

TANGAZA COLLEGE
THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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**THE ROLE OF THE CHURCH IN THE TRANSITION
FROM SINGLE PARTY RULE TO MULTI-PARTISM IN
KENYA (1990-2003).**

Moderator

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**A Long Essay Submitted in Partial Fulfilment of the Requirements for the
Bachelors Degree in Theology and Diploma in Mission Studies.**

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Dedication

To all those I have interacted with in Tangaza College and especially my Kenyan counterparts who shared with me their insights on the Kenyan political situation and the challenges of the church in standing up for justice and reconciliation.

I also dedicate this work to the Mission department which challenged and shaped my ideas concerning church and politics. Finally, to the Maryknoll school of African Studies(Tangaza), which I owe much to for shaping my African thinking and ideals.

Student's Declaration

I, the undersigned, declare that this long essay is my own original work achieved through my personal reading, scientific research method and critical reflection. It is submitted in partial fulfilment of the requirements for the Bachelors Degree in Theology and Diploma in Mission Studies. It has never been submitted to any other College or University for academic credit. All sources have been cited in full and acknowledged.

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This long essay has been submitted for examination with my approval as the College Supervisor.

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General Introduction

In this work, the researcher looks at the general roles played by both the State and the Church in their different mandates given to them by the Divine call for service. Leadership is a call to serve. It is indeed a duty of all Kenyans to acknowledge the different roles and obligations given to the leaders in their domains. It is equally important to give respect to all these domains of responsibility by according to them a conducive environment for execution of their work. The two centres of power should not act as opposing factions but rather as two groups with the same mission. The mission is service to the people of God. This work endeavours to establish the development of democratisation process in Kenya from 1960- 2004. The climax and most important moment of change of governance was at the dawn of multi-party politics in the early 1990s.

The government of the day has a responsibility towards its people. The Church also has a duty and responsibility to take care of the people's spiritual needs and other needs as bestowed on it by Christ Jesus when He sent the Apostles and disciples to go out and proclaim the Good-News to the whole world. Christ had a clear mission to the lepers (Mark 1:40-45), the ministry to the paralytic man (Mark 2:9:11), the condemnation by Jesus of corrupt leaders and many radical changes on social structures. Jesus made a clear sign of participation of the Church in bringing about good governance and a change in people's lives.

CHAPTER ONE

DEMOCRATIC PRINCIPLES

1.1. Introduction.

Chapter One presents the democratic principles that both the church, state and the people of Kenya ought to know before engaging in a fruitful dialogue. This is important for the protection and nurturing of human rights, values of Kenyans and of those who live and work here in Kenya. The ushering in of pluralistic democracies is a fundamental change to all countries that wish to nurture in a new paradigm in the rule of law and freedom of speech.

1.2. The Rationale of the Church's Participation in Democratization

"If the Church is to be true to its Mission in the world, then it should follow the example of Christ and show a preferential option for outcasts such as people living with HIV/AIDS".¹ In view of this, the Church finds its role in the diversity of issues affecting the whole population regardless of Faith. Through facilities such as schools and hospitals and even social amenities, the church reaches all people and has an obligation to participate in the welfare of the citizens. "Christians are about 80% of Kenya population. Church at the grassroots, an integral part of the community life."² The church therefore makes an impact on the day-to-day life of the people. This is why she must be part of the democratisation process in the country. This process requires a lot of civic education. However, this should not be assumed to be the sole

¹ Pauline Otieno, *HIV/AIDS Awareness and Women with Disabilities in Kenya*, (Nairobi: Acton Publishers, 2002), 70.

² *Ibid.*, 71.

role of the church but it should supplement the government's effort to reach out to the grass roots.

One is reminded of what Jesus is quoted to have said to the Pharisees, "Give to Caesar what belongs to Caesar and to God what belongs to God."¹ The point of emphasis here is the fact that Christ acknowledged the reality of the political domain and asked people to give it due respect. But we must also give to the Kingdom of God what it deserves. A presbyter can only speak out in favour or against the government, when sensitising a congregation on human rights but the pastor must not become partisan.

1.3. Definition of Terms.

a) **Politics:** The term politics is and has been commonly used word in history.

Politics is the Science, which teaches people to seek the common good on both the national and international levels. It spells out fundamental values of every community in the temporal sphere. It enables leaders to provide the community with ways and means for an honest, just and peaceful life.

Good politics helps the citizens to combat elements of backwardness, such as, lawlessness, poverty, hunger, ignorance, disease and corruption. This means that even the Church cannot essentially avoid politics. It necessarily must sustain an interest in the development of politics for the sake of its people too.

Accordingly, "The Church fosters the values that should inspire politics, and she preaches to all that the great commandment of love is the secret of a peaceful, honest

¹ Mt. 22.21-22.

and a just society.”⁴ Therefore, the involvement of the Church in State running is an obligation. It keeps the government reminded of the task ahead of it. Similarly, the state will also remind the church when it is going outside its moral principles.

As such, “To denounce injustice is an integral part of evangelisation.”⁵ It is the duty of both the State and Church to denounce these acts, which collectively dehumanise its citizens.

b) **Multi-Partism:** The concept of multi-partism also commonly known as political pluralism is as old as the political independence in Kenya. Kenya had adopted pluralistic approach to politics as a way of putting in place the checks and balances among the ruling clique.

It is an acceptance of more than one party organization in a country in readiness to assume power by a popular vote by the people. It has been abused in the past and it could still be abused even today. This is why care must be taken and a healthy environment for multi-partism must be created.

c) **Democracy:** It is a word derived from a Greek word ‘*democratia*’ which has two compositions: ‘*demo*’ meaning, “people” and ‘*kratos*’ means, “rule”. Therefore, it is the “rule by the people.” This meaning has been interpreted in different ways in the course of time. It has brought different understandings to different governments. The original understanding of the term democracy in the Greek world was that it was a form of a government “where political decisions are directly in the hands of the whole body of citizens, acting under majority rule”. They term this as direct democracy.

⁴ Tarcicio, Agostoni. *Every Citizen's Hand Book*. (Nairobi. Pauline's Publications Africa, 1997). 374.
⁵ Ibid. 374.

Another form of democracy is representative democracy. This form of government allows people to participate in the decision-making process by representation rather than direct.

There is also constitutional democracy. It is a form of representative democracy too. This form allows the “rights and the power of the majority to be exercised within the limits of a constitution in-order to guarantee the minority the enjoyment of certain individual or social rights.” This is seen in freedom of speech, religion, and association. These forms ought to be taught to the citizens so as to govern and enlighten society in which everyone knows his or her limits in the participatory role.

1.4. What is Democracy to Kenyans?

When Kenya attained independence in 1964, democratic nurturing had begun. “Kenya has been on the road to democracy since its independence.”⁶

Democracy is not completely strange in Africa. However, most of the current constitutions were composed at a time when “African people were not ready to fully participate in State running”.⁷ This is why they must be revised from time to time. Kenyans are, therefore, called upon to develop and enhance their participation in nation building. A call to be more critical and critiquing the government of the day in the delivery of services is a duty of the Kenyan society.

When happenings went unquestioned as a result of the government’s use of intimidation, Kenyans resorted to a new culture of “silence” and less participatory role

⁶ Rodrigo Mejia (ED.). *The Conscience of the Society: The Social Teachings of the Catholic Bishops of Kenya, 1960-95.* (Nairobi. Pauline Publications, 1995). 192.

⁷ Ibid. 189

in development and the running of the government. Freedom of speech and movement should be emphasised in the new political dispensation.

1.5. A Brief History of the Struggle for Independence

Kenya is widely known due to the “Mau - Mau” uprising from 1952-1960. The main aim of the Mau Mau operatives was to regain the stolen land back from the White settlers, who, through Sessional papers such as the Devonshire White Paper of 1923, acquired land in the Highlands of Kenya.

The tribes affected much by this were the Agikuyu and the Maasai among others, and the rest suffered the effects in one-way or the other. This reality together with other forms of white oppression over Kenyans mounted pressure for independence by the populace. The rest of the Kenya’s ethnic groups corporately forged a front to force the minority White settlers to relinquish power to the people.

In the run up to independence, Kenya had two main political parties. These were the Kenya African National Union (KANU), the party of Jomo Kenyatta, Tom Mboya and Jaramogi Oginga Odinga and the Kenya African Democratic Union (KADU) of Ronald Ngala, Masinde Muliro, and Daniel Arap Moi.”⁸ The first General Elections, which were held in 1963, saw KANU overwhelmingly win. “One year later, on 12th December, 1964, Kenya became a Constitutional Republic and Jomo Kenyatta, its first President.”⁹ This marked the beginning of democratic ideals starting to take root in the young nation Kenya. However, democracies all over the world are long processes and need a slow but sure nurturing.

⁸ *Ibid.* 11.

⁹ *Ibid.* 11

1.6. African Democracies and African Politics

The experience of transition from one party state, military or civilian dictatorship to a better-refined form of political pluralism has not been impressive in Africa.

Africa as a whole and Kenya in particular, has been engulfed in various problems in the attempt to democratise states or societies. In its endeavours to comply with both internal and external rule of Law which gears to good governance, it has had a unique struggle towards democratic principles and values.

Colonial attitudes, needless to mention, have been carried forward by even the very African leaders who assumed power from the colonialists. This means that people continued in the same slavery ways though in a different form.

The overwhelming dependence on economic sustenance, underdevelopment, the debt-crisis, elite hegemony, civil strife and ever erupting social- political conflicts are so much detrimental to the shift from democratic transition to consolidation.

“Colonialists did and do still rule the continent (Kenya included) directly or indirectly with an iron fist. they exploited its resources and denied them the right to govern themselves, with a sustained assault on traditional institutions and cultures.”¹⁰

The distortions of traditional set-ups have had a tremendous effect on the African continent. However, this must not be the easiest scapegoat to all our problems. “Both colonial and post- colonial regimes had and have suppressed the voices and aspirations of the African people and curtailed the possibility of the emergence of a truly participatory system of governance to periodic voting.”¹¹

Muhammed Salih M.A. *African Democracies and African Politics*. (London: Pluto Press. 2002). 1. Ibid. 2.

The statement implies that before and after colonial era, not much has changed to improve the democratic principles and rule of law that in-turn enhances freedom of the people of this continent and elsewhere. However, no doubt, “democratic values are expressed differently by different societies”.

Democracy is not about the transfer of political experiences from one society to another. It is rather the active participation, the ability and agility of the people to express freely and without intimidation whatever ideas they hold but of course, subject to its practicality to be either accepted or rejected. “Democracy constitutes the sum total of values and attitudes that people nurture over a long period of trial and error whilst improving on its quality.”¹² Some have the notion that democracy is more of elections and political parties.

It entails the democratic governance and institutions that integrate peoples’ actual lives, their economic expectations, political aspirations and their struggle to improve on their well being. Hence the African democracies are not to be treated as potential replicas of Western democracies. This does not over-rule the equal participation of all democracies sharing ideologies and aspirations in their unique contexts in mutual partnership.

Five dominant explanations denote why Africa’s democratic transition has been marred by constraints emanating from the socio- economic and political context within which democratisation is practiced. The apparent failure of theories and concepts originating from outside Africa (mainly modernization and dependency) to produce a body of knowledge consistent and relevant to African reality is much needed.

¹² Ibid. 3.

African democratic transition from Neo-patrimonialism to multi-party rule is characterised by the struggle over patronage rather than by the institutionalisation of democratic values. The surge for democratisation is an expression of people's yearning for development. The assumption here is that the democratic gains made by the Africans will be consolidated by development.

The demand for democratisation and rule of law arises largely from the failure of development strategies and the politics associated with them. It is observed that the African elites have alienated the people by pursuing policies that project neither coherent national objectives nor plausible social interests. But more, the absence of institutions capable of internalising the democratic values has made a mockery of democracy, contributing to the re-emergence of authoritarian leaders under the guise of multi-party democracy. It is worth to note that these authoritarian leaders argue that within a few years of experience with multi-party systems, all but a handful of African countries have retained or re-elected former dictators, thus shifting power to authoritarian rulers.

1.7. The Realities in Multi-Party Democracy

Democratisation is seen as a solution to power sharing. However, there are measures that would be of paramount importance for it to start taking root. These include, for example, the devolution of power from the all-powerful presidency.

The power centralization in the presidency has not yielded good fruits to a more democratic environment. However, it is not all bad to have enough powers given to the Head of State to be able to run his or her government well.

In most countries, Kenya included, exorbitant powers are vested in the head of State. This is an example of a centralised system of power. The president has had sweeping powers since 1964. The powers that the colonial masters enjoyed were literally transferred to the new African regime. This did not change much the African situation of freedom of speech and other forms of governance.

1.8. Power Diffusion

The idea of power sharing should be the inspiring principle towards a new constitutional and political dispensation. The government system should “consist of built-in restraints as well as checks and balances which will cause it to be accountable to the citizens of the country.”¹³ There is need for a country to be governed by accountable people as this ensures democratic rule and avoidance of dictatorship.

Power sharing between the President, the Prime Minister, Political parties, the Parliament and Judiciary should be encouraged. These institutions are accountable to the law. The power-shared system will ensure that the president does not have sweeping powers hence prone to act in disregard to the people’s wishes. A fear of clashing of powers, however, cannot be avoided but rather spelt out clearly as has been noted in the current debate on the devolution of power in the ongoing constitutional debate. A separation of the Head of State from a head of government should be outlined. The prime minister’s office, if created will be vested with power to lead the government business.

The head of State is to be non-partisan. He or she may be subjected to impeachment if found in contravention of these laws. He or she will exercise his or

¹³ S.N. Waruhiu. *From Autocracy to Democracy in Kenya*. (Nairobi: 1994). 152.

her powers on advice, not overbearingly on the other organs of the government. As far as the house of representative is concerned,

“it will share the power to legislate with the senate. The power of the senate to delay legislation together with the ability to refer legislation to the opinion of the Supreme Court, and the existence of the referendum, are all designed to have the check and balance and where necessary, restrain the house representatives from exceeding its authority.”⁴

It will be imperatively hard to change decisions of the Supreme Court and in case of any need to change, then, an Act of Parliament will be needed.

1.9. Internal and External Demands for Pluralism

The call for change in political, social and economic perspectives is so much global that, no country will be spared from this call to change. Indeed as the adage goes, “ a change is as good as a rest” many view change as a cyclic, that ushers in time to all. Western countries insisted on global change and adaptations. However, it will be noted that the West called for these changes amidst their package for the so-called “third world countries”. Democratic processes are unique from one region to the other but working principles may be adopted to suit these changes.

The money lending institutions made resolutions to give their loans only to countries that accepted the package of democratisation. This made it extremely hard for those countries that had a bad record of leadership to have the money given to their governments. The Breton-wood Institutions and World Bank Institutions did not extend any money to such governments.

Corruption was one of the disqualifying factors in loan requests by African countries.

⁴ Ibid. 157.

This was however viewed with suspicion from the countries affected. The monetary policies were very stringent. People began to see sense in this call to better governance.

Much money had been stashed outside the Kenyan economy and every sector was dwindling. The democratic process was set in motion and Kenya needed to fight the vice of bad governance. Excessive powers of the executive and breakdown in work ethics affected African economies, especially Kenya. Our growth rate dropped to 2% by 2003

1.9.1. The Wind of change

The wind of change blowing across Africa has been dramatic. Many countries have tried to resist or accepted it with reluctance. Kenyans had all along been subjected to political, social and economic intimidation by the “politically- correct” persons in the ruling clique.

Churches made frantic efforts to speak against these vices. The clergy had a big task ahead of them together with the civil society. An ultimatum was pronounced on the crackdown on political conscience pressure groups. Many found themselves in dark rooms such as “Nyayo” house torture chambers and others were punished by ruthless extra-ordinary means such as being put in “car-boots” and driven for many hours in rough roads before being subjected to compulsory confession.

The bishops of Kenya and other clerics began to question the rationale of keeping political prisoners behind bars such as at Kamiti Prison, and other remand centres all over the country without trial. These took place even after the repeal of Section 2a of

the constitution of Kenya was done. Section 2a of the constitution of Kenya had declared Kenya a De Jure Single Party State.

The bishops appealed to the authorities to be “more open to the protection of human dignity.”¹⁵ Humanity is to be accorded dignity that it deserves and all stakeholders must uphold this. Both church and state must ensure that this is done properly.

Understanding the democratic demands by everyone is a prerequisite condition for laying a good foundation to enhance democratic principles. Both the church and state must lead in the education of their people. The people must be helped to know their democratic rights and obligations to facilitate their work in governing. This chapter has presented the common understanding of democracy and politics and how the two primary agents(church and state) need to involve its people in grasping these principles. Let us now turn our attention of the church in the political life of the people.

¹⁵ Stanslaus Muyebe, and Alex Muyebe. *The African Bishops on Human Rights*. (Nairobi: Paulines Publications Africa, 2002), 25.

CHAPTER TWO

THE ROLE OF THE CHURCH IN POLITICS

2.0 Introduction

The church does not and should not take over political roles from political leaders. In actual fact, both church and state command equal respect but from different angles. For these two key players to be on level grounds to execute their duties, the code of principles of operations should also be delineated. The code of principles that regulate relations between the church and politics and between the church and state are vital.

2.2. The Role of the Church in Politics.

“The Church’s main aim is evangelisation which promotes the integral development and salvation of Man.”¹⁶ When the church strives to promote human life in a holistic way, it is equally important to be aware of the gross human violation done to the people they dedicate their services to. In its prophetic proclamation of another life, the church aims at a human-kind’s sublime and eternal vocation, preaching the inner conversion, which yields to goodness, honesty, and justice here and now.

¹⁶ Tarcisio, Agostoni. *Op Cit*, 373

2.2.1. Mutual Co-Operation Between Church and State

The church directs light of the gospel on earthly realities for humanity to be healed from their miseries and raised to dignity. However, it must be acknowledged that this does not happen overnight. Christians who should up-hold this virtue practise some human violations. This means that the state and the church have the responsibility to put in place vital mechanisms that enhance and uphold the values of life to all.

Concerning good citizenship, “the church calls for a greater evangelical commitment from Christians towards building of a new society.”¹⁷ As citizens, all are equal and with equal dignity deserved. This means that the authentic followers of Christ will enhance the law-abiding population, and security, among others. A good Christian is expected to be a good citizen.

2.2.2. The Kenyan Church in the Threshold

The church in Kenya, in collaboration with other countries in the world and in conjunction with the state, had an agenda to fight to enhance the dignity and respect for its People. This was a common effort by both the state and the church. Church and state have to face globalisation effects and attempt to find a solution to its problems. As already stated in chapter one, The Breton-woods and World Bank stringent measures had a package of Structural Adjustment Program (SAP), alongside the call for pluralism. The world body had put emphasis on ‘democratisation’ and ‘liberalization’ and ‘privatisation’ which are now very common terms coming in Africa in relation to better governance.

¹⁷ Ibid. 376

It should be noted that prior to independence of African states, the constitutions were drafted by colonialists and evaded the serious democratisation policies. It clearly indicates the kind of constitution the country absorbed. It is most likely that they had placed ideological interests of power blocs above the interests of the ordinary individuals and generally, the people of Africa. It is, therefore, hoped that this awakening sound of 'democratisation' will not be changed when the power blocs realize that their interests are not fulfilled.

This awareness must be stipulated clearly for the state and the church in-order to conscientize their People. Therefore, the churches need to be aware of these as they involve themselves in the social transformation, especially after the cold war. It is worth to acknowledge that in some cases, the churches and even some individual Christians did accept without questioning, funds and other related resources for 'civic education' to promote 'multi-party democracy'. Programmes to enhance democratization were never promoted, for example, civic awareness and other forms of education. There is lack of civic education in the schools. A sad situation reveals that most students at secondary, tertiary levels are not taught important subject matter such as constitutional rights, and other related disciplines. There is need for conscientization.

2.2.3. Church and Globalization

The church in the midst of globalisation has a role to play. It must understand the implications brought about by globalisation of world economy. The need to equip the people and conscientize them with its effects is important. Churches should articulately contribute to the African order in the realm of political economy. A commitment by the church in Kenya and elsewhere in developing and promoting a common African vision in the face of dependency and impoverishment of Africa today is very urgent.

2.2.4. Church's Participation in Civic Education and Democratization

The experiences of churches in participating in the civic education and democratisation have not been easy. Primarily,

the African churches have been reputed for taking interest in overt political action. Why should they have become suddenly active after 1990? Did the church discover just at this period that Africans needed a change in its democratic principles, only after the collapse of Communism?¹⁸

If this is the challenge to the Church and State, then, a participatory role of the church needs to be re-invented. Yet, it is all known that the church should not be an opposition agent but be as an educator

In a symbiotic relation, both the church and the state can be of mutual benefit to the other. African churches have not considered socio- political analysis an integral part of their ministry. Thus, "the church has had to rely on social scientists from

¹⁸ Jesse N.K. Mugambi, *Democracy and Development in Africa*. (Nairobi: All Africa Conference of Churches, 1997), 28.

universities and private consultancies, with a risk that these experts may compromise the public profile of the churches.”¹⁹ The church being an agent in the social sphere has no choice but to be an expert in social analysis. She can do this by their own personnel or through people of goodwill, having the interest of the society at heart

Training of social scientists and other related disciplines should be given priority by the church just as they (church) do it in their theological schools. Credibility of mainstream denominations, both Protestants and Catholics, has been in question since the colonial period. Their public profile have been nationalistic. Why, then should they become advocates of national constitutional reviews after 1990? By virtue of their offices, church leaders are mandated to be good-news preachers and custodians of faith and moral life. They are also called upon to be the voices of those who risk intimidation when they express their opinions and to those who have no advocates to stand for them. Sometimes, it has been observed that the church risks falling too much towards the State operations to the detriment of its people who may need to be spoken for. The church should not be identified with the state for this may lead her to compromise on her objectives.

Another issue is the dependence of

African churches and Christian councils on development funds from their parent churches abroad, which meant that their priorities were greatly influenced by the programme guideline of the donors. The donors have also squarely depended for the bulk of their funding on their governments.²⁰

Ibid. 29

²⁰ Ibid. 29

The church in Kenya, like other churches elsewhere must be aware of the implications of this dependence. This could compromise to the fight for social justice besides economic and political independence.

African churches have equally a heavy task before them in equipping themselves for a more pragmatic and relevant ministry in this rapidly changing continent and being a conscience of the people. African churches need to train leadership cadre, focused on its problems and success that will help it to consolidate ministry. "A church without a solid theology has no chance of survival."²¹ These calls for local theological approach, having the fundamentalism of the universal theology which should be developed to suit the needs of the local people.

African theologians are still few compared to the numerical strength of the African Christianity. A call for an integration of the social sciences and humanities intertwined with fundamentalism gives hope to the African churches' survival. It has been noted with concern, that in the evaluation of curricula in theological institutions in Africa, they have not considered teaching humanities and social sciences.

"Areas such as history, literature, philosophy, anthropology, sociology, economics, geography and political science are considered 'secular' to be of concern in ministerial formation"²² of clerical students. Perhaps an approach like that of North America, where training for ordination to priesthood and others is availed to holders of first degrees such as a bachelor of arts or science should be considered. Sometimes this has depicted a deficiency of graduates of theology in teaching or in preaching.

²¹ Ibid. 29.

²² Ibid. 30.

If the Church intends to participate in the democratisation process diligently, then it needs to have some basic knowledge and skills in sociological, economic, and political analysis, in philosophical and sociological understanding, while appreciating the literature and aesthetics of the people. Likewise, the government has to have the capacity to run the government by having to train expertise in the areas mentioned and many others that are so much vital in efficient running of any government.

2.3. Church's Main Mission

“Churches must help the people to enter the spiritual and socio-economic kingdoms”²³ In so doing, she mobilizes the stakeholders in various development areas to serve the public. The church finds itself at the centre of the people and nation's daily economic and social struggles. The church has a platform to harness resources for a collective realization of the good of its people through association and organization. Both church and state education forums are able to facilitate this harnessing.

It is important to note that the church cannot live like an island in the society. She has the moral obligation to speak the truth at all times, having a bearing in the political arena. Politicians and church ministers are complimentary to each other hence neither of them should be left out in facilitating meaningful change.

²³ Kivutha Kibwana. *The Church in the Present Moment of Africa, with Particular Attention to Kenya*. (Nairobi. Pauline's Publications Africa. 2002). 8.

2.3.1. What the Church needs Not To Do.

The church should not “sedate the people (faithful) so that they can be down-trodden with ease.”²⁴ She should not be seen in ally with secular leaders who have no interest with the lives of its people. “The church, then, must embrace a holistic mission to the extent that it endeavours to meet all the legitimate and God approved needs of the human beings.”²⁵ This challenges her organs to pursue a holistic educational approach, engaging in sociological, political, economic and theological realities. The Kenyan church should address this issue competently and stop producing social workers whose work is at the end of a system that does not work. We should prevent political systems that create both economic and political victims who the churches are called upon to attend to. The church should not be seen as present to clear the mess created by uncaring politicians.

The “church fosters the values that should inspire the politicians, and she preaches to all that the great commandment of love is the secret of a peaceful, honest and just society.”²⁶ As the current President Kibaki of Kenya said in his address on (19th November 2003), while opening a church house in Nairobi, he emphasised the need for the church to be a conscience of the people and government. He underlined that the church must point out to the State where and when things are going “out of hand and especially on human fundamental rights,” said the President of Kenya. This means then that to “denounce injustice is an integral part of evangelisation.”²⁷ She has to safeguard this course. She sheds the light of the gospel on earthly realities for

²⁴ Ibid. 9.

²⁵ Ibid. 9.

²⁶ Tarcicio Agostoni. *Op Cit.* 374.

²⁷ Ibid. 374.

humanity to be healed from miseries and increased levels of ingenuity. However, it must be acknowledged that this does not happen overnight. Some violations of human rights are still perpetrated in open forum by both Christians and non-Christians.

In a forum of young religious which took place in Nairobi's Holy Family Basilica, much was spoken about the role and obligation of the church in a society by His Grace, Arch-Bishop of Nairobi, Right Reverend Raphael Ndingi Mwana a'Nzeki.

He categorically pointed out the famous slogans made by both politicians and religious alike in down playing each other at the expense of the people they are called to serve. The writer who was in this forum took a keen interest in this issue as a concern.

The Archbishop began by saying, "I do not have to try too hard to prove to 'you' why this topic is important. The State- Church relation has been important in the past, it is important now, and will continue being equally important in the future".²⁸ If this topic is as critical as indicated above, then why do people still speak of "our calling is Spiritual; leave politics to politicians, politics is too dangerous." This implies the church's withdrawal from the political arena to concentrate on spiritual matters.

Historically, Pope Galasius I, is ranked among the first proponents of the classic formulation of the Church and State relationship in 429-496. He wrote a famous letter to Emperor Athanasius in 492 stating the principle of how the Church should relate to the State. He stated that, citizens have a two- fold allegiance and loyalty. "There are two kinds of authority, each distinct in its own realm but expected to collaborate for

²⁸ Arch-Bishop. Raphael Ndingi Mwana a'Nzeki, Holy Family Basilica, 17th March, 2001.

the human and spiritual welfare of the people.”²⁹ This principle is also known as dyadic principle. As citizens, we have two-fold allegiance to the State and to the Church of which we belong by faith and love.

No earthly ruler of any description may oblige the People to do anything that conflicts with the values and demands of God’s kingdom, no human person is independent of searching of the kingdom of God. Hence there should be no conflict between religion and politics. A look at the development of the relationship of church and state from the global perspective should give a way forward in view of the topic.

2.4. The Development of “*Cuius Region. Eius Religio* Principle.”

The Middle ages saw the development of Christian Republic (*Repubblica Christiana*). By the Sixteenth Century, medieval feudalism had broken up, giving rise to Nations States. People were allowed to follow religions of their Princes. Hence the concept of *Cuius Region, Eius Religio*, meaning that, the religion of the leader is the religion of the region. This in essence meant that ‘politics determined religion and religion determined politics’. What religion one became was determined by the dominant religion within the area of living. This has effect on the State and Church relation until today. That is why it is important to view the development and consequent practices today in Kenya and elsewhere in the World.

Pope Leo XIII addressed the State- Church relation too. He saw the matter in terms of two societies, each with its own authority and law. He made it clear that a citizen was served by ecclesial and civil laws. The two, church and state then meet

²⁹ Richard P. McBrien (Gen.ED). “Church and State”. In *Encyclopaedia of Catholicism*, by Brian Hehir (Ed). (NY. HarperSanFrancisco, 1995). 315.

only when they both reach to the citizen at the ground level. Another pope who developed further the question of State-Church relations was Pius XII. Human rights came to the forefront as a priority. A citizen was to be respected by all. He acknowledged that state powers were not absolute.

The three personalities called upon church members and ministers to take active participation in determining the quality of life of the people and how people were being treated by the state.

2.4.1. Church and Civil Society versus the Government

In the last quarter of the 1980s, reconstruction of the Kenyan civil society is believed to have commenced. Different groups and religious institutions played different roles. Labour movements were seen to be working in cohort with State forces to suppress interventions by the people, which had started mounting in the socio-political arena. Religious groups were mainly in advocacy for change. However, their advocacy varied much according to different principles and initiative means deployed by the government in place. Three notable groups were in place in the formative stage.

Some institutions became “activists” hence declared to be functioning in an “oppositional” role. Others took a “loyalist” stance and simply allied with the State and finally, those who, by and large kept “aloof”. The “activists” found themselves both as supporting oppressed groups and questioning the role of the State. Their primary motivation was to enhance the socio-political dignity and decency in the face of a dwindling economy and political system.

The politically motivated ethnic clashes took toll as the civil society and other stakeholders called for change in governance. Some politicians called for meetings and precisely, a few leaders from the Rift Valley region heightened their call to root out any non-Kalenjin and Maasai from the region. The strong warnings were made to those opposition leaders to desist from stepping into the region. The meetings called for unity of the Kalenjin area to safeguard their interest. The interest was not for all but for the few who wished to score political points. Pressure and tension were mounting and outright hatred was shown.

Neighbours who had lived in harmony for as long as their ancestry could recall suddenly developed distaste for their brothers and sisters from outside the region. Property was looted and others burnt down to ashes. Animosity grew and political opponents became the norm. men and women and children were forced to flee from their homes in search for secure places and mainly to the churches. The police could not provide security, as sources had implicated them in the mayhem.

It was very disturbing to see that no one dared to find refuge in any of the police posts yet they were better placed to offer security to the people. Traditional bows and arrows were available for warring ethnic groups to carry out their operations. In some incidences, sophisticated guns were found to be in the hands of non-security personnel.

Geographically, these clashes took place “along the boundaries of Nandi and Kisumu, Kericho and Kisumu, Kericho and Narok, Trans-Nzoia and Bungoma and in Londiani and Molo areas.”³⁰ This indicates that the target or victims at whom clashes were directed were ethnic groups of “Agikuyu, Luo, Abaluyia, Abagusii, and Ateso who

³⁰ S N Waruhiu. Op. Cit. 128.

were not only suspected and presumed to be supporters of the multi-party crusade but also to whom main proponents of multi-partism belong³¹ Provincial personnel and security forces were partisan to this development as indicated in their minimal efforts to curb this escalation of clashes.

The aloofness of the sitting government in curbing the clashes was out-rightly condemned by pressure groups. The government took offence of the outright condemnation and put behind bars those who were viewed to be a security risk. Others were charged with treason offences yet they were merely civil cases.

The government turned deaf ears to all calls to political change. Some international demands were reinforced to compel the government to comply. The government branded the activists as prime enemies of the country. They were accused of wanting to cause bloodshed and run for safety elsewhere. The government caused fear in many. Security personnel were deployed all over to eaves-drop and report any dissenting voices.

Kenya was slowly becoming a police state. However, these were just but means of keeping power in the hands of those who risked losing in a democratic platform. The church watched keenly and a number of voices were thwarted such as those of the late bishop Alexander Muge, cleric of Eldoret, Rev. Timothy Njoya and Catholic bishops. The latter used their Pastoral letters to address the issues.

³¹ Ibid. 30.

2.5. The Distinctive Roles of State and Church

The church is not called to be indifferent and inactive. She is called to be in “active solidarity with the poor and the oppressed.”³² This call does not mean that the church should sideline the rich and condemn them to damnation. A call for church to be aware that power has always the tendency to create class and association groups.

It is clear that the Church should strive to find solutions together with the government. The church and state should work hand in hand to implement agenda for development for the good of its people. Power should be used to bring together resources and distribute them to the people equitably. The government showed laxity in many things and this is why many programmes had been shelved. The conscience of the people should be reminding the government of its obligation to the people of Kenya and humanity in general.

³² Ibid. 46.

CHAPTER THREE

CHURCH'S TEACHING ON HUMANITY (VAT. II)

3.0 Introduction

The Church should play a major role in educating its members in understanding their God given rights to live and share the natural resources of the World equitably. She addresses different issues ranging from life to freedom and respect for each other as fundamental. The church had a long history to learn from especially when it comes to relationship with the civil governments and hence puts in place the guiding principles to help both the church and state to operate symbiotically.

3.1. Church's Teachings on Humanity (Vatican II)

The Catholic church for example, addresses its teaching through the many documents and encyclicals on various aspects of life. It is in this light that the church has given its teaching on church - state relations. There are two documents of the second Vatican Council that have shaped the people's thinking on the church - state relations.

1. *Dignitatis Humanae* of 7th, December 1965, (D.H).
2. *Gaudium Et Spes* of 7th, December 1965 (G.S)

The two documents stressed the following:

- a. The church is there to defend and promote the dignity of the human person, in relation to the political order. It made it clear that the human person both as an individual and in the community has an inner dignity no political authority can take away from him or her.
- b. Every person has a right to religious freedom. No one should be forced to practice or do something contrary to one's choice. A human person cannot be prevented from exercising his or her religious right, as long as that right, does not cause public disorder or interfere with the common good.
- c. The state has a right to exist but this must be within the constitution. It ought to be founded by law and consequently limited by it.
- d. The state has the responsibility to defend both the individual and the society. The protection of its citizens is its primary task. Public order should not be an excuse for the state to have personal gains. Public order should exist in order to serve the common good.
- e. The church must ideally be free from the state. This has a direct bearing on today's question of the Kenyan political transition. It is noted that the church that depends on the state cannot properly execute its ministry. A need for the church to exist and operate independently is no doubt a pre-requisite demand to the church's effective ministry.

It only meets the State when both are serving the citizens at the ground level

- f The principles of relationship of church and state developed by Vatican II are capable of general application in various regions and parts of the world. Therefore, it was noted that “we need to find out how these principles are applicable in our Kenyan situation.”³³

3.2. John Paul II and Other Popes.

John Paul II bases his teachings on Vatican Council II and to his local circumstances in his home country Poland. His 1999 teaching in “*Centesimus Annus*” puts religious liberty at the very centre of the question of the church -state relationship. He repeats the importance of respecting human persons, for they are created in the image of God and charged with God’s life. This encyclical referred back to Pope Leo XIII’s Letter on the Church’s social teaching on “New Things” The encyclical calls for a revolution that offers the hope of a new, alternative world in which God’s gifts are shared in a just way and where all human rights are respected. It had to address the “new” order of things where labour was bought and sold. This could be easily exploited and abused by stakeholders. Class society was emerging. Animosity grew as a result of the capital and labour tensions. The church took the challenge to address this situation amidst many arguing that the church should concentrate on heavenly salvation.

Prior to John Paul II, Pope Leo XIII also underlined the need to form associations and trade unions, have the working hours stipulated and adhered to, besides getting a

³³ Arch-Bishop Ndingi, Mwana a’Nzeki, Op. Cit. 2001.

just wage. Addressing the issue of a just wage, the Pope called on employers to consider giving a wage that is “sufficient to support oneself, a wife and children”.³⁴ The church having to serve both the poor and the rich need to be aware of the dangers of government back-tracking on its pledges as has been the occurrence in Kenya and some other places. Kenya must resist “neo-colonialism” which actually means that some countries that gained independence have remained in the hands of foreign companies and controlled by foreign powers.

The church showed commitment in defending and promoting human rights in Kenya. Heroic witnesses to this were such brave men and women as the late bishop Alexander Muge of the Anglican church of Kenya, Reverend Timothy Njoya of the Presbyterian church of East Africa, the late bishop Henry Okullu of the Church of the Province of Kenya, the Catholic bishops of Kenya through their pastoral letters to the nation and to the president and also the likes of Professor Wangari Maathai of the green belt movement in Kenya who played a big role in conscientizing the people in knowing their rights. To all clergy who suffered in one way or another championing for the restoration of conscience to the country and rule of law, the struggle for a free society should still be their priority.

The church and state must be aware of the consumerism urge in the Kenyan society “The new material, physical, and instinctive needs should remain subordinate to humanity’s interior and spiritual needs”³⁵ The church in conjunction with the experts in food nutrition and human rights activism should voice out the market stretch where humankind is not considered vital but the products launched in the

³⁴ Joseph G. Donders (Editor). *Encyclicals in Every Day Language*. (New York: Maryknoll, Orbis Books, 1991). 175.

³⁵ *Ibid.* 189.

markets which gears towards profit-making. Through the use of mass media, the public must be educated in the consumerism ideologies that may be in line with profit margins rather than human satisfaction. consumerism endangering the ecological stability is and must be a concern of all the church and state. All who share in its beauty must guard the resources of the earth.

The church as a community of believers is endowed with the primary task of keeping the environment clean and ensuring good symbiotic existence. This is why the church in Kenya and elsewhere is not only a distant spectator but also a leading proponent of justice and reconstruction in the dilapidated structures in the Kenyan system. The first and fundamental structure for a "human ecology" is a family, founded on marriage, in which is the mutual gift of self. The church's teachings looks at development of humanity. "Development must be understood as something fully human, not as something merely material; its real aim is the enhancement of everyone's capacity to respond to God's call."³⁶

When this call is realized, the human life finds a dwelling place. The community that shares its resources equitably remains a unified and a working-together community. The menace of grabbing public utility resources that has been a common practice here in Kenya for the last two to three decades will be obsolete. Proper mechanisms should be put in place to facilitate these ideals to fruition.

³⁶ John Paul II Encyclical. Centesimus Annus. 185.

3.3. The Unemployment in Kenya

The church addresses the unemployment and work ethics in its pastoral and social teachings. The Kenyan church has the moral obligation to address this issue especially that even the big financiers are known to come with the conditions on financial assistance to third world countries such as Kenya and many other African nations. The church's teaching on work is that "through work, a human being makes part of the earth his or her own, which is the origin of the individual property."³⁷ Human beings need to work as part of God's gift. Idle minds are destructive. A society that does not create work environment for its people renders its people less productive and prone to all sorts of crimes. The more the citizens who work, the better for the government and the church. The security of Kenyans and those who reside in Kenya depends largely on the percentage at work.

The society should be conscientized on the change from land to work phenomena. Land that was primarily the natural fruitfulness of the earth giving livelihood and wealth changed to work. Those who work in the society in offices are now considered more important than farmers. The state has the responsibility in facilitating improvement in labour relations between industrialists and Kenyan work force.

However, it is difficult to implement governance over labour laws when it is the same government that still exploits its workers by still using the old labour laws of the colonial system. Review of laws must be a priority. A need to improve the remunerations of all civil servants will be a step in the right direction to ensuring better life-style for its members and better purchasing power for the workers. The

³⁷ Ibid. 186

church too will be expected to implement better service packages for its work-force members. A new paradigm today gears towards the technological advancement, which, both the state and the church should arise to this fact where efficiency and high productivity by use of better mechanization is encouraged but not to the disadvantage of the workers. The danger may only be the call for redundancy of employees in the work places to pave way for efficiency by machines. The church must advocate for a better way and more humanistic approach. Retrenchment, which is a common term today, if well understood, should imply; getting rightful skills to their best-suited places than making them redundant and useless. Giving people work that suits their skills makes work easier and cost effective. People with particular skills should be employed in their respective areas of specialization.

A country that practices nepotism, tribalism, will find having wrong choices at given areas of specialization. People are not employed for what they trained for but on what connections they have with the administrative personnel. Efficiency and effectiveness is compromised.

3.3.1. State and Culture

Pope Leo XIII's contribution on the power balance depicts three powers: the Legislative, Executive, and Judicial. The three arms should "keep each other in balance."³⁸ The law becomes sovereign rather than the individual. As the Church firmly stood against the principles of Marxism and Leninism that held opinions that "some people have more knowledge than others and that they should rule others in

³⁸ Ibid. 44.

absolute way”³⁹ All people are equal in the eyes of God. Therefore, the church in Kenya should conscientize Kenyans against absolute power and the need for having check and balance modes in place. It is not in the interest of the Church to encourage narrow ruling groups but to encourage the values of democracy. The church in Kenya should be seen towing this line of democratisation process by being available to share these principles in the Centesimus Annus with their counterparts in government.

“Real democracy requires a State, ruled by law, education and formation, participation and shared responsibility.”⁴⁰ All leaders are obliged to nurture this rule of law. It is worthy to note that the rule of law had slipped out of the past Kenyan regime, hence a few were rewarded for loyalty rather than efficiency and hard work. The current president seems to have a daunting task of realizing a working nation. This could revitalize the spirit of reward by hard work for all. The government may start by the retrenchment policy where people are taken to their areas of skills and know-how. Policies were passed on the floor of the Parliament but never implemented. The government gave a deaf ear to critical minds and sought opinions from those who towed its line. This was not in favour of development.

The “politically-correct” people had a bigger stake in running the state affair than a collective responsibility. These were made in their own interests. It is important that when democratic ideals are acknowledged and respected, human rights are also adhered to. These human rights are; “Right to life, to develop from the moment of conception, to live in a united family, to education, to work, to support oneself and one’s dependents, to establish a family freely, to rear children, to live in the truth of

³⁹ Ibid. 44

⁴⁰ Ibid. 46

one's faith."⁴¹ Any legislation into law against any ideal contravenes the fundamentals of humanity

A concerted effort by the state and the Church in combating poverty among its members is a call for all. The government has shown signs of compromising in fighting poverty in the past. It should be put to task to do all within its disposal to rebut this trend of poverty. Poverty robs off the dignity of human beings. It is likely evident that dictatorial regime would easily create a "class" of the poor and the rich. It is easier to manipulate the poor in their state for political gains.

Voters have either been denied to vote by intimidation, by handout to influence their votes, by buying or destroying their votes or voting cards. Sometimes the winner of elections has made it to power with a very thin majority win and in some instances with a low turnout of registered voters as a result of the above reasons. The Church needs to support the electorates to make better discernment of their voting rights.

3.1. 2. Kenyan Bishops' Pastoral Letters

The bishops of Kenya and Kenyans of goodwill continued to call upon the government to arrest the situation before getting out of hand. They revisited their previous calls, and this time calling upon the faithful in Kenya to be in the forefront in bringing peace and love to the country

Just before the pastoral letter to the faithful, they had collectively addressed their concerns to the then president of Kenya (Retired President Daniel Arap Moi) on a personal call to him to try and rebut the situation (30th, October 1993).

In the Pastoral Letter of 12th November 1993, the bishops outlined the following.

⁴¹ Ibid. 49.

- The inability of the government to stop violence.
- The death threats and sinister shadowing by the authority
- There was too much violence, hatred and greed among the people. This was not only among the government leaders but also from other quarters ethnically.
- The bishops also called upon the people to “recognize sins, misguided policies and wrongs before God, as in the case of Nineveh in the Bible”.⁴²

The bishops called upon the people of goodwill to prayer and collective return to God. As spiritual leaders, they conscientized the public in coming together to seek divine intervention. They hence proposed a special programme for a week of prayer and repentance. In bishops' God-given mission to preach, sanctify and lead, they resolved to unite themselves with all those who were homeless, hungry, in prison, destitute, deprived of human rights and so many who suffer and have no voice to speak loud. They were equivocal that, “We cannot rest until all our brothers and sisters in Kenya are helped to enjoy their God given rights, to live in peace and security.”⁴³ This union is for all Kenyans regardless of race, colour, language, religion or tribe.

The bishops noted with concern the breakdown in security in numerous parts the country as a result of the neglect of the government security to contain the acts of barbarisms. Young people were being armed by evil minded people who would provide transport to carry out the social evil acts such as looting, burning, maiming,

⁴² Rodrigo Mejia. *Op. Cit.* 179.

⁴³ *Ibid.* 183

killing and terrorizing unarmed women and children and even old people. They seemed to have patronage from those in charge of protecting the people. The bishops called for the government to arrest those who were responsible for violence but this fell into deaf ears.

The bishops' pastoral letters served to a greater extent, together with those of their brothers of the sister churches to remind the government that all was not well. The civil unrest also depicted the growing dissatisfaction among the people of Kenya. Initiatives by both religious and civil society were an opening to a reality that was already in the country. Other political leaders came in support of the religious call and they too permeated efforts in developing a spirit of working for a better Kenya, a prosperous nation and more to it the call for democratisation process. The Church, therefore, should endeavour to remain to be the "conscience of the society" for it should not to be associated with or remain partisan to any particular interested party. Its interest must be for the good of all the people.

The Church has also called upon the lay faithful in its encyclical letter "*Christifideles Laici*", Christ's lay faithful to fully participate in public life because "public life is for everybody."⁴⁴ This call is for each one to take an active role in shaping the destiny of the individual and of all who live in the society. The Kingdom of God is to be lived right from here on earth hence efforts by all to make this Kingdom realised here and now is very important. "It is a mistake to think that because we have here no lasting city, but seek the city which is to come, we are entitled to shirk our earthly responsibilities."⁴⁵

⁴⁴ Ibid. 130

⁴⁵ Ibid. 130.

The people will enjoy their freedom when all are conscious of all their rights and respect each other. Christians and non-Christians will live in harmony and engage in fruitful dialogue in perfecting their lives here on earth in anticipation to the life thereafter.

3.3.3. Human Rights Activism

It is equally important for Christians and non-Christians to know their human rights. This has been to a larger extent the problem facing Kenya and most African countries thus allowing dictatorship regimes go unchecked. On a wider picture, even in some elected governments, a lot did happen contrary to the expectations of the electorate. However, the church and its bishops saw the need to enlighten the people of their rights in respect to human dignity.

Through the social teachings of the church, the bishops hope to educate, train and pass on the basic knowledge to the people of their need to be respected by the government. The human beings comprises of life, the body, the spirit, the soul and mind in the context that is political, social, as well as economic. These must be taken into account. They may never be achieved at ago, room must be created for them to be achieved.

Freedom from torture and other inhuman treatment is a general trend that was particularly practiced in Kenya to silence the people's conscience. Many people have suffered for uncalled for reasons as the government went out of its conscience and tortured its own people for speaking against its inhuman way of dealing with people and issues. "A person should not be subjected to cruel, inhuman, degrading treatment,

or punishment: such a treatment does not accord with the dignity of the human person.”⁴⁶ The state-church co-operation in matters of human rights address is symbiotic in relation demanded from the government to educate its vast population of all races, creed and cultures. Among other areas of concern is the moral need to address rights of children and young, the old and more so, those with disabilities.

Today, more attention surrounds the principle of gender equity and affirmative action. The country at-large expects this mentioned groups to be considered at this important time in Kenya’s Constitutional Review Process that enters its third session called “Bomas III”. Human Rights has one fundamental key to success. This is the rule of law. This rule of law ensures that all citizens have equitable distribution of national resources and powers. Therefore, it can be done by having a clear legal framework of handling disputes. The three arms of the government, namely, the executive, the legislative and the judiciary must have shared powers and respect for the institutions.

3.3.4. Civic Education

Both the state and the church have a responsibility of educating their citizens with matters of politics, elections and power. Politics being the art of “governing the society”⁴⁷ in relation to how the governors and the people, co-exist with human rights adherence at the centre of their governance. Elections on the other hand is a “method

⁴⁶ Stanslaus, Muyebe and Alex Muyebe. Op. Cit. 42.

⁴⁷ *Education for Marginalised Communities (CEMARC), Constitution and Reform Education Consortium (CRF-CO), Ecumenical Civic Education Programme (ECEP), and Gender Consortium. Making Informed Choices. A Hand Book in Civic Education” (Nairobi: 2001). . 79.*

by which members of a group choose people to represent them".⁴⁸ Kenyans have had elections since independence. It is nevertheless noted that a more consolidated means of elections started being witnessed in the 1992, General Elections. The genesis of an informed election exercise was as a result of the clamour for a more free and democratic elections in Kenya. Lives were sacrificed and property alike.

Churches made frantic attempts to bring awareness to the electorate. Some non-governmental organizations and diplomatic missions braved to dare the government of the day to create similar awareness. The latter two risked being whisked out of the country. However, relentless efforts were made and risks were taken. Churches had to speak on the vice of voting patterns. The popularly manipulated voting system being the '*mlolongo*' system, a Swahili word for queuing system in voting. The government of the time wanted to convince the entire country and the world that this was more democratic than what was being cultivated by the West democracies. It is determined that this system created animosity and was openly abused by the government machinery.

For elections to be democratic, a voter should be free to exercise his or her power and has the ultimate right to cast his or her vote to a person of his or her own choice. All vying for the elective seats should be accorded equal opportunity to sell their development agenda and those of the parties they wish to be sponsored from. Therefore, any form of governance to democratic process needs to put laws at its main pipeline of operation. Both the state and the church must acknowledge citizen's power in the voting ballot. However, it can only be effective when informed choices are made freely and fairly.

⁴⁸ Ibid. 79

This chapter has viewed human rights activism in a pluralistic political scenario that is very fundamental in its institutionalisation of democratic process. There is a need for the government to address the abuses. The church also stands to advocate for a nation with respect for all humanity. The civil society also has to make frantic efforts in advocacy of a society that has total commitment by the government of the day, to govern with respect to human dignity. All need to be involved in pursuing a better course for democratic governance. In the next chapter, we shall try to present and provide some analysis to the Kenyan political situation.

CHAPTER FOUR

PERSONAL ANALYSIS OF THE CURRENT SITUATION IN KENYA.

4.0. Introduction

This chapter tries to suggest a symbiotic relationship between the state, the church, and the people being governed. The chapter sums up by looking at the challenges, prospects, and the possible way- forward in bringing sanity in the democratisation process in Kenya.

4.1. Challenges.

The road to good governance is a sacrifice to be made by all stake holders. The mandate given to leaders is from the people and must be known so by all who seek to lead. This will curb the individual interests that crop up immediately upon being sworn into office. People should be made to know their rights and duties to be able to fight for their rights. It is improper for politicians to propagate sentiments such as “let politics to politicians and religious to mind only spiritual matters”.

The Roman Catholic Canon 795, advocates for an education to its members and non-mmmbers alike. Canon 795. has that,

Education must pay regard to the formation of the whole person, so that all may attain their eternal destiny and at the same time promote the common good of the society. Children and young persons are, therefore, to be cared for in such away that their

physical, moral and intellectual talents may develop harmoniously, so that they may attain a greater sense of responsibility and the right use of freedom and be formed to take an active part in social life.⁴⁴

However, the catholic church do emphasise on its followers getting the education in catholic schools and if this is not possible, then, catholic education be given outside school.

The Christian principles on education should be accommodative. However, it ought to be qualitative in addressing issues from all schools of thought. Education is hence a component ensuring that citizens are enlightened and are capable of making informed choices. The likelihood of poor delivery of services by governments especially in Kenya and other countries is due to lack of informed choices on one's rights.

The past history of Kenya is not well founded because education was not fully developed to equip the people with the knowledge of knowing their rights and duties. The research has looked at the development at the dawn of multi-party democracy until the current stalemate of the Constitutional Review Process as at the end of 2003

4.2. Analysis of Kenya's Events from a Single Party to Multi-Party State.

Samwel Rambaya's article in the *East African Standard* (January 12th, 2004), analyses events that happened in Kenya since the clamour for change to a new democratic room. He reviews the contribution made by both opposition parties, church leaders under the umbrella of the "Ufungamano" Initiative, civil societies, and

⁴⁴ Code of Canon Law No. 795.

the personal contributions of various people of all cadres. He brings to the picture the 14 years- old- struggle of a new political dispensation to the Kenyan society.

4.3. Events

1990-91 “Buoyed by the fall of communism and a wind of change that was sweeping across the world, Kenyans began to agitate for a new constitution”.⁵⁰ It must be understood that the society had been run down through a systematic erosion of values. Checks and balances had no room and all directives came from the highest office in the land. This totally swept away the principle of subsidiarity.

Even the most learned persons in the land reserved their ‘intelligentia’ for fear of victimization. Under mysterious circumstances, both the elites and protagonists found themselves in torture chambers. Others were left incapacitated never to be productive again in the future. An example is the journalist who has been on hunger strike next to the Attorney General chamber’s offices towards the end of December, 2003. Other attempts were thwarted by an equal or double force used against people who sought for change. “Under the banner of Forum For Restoration of Democracy (FORD), reformists hit the Kenyan political landscape like a tidal wave and shook KANU (Kenya African National Union) to its foundation.”⁵¹

A new realization was dawning and many Kenyans disgusted by poor governance braved the wrath of brutality from the government machinery “Kamukunji” grounds

⁵⁰ The East African Standard News Paper (Nairobi, 12th January, 2004), 3.

⁵¹ Ibid. 3.

in the Eastlands of Nairobi became famous as a battle ground for a new era of change in Kenya. The reforms shifted from the streets to Parliament.

1992-96: It is recorded that reformists sought for change but later lost their bearings. This is a common feature in all struggles in the world. Some leaders are compromised, others may opt to play it gentle, others may be phased out due to pressure from above. All the same, a “wind of change” had already put the government on high alert.

1997 Opposition parties faced obstacles as far as constitutional reforms were never allowed to take root. The elections had less success to these effect. The government bowed to pressure from within and without and appointed a Commission to collate views from a cross the spectrum of the society on the need for constitutional reforms. This was under the Act of the Constitution of Kenya Review Commission. Mainstream church organizations mediated in the acrimony between pro- reform forces and the government, leading to the emergence of the Inter-Parties Parliamentary Group (IPPG). Some minimal constitutional reforms were realised as a result.

1998: Another political shift was met with scepticism when pro-reform party (National Development Party) joined the ruling Party (KANU). The relation was believed to be on a hide and seek game tactic.

1999: A more vibrant political scene was visualised then. Two parallel review processes, one led by the religious group (Ufungamano Initiative) and another by Parliament and the Constitution of Kenya Review Commission (CKRC). The then Head of State opted to hire experts to review this process, a move that was met with

sharp reactions. Stalemates in the process ranged from unequal representation of nominees to sit in the commission to personalization of the process by some stakeholders.

2000: Incidences such as the undisputed KANU hawk (Shariff Nassir) warned that “blood will flow” if the religious led group attempted to collate views from Kenyans on the contentious debate of constitutional reforms. This was dangerous ground but it did not deter the “Ufungamano Group” from speaking on behalf of Kenyans’ conscience.

2001: Appointment of Professor Yash Pal Ghai gave Kenyans a dim light and hope of coming close to realizing the quest for a new constitutional package. He took the oath of office upon making his views known to the public. Parallel reform organs were unified for a common front in achieving this dream.

2002: A dim light appeared at the end of the tunnel when CKRC released a rough draft of the constitution. This was the summary of the collated views from Kenyans of all walks of life. A grave blow hit the “Bomas” (Venue for the Review Process) conference when the president of the day termed the process illegal thus throwing the whole exercise into disarray. The statement was unpalatable to most Kenyans and confusion reigned in the much doubted exercise.

2003: After the elections of December 2002, Kenyans had ushered in a new government, new hopes, aspirations renewed, a new beginning but most important of all was to see a dream of having a new Constitution in place as this was a priority for the new government elect. It is clear that people expected new blood injected into the new government but it was impossible as the same old guards had jumped into the

winning wagon before hand and became part of the struggle for change. People only wished to have a new beginning in running the State affairs. A dream for a new political paradigm became the primary agenda. Voters managed to throw out most of the former regime officials.

2004: A sense of relief was evident. The question now was to see the pledges made to the public fulfilled. Voters had done it through the ballot box. The challenge was squarely in the court of the incumbent government to deliver services and restructure the “rotten” public institutions to a working nation. The people should be rewarded for what they produce and not who they know and how.

Samwel Rambaya ends with a call to Kenyans to be aware of the vested interest groups who have since 2002 General Elections engaged in hide and seek game. Those who shouted loudest in the run to elections for the “second liberation” advocating for a more democratic space are the very ones who now wish to shut out some key reformists in the new government, and in the new constitutional process.

4.4. Prospects

The research findings reflect the general feeling and consensus building on a better Kenya, a land where people expect their human rights to be respected and more freedom of opinion adhered to. The restructuring and overhaul mechanization of social –political and economic policies is the priority. Fear of God being up-held at the centre of it all. Kenyans are called upon to play a decisive role in shaping the destiny of this country. Heroes must be the voices of the people and sacrifices be the

esteemed value. A strong sentiment from the whole spectrum of Kenyans want to see institutions being restructured and revitalised.

The country should be governed by institutions rather than the president. The president should have a free hand in decision making in these institutions. "Power corrupts but absolute power corrupts absolutely". Decentralization of power is therefore a matter of grave concern for majority of Kenyans. Good people have ended up becoming dictators as they slowly swum into the corridors of power. Institutions be governed by laws and those heading them should be made responsible for the daily running of the institutions. The judiciary should be the custodian of democracy. It should be independent from the heavy handedness of the executive arm and likewise to the legislature. A stable nation should have a security of tenure of office for the judiciary and other professions to avoid a situation where the executive hires and fires them at will. They should be ousted by setting up a tribunal to investigate into their conduct and if found guilty, then the law should take its course.

Both state and church should educate it's people on the power --sharing strategies to ease the tensions of over concentration of power under one arm of the government. If democracy bases its concepts in involving the people in decision making, then civic education is necessary. People should be informed of their roles and duties. Institutions where people can take part in public affairs should be put in place. Devolution of power which is the "transfer of political duties, power and autonomy from the central government to semi-autonomous lower units or institutions

such as the local Authorities.”⁵² It strengthens the capacity of the government in delivery of services and goods.

The church and state in their endeavours to address their people’s problems should also consider the important role of the civil society in educating the public on socio- economic and political issues. The activities of the civil society are “important avenue for promoting the participation of citizens in democratic governance.”⁵³ The civil society should be free to implement its agenda through education or social development in a non-partisan way. Previously, the government tried to hamper other people and groups’ efforts in disseminating knowledge to the communities.

Mistrust between the government of the day and civil society promoters came to limelight often and this was unhealthy for any constructive development. The civil society back- tracked in their zeal and efforts in education. Some organizations took advantage of the situation and only enriched themselves by the funds for development. Equally important, is the need for corporate efforts in furthering empowerment agenda to the people of Kenya. The state has a moral duty to advance this noble course. Empowerment is a pre-requisite element for good governance. It re-distributes power to the people and transform institutions for the good of the people. People are expected to take control of their own affairs when they are empowered.

⁵² Education for Marginalised Communities (CEDMAC), Constitution and Reform Education (CRE-CO), Ecumenical Civic Education Programme (ECEP), and Gender Consortium. Op. Cit. 124.

⁵³ Ibid. 124.

4.5. Constitution and Constitutional Making

This exercise may occur once in a life time of a generation or more.

However, the government, the church, and the civil society are endowed with the task of educating the public on issues of constitutionalism. Today, Kenya is in history for constitutional review process. It is a moment to participate in this process that seeks to change the colonial laws, the excessive powers bestowed on one person, issues of governance, judicial matters and other issues for posterity of Kenya.

Informed choices is a priority in this process. Politicians are seen to have vested interests in Constitutional Review Process. They have taken advantage of Kenya's population that has been ignorant on issues of human rights and constitution. Kenyans had developed an attitude of "silence" hence decisions were squarely made by a small section of the population. Constitution does give a frame-work on how a government should govern the country.

Participatory role of all persons should be encouraged. The state and the church are better placed to educate their people to know their constitutional rights and duties. Constitution should be home-grown to reflect the ideas and aspirations of the society to be governed by the same constitution

4.6. Way Forward

Chapter four viewed the ways that lead to lack of stability, corruption, improper ways of growing rich, dehumanisation and the essentials of human rights. It is to be

noted that the government of Kenya is putting down strategies of bringing back confidence to the population of Kenya and to the global community.

Churches in Kenya have the moral duty to assist the government of the day in development atmosphere thus promoting human dignity. They should not only concentrate on the ills of the government but have a constructive way of addressing the issues. The Church should not act as though it is a “government in waiting” but rather a check and balance to power abuse and other social ills.

Politicians and church leaders should be comrades and have a work-ethics. They should not be rivals over power but compliment each other. They have distinct areas of operation but all meet at the grassroots when serving the common good. Church leaders must be prudent in their deliberations and never be viewed as partisan to any faction. The role of shaping Kenya is for all and no one should make a divide as to who does what.

Consensus building should be done by all and emancipating people from their problems should be a duty of all leaders whether politicians or religious. The church should not be viewed as relenting on the fight for justice and peace. Good governance is a pre-requisite condition for good socio-economic and religious balance and a better search for the kingdom of God here on earth.

General Conclusion

The two primary players in serving the people of God, namely the church and the state have to learn to accommodate each other rather than fear to work for the well being of

the nation. The current President, His Excellency, Hon. Mwai Kibaki of the republic of Kenya made it clear to churches to be in the forefront in fighting for justice and peace. The current government and the church co-operated in awareness campaigns throughout the electioneering period but this should not be made to compromise their fight for justice for all. The fear has been that the church worked so closely with the opposition for a better change in governance hence the need to be careful in drawing the line of partnership. Church leaders have been quoted siding with the government in the recent past even when they needed to show their strong stand in the issues at stake.

Kenyans asked for good governance and the church, the government and the civil society have the responsibility of providing this directions. The government must put institutions in place for effective governance. Democracies are nurtured in environment where institutions are operational.

Kenyans must change their attitude in the first place to be able to embrace and evolve with the changes that have come with multi-partism.

The church and state have a bigger role and should up-hold these principles discussed in this work and in many other development. Laws evolve as societies change. The Kenya society must remain dynamic and focused on both good laws and good governance. The church on her part must constantly remain vigilant and aware that she is the conscience of the society. She must provide leadership, guidance and good example. For now, we must remain content that the churches in Kenya have done their best. But Kenya is not perfect yet. A lot of work remains to be done

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