

Risk and Opportunity in Kenya Elections

Kenya stands at the crossroads—elections could herald a more positive future, but the cost of loosing is intolerably high for all concerned.

Kenya will vote on 27 December in an election that will end 24 years in power for president Daniel arap Moi. For Kenya, the region and Africa, significant risks attend this election, which deserve urgent diplomatic focus well before the vote.

On the positive side, a peaceful undisputed election would provide an opportunity for Kenya to start afresh with foreign donors, whose assistance it desperately needs but has been denied because of pervasive corruption and frequent broken promises by Moi's government. On the negative side, the political atmosphere is poisoned by Moi's corruption and past Machiavellian manipulations. The opposition appears to have a commanding lead and anything other than an opposition win would bring a high risk of both violent protest and continuing economic decline and isolation.

As the 29 November bombing and missile attacks in Mombasa illustrate, Kenya is in a strategic and volatile geographic location. US authorities believe the terrorist attack came from Islamic fundamentalists based in neighbouring Somalia, who were able to blend in among Kenya's Arab coastal population. The attack underscores the deep weakness of the Kenyan state, which has little control over large areas of its north and northeast, where a host of bandits, rebel groups and smugglers operate with relative

impunity. *The New York Times* reported that US investigators believe al-Qaeda has been operating out of Kenya since the early 1990s, using it as a base to instigate attacks on US troops in Somalia and later to conduct the 1998 embassy bombings in Nairobi and Dar es Salaam.

Although the terror attack will likely devastate tourism and deepen the nation's economic decline, the election is the most fundamental determinant of Kenya's future direction. Moi is constitutionally barred from running again. His hand-picked successor, Uhuru Kenyatta, is the son of Kenya's first president, Jomo Kenyatta, and a member of the country's largest tribe, the Kikuyu, who have been largely banished from the corridors of power by Moi.

Moi hoped that Kenyatta, 41, would be a sentimental, unifying candidate that would help him reach out to the Kikuyu as well as the youth vote. The constitution, written by Moi, has allowed him to hold power with only 40% of the vote because no run-off election is required as long as the candidate with the most votes gets at least 25% of the vote in five of eight provinces.

That formula worked, despite popular dissatisfaction with corruption and economic decline, as long as Moi could divide the opposition through a combination of ethnic violence, payoffs and promises of government jobs. Unlike the 1992 and

1997 elections, the opposition now shows unprecedented unity around Mwai Kibaki, also a Kikuyu, who won 31.9% of the vote in 1997. Unity around Kibaki was further strengthened when the undemocratic selection of Kenyatta sparked a mass defection of KANU heavyweights to the opposition alliance. Polls show Kibaki leading Kenyatta by roughly two to one.

Kibaki, a former vice president and minister of finance under Moi, broke from KANU and formed the Democratic Party when Moi ended the one-party state under intense donor pressure in 1991. Kibaki vowed to re-instate the Kenya Anti-Corruption Commission, disbanded by Moi and install a new constitution preventing domination by a minority ruling party.

For Moi and his loyalists, electoral defeat could bring both prosecution and an end to the massive misuse of state funds and power for personal gain. Indeed, corruption has reached such monumental proportions that it is the central election issue. The police, judiciary, licensing authorities, public tender processes and other

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Cuba: Reforming the Revolution in the 21st Century

Despite a number of overtures by US figures to Cuba this year, the US' official policy remains unchanged: it is the only country that refuses to engage Cuba, at least officially.

No matter where in the world one might be, the small island of Cuba has the ability to stir up emotions and bring back the polarised, ideologically fragmented world thought to have collapsed with the end of the Cold War.

The past year has demonstrated mounting interest in Cuba and its integration into the global political economy. But its relations with the US remain fraught. Many believed that Carter's visit to Cuba, the US assistance following the devastation of Hurricane Michelle and the American war on terrorism indicated a change in US policy toward Cuba. However, President Bush's grouping of Cuba in the 'Axis of Evil' indicates otherwise. The Republicans' sweeping mid-term election victory suggests even less optimism about a thawing of US relations towards Cuba.

Yet despite Cuba's alienation from the US and the end of its unique relationship with the Soviet Union, that sent the Cuban economy into turmoil during the 1990s, the ruling administration has remained remarkably resilient. However, the difficulties experienced in the 1990s have underlined the importance of foreign investment, thereby increasing support both in government and outside for economic liberalisation. This support tends to favour the Chinese-style economic model while retaining communist rule and ideals. Many would see this as a sign that Cuban Communism has lost ground along with the hold that Fidel Castro has over his people. On the contrary, the ability to respond to international changes and severe economic downswings

while sustaining high socio-economic standards have helped retain respect for Castro and other members of the Communist Party.

Cuba has consistently dedicated 24% of GDP to social services (more than twice the norm of other countries). It has the highest life expectancy in Latin America as well as the highest percentage of scientists and the lowest infant mortality.

The US trade embargo, which has been in existence since 1962, was strengthened in the 1990s by the Helms-Burton Act and the Cuban Democracy Act, preventing any form of commercial activity between the US and Cuba, and even attempting to curb trade of other countries with Cuba.

Cuba also boasts a 100% primary school attendance. The Cuban economy has grown at an average of about 4% since 1995, although off a very low base from when the economy shrank 35% between 1990-93. Exports have also plummeted from a high of \$5.3 billion in 1986 to just \$1.76 billion in 2001. Sugar production, the symbol of the Cuban economy, has also undergone serious setbacks in recent years. Outdated technology and methods, low sugar prices on international markets as well as excessive costs have slowed exports from 79.7% of total exports in 1990 to 35.3% in 2001. The result has been the closure of nearly half of Cuba's sugar mills and, more recently, the importation of cheap sugar from the US—unthinkable just five years ago. The only real growth industry is tourism. Yet the two million tourists visiting Cuba

annually are unlikely to increase at the rapid pace required to address the country's economic woes.

It is clear that the US trade embargo against Cuba is the principal reason for the dismal economic situation in the country. Ironically, the US has resumed trade links with other communist countries such as China and Vietnam, but not Cuba. However, this year, in the aftermath of Hurricane Michelle the US agreed to sell agricultural products to Cuba—the first formal transaction between the two countries in 38 years. This development did spur some reaction in the US from the American farming lobby, which has identified the potential in Cuba and is demanding an end to the trade embargo.

Despite the will from various interest groups to change US policy toward Cuba, the Bush administration looks unlikely to soften its position. On the contrary Bush has pledged to tighten travel restrictions to Cuba and maintain a hard line on the Cuban issue. This position (taken during a mid-term election year when Jeb Bush was running for re-election in Florida) is clearly an effort to appease the Cuban-American constituency in the country, which has become highly influential in American local elections in recent years. This, together with strong resentment from some policy-makers toward Fidel Castro, who has outlasted nine US presidents, indicates that the Cuban issue is more of a domestic policy driven by emotion than a foreign policy driven by pragmatism.

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With the US firmly entrenched in its position on Cuba and Cuba refusing to institute what it calls 'US-style democracy' little will change in the near future. However, the prospect of a Free Trade Agreement of the Americas (FTAA) will add an entirely new dimension to the debate. The US appears to be prioritising the FTAA but is experiencing substantial resistance from the opposing 'Brazilian camp' of Latin American countries (including Mercosur members, Venezuela and the states of the Caribbean). Not only are they challenging the US on a number of its trade and industrial policies, but they also strongly object to the US position toward Cuba. They favour engagement and ultimately integration with Cuba, which would naturally have to be preceded by the abandoning of the embargo. If the embargo is not lifted, negotiations toward an FTAA are unlikely to be a smooth process, and, in all reality, the final agreement signed would not be true to its proclaimed ambitions, but rather an FTAPA—Free Trade Agreement of Part of the Americas.

Lyal White

Main destination of Cuban exports: 1999

Russia	23.3%
Netherlands	14.5%
Canada	12.9%
Spain	8.0%
Egypt	3.7%
Other	37.6%

Main source of Cuban imports: 1999

Spain	19.5%
France	14.0%
Canada	8.2%
China	8.1%
Italy	7.7%
Other	42.5%

West African Media Under Siege

The West African media has come under increasing government pressure, raising questions about their ability to fulfil their role.

The media in many parts of West Africa still faces difficulties. In most countries, the constitution provides for freedom of speech and the press, however, the government restricts these rights in practice, often in suppressive ways. NEPAD and the AU both emphasise the need to eradicate corruption and to develop Africa, but when leadership is the cause of the problem any vision seeking to uplift Africa will be undermined by poor governance and undemocratic practice.

In Togo, the parliament passed a new media bill despite concerns by lobby groups that it would stifle freedom of expression. The bill put forward by cabinet proposes heavy prison sentences for 'defaming or insulting' the president, state institutions, courts, the armed forces and public administration bodies. The US-based Committee to Protect Journalists (CPJ) said it was alarmed at the new legislation, which would further restrict Togo's 'already repressive' press laws. Most recently, a Togolese court fined three men and sentenced them to varying jail terms for the defamation of President Gnassingbe Eyadema. Their crime was a statement that he was among the world's richest people.

In Liberia, the editor of the private weekly newspaper, *The Analyst*, was arrested allegedly on suspicion of operating a LURD (Liberians United for Reconciliation and Democracy) terrorist cell in the capital city. He was also accused by the Liberian government of plotting with rebel forces to kill President Charles Taylor. The editor and two other journalists, are held *incommunicado* without formal charges in clear violation of Article 21 of the Constitution, which states that anyone arrested must be brought before a court and charged within 48 hours.

Amnesty International expressed concern at the 'increasing attacks on freedom of expression' in The Gambia following the arrest of three journalists. It urged Gambian authorities to uphold high standards to respect the right to freedom of expression as guaranteed by the international treaties to which Gambia is a party. A National Media Commission Bill recently passed by parliament, but yet to be signed by President Yahya Jammeh, contained several provisions incompatible with Gambia's international obligations under the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

It expressed particular concern at the considerable powers, devolved to the Media Commission, which could undermine and restrict freedom of expression. 'These restrictions are without justification. They constitute an affront to the right to freedom of expression and may muzzle and undermine the independence of The Gambian media,' Amnesty said.

A state of alert imposed in Niger could threaten freedom of expression, according to Reporters Sans Frontieres (RSF). The international media watchdog said 'journalists have allegedly received threats from the police and the Minister of Communication.'

In Sierra Leone, the government is refusing to give broadcasting licences to privately owned radio stations. *African Champion*, the privately owned daily was closed down by order of the High Court of Sierra Leone on 31 August. Its managing editor was banned from any 'editorial function' for any newspaper in the country.

Freedom of speech is a fundamental requirement for any democracy. When citizens are tortured for expressing their opinions, one must question the extent or even existence of democracy in West Africa.

Thabi Leoka

Election Watch

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bureaucracies routinely demand bribes.

Kenya's ability to perform basic functions like building schools, paying wages and maintaining roads is blocked by the scale of corruption. A recent review of reports by the Auditor-General found one-third of state funds were stolen, misappropriated or not collected due to corruption. The Risk Advisory Group, a British consultancy, was invited to Kenya this year to assess the extent of the problem. 'Our conclusion' they wrote, 'is that the level of corruption within Kenya is becoming so endemic that it is beginning to threaten the basic structures of the State. ...Corruption is becoming much worse, in that it affects almost every aspect of daily life for ordinary Kenyans, and is an increasingly common factor in their lives.'

The economy has stagnated in part because success attracts even more aggressive corrupt demands. Since the 1990s life expectancy, infant mortality, literacy, school enrolment and poverty levels all have rapidly deteriorated.

Transparency International interviewed 1,164 Kenyans about their dealings with public institutions and found that two-thirds of respondents reported having to pay bribes or incurring negative consequences for refusing to pay bribes to government. The

highest incidence of bribery involved encounters with law enforcement, where survey respondents who regularly deal with police report that they must pay bribes 90.4% of the time. Ostensibly private coffee, tea and sugar co-operatives have been hijacked by those politically well-connected, which has led to frequent violent riots by poor farmers.

Moi, his sons and tribal associates have amassed vast fortunes, often by abusing state contracting or forcing private businesses to cede partial ownership to the family. The public focus on corruption has been compounded by the diversion of state benefits,

infrastructure and corruption opportunities to tribal allies.

Kenyatta is energetically campaigning using state resources. In addition millions of dollars of the massive Kenyatta family fortune and funds illegally diverted from the National Social Security Fund are reportedly going into the KANU campaign. Yet polls show a widening opposition lead.

A recently published judicial inquiry blamed senior cabinet ministers for orchestrating tribal violence around past elections. With so much at risk for Moi, anxiety is growing that the ruling party will attempt to steal the election.

Unlike past elections, vote counting will occur in voting stations. Given that the rainy season has started and much of the country is very inaccessible by road, there will be many opportunities for tampering or reporting false vote counts. As in the recent Zimbabwe vote, election observers are unlikely to observe the vast majority of voting stations far from the capital.

The brazen nature of corruption and Moi's political manipulations have created a deeply cynical political atmosphere. Given the depth of public cynicism about politics, a Kenyatta victory would likely be greeted with intense hostility and allegations of cheating that could easily erupt into widespread public instability.

Ross Herbert

Business News

Although Kenya, Uganda and Tanzania have revived the East African Community (EAC) and are moving toward common external tariffs with the EAC and Common Market of Eastern and Southern Africa, populist anti-trade pressures are growing in Kenya across party lines.

Business complains that Moi threw open markets without public debate to win International Monetary Fund credits. SA trade, which drew the ire of a recent editorial in the independent Daily Nation newspaper, is a particular target. SA has replaced the UK as the largest supplier of manufactured goods to Kenya, comprising 72.9% of Kenyan imports from Africa in 2000.

Calendar of Events

4-7 December 2002	Seventh International Conference on Public Communication of Science and Technology	Cape Town
9 December 2002	Signing of Treaty on Great Limpopo Transfrontier Park	Xai-Xai, Mozambique
9-10 December 2002	Extraordinary session of the Executive Council of AU	South Africa
12-13 December 2002	Meeting of the State Parties to the Convention on Conventional Weapons	Geneva
14-16 December 2002	Third International Meeting of the African Society for Refractive Surgery	Tripoli
20-25 February 2003	13th NAM Summit	Kuala Lumpur