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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.

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

Location of interviews: Nairobi, Kenya.

Date of interview: September 18, 2002

Interviewee: David Makali

Journalist; Masters in Journalism from Columbia University (1991). Undergraduate degree was in political science at Moi University. Wrote for publications critical of the Moi government.

Party affiliation: – none: [“I never flirt with anybody’s [party]. I’m out there always looking for ideas, no parties. I associate with ideas which I think are right; I’ve never been to any political party.]

Ethnicity: Luhya; religion: Catholic.

The interview was conducted, and recorded by Robert Press. BP = Bob Press; DM= David Makali. Interviewer’s notes, bold for emphasis and reference, plus tape counter numbers are shown.

[Comment: this is an example of going into an interview expecting one thing and finding another. Instead of having media statistics at hand, he had observations about the role key publications played in advancing human rights. He expressed strong criticism of the mainstream media for basically not rocking the boat much, something that surprised me. It may have been his view because he had been associated with one of the progressive, pro-human rights publications early on which exposed government rigging of the 1988 elections and, briefly, landed him in detention.]

[Style: again, I have omitted some minor questions or reactions by myself where they do not contribute to the statements by the interviewee, in order to save space.]

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BP David Makali, what was the influence of the media in terms of gaining some ground on human rights in Kenya from 1987 to 1997.

[Media’s role in promoting human rights]

DM I think the media really, as an institution itself, was responsible for pushing away the government from encroaching on the freedom of speech of the citizens generally

[Bad section of tape: the next few lines are from hand written notes taken during the interview]

[The media helped in] expanding human rights through publishing or exposing...violations.
[The media] helped to expose the government and hold it back from further encroaching.”

[Alternative media were the activists in the push for human rights, not the mainstream]

Some periodicals became “famous as forums” i.e., Nairobi Law Monthly, Society, Finance, [while the mainstream media was to some degree] “cowed” by the government.

11 [tape resumes]

[Mainstream press did not play an activist role on human rights in Kenya]

DM (cont) The mainstream media was sort of subdued in its reporting because of the consequences of challenging the single party regime.

BP Subdued by self censorship or outright censorship?

DM Well, there was some self-censorship but there were, of course, government reprisals against those who defied... There was a clear, unspoken limit about what you could say about the government. There was an understanding in the minds of journalists that there were some areas you could cross and areas you couldn't touch.

BP Who were those journalists who crossed those lines... in other words which journalists would you associate, by name, with having done something to not just [endorse] the status quo but actually pushing.

DM **I don't think there was any substantive pushing from the mainstream press.** People seemed to sort of understand their limits of freedom of the press. They operated within those confines.

[Alternative press led media in human rights promotion]

There was hardly any defiance or excessive reporting that the government didn't like. That [pushing for greater rights] happened in the alternative press, the papers like [Nairobi] Law Monthly, Society, which were almost, you know, rebellious to government edicts.

BP You don't happen to have circulation figures from Nairobi Law Monthly, do you?

DM It used to sell about 25,000 copies regular. On special editions or when it was a really hot issue, it would go up to 75,000 at the most.

[comment: there were only about 2,000 lawyers in the country, which meant a lot of non-lawyers were reading it, primarily for its political news.]

BP But there's only 2,000 lawyers in town, so that's interesting.

DM Yeah, about 2,000. But it wasn't targeting lawyers. Lawyers only had a forum there as the main target, but it was a general public read. The writing was such that it could accommodate anybody with and interests in human rights and politics and the rule of law.

[field note: example of getting an answer that doesn't make sense; because (see below) he didn't; or I wasn't clear. Ultimately, his final answer was just the opposite of his first reply.]

BP Would you say it did play an important part in advancing this whole idea of what's acceptable and what's not acceptable in human rights?

DM Law Monthly?

BP Yeah

DM Not really. I mean Law Monthly was a defender of human rights and the rule of law. That was its premise, its sort of platform. So if anything wasn't, Law Monthly would criticize that.

BP That's what I meant. In other words it had a foremost role in pushing human rights.

[Comparing Nairobi Law Monthly to Society]

DM Yes. It did. It did. Law Monthly was the primary forum and weapon and tool for the movement for human rights in this country for that duration, that decade from 87 to- not a decade, for about five years: '87 to about '92. It continued up to '96 when others had now jumped on the bandwagon; there was more freedom. So it was no longer a lone ranger there, fighting; it was now in good company because along the way had come Society [by the Nyamora family]; there was Finance and then from 1993 there was The [??] People. It was a weekly paper which was very forthright [and a creation of Kenneth Matiba, two-time presidential candidate and opposition leader in the fight for multi-party in Kenya] on these issues from '93 on.

BP Would you describe Nairobi Law Monthly as the work of an institution or the work of an individual?

DM It was an institution supported by a hearty individual, led by a hearty individual. Gitobu was a pretty hard man. Without his resilience, probably Law Monthly wouldn't have gone as far as an institution. But it was an institution all the time because it was, like I said, a forum for people who are advocating human rights, democracy and the rule of law.

BP So would you distinguish between that institution and whether Society magazine was mostly an institution or mostly individuals?

[Individual or organizational activism in media]

DM Society was also an institution. I mean hardly were these papers individual. They were not individualized. They were individualized to the extent that the government always went for the owners and leaders and editorial heads and managers. So therefore the struggle was symbolized by the prosecution of those individuals who stood for them or who represented them [the publications]. But they were always institutional battles because inside the Society you would always get a lot of people who used to contribute. But the Nairobi Law Monthly was more of an institution. The Society was more of a newspaper, a publication. I don't know if the distinction is clear. [Society has reporters but was family owned and run; Nairobi Law Monthly was almost owned and run by Imanyara but had a wider list of contributors.] It's very unclear. I see the problem in my mind but probably I cannot put it out clear[ly].

BP Ok, but try.

DM Society operated in the style that we know [for] publications, carrying content, investigating, and reporting, which is the business of publishing. A basic journalism approach. Nairobi Law Monthly was a journal that was carrying reviews, critiques, opinions of individuals who stood for certain things. It was not about reporting. It was [for example] Gibson Kamau Kuria writing a commentary on this law and how it would impact; it was Kathurima M'Inoti [spelling?? – Gibson's junior law partner] writing. It was a journal of opinion. It was the collective voice of all those contributors. And it was a heavy one.

BP Now I see the distinction. How would you describe the role of Society magazine in terms of the advancement of human rights in Kenya?

DM It was quite, but I think it was not the advancement of human rights. The Society was more renowned for the advancement of democracy. I want to distinguish those two – democracy and human rights in that there are clear values in society. I mean Law Monthly, for example, was advancing human rights and the rule of law and democracy as opposed to Society which was democracy per se because it was looking at governance issues, scandals which had to do with poor administration. So it was about transparent government and representation and the ethnics of participatory politics and things like that.

BP Like when they produced the checks that had been issued by the government –

DM Yeah, checks which bounced, and who killed [Foreign Minister Robert] Ouko [for which the government was widely blamed by the Kenyan public and Scotland yard] – that kind of thing. It had to do with governance and scandals in government.

BP Whereas Law Monthly was going down a slightly different road.

DM Yeah. They [Nairobi Law Monthly] had different dimensions. Society was an investigative publication; Law Monthly was an opinionated journal.

BP Where would you put Finance?

DM Finance was essentially in the line of Society. They leaned more to Society because it was about transparent and accountable government until it became political. Initially Finance was just a journal on financial issues; financial institutions and economic issues, and then it began - when this began to mesh into democratic issues – election politics. It was about 1991 – 1990/1991, when political pluralism became the issue. Then it went completely into politics as well; it was initially finance.

BP Did it have any role in the advancement of human rights or was it mostly to do with pluralism?

[Comment: some, like Gutto, make little distinction between democracy and human rights.
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DM It was more to do with pluralism and – no, it was about human rights to the extent that economic issues impacted on the welfare and the life, or the right to life, the economic rights – to that extent, yes. But not...specific political rights. No, it was not in that category...

BP What about Financial Review?

DM It was [published] for only a very short time, because it was banned in 1989. Peter Karethe [was the editor]. I think he was in the U.S.; he teaches at some University there... It was really, again, about financial management. You see in those days people were comfortable talking about economic issues, scandals and so forth, but the issues of human rights, prosecution never received any treatment because they were the sensitive human rights issues that single party government did not allow...They were banned for exposing the government – basically a scandal involving Kenya National...it was a business scandal, basically. It was not Goldenberg...It was the National Milling Corporation [??] which had been involved in some award, some tender...a government scandal involving supply...

BP You mentioned People newspaper. What role does it have in terms of advancement of human rights? They started in '93.

DM Yeah now The People is the one that brought in both of them [Society and Nairobi Law Monthly??]– sort of approached the Nairobi Law Monthly, but not really. I mean it was, it took the approach of Society a little ahead in that it was basically based on analytical, political reporting of all issues - human rights, politics, and finance. It merged all these issues, you know. But it was not an opinionated column, I mean newspaper; it was an investigative newspaper. It took the...struggle that had been [made] by Society a little further by now investigative reporting, basically analytical, investigative reporting.

BP Has it played a useful role in terms of advancement of human rights in Kenya?

DM It did. I mean...it was blowing up...all political and human rights scandals. It's really the one which took the freedom of expression to a new level, opened up new horizons because it was defiant, it was fearless. In the new era of political accommodation and tolerance, The People sort of helped to cement it.

BP It entered after the door was opened.

DM Yeah, they just came at the time when the door was opening. Political pluralism had been allowed and people were becoming outspoken and People provided that ultimate speech in terms of human rights, what you see and what you believe to be right.

BP Has it gone so far in terms of championing what it sees as human rights that as your Media Institute [??] role takes over and you look at it you say, wait, it's not balanced, its not fair?

DM No, it did a good job for about four years, when it was a weekly. The People did a fantastic job because it led the way for the others which had been cowed, like Nation, which now began publishing some things which were anathema [to the government]. They opened up [things]. The writing of The People opened up more space for free speech. Then other papers began now to get more bolder – as a weekly. People would buy the newspaper on Friday and they'd look at the dailies as nothing. So the other dailies had to work [??] up to satisfy the new space, the new appetite for more hard stuff that was coming out of The People, things the other papers wouldn't touch. [It was a weekly] I think from '93 to '97 [verify?]. Then it became a daily.

BP Did it sort of blend into the mass at that point as a good newspaper – sometimes you critique them, sometimes you don't – but not necessarily a championing role when it became a daily?

[Circulation figures: limited]

DM When it went to a daily, it [The People] lost its – its become bland; it was no longer sharp. The content was sort of ...like any other daily. It was no longer that crisp and superior read. You didn't get [a lot] from it because of the pressure of a daily. It didn't have the resources and the time to investigate. So it sort of blended into the daily papers and lost its investigative edge. And that's how it lost out completely because it was no longer different from the other dailies. It began [to have] circulation drops

immediately. It was selling 75,000 copies when it was at its height as a weekly. Then when it went daily...just 25,000 copies. Now [2002] I believe its below 10,000 copies – about 8,000 or something copies.

BP Kenya Times still publish?

DM Yeah, its there.

BP What do they sell each day; I never even see it.

DM Scattered copies – about 5,000 copies per day, basically circulated to government departments and parastatals where it must be read.

BP What about Nation; still the largest circulation?

DM Yeah, Nation is still the largest circulation. If you combine all the daily papers, still Nation beats them all. Nation is about 120,000 on average; Standard 45-55,000.

[Newspapers sold mostly in urban areas]

BP How much of the circulation in terms of newspapers would you say is upcountry and how much is in Nairobi?

DM A lot of the papers are sold in the city, I think up to 60 percent of the daily newspapers are sold in Nairobi. [Upcountry they go] mainly to urban centers. The rural population doesn't read much [because] (1) the distribution network is not very good...

BP You mean there's not enough copies made or not enough money to buy them?

[Poor distribution; poor readership]

DM Both factors. One: papers don't reach all the people who can possibly buy, I mean because you can only take five copies up to a certain place. To go inland its more costly to distribute there. Some people don't have access to newspapers; if they did they would buy them. So they listen to radio instead and things like that...The other reason is because people can not buy a paper daily; poverty level...is a bit high.

BP But would you say that people are informed? I'm thinking of human rights, but of course that question would apply across the board. Do people generally know what's going on – know the battles of human rights in those days, even though they might not be buying a paper because word gets around in other ways?

[Public opinion shaped by government in one party system]

[Gramsci's concept of what is normal; norms]

DM Now I think because of the single party regime and the starting nature, you know, the monolithic nature of single partyism opinion is driven down people; they get used to it and they sort of come to accept it [hegemony of the state]. KANU, government opinion, is just driven down. Administration, local administration – all the instruments of government are at the disposal of the ruling party, up to[or

down to] the Chief. **Word [of the government] is sort of driven down, unchallenged, as the law.** From the President to the Chief, and the Chief used to be reflecting of the President's opinion. It was all in that sort of environment which did not encourage critical thinking because **critical thinking was met with reprisals.** The Chief would identify you as an enemy of the people, critically [calling for] actions...

BP So that actually this circulation – the point of not having much up country, not that many copies, is important. Its not an irrelevant fact.

[Education leads to more assertion for rights]

DM It's important because people wouldn't be sensitized then to certain information because the few people who get enlightened about some things through newspapers or other sources of information, get to be a little more assertive. And because people did not have all these options, they were still informed...but the source of information is very clear, conformist information [from the government-dominated broadcast media] and that sort of thing.

[Activism depends on feeling of not being a "lone ranger."]

People did not rise up and challenge these sort of things because you need to be enabled in your actions that you are not a lone ranger. The conformist opinion, conformist environment. People do not depart easily from the conformists [position] unless there is something that bothers them, that other people are actually thinking this is wrong.

[Activism requires a catalyst]

They need something that actually stirs them to think – this is wrong and we can challenge it. People got used to the chicken would be taken by the chief, and that is OK, by force. Those kind of things. There was no challenge.

BP What was it, would you say, that actually began to provoke the people to realize the status quo wasn't good?

DM I think it has to do with the multi-party uprising. I don't think there was anything, strictly speaking prompted people to think of [unclear]; it was the multi-party uprising from...'90, when people rose up and said: no. Matiba is, you know, stuck...[and said] these things actually are all wrong. Before that...urban centers were [the main areas of] resistance. That's why the Law Monthly and all these [others pushing human rights]...all sort of ideas, divergent views...and they were able to resist [sentence meaning unclear; partially inaudible??]

But upcountry, it was that spark of multi-partyism that went down [caught on]...the riots, challenging the system and saying, no...

BP So after a phase of sort of individual actions to push the barriers so to speak by Imanyara and Njoya, will then the sort of institutional phase you are talking about kick in with parties being formed, magazines and newspapers pushing a little harder. Do you think it's a two-phase thing, then: individuals and then institutions, or is it really institutions from the start.

[Individuals, not institutions, led the human rights promotion in Kenya]

DM I don't think its been institutions at all. Institutions in this country have not matured. I mean the same parties that were formed in 1990 [actually 1991 and 1992], they are not mature at all. They are weak. Ten years down the line there is no institutional rule in this country; its still personal. The agent of change is largely the individuals who stand up, who chart out a new course like Raila. Or like Matiba, who say we are going to set up an opposition party. It's still pretty much individualized up till now. The individual ranks supreme in this society, beyond parties. That's why people say if you remove Moi from KANU there's no party, because Moi has personified the Party. The same with all the other parties, because institutions around them are really weak – without the leaders of the people who stand for them. There's no institutions; no structures.

BP I understand; it makes a lot of sense [though I was not clear how he contrasted this with his earlier statement on alternative media as institutions] I'm trying to go back just a little bit to where we were talking about the media things. I was trying to clarify to what extent – and I probably didn't make it very clear in my question. I was wondering to what extent those publications were more towards what you are now talking about as individuals compared to say mainline institutions, which is by definition – you pull out one person and the thing still goes.

DM I'd have to isolate. **There have been no strong – no institutions guaranteeing human rights** in this country. I mean whether there are advocate here or democratic crusades- there were no institutions, both sides - government and opposition. **It was individuals**, just like in government there was nothing in those periods, those years, to guarantee anything...there was no [independent] judiciary. **The institutions had collapsed. So it was individuals who held up the candle.**

And even if they worked in institutions, the individuals looked more prominent than the institutions.

BP So if you were to take Nairobi Law Monthly – although technically someone might say its an institution – or Society; were you to take Pius Nyamora out of Society or Gitobu Imanyara out of Nairobi Law Monthly –

[Comment: the following is a subtle yet very important distinction between an institution, such as the alternative media that attracted contributors, and the nature of the person behind the media, who were acting as individuals. In other words, the magazine Nairobi Law Monthly, for example, was an “institution” in Makali's view because it attracted a group of writers and was not a typical reporting publication. Yet remove Imanyara from NLM and the “institution” collapses, meaning he was acting as an individual and not the representative of some institution in the traditional sense of an on-going entity that based its existence not primarily on one person, or one personality.]

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DM The institution would be diminished. Yet on the other hand, they represented institutions because they were institutions in that there was a convergence of a certain grouping of people. **But when you remove the person who symbolized the institution – then the magnet was lost.**

BP Nairobi Law Monthly is something like this? [sketch shows it part in Institutional box and part in Individual Activism box. It has some of the characteristics of the individual because you have Gitobu Imanyara-

DM Yeah

BP -but it also draws in contributors who-

DM –who make it an institution. That’s right

BP Were he [Imanyara] to leave, there would be nothing.

DM And that’s what happened to Law Monthly. When all these contributors went to pull out – and I was Managing Editor of Nairobi Law Monthly ’95-’96, and that was after he left, for example. And all these other people who had been contributing...left...Gitobu didn’t leave. People left and left Gitobu there.

BP Why did they leave?

[Activists can lose their watchdog credentials when the join politics]

DM Because Gitobu was becoming unreliable and a bit difficult to deal with and he had dabbled into politics which had messed up his legacy and track [record]. He was not clear-minded anymore. He was just like any other man in the field.

BP He became more like any other politician.

[An “institution” revealed as “individual” actor]

DM Yeah...He couldn’t carry the institution with him. And after the institutional [aspect of Nairobi Law Monthly finished] there was only Gitobu Imanyara. He even tried to change the name. There was nothing.

BP So that’s when it went defunct, in ’97?

DM Yeah, it went dead.

BP Which goes back to your point. In a sense it is the individual, but to make it the institutional part there has to be not only someone who is here [referring to the sketch], but someone who is credible.

DM Credible – symbolic. The symbolic head of that institution was important; and you had to get a good person. Gitobu acted very well because he resisted the pressure, mobilized the people – in ’87, ’88, ’89, ’90, ’91, ’92. ...After the elections of ’92 [in] ’93 and ’94 it was defunct a bit because he had gone into politics and abandoned the ship. So when he tried to make a comeback in ’94, ’95, for a short while in ’96, then again [the magazine] died again when he went again into politics. It’s always political scenarios that mess it up.

BP You’ve seen the media from the inside out. I think you were sentenced at one time for three months in detention for ‘judicial lynching’ [phrase in an article referring to] the court. Who was that?

DM Kariuki – GBM Kariuki

BP I think those were his words – you wrote the story and they sentenced you. Did you serve time?

DM I did. I was in for three months and some days. But my sentence was four months.

BP Were you involved in say the human rights push in any other time – was that '88 [when you were in prison]?

DM No, I wasn't. I've just been a close watcher of some of those things. I got really [unclear] in '91 after I left college and began practicing journalism.

[biographical questions; see intro]

I've just been practicing journalism and doing advocacy work for freedom of speech. '93-'94 I was with The People; I moved out of there after prison; I worked three months then I left. I worked with Bedan when he did when he was fired [??] I think they [who??] were unfair to him. So I helped him set up a paper called the Option. We published for one year. It was owned by Bedan Mbuga. Then I left him. I was actually leaving to go to school, to Columbia...But when I didn't go, I went to Nairobi Law Monthly instead to work as managing editor [?? Tape unclear] from '95 up to '96. Then I went to Kitu cha Sheria [spelling??] where I worked setting up an information department there. Jaffer was leaving then.

Profession: journalist. "Others call me an activist because I'm always in combat over human rights, sometimes, over journalism, ethics. But what I do mainly in my job in this country, really, is I'm a media critic. That is really what the Institute is all about.

BP What's the main source of money [for the Institute]?
[Media Institute funding]

DM We get [support] basically from grants. Over the last five years we've gotten [support] from various people: USAID has given us some; Ford Foundation. There's a book we publish – that manuscript there, which is going to be on media law and practice in Kenya for the last decade. It looks at all those cases that are judged by the courts, and so on.

BP Do you have a copy of the recent media law? The one that has such a large bond for people who – [a law Raila Odinga, as soon as Mwai Kibaki was elected President, would be scrapped quickly] [He did not have a copy]. Could you describe what it does?

DM It simply hikes the bond – security bond for publishing to 1 million [Kenya] Shillings, from 10,000 Shillings. It was passed [in mid 2002]. The point is it conditions the basic freedom of speech through publishing...It's unconstitutional

BP Was it aimed at no criticism of government, or minimal criticism. In an era of criticism, I don't exactly see [the point].

DM Yeah, in an era of criticism, its supposed to stifle the ability of people who publish because they know the people who publish all these leaflets and news sheets; normal guys who don't have money,

who also have to get money to publish an issue, look for money [to] publish another issue and sometimes they are funded by the same politicians. It's a muck raking game.

BP You know, I'm not even aware of all these little things you're talking about. Are there a lot of little publications –

DM Those small papers; there are so many.

BP OK, so its aimed not at the big ones.

['Scandal' sheets]

DM No, because the Nation can pay; I mean its no big deal about it. It aims at stifling the smaller publications in the smaller – because they're...causing problems for the government. I mean they are poking holes in the government. They're irreverent; they publish things – they don't have the caution that attaches [itself] to publications like Nation.

BP But isn't it a legitimate bill then because it upholds -

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[Media control law violates right of freedom of speech]

DM It is not legitimate because the government is trying to cover its back, which it shouldn't It's not legitimate at all because the government is basically trying to extract criticism - they really would like to stifle those voices because they are like irritating. They come out with a lot of information; you like to shut it up, They can't. Because once information is out on the streets, it circulates and cannot – some of it is scandalized; basically they are scandal sheets. And the government doesn't want that out because if the mainstream papers are conservative: they go a long way to establish certain things. Those little papers will publish without even corroborating if they have a sense that it might be true. And by the time you go to track them down, to sue them...they are nowhere to be found. Some of them have got no...They're publishing from the dark, shooting from the dark.

BP Then why do you criticize the law [controlling the sheets] if in fact you think they are scandal sheets that are not upholding good standards.

DM My criticism of the law is that it's too expensive for a genuine publisher that wants to publish a small newspaper. It doesn't segregate [published between genuine and illegitimate]. So it hits the malevolent one as well as the innocent one.

BP So there are some out there that are trying to do a good job; they're small but they're still critical and they might be hit, too. Has anyone been arrested under that law?

DM Nah. They may use it, but it's a law they never use. So this one too will just go into the archives...I'll be very happy if they [unclear] it.

BP But you don't like it being on the books.

DM It is bad because in principal it is unconstitutional because freedom of speech in the bill of rights says that everybody shall have the freedom of speech – except, it shall be subjected to the following, and at least the conditions: state security, private rights of the person – privacy. It lists about five conditions. Now there’s no financial limitation there. So go to publish except where the individual is offended there’s a defamation , where he should resort to. So they should set up a mechanism of tracking people – not by conditioning speech to financial means. That is the problem.

BP **Consciousness-raising**, in terms of when you are trying to advance human rights. It’s an important concept. How would you say looking over the period just before you got out of school, from ’87 to ’97 so. How would you say consciousness-raising took place. What helped it in terms of people – we’re kind of reviewing a question we did earlier, but we went quickly – what actually helped raise people’s consciousness so that when there is something they come out, they demonstrate, or they vote, or they riot – however they express themselves.

[3 forces raised public consciousness regarding human rights:]

[(1) university students (not lecturers)]

DM I think its very difficult to say what did [raise consciousness] because in those days universities provided the consciousness of society. They knew something was wrong – the intellectuals, the intelligentsia would be up in arms. And the universities, the campuses were the boiling points. If there was something wrong the government did, all the universities were dare devil enough to say, ‘nonsense; shit, and we can’t take that, and we go to the streets.’ And the public will take it up and say – yeah. Students [do this] because lecturers can be fired and taken into exile. University students will riot. If there is a stupid action done [by the government], they would riot.

(2) [individual church leaders]

Secondly – the church. Really, those two institutions are the only ones I can think of –

[(3) the alternative press]

apart from the press. Church leaders: Okullu, Gitari, Njenga, all those guys – they used to be very courageous. They would challenge the government and tell the people, this is wrong. They [church leaders] challenged the queue voting system and people rose up against it. So it was...the church.

BP The church as institutions or as individuals?

DM Individuals. Individuals in church.

[interruption for a telephone call to Makali.]

[My question before tape resumed: why has Archbishop Nzeki been so quiet since being assigned to Nairobi after being so outspoken in Nakuru regarding the clashes.]

[tape resumes]

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***[Moderate, even conservative voice sounds radical in speaking during crisis**

Early voices drowned out by late-comer activists]

DM I really can’t explain why he’s not as outspoken. But I tend to think that (pause) he’s a moderate in radical times. [He spoke out during the clashes] so he appeared to be a radical. In fact, he’s been a

conservative man who knows right and wrong and speaks against it [the wrong]. He's a moderate person; he's not a radical preacher.

BP So when times were tough, his moderation looked radical.

DM – looked radical. But now, because there are so many radical voices, he sounds like he's no longer radical. But he's just being consistent with himself. [unclear].

[Why more gains were not made: reactionary forces; non-genuine opposition]

BP If you were to look at the gains of human rights activists, and I guess you'd have to say pluralists also, pushing toward democracy, one question that is troubling me is why more wasn't gained. There was assembly, freedom of speech, and all that, but there was never any change in the power structure.

DM Because, generally speaking in terms of democratization/human rights, because there have always been reactionary forces that infiltrate or join and masquerade as reform or change forces, which then compromise the ultimate gain. You see, like now – KANU, I mean the opposition has been fighting to remove KANU. All of a sudden there is a fall out in KANU and the opposition is all up in arms (emphasis) to get the people in KANU, whom they have been fighting. Those guys want to join this way [to join KANU] and their aim and target were not as high as the ones in the legitimate opposition. Then they lower their aim, their goal and therefore the eventual achievement. That's what happens all the time. Reactionary forces jump over this side and they are accommodated and they take over the agenda. And they don't aim and kick as hard. They dominate the position.

Look at the original position in the opposition. Before, they were not the real –

BP –the original FORD?

DM Yeah. Before, they have originally taken the back seat – and now they are playing second fiddle to the new opposition...

BP Bhamariz, Shikkuku –

[Opposition is often KANU retreads]

DM Yeah, the new opposition that is there was not a legitimate opposition it is [ex] KANU [politicians] who went into the opposition.

BP OK; that I can understand, because Moi once said as he looked out on the opposition: those are all my people.

DM That's really what happens; and its happening again.

[comment: in the 2002 election, Kibaki, Moi's former Vice President, ran with support of numerous other former KANU officials. On the other hand, since Kenya had only one party for so long, almost any person in politics had to be in KANU at one time or another.]

You don't have any real change. The change is very superficial.

BP Nobody's looking for something that is really different. Because they were all in KANU. I mean one analogy I have of this is if you look at this (another sketch: tall box) as Presidential power, compared to

judicial power and Parliamentary power (much shorter boxes) – it overstates the case, but its probably not too far off...In other words, there's one person – whoever's in charge here [has the] power. As far as I've seen, none of the presidential candidates has ever said, let's reduce the power of the president.

DM They do; they do. The legitimate opposition still says that. But they are muffled (emphasis), they are overpowered by the new opposition voices, which are not very –

[“legitimate, hard-core” opposition overwhelmed]

BP What are the names here? Legitimate opposition in your –

DM People who fought for democracy in this country. The Gitobu Imanyaras, the Paul Muite, the Kiraitu Murungi, the people who were there initially, who took on the government and got change, caused it to crumble a bit.

BP Gibson, I guess.

DM Gibson, you know; all these people. These people –

BP These are the individuals you were talking about – when there was no institution to fight.

[Newcomer opposition activists take over the agenda of reform & weaken it]

DM Yeah, they were in – I mean these are [the ones] who carried the battle. They have been swamped by new opposition [who] pull out [from KANU] and they keep running from here to there. Then they water down the agenda of the other side because they have roots in there [KANU]. I mean people like [Simeon] Nyachae are coming in; you can imagine. People like Kibaki. Even initially he was never really genuine opposition. He's just a fallout, a KANU being. Even Saitoti (voice rises with emphasis) joining. I mean, if you look –

BP These are KANU people moving into the opposition.

DM -into the opposition, and taking over the agenda of opposition. They cannot be expected to deliver the initial (emphasis) agenda of the opposition, because its not theirs.

BP Does this bespeak of – now this is pushing the analysis a little further, but I think you're in a position to maybe have some insights –

DM And then the other thing – just a minute, please: if you look apart from the main leaders, the smaller leaders, MPs; if you look, for example, at the legislators, most of those guys were in Parliament, who were always in KANU. They defected to the opposition [unclear] and went back.

End of side A, tape one of one

Start of side B

DM (cont.) So they are half-hearted opposition people in the opposition. **The real hard core opposition** were people who wanted change, ultimate change **have been overwhelmed by the new moderates and conservative forces.** I don't see that changing all the time because of the fluid situation of defections –

BP The real hard core have been overwhelmed by –

DM – the new moderate forces from KANU. They're conservative, actually. In fact in opposition terms they are conservative, because they don't want fundamental change. People like Mwai Kibaki don't want fundamental change. They want minimal change that can enable them to obtain their privileges and be power[ful] and still enjoy the pleasure of being in power, having some power to exercise. They don't want to destroy it [presidential power, which in Kenya is immense].

BP How would you describe Kenya – democracy, authoritarian, there are other more extreme terms? But how would you describe Kenya today?

DM (pause) I don't know. I think it's **a quasi-democracy**. It's neither a democracy nor is it an undemocratic country because there are a lot of freedoms you obtain in a democracy [that]are quite available here. So it is a democratic state with ah-

BP Would authoritarian and quasi-democracy be about the same thing for you.

[Authoritarian government; semi-democratic society]

DM I think authoritarian is a little – its applicable; yeah, I think it has. If you look at the government, its authoritarian. But the society is semi-democratic in that a lot of things happen. I mean the leader we have is a real authoritarian, but a lot of things democratic happened in this country. But the authoritarianism sits over the democracy, so it doesn't allow it to flourish.

BP So its' got elements of both.

DM Yeah.

BP It comes down to quasi-democratic.

DM There's democracy, there's authoritarianism: they're clashing. Government is really authoritarian. Society, Kenya as a country – I mean you have a free press, you have whatnot, all these things, but you have an authoritarian government.

[tape off while he filled out a checklist of activists]

[tape on]

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[weaknesses of activists/opposition]

DM First of all, to develop standards of achievement – anything seems to pass. They set high standards but they don't have the discipline to achieve them. [They =] the people in the reform movement, the opposition itself. They set high standards but they do not discipline themselves for achieving them. Along the way they get compromised by half concessions from the government.

[TACTICS of government: give and take; lose and recover]

But also, its important to understand the failure is also because of the government. We are dealing with a government of treachery here. It will give – it's a give and take. It loses here but it gains and recovers.

It loses and recovers the space it has lost within a very short time, you know, by those inducements and compromising some of the main players of the opposition. And it [the Moi regime] has a lot of tricks it applies.

[Reformers' fatigue; frustration]

So that, and as I said at the airport, the main figure of the shortcoming of the **reform forces** is lack of adequate ammunition. I mean they **always run out of strength** at the critical moment and then they have nobody to back them out.

BP They run out of strength? They get physically and mentally tired? Or what?

****DM Mentally they get tired. Fatigue is really large in the opposition.** Fatigue – both in the public and the forces, I mean the advocates themselves. Because it always looks like its in vain. You do so much to change this country. At the end of the day you look behind you and you don't see the crowd that you are fighting for. The crowd has been very disappointing. **The public disappoints.** When you expect them to say now: OK, we're not going to take that any more; we're now going to take charge. You find people are fatigued because they are preoccupied by their daily existence and sustenance, you know. So **the public has been agitated sufficiently but its agitation has not borne fruits.** And out of it repeatedly trying...

BP Have you as an individual felt some of that disappointment, so to speak, sort of trying to seek change and looking behind and seeing no one there?

****DM Your see it's in vain. It's vanity; you are almost in a vanity struggle because – it is very frustrating. The level of frustration in this country, fighting for democracy. God, when you get the consequences and reprisals that are suffered individually, there's no solid movement where you can say you can rely on when pressure comes. They splinter, and people suffer individually. And there's no support that the movement gives to each other that individuals give to each other. People suffer a lot. I know people who lose their property, who get completely finished financially, desperate for support; they have no car, nothing. They have to sell their car to survive. People don't support each other. The movement is individualized. People struggle as individuals. So if you suffer, the adversity comes to you individually, and that is very demoralizing.**

[Donors chicken out]

Of course there is also the factor I told you about lethargy of the – donor movement, the foreign so-called pro-democracy governments. They always get there but at the moment when they deliver some [help] to achieve change that is helpful now to the country and their own objectives that they put down, you find they chicken out.

**** (whole section)**

[Individualism both helps and hurts human rights movement]

BP So the very individualism that began to ring some bells and get people excited, agitated, as you said, in a sense ultimately feeds on itself and kind of destroys the initiative.

DM Yes

BP People are not working together.

DM People, yeah, **people don't work together** because there are a lot of - the movement sort of recapitulates because **there are no bonds that hold together**, like we are all soldiers in this force and we are going to stick together, and if you're down, we pick you [up]. **So people go there [to become human rights and pro-democracy activists] as individuals.** They fight because they believe in those things. In the end, the consequences are so heavy they fall out ...

[comment: The early activists – and Makali indicates even later ones – join the movement as individuals (even though some are part of organization) and suffer individually, when the tide turns against them, with little help from other activists or organizations)

****[Rights movement has not institutionalized]**

BP The formal term institutionalization of human rights movement hasn't happened.

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****[Kenya human rights movement is “all split; we can't pull together”]**

DM It hasn't happened. Even as we – the Media Institute, for example, is part of what we call the human rights network. It cannot pull together, and we are just eight organizations, or twelve, that are involved in human rights and democratization in the civil society. Kenya Human Rights Commission, CED (Center for Governance and Democracy), FIDA, ICJ, LSK, about eight groups. Others like – a small network of groups, yeah (looking at my list) Clarion, for example. Kitui [Cha Sheria] is not there. NCEC is there, but its not a civil society organization; those are lobbies. I think there is 4Cs. There are about twelve groups. **We can't pull together. When we try to do anything together, we can't. We are all split, you know. We don't agree on anything**

BP You sit in meetings, and you all have ideas, but no one says: that's the one we want to go with.

****MAYBE HANS PETER WAS RIGHT – SEE HIS PAPER ON WHEN NETWORKS BLIND.**

****[Competition for \$ in rights network]**

DM Yeah. I mean, if we know we are going to do it, people won't do it. Somehow – the institutional dynamics – people just pursue their own objectives. And that arises because the sort of thing – there's also funding, the stability of each of [the] organizations. There is also **competition for funding**, so there are always problems in there that make it very hard for the movement to coalesce as one unit.

[field note: I was interjecting/interrupting too much, drowning out some of his words on the tape]

BP Is there communication between those groups?

****[“Lethargy” in rights movement; “useless” communication]**

DM Yeah, they communicate, but nothing can be achieved; its useless communication. You plan things, but nothing is accomplished at the end of the day because of lack of follow-up or just the lethargy in the movement itself to accomplish joint initiatives. It has no means, dynamics, synergy to do it.

[Why rights groups don't cooperate]

BP Are people just tired or is there no willingness to say: OK, this is my idea, but yours is better, let's go with this one?

DM I think the institutional autonomy – the structure of these groups – each of them has an independent board; each of them works as an independent organization. The only thing that is common among them is the agenda they are pursuing. So that's what brings them together. But they can not share it in terms of activities, actual actions.

BP The agenda – is human rights still part of the agenda.

DM Yeah that is really the human rights agenda that unifies them – all of us. But we cannot pull together, unite, until we are doing things as one group.

BP Can you put your finger on why not?

DM I can't (voice rises sharply, loudly, with apparent frustration). I'm afraid I can not. I don't know. It's very frustrating because I can assure you – we wanted to publish Expression [??] today, for example, as a journal of the human rights and democracy movement in Kenya. We got together, planned and [made] proposals and said we are going to look for funding, all of us, and we get and publish a journal for all of that. NOTHING HAPPENED (loudly). Nobody follows through. But we all share the good idea – but follow up...

BP There is something in Kenya society that, when I was a reporter here, I never had time to follow up. And I've seen it at rural areas at the lowest level, and maybe what you're talking about is there. When someone starts moving ahead in the villages, some small town, rather than a lot of people pulling together –

DM – they pull him down

BP –there's jealousy and they pull him down. A person had a sewing – a weaving machine, put a little attachment on it, began to make more money; somebody climbed in the window, stole that attachment, left the machine.

****[“Destructive individualism”]**

DM Yeah. **It is individualism, very bad individualism. Destructive individualism.** And it permeates in the opposition, politics, and everything, in the political parties. Now, these guys have decided, for example, that they are going to have, you know, their candidates. They can not even agree that, let us stand behind one of them for the heck of it now. It doesn't work.

[Comment: but the opposition did unite, largely, and defeated the KANU candidate in the 2002 election, by a wide margin, after having lost in 92 and 97 due to lack of such unity.]

BP So its something within the nature of society, or is it human nature?

DM It is human nature, I think. Human nature doesn't allow sacrifice; the egos are – have been standing in the way.

BP And still are.

DM So it will be a long time before we overcome that individualism that blocks all our initiatives.

BP Do you have anything else you want to add because I don't want to overstay my welcome. You've been very generous, and I'm kind of glad Raila [Odinga] didn't show up [for an appointment that would have cut the interview very short. I later interviewed Raila in his own office.]

DM Yes, certainly I'm hoping that he was fired [from his KANU post as party General Secretary]. Then we can take a proper direction in this politics. It's taking too long, and we have been jogging on the spot.

No, I think probably I've spoken what we needed to talk about and anything else is a –

End of interview