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Kenya Research project by Robert M. Press [see: Press, Robert M. (2006) *Peaceful Resistance: Advancing Human Rights and Civil Liberties*. Aldershot, U. K.: Ashgate.]

Transmitted to LOC July 17, 2010

Interview conducted by Robert M. Press (bob.press@usm.edu; press.bob@gmail.com)

Interviewee: Peter Anyang' Nyong'o

Location of interview: his office in Nairobi, Kenya

Date of interviews: August 2, 2002

Transcription by Press includes research notations by the interviewer in brackets or parentheses; some emphasis is added in bold or underlined. Double ?? indicates unclear transcription, spelling or unverified point. BP= interviewer Bob Press; PAN = Interviewee: Peter Anyang' Nyong'o.

Biographical information: Academic; PhD in political science, University of Chicago; lived in Nairobi during most of the 1987-2002 study period; Luo; Anglican; member of the FORD political party 92-96; Social Democratic Party in 1996; Member of Parliament; Minister in the government of President Mwai Kibaki, who was elected in 2002 and re-elected in a disputed election in 2007.

BP What do you think brought political change to Kenya in terms of human rights between 87 and 97 looking at activism, individual and organizational, donor pressure and international organizations.

PAN What brought multi-party?

BP Not what brought multi-party, what changed the human rights space in Kenya, what allowed greater human rights in Kenya between 87 and 97.

[Key forces for change]

PAN I think it **involved local political pressure**...the student community, the university, what you might call the nationalist movement.

BP You were saying what kind of pressure?

PAN Pressure from students, church, from nationalists like [former Vice President] Oginga Odinga and so on, intellectuals, some journalists. This is what I think. And eventually more political parties were formed in 1992, and the election of the new Parliament in 92. That changed the political landscape substantially.

[87-91: key were professionals and the churches]

BP If you were to divide the period into 87 to 91, what would be the most prominent local pressure during that period?

PAN I think it was two things: (1) some organized professionals, lawyers, intellectuals on the one hand; and on the other hand, the religious sector, **especially [Anglican] Bishop Okullu**, and the Rev. [??] Nzeki. Of course Rev. [Timothy] Njoya.

[HR IMPACT – Okullu]

BP What was it that he [Bishop Okullu] did that seemed to be the most effective.

PAN Well, **he created a lot of issues in his sermons, which have now been published in a book, Cry For Justice [Quest for Justice]...I worked very closely with him in those days.** And of course there was Oginga Odinga and the party we organized, the National Democratic Party between 1987 and 1991.

It applied for registration in February 1991 and was refused registration by July. That's what led to the formation of FORD and NDP, National Democratic Party.

BP Did you have any of your own activism during that first period, 87-91?

[His personal activism: First - NDP]

HR TACTIC – direct challenge to one-party state: form another party (failed to be registered)

PAN Well, we started organizing the National Democrat Party from July 1987, the first meeting, July 7, 1987 to conceptualize the whole thing was happening here in my house. Jaramogi [Odinga] and I met and started thinking what to do. Raila [Odinga, who became Prime Minister in a coalition government forged after the disputed presidential election of 2007] was still in detention. ...From 87 to 91, five people who were consistently involved in this organization were: Dr. Munyua Wayaki, Paul Muite, Joe Ager [??], Achieng Oneko, myself and Jaramogi. And it meant consulting very widely with people in the church. People in the religious sector could not come into the party but they knew about it. So when we finally launched it with a constitutional manifesto in February 11, 91, it took the state by surprise. Of course we were in the background. The people for the launching were Jaramogi [Odinga], Hezekiah Ougo, Salim Ndamwe, and Labuan Nene [??who are they?]. Those are the people who fronted for the party.

BP That was the National Democratic Party. What was your intention there in terms of human rights, if that was one of your considerations.

[HR TACTIC: no human rights without getting rid of the regime]

PAN **You could not talk about human rights if you did not get rid of the authoritarian regime.** I mean the whole point was that there had been severe political oppression in this country for so long. Human rights could not be addressed outside the context of getting rid of political repression...Our aim, if you read the NDP manifesto and constitution...it was published in Nairobi Law Monthly of March 1991...**The aim was to get rid of Section 2A of the constitution** [making Kenya a one-party state]...restore democracy; all those things that were finally picked up by FORD.

BP What was your next major contribution to promote not only human rights, but human rights in that context of getting rid of the authoritarian state.

[HR TACTIC change: form a movement, not a party]

PAN The next thing, of course, when we were refused registration of NDP was, in July 1991, to organize for the Forum for the Restoration of Democracy (FORD). You see NDP went for registration as a party. The Forum for the Restoration of Democracy started as a movement. The regime could never register another party and the constitution only allowed for a one-party state.

[HR IMPACT: multi-party]

BP So you adopted a tactic; changed tactics. Do you think that was a successful effort.

PAN It was, because in the end it led to the abolition of Section 2A of the constitution and the restoration of what you might call political pluralism in the country.

BP You've raised the topic of when the state changes its behavior. Why do you think the state changed its behavior and in 1991 December decided at the end of the Kasarani [the venue where President Daniel arap Moi surprised members of his own party and said Kenya was going to begin a new era of multi-party politics]. What factors do you think led to that decision?

PAN I think the President ...saw that following the very successful mobilization that FORD had engaged in when it came into being in November [NOT the right month]1991. NDP registration was rejected in February 91.

BP So FORD came in November 91, just only a month before he made his decision?

PAN Yeah.

BP FORD was earlier than that because when Kamakunji came, soon after FORD was established. The launching of FORD – [was soon before that].

BP Do you think it was donor pressure?

**[Donors acted secondly – after internal pressure: my argument is that it was internal pressure, not foreign pressure, that was the key to Moi’s decision to agree to multi-party politics, a conclusion based on a close analysis of the growing domestic unrest/pressure for change that preceded a temporary freeze on aid. The fact that Moi’s announcement came shortly after the freeze was imposed has led most other analysts to conclude that it was foreign pressure that led to the decision. Thus, former U.S. Ambassador Smith Hempstone, who spoke out clearly in favor of multi-party politics in Kenya and other countries got too much credit for bringing about the change.]

PAN No. I think too much has been assigned to donors. **Donors would not have created pressure unless something was happening internally.** So I think if you look at – for example, when I look back, even now at the American Ambassador...Hempstone. Too much has been made of [his role]. Hempstone was responding to what he could see as mounting pressure locally. So he was being proactive rather than initiative.

BP So you think the major factors moving there was the mobilization first of NDP and then of FORD and then Kamakunji [a political rally by opposition politicians that was broken up by police.]

[Okullu’s 1990 Easter Sermon challenges Moi regime, lays foundation for Saba Saba [July 7, 1990 political opposition rally, broken up by police]

PAN Yeah. And of course what was happening, the kind of pressure that was mounting [internally]. If you look at the sermons of Bishop Okullu, systematically in the late 80s. It was quite clear the message he was sending home. And even Bishop [??] N’zeki [??] from Nakuru...they were all being very focused on this issue. One just needs to see their contribution in this period...Saba Saba July 90 came after Okullu’s famous Easter sermon in April. I mean **Okullu’s Easter Sermon could not have been more explicit.** I think it was Okullu’s Easter Sermon that gave people like [Charles] Rubia and [Kenneth] Matiba that there was real support for the kind of thing they were planning [both Rubia and Matiba organized an aborted political rally in 1990 that caused a great stir in Kenya.] And I remember after Okullu’s Easter Sermon he had lunch with Matiba and Matiba was telling him that he had said what Matiba would have wanted to say.

BP You knew Bishop Okullu very well, didn’t you.

PAN Yeah, we worked together very closely.

BP What was his motivation?

[Okullu: background and motivation]

PAN His motivation was something he had from the very beginning when he was editor of a religious paper in Uganda and he came here to Kenya and was the editor of TARGET [??] He had always been in the forefront of struggling for justice and democracy. This is the kind of person he was. He was a crusader for justice. So it was not as if in the late 80’s he woke up...it is something that he had been in his

political makeup and his conviction all his life, and as a journalist. Remember, his first calling was as a journalist. He became a journalist within the church.

BP Where can I find his book?

PAN Keswick book shop near the Holy Family Cathedral

[Nyong'o's background and motivation]

BP So Bishop Okullu was no newcomer to this. What is your own motivation for getting involved in human rights and pluralism? You were an academic, you didn't necessarily have to do that; you were teaching.

PAN A lot of teaching has to do with what you call human rights. What you are teaching in social sciences is about human rights.

BP But think back, where was your first activism.

PAN In high school.

BP Really? What did you do?

PAN Well, in high school, first of all we organized mock elections in high school. Some stood on KPU tickets, some on KANU tickets. That was our first kind of drama as it were to be discussing national affairs, to find out why there was now another opposition party. [At Makerere University in Uganda he was head of the student body in his senior year.]

BP What was your next activism besides student elections in high school?

PAN When I was in graduate school [in Chicago] I got very much involved with supporting the liberation movements in Africa. I was a member of the Chicago Committee for the Liberation of Angola, Mozambique and Guinea Bissau which was based at the New World Resource Center, a kind of library, research place on the North side of Chicago that was formed mainly by Third World people and progressive Americans. What we did was to raise public consciousness about the struggles, the liberation struggles in Africa in the Portuguese colonies. And we invited speakers from Africa, people like Ruth Fast [??] Joacim Chissano, who is now the President of Mozambique[??].

BP When did you begin to focus on issues related to Kenya?

PAN Even then. Even then we were discussing Kenya. We didn't have an association of Kenyan students because we were not that many. You couldn't have dealt with the issues of these colonies without touching on Kenya and the whole problem of neo-colonialism in Africa.

BP Was your first involvement in sort of the modern day activism with Bishop Okullu and NDP?

PAN Not necessarily. Remember from Chicago I came to teach at the University of Nairobi. We were very much involved with the University Staff Union (USU). If you get my book, *The Study of African Politics*, in the introduction there's that whole history of the Staff Union dates.

BP Where can I get your book?

PAN You can get it at the Henrich Boll Foundation [??] on Forest Road. Talk to Matilda.

BP Then you were involved with the organizational effort for them to be organized and registered.

[Nyong'o leaves Kenya to avoid detention after several arrests]

PAN We were involved with the University Staff Union here at the University of Nairobi from 1977 to 1981. [He left the University of Nairobi in December 1981.] I went to Mexico to teach at El Colegio de Mexico....When I went in 81 I practically went into exile because of having been arrested several times at the University [??]. So in 81 I just left to escape detention.

[??what had he been arrested for]....[Michael Chege, also at the University of Nairobi and later an academic in the U.S. and still later an Assistant to Anyang' Nyong'o in the later's ministerial position in

the new Kibaki Administration] left in the mid-80s. My family came back in 84; I finally came back in 87.

BP What was your next thing that you did to try to promote pluralism and human rights?

PAN Stood for Parliament in 92. I won.

BP This time [97 elections] you are nominated, right?

PAN Yes.

BP Did you decide not to run the second time?

PAN The second time I ran but I ran on an SDP ticket. The area was predominantly NDP sympathizers.

BP So after you lost, who nominated you?

PAN SDP

BP So if you look back at the next period, 91-92, what would you say would be the major political forces in operation between 91 and 92. We've discussed why Moi went to multi-party, but to actually have the election and there was some opposition that he tried to crack down on, including the mothers strike and others during that year; do you think he was making a superficial change or a genuine change in adopting multi-party but not adopting the constitutional structure [of reforms]?"

[1991-1992: the realities: multi-party elections with no change in power structure: a "mistake"]

PAN **He was adjusting to the pressures, not necessarily accepting the change.** In order to accept the changes, there needed to be drastic constitutional change, which we asked for at that point in time. **The mistake we made was to accept to go to the election without first and foremost making a constitutional reform,** which would have changed the structure of power. But going to election under the constitution as it existed was going to the election generally under a one-party constitution.

BP So if that issue was recognized in 92, why was there such a gap in the activism between 92 and 97 in terms of major changes?

[**Mobilization can lead to political decay: easing off after flush of first victory. People get "tired."]

THEORY: mobilization theory]

PAN Well you know, there is a way in which you can say that elections and mobilization can also lead to political decay. I think political mobilization can also be a source of political decay. You see, when we mobilize people for election, you set a goal to be achieved. And the goal to be achieved can easily be getting people to represent you in Parliament or in [city government]. Once you elect those people to an institution called Parliament, which institution does not necessarily lend itself to further political mobilization because they are now functioning under certain rules of the game which you may not necessarily have understood when you were mobilizing for them to go and represent you there. Those rules essentially mean that you slow down the mobilization. The dynamics of that institution leads to political decay – a loss of mobilization.

BP You come in; you sort of settle into the new rules, and you become the new problem rather than the new answer.

PAN Yeah. I mean Parliament requires that you go there so many days a week, you generate questions and you hope that the questions you ask in Parliament the Ministers will respond. So you get the idea that now the way to solve the peoples' problems is to ask Parliament, government Ministers questions; they will respond and go and act. It's not to go to the street to keep on mobilizing people to make more demands. So of course people lose the culture of making demands outside the framework of government. They begin making demands inside the framework of government, in which case, as far as participation is concerned, there will be decay. Because participation has not been ceded to the representatives.

BP I think it's particularly stark to come back [to Kenya] and know that most of the people who were on the outside, raising agitation, some of the key ones, are now on the inside, Members of Parliament. They're going to Committee meetings, stopping in the tea room to have discussions with KANU Members. I understand what you are saying.

PAN That's why I'm saying **mobilization can also lead to political decay**, not intentionally, but by the very nature of the goals that mobilization set for itself.

BP So it's a kind of sophisticated co-optation, not by design, but simply as people move into new roles. So did it take that long (92-97) for someone to realize, or for the opposition to realize that there needed to be an outside mobilization also?

PAN When the rules of the game could not change to allow more of the demands that were being made in 92 to be expressed then...sooner or later the **people also, because they have to [focus on] day to day existence get tired.**

BP You can't keep someone running every day. So there was a sociological thing here, too. They said we've won a victory, we've got our people on the inside and sort of went back home and sat down for a while. And the people on the inside suddenly realized they had their own rules...so, your words, the momentum was lost. What picked up the momentum in 97?

PAN I think what picked up the momentum was the election was coming and people were extremely dissatisfied with the way things turned out in 92 and felt strongly that the constitutional framework needed to be changed and the government had made a promise in 96: Moi had said on New Year's Day in 96 that there would be constitutional change and he was doing nothing about it. So we said no, you can't fool us twice. So the opposition decided to re-mobilize.

BP But in a sense he did fool you twice, because six months later, after having promised bringing in some foreign lawyers and all that kind of thing, for Moi, at least, the issue was dead.

PAN He just let it go.

BP So the opposition decided not to let it go?

[IMPACT: 97 mass demonstrations won IPPG- Inter-Party Parliamentary Group]

PAN Yeah. That's why there was pressure and the demonstrations and the beating up by police, and the government caved in and proposed IPPG...

314 But wasn't IPPG kind of a way of co-opting NCEC?

PAN Yeah, but you see the problem is that elections were very near and the government [opposition within government??] was failing on a daily basis to be strong enough to govern. Their position was not strong enough to take over government outside the electoral framework. So something had to be done. Otherwise I don't know how the impasse would have turned out.

BP But the timing is interesting. NCEC sort of reaches a peak with the Limuru Conference. A lot of the opposition MPs are involved.

[**THEORY:** Samuel Huntington's political order: if there is not the structure to absorb the demand you get instability]

PAN There was a lot of demand without an organizational framework to implement it. For example, when we went to Ufungamano House [??date; venue for political opposition talks], **people decided to call for a constituent assembly. There was no organization for that kind of constituent assembly.**

BP You mean when the NCEC called for that?

PAN It was not just the NCEC; it was the Ufungamano meeting, the opposition forces.

BP Was the NCEC getting ahead of itself in calling for a constitutional assembly?

PAN I think so, yeah. My point was that the opposition – not just the NCEC – in general, no structure had been established to have a constituent assembly. This was something you just don't call out and carry it out.

[IPPG attracted not just the MPs from NCEC but a “coalition of opposition forces”]

BP So, when in fact, Moi signaled to his KANU members that he was ready to deal – in Parliament –with an IPPG approach, most of the opposition Parliamentary Members moved out of the NCEC framework back into Parliament.

PAN It was not [just] NCEC. If you say NCEC framework, you are narrowing – it was a whole coalition of opposition forces [emphasis].

BP It doesn't have a name, though.

PAN It's what was called the Ufungamano Group.

BP Well they moved out of that framework into the Parliament.

PAN Yeah.

BP Some people call that kind of a sellout for the reform movement and moving into Parliament. But on the other hand, isn't it just using government to achieve aims that you're trying to achieve outside?

[IPPG not a 'sellout' of NCEC. There was no viable alternative]

PAN If you read my articles that I wrote at that time, both in the East African and the Sunday nation, you get my analysis. I don't think it was a sellout. **I don't like using the word sellout...**[its use is] an emotive [word]. I asked in the [Ufungamano House] meeting - I was attending both the Ufungamano and the IPPG meetings - and I asked them: OK, fine, what is the alternative. If Moi calls an election tomorrow, you're not going to stop Kenyans from going to the election. Because Kenyans will say, what is the alternative, what is the legitimate framework that you want us to operate from? And there was none. So if you just sat there and let Moi call for elections, he would have called for elections. And what is the interest of these people talking about a 'sellout?' When the elections were called they ran and stood for those elections.

BP That's true.

PAN They went to stand for elections, but at least they stood for elections where the rules of the game had been improved.

BP What you were trying to do is salvage something out of the reform movement to change the constitution.

[Temporary power vacuum in the state in 97: the state had lost the capacity to govern]

[Really? It had the power to smash demonstrations, divide civil society and unite, temporarily, KANU and opposition parties to quickly pass reforms that usurped popular opposition momentum]

PAN What I was saying is that you cannot say that you want a constituent assembly when you don't have the capacity (emphasis) to offer an alternative government, when you also know the government has lost the capacity to govern. And what you are going to end up with – it was a perfect case of a right wing coup, really: weaknesses on both sides. I personally didn't know who would have stepped in.

BP What do you mean by a right wing coup? Who was the right wing in that ?

PAN What I'm saying, if in the old days, before the fall of the Berlin Wall, the Army would have taken over. We were just saved by the fact that after the Berlin Wall the Army found it difficult to take over. Because there was a vacuum, really in terms of political power.

BP You've gone back to an historic point which is very important. Was there a moment –the Weekly Review ...suggests that the military, in fact, was meeting with the military, and Moi was about to turn over power to the military, just before multi-party. Was there in fact substance to that?

PAN Who says that?

BP ...what I've read.

PAN I don't know

BP It was published speculation. If you were to look at the power of the state and look at it from Moi's point of view, what in fact has he done other to allow multi-party and then briefly in 97 ...four laws were scrapped or amended, in term of giving ground on human rights or pluralism. Has he done anything else?

PAN In terms of what?

[Limited human rights reforms in Kenya (92 & 97)]

BP Well, the two [times] where I can see the state gave ground is multi-party and then in 97 four laws were amended or scrapped. Is there anything else?

PAN No, not really.

[Kenya still and "authoritarian state." (2002)]

BP Would you say – how would you describe the state of Kenya today: is it authoritarian?

PAN **Still authoritarian state.**

***[THEME: Lesson from Kenya: human rights reforms may not change authoritarian state]

BP And in terms of the larger lessons that Kenya poses for other African countries trying to deal with authoritarianism and advance human rights and pluralism, what are the lessons that come out of Kenya?

PAN Well, I mean **the lesson that comes out is that you can have concessions dealing with human rights, without necessarily dismantling the authoritarian nature of the state.** We saw that in Portugal and Spain for quite some time.

*** [THEME: H RTS reforms that do not threaten power of the state can be contained – and THEY PROVIDE LEGITIMACY FOR THE STATE

THEORY: Power; the State.]

[In other words, what appears to be gains in the form of human rights, may actually be an overall set back in the long run. In the short run the reforms buy the regime some time, and add legitimacy to it. And they can be "contained." Allowing the mushrooming of human rights ngos enhances the salability of an authoritarian regime in terms of getting donor funds [my thought]. But the reforms may concede nothing in terms of real power shifts.

PAN*** **Because, you see, human rights concessions, when they don't really (his emphasis) threaten the central power of the authoritarian regime can be contained, especially if you give political space to a lot of ngos to do human rights work which don't necessarily affect the structure of political power. They [human rights reforms] can provide legitimacy to the system for some time.**

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BP So human rights as a phenomenon can actually be manipulated into being a sort of credibility flag for an authoritarian state.

PAN I won't say "manipulated;" I think it can be provided political space [by the state??] That's not necessarily manipulation, just system dynamics, really.

BP But an authoritarian regime can point to its advances in human rights...

PAN Exactly.

BP...without changing the power structure, and say: 'We've come a long way.'

PAN It can claim legitimacy to that extent.

[Changes, but Kenya still "authoritarian"]

BP In effect, has Kenya come a long way in terms of human rights?

PAN Yeah it has come a long way.

BP But it's still authoritarian?

PAN Yeah.

[Biggest mistake: not insisting on major const. changes before 92 election]

BP If you were to suggest, then, in another country, looking back here, where Kenyan activists like yourself were unable to effect greater change, where would you say that the mistakes were made?

PAN I think the mistakes were made in 92, really when we didn't insist on having drastic constitutional reforms prior to [multi-party elections]. I think there was a blind faith that we were going to win. We were really wrong. I mean now we are weeping like...

BP So if you were to summarize what the impact of the activism which you've been involved with, how would you do that. One would be the formation of FORD and the moving toward multi-party; so there was a pay-off, so to speak.

[Bad example of posing a question, answering it, and not getting interviewee's reply; but I could see I had almost run out of time and wanted his advice on the research methods I was employing.]

(End of interview)

(End of tape one, side one)