The Importance of Democracy in Africa: Kenya’s Experience

Rt Hon Raila Odinga EGH

Party Leader, ODM, Coalition Leader, CORD, Prime Minister of the Republic of Kenya (2008–13)

Chair: Dr Alex Vines OBE

Research Director, Area Studies and International Law; Head, Africa Programme, Chatham House

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Summary of Question and Answer Session

Questions

What are you doing to tackle what most people believe is an increase in tribalism in Kenyan politics?

You mentioned that the US must support African democracy in word and deed. Do you think both presidential candidates, Hillary Clinton and Donald Trump, are able to do that?

What is your view on the idea of ‘Afrocracy’ – attempts by African politicians to move away from a Western concept of democracy towards a more specifically African form of governance?

Rt Hon Raila Odinga

Tribalism has historical roots in Kenyan politics. The British colonial authority tried to use ‘divide and rule’ to separate Kenyans by their tribes and turn them against each other. After independence, political elites surrounded themselves with people of the same ethnicity and exploited these divisions. Ethnic discrimination was used to gain preferential access to resources. Kenyan development can be contrasted with post-independence Tanzania, where President Nyerere’s leadership, inspired by pan-Africanism, created a unified Tanzanian identity with very little ethnic discrimination.

Ethnic division is not just an impediment to integration and unity, but a barrier to development, as talented people cannot access opportunities and become disillusioned. Kenya loses many intellectuals who take their skills to countries that do not discriminate. The government must eliminate this problem.

The speaker had spent the last five days at the US Democratic National Convention, and had witnessed the intensity of the election campaign first hand. The Democrats have a stronger policy vision for Africa, which could help the continent deal with recent negative developments if they win. If the Republicans do have an Africa policy, it is not obvious.

‘Afrocracy’ is an ideology invented by those who are hell-bent on fighting pan-Africanism, by becoming more inward-looking, and claiming that different standards should be applied to Africa than across the rest of the world. These leaders are lowering standards in Africa for their own political gain. This can be observed in the recent trend of attempts to remove constitutional term limits, under the guise that the people want their leaders to stay in power in the interests of maintaining stability. In the case of Burundi, for example, despite the levels of death and violence, neighbouring countries and the African Union (AU) cannot comment or intervene effectively because other regional leaders feel they may find themselves in a similar situation in the future. President Kabila also deserves criticism for his attempts to delay the Democratic Republic of the Congo’s (DRC) elections under the pretext that reforms are needed. In Sierra Leone there is an argument that the presidential term should be extended by two years because of time lost during the Ebola crisis. Democratic standards should be no different in Africa than in any other part of the world.

Questions

Do you think there is democracy in Kenya?

How can the Kenyan government help business to become more confident in investing in Africa?
You have criticized some current African leaders, but are there any whom you would commend for doing the right thing at the moment?

Kenya has one of the most progressive constitutions in Africa. If you become president, what will you do to ensure that the rule of law is respected by everybody?

Rt Hon Raila Odinga

The question of whether there is democracy in Kenya is related to the question of whether the rule of law can be respected by everyone in Kenya. There have been reforms in Kenya: in 2010 the new constitution was billed as one of the most progressive, particularly because it included a comprehensive bill of rights. But the constitution is just a document: implementation is another matter. There are people in power in Kenya who do not believe in the new constitution, and who actively opposed it during the referendum to decide on its introduction. There have been attempts to subvert the constitution through parliamentary legislation; such efforts are, in effect, aimed at amending the provisions of the constitution. For example, the bill of rights was undermined by efforts made under the guise of the Security Laws Amendment Bill which included provisions aimed at muzzling the media and restricting freedom of speech and movement. Some of these amendments have been challenged in court; luckily the judiciary works to a certain extent, and some amendments have been overturned. Even Kenya’s new devolution has been met with problems. When Governor Kabogo of Kiambu County addressed Chatham House recently, he may have mentioned the problems that counties have had with the flow of resources to the devolved units. They are being starved of funding by the national government. Considering these factors together, it can be stated that Kenyan democracy is on hold.

Democracy depends on strong, functional institutions. It must be ensured that they are strong and working to correct the normal human tendency to do the wrong thing and to weed out the wrong people. Corruption is everywhere, but what is different in Kenya is how it is dealt with when it is uncovered. One example is of a British firm, Smith and Ouzman, contracted to print ballot papers by the Kenyan electoral commission. Commission officials had demanded, and received, a bribe before the award of a contract. An investigation by the UK Serious Fraud Office led to the arrest of officials from Smith and Ouzman; they were prosecuted and convicted in the UK. But in Kenya the officials who awarded the contract are free – the Ethics and Anti-Corruption Commission in Kenya said that it had no evidence to prosecute. This double standard is what makes the difference in Kenya.

Africa remains one of the most profitable places to invest, but it is necessary to make investment safer. The period from the 1990s to 2010 saw the highest growth on the African continent, but this is starting to slide back. This is also because societies became more open and attractive to foreign direct investment (FDI). More companies came to invest. But corruption is on the increase, and this scares away investors. This is costly, which is why building strong institutions in Africa is necessary. The aim is to create an enabling environment for investment. Issues such as security, infrastructure capacity, bureaucratic red tape and corruption are major factors that scare away investors.

President Ian Khama of Botswana is an example of a progressive African leader. Botswana is one of the fastest growing countries on the continent. President Khama is the only one who stood up to the AU when African governments threatened to pull out of the International Criminal Court (ICC) en masse. He challenged the blanket condemnation of the ICC, which has been accused of unfairly targeting African leaders. This is hogwash. African leaders have been called to the ICC because there are more human rights violations in Africa. African leaders charged at the ICC are mostly referred there by Africans themselves. For example, when Charles Taylor tried to escape from Nigeria, where he had taken refuge, he was
arrested and sent to The Hague. Jean-Pierre Bemba of the DRC faced charges at the ICC because President Kabila was the complainant. President Kagame of Rwanda ordered General Nkunda to be sent to The Hague. The speaker stated that he was involved in negotiating peace in Côte d’Ivoire [after the 2010 presidential election], and had pleaded with Laurent Gbagbo to hand over power because he had been defeated. He refused, and ultimately was sent to the ICC by the new government of Côte d’Ivoire. The speaker had been deployed with a pledge that Gbagbo would be offered refuge in the US, but he refused.

In Kenya a bill was brought to parliament to set up a local tribunal to investigate those suspected of being responsible for the violence following the 2007 elections, but the very people accused of perpetrating these crimes blocked the investigation from happening, and it was for this reason an investigation was opened at the ICC. They had previously claimed that The Hague would be better than a local tribunal, arguing that a local investigation might come under political influence. They used the clarion call ‘Don’t be vague, let’s go to The Hague’. It is complete nonsense to say that the ICC is targeting African leaders, and President Khama stood out for saying so. On a number of resolutions he has been the sole voice of reason on a continent that is seeing the re-emergence of strongmen.

Questions

As an Afro-optimist, what are you most optimistic about in relation to democracy in Africa?

Will the Kenyan parliament ever recognize the sovereignty of Somaliland?

Brain drain was mentioned, but the field of environmental science has not been prioritized in Africa. As an opposition leader, what programmes could you introduce to absorb skills that might otherwise be deployed somewhere else?

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Progress has been made in Africa, but we are currently experiencing a regression. Progress should not be surrendered, so this is a plea to the international community not to help the forces of retrogression who are now in the ascendancy and are fighting back against progress to claim lost ground. During the ‘wasted years’ between the 1960s and 1980s, many Africans suffered seriously as the West was only dealing with strongmen on the continent. There was stagnation, and most countries experienced negative growth. There was a lot of generosity in the distribution of aid, and many countries became heavily indebted poor countries (HIPCs) without anything to show for their debt. Most of the money pumped into Africa was finding its way into the pockets of individuals and foreign bank accounts in tax havens. This polarized the ordinary Africans from their leaders. Later, with better governance came higher rates of growth, permitting some countries to repay their debt. Ultimately the forces of progress will succeed.

The African voice should be heard. Currently, when African leaders meet, they talk about their own problems but do not address the serious issues requiring deliberate action. Intra-African trade is one example. Africa trades more with other continents than with itself, in contrast to Europe. Intra-African trade has a potential worth of $2 trillion, but very little of this is realized because of the lack of infrastructure. Cecil Rhodes envisioned a trans-African highway from the Cape to Cairo, but this has become a pipedream. Rail infrastructure that opened up the interior underpinned the success of the American economy. The development of the idea for LAPSET [Lamu Port–South Sudan–Ethiopia Transport Corridor] occurred during the speaker’s prime ministership. It includes plans for the construction of a railway line from Juba to Lamu Port, and another from Addis Ababa. Phase II of
LAPSSET includes extending a railway line to Bangui, to the DRC and up to the Cameroonian port of Douala. That will create a land bridge co-linking the Atlantic and Indian Oceans and opening the interior of the continent. At a later stage Nigeria, Niger and Chad can hook in. Currently, for Kenya to trade with Chad goods must travel around South Africa’s Cape. It is faster for Europeans to trade with West Africa than with Kenyans. Such issues should be under discussion at AU conferences. The pan-African passport is a positive development, and will hopefully enable easier travel across the continent. Businessmen like Aliko Dangote, who is investing in several African countries, say that to travel across Africa requires holding 27 visas. There is a recent case of Senegalese schoolchildren arriving in Nairobi for a basketball tournament, only to be detained in the airport for two days and then deported to Senegal. Such things must change.

The speaker stated that he is a strong supporter of the recognition of Somaliland, and had said so during a visit to the former Somaliland President Mohamed Egal. The history of the union between Somaliland and the south is not a happy one. The south will take many years to sort through its problems, making a strong case for the recognition of Somaliland as an independent state. But these views do not represent any government.

The brain drain is a serious problem, and is accompanied by a lack of recognition of the importance of expertise. That is why many African professionals stay in the diaspora after studying in US universities. This contrasts with Chinese professionals who may train at good universities abroad, but who are under an agreement to go back to China and teach there to share their expertise, thereby transferring their knowledge. This can and should be done in Africa.

Africa is not just a victim of environmental degradation, but it is also a major contributor – particularly through deforestation. Currently, the snow on top of Mounts Kenya and Kilimanjaro is melting, but not enough is being done to counter this. The speaker had led conservation efforts of the Mau Forests and other water towers in Kenya, but faced accusations of deliberately targeting his own voters to cause suffering. But these efforts were necessary in order to properly preserve the environment in the country and the region. Kenya was involved in the [2015] Paris climate talks and signed the agreement. The speaker noted that he had spearheaded the cleaning of Lake Naivasha in collaboration with the Prince of Wales International Sustainability Unit, because fish were dying on a large scale. Now the water is fresh and fish stocks are healthy. There are now several environment-focused programmes being undertaken by the current government in Kenya.

Africa will be able to reclaim this century. The 21st century is the African century.