefore, just like the US whose willingness to critique Kenya was undermined by pacifying gestures towards the Kenyan government, the British policy towards Kenya was not constant for almost similar reasons.

The immense pressure that was continuously put on the Kenyan government, both domestically and internationally, in addition to the loss of large sum of aid led to the reluctant repeal of Section 2(a) of the constitution. This turning point in the country's history came in November 1991, after the Paris Consultative Group made up of major Western donors decided to suspend 328 million dollars of aid to Kenya pending reforms. (Haugerud 1995:25) The group called for a need for the country to adopt political and economic liberalisation measures before aid was disbursed, two years later, in November 2003, the Consultative Group on Kenya restored much of the suspended aid and stated that new disbursements would depend on the progress in implementing reforms. The change of the constitution made the country a legal multiparty State and the first multiparty elections in 26 years were held the following year.

Kenya's Multiparty Elections

The run up to the 1992 elections provoked a series of violent confrontation between the security forces of the State, the opposition members and various ethnic groups. Such forms of violence are political tools deployed to extract concessions from a growing opposition to the regime. Michael Schatzberg (1997:128-9) argues that it is by using tools of violence that African leaders have ensured they retain their power, a Kenya

Human Rights report (1998: 3) supports this argument and goes further to state that the violence is a response by these African leaders to what they see as their weakening authority in the political space during the transition from a one-party to a multi-party State. The 1992 elections were characterised with political instigated ethnic violence before the elections and after especially in the Rift Valley and Western provinces. Ethnicity was used as an integral tool by politicians, especially in regions where opposition was high or where the regime needed to manipulate the outcome of the elections. Gibson Kuria (1994:9) argues that this kind of violence comprises of the most serious challenge to the concept of the Kenyan nation, the rule of law and liberal democracy, it also challenges the concepts of Kenyan citizenship for certain ethnic groups in the country felt unsafe as they were targets of the ethnic violence, and were evicted from their land. The idea of multiparty elections caused tension within Moi's camp; they envisioned a loss of power and as a result were willing to do everything in their power to ensure they maintained the power they had held on for so long.

Moi did not loose his stronghold he was re-elected in the highest voter turnout since the 1963 elections. (Haugerud 1995:25) The opposition parties rejected the results as rigged and manipulated by the ruling party. International observers found the Election Day itself to be relatively fair, however they noted the campaign period had been marred by a number of unfair practices and violence. (Marcel el al 2001, Ajulu 1997, Haugerud 1995:25) Soon after the 1992 election, the newly elected government remained unaccountable and the human rights record hardly improved, it was business as usual with a now legitimised Moi regime.

The US and other donor agencies and their respective governments continued to carry out business with the regime and put aside their previous calls for political reform. The international community was no longer concerned with political reforms. Hempstone (1997:309) argued that the legitimising of the Moi regime and continuation of business as usual by the US government was an indication that 'second-class' democracy was good enough for Africa. The 1992 elections put Kenya on a democratic course, making it difficult for the country to go back to a one-party rule. The following multiparty elections

held in 1997 were no better than those of 1992.[19] Following these elections international attention on the human rights situation in the country declined. The international financial institutions, were dissatisfied with the lack of economic reform in the country, and funding remained suspended pending progress on corruption.

The Clinton's Administration's Policy

President Bill Clinton won the US presidency in the1992 elections and assumed power in 1993. According to Chris Allen (2000:369-70) the Clinton Administration represented the first attempt by a US Administration to put forward a comprehensive foreign policy towards Africa, 'a continent often forgotten'. Clinton talked of a new relationship between the US and African countries based on a 'Trade not Aid' policy. According to Nicholas Guyatt (2000:23) this policy urged African countries to put their hopes in budget resolutions, privatisations and foreign investments. Chris Allen (2000:361) adds that the Administration saw the policy as a solution to Africa's poverty by bringing down trade and investment barriers instead of giving aid as had been the previous case. There was a clear shift of policy from the Bush Administration whose main policy had been calling for liberal democratisation of African States, to a more economic policy for the continent.

In June 1997 the 'Partnership for Economic Growth and Opportunity in Africa' was launched. It proposed to enhance Africa's access to the US markets by reducing tariffs on certain products.[20] This partnership later came to be known as the African Growth Opportunity Act (AGOA). Assistant Secretary of State for African Affairs, Susan Rice, made a speech stating that the Act was seen to have the potential to change the course of trade relations between Africa and the US. (*Africa at the Crossroads* 2000:99) Kenya became a beneficiary of AGOA in October 2000, after having successfully met the eligibility criteria stipulated by the Act. The country was later accredited to export

[19] Violence flared up in many parts of the country and in the end Moi was re-elected with considerably greater ease than in 1992. The division in the opposition made it easy for Moi to win the elections by over 40 per cent up from less than 37 per cent in the previous elections. They were 14 opposing candidates; Mwai Kibaki came in second with over 30 per cent had the opposition come together they would have won. See, Charles Hornsby 'Election Day and the Results' in Marcel Rutten, Alamin Mazrui and Francois Grignon (eds) Out of the Count: the 1997 General Elections and Prospects for Democracy in Kenya (Kampala; Fountain Publishers, 2001) pp. 135-204

[20] It passed with a wide margin on the eve of Clinton's trip to Africa in the House of Representatives.

textiles and apparel along with cut flowers, coffee and tea duty free to the US. The act has boosted Kenya's farmers and manufacturers as they export their commodities to the US.

In March 1998, President Clinton embarked on a trip through several Sub-Saharan countries. According to a Human Rights Watch (1999) report though Kenya had always been a supporter of the US, it was by-passed in part due to high levels of corruption, its lack of progress on economic and human rights reform, especially after the 1997 elections. The report goes on further to state that by mid 1998 US development aid to Kenya totalled 23.5 million dollars, approximately two-thirds of this aid was allocated to program assistance directed almost entirely to NGOs as opposed to government. The government lost this assistance to the organisations due to the high levels of corruption in the country. This policy by the Clinton Administration was similar to that of the previous Administration.

Conclusion

This chapter set out to address US policy towards Kenya in the post-Cold War era. It mainly looked at the role the US played in Kenya's move to a democratic State. Smith Hempstone's book 'Rogue Ambassador' offered insight on the US position towards Kenya during this period and the pressure the Bush Administration put on Moi to reform. The US policy though was not always consistent; the Administration abandoned its policy to serve its own interest. This inconsistency strengthened Moi's resolve to abandon all calls for reforms. The withholding of aid by the US congress and other donors eventually led to Kenya's democratic transition. Kenya's elections were neither free nor fair, they were marred with political instigated violence among other irregularities but Moi was endorsed as the president in 1992 and 1997. It was unclear what kind of reforms the US advocated for as they continued to support him, abandoning their calls for reforms after the elections.

The chapter also looked at the theory of liberal internationalism in depth. Over the years US foreign policy has been to foster democracy in ensuring security, with the end of the

Cold War this became the US's main policy especially toward African States. Liberal internationalism calls on states to have open competitive elections periodically which result in a popular representation, open competition by opposing parties hold the government accountable.

During the first decade after the Cold War the international system saw an increase in intra-State conflicts with serious and devastating spill over effects around the world, and especially in Africa.[21] The Greater Horn of Africa were vastly affected by the change of world politics, the region became and continued to be characterised by major inter and intra State conflicts. In early 1991 Siad Barre of Somalia was forced out of power, leaving the country in an unstable position. In Sudan the conflict between the north and the south escalated, while in Uganda the northern region rebels took up arms against the government. The skirmishes in these countries led to an influx of a large number of refugees into Kenya. Border security weakened consequently, the uncontrollable human traffic flow across the borders made it easy for arms to move from one community to another and by extension from one country to another. The consequence of this left Kenya at a vulnerable State. This was witnessed by the 1998 US embassy bombings that added a new element to the Kenya-US relations.

[21] Thokozani Thusi 'Assessing Small Arms Control Initiatives: The Nairobi Declaration' African Security Review Vol. 12 no 2, 2003. p.4 http://www.iss.co.za/Pubs/ASR/12No2/F2.html.1 Accessed 14 Jan. 2005