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Political Parties as Instruments of Oligarchy in Transition to Democracy: An Assessment of the Organizational Behavior of Political Parties in Kenya

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Abstract:

The reforms of the 1990s literally brought to life hundreds of new political parties in Kenya. Regardless of the proliferation of parties in Kenya, there are no scholars that have examined the conduct of these parties through specific models of democracy originally elaborated for Western political parties. This study has analyzed the ideological orientation of major political parties in Kenya (KANU, ODM, TNA, FORD-Kenya) in light of their organizational behavior. An assessment of adherence of political parties to institutional arrangements which includes-candidate selection procedures, coalition arrangements, external regulation of political parties based on public opinions. The study concludes that, whereas these parties claim to be advocates of deliberative, participatory and competitive democracies, in actual practice, they appear to be more inclined to oligarchical practices. These parties tend to be amongst the least trusted institutions in Kenya, often plagued by internal conflicts and suspected to be guided more by the pursuit of power than ideology or principle. It also observes that the performance of these political parties continues to manifest a huge gap between their constitutional prescriptions and actual implementation thus calling for constitutional regulation of their conduct.

Keywords: *Transition to democracy, institutional arrangements, oligarchy, deliberative democracy, participatory democracy, organizational behavior*

1. Introduction

The desirability of intra-party democracy in Kenya has received mixed opinions with most critics arguing that in terms of organizational behavior most of them tend to follow the principles of the Iron Law of Oligarchy. This political theory was developed by the German sociologist Robert Michels in his book, *Political Parties* (1962). Oligarchy is derived from the Greek words for "few" - (oligos) and "rule"- (orkhe) both describing a form of government in which power rests with a small elite often distinguished by royalty, wealth, family ties, military might, or religious hegemony. Western democracies like the Communist Party in USSR this form of party democracy has been celebrated as democratic centralism which Aristotle in his political philosophy equated to rule by the rich.

Robert Michels used this theory to explain processes of transformation in political movements drawing his knowledge from his own disillusioning experiences as a member and supporter of a social liberal political party in early 20th Century Germany. He argued that even the most democratically-committed organizations are inevitably impelled to become divided into a set of elites, or oligarchs, with their own set of distinctive interests in the organization, and the rest of the membership, whose labor and resources are exploited by the elites (Michels's 1968).

Even though such experiences were drawn from his experiences in European democracies, similar experiences have manifested in Kenya. Developments that have precipitated the drift to such an oligarchical system in political parties in Kenya have ironically been identified first with recruitment of new members to the parties' cause but as these parties grow, the ability of members to participate equally in organizational decisions becomes progressively more difficult (Wanjohi, 2005). Consequently, in most parties it has been difficult to find a place and time for all members to assemble, thus decision-making in most cases have been significantly slowed frequently as the number of decision-makers' increases. Such challenges have been enhanced by coalition arrangements, mergers and defections of prominent leaders from declining/unpopular parties into emerging stronger parties in every transitional period (Oloo, 2007).

Almost all political parties in Kenya have historically gone through this transformation as can be explained with aspects and patterns of their formation and organization. In regard to their formation, it is evident that almost all parties in Kenya have been formed by a group of individuals' allegedly on behalf of the people for purposes of advancing or challenging certain democratic expectations. Part of these expectations have been informed by either the need to reform poor socio-economic and political conditions instituted by the previous establishments or the need to shift bases of political power through the creation of new political arrangements to access power (Maiyo, 2008).

However, the emergence of new political parties or coalitions in every transitional period have not necessarily produced stable and cohesive political institutions. Opposition movement formed in 1991 (FORD), New KANU which represented a merger between National Democratic Party (NDP) and KANU, Orange Democratic Movement (ODM), National Rainbow Coalition (NARC)-Kenya, Party of National Unity (PNU), JUBILEE Coalition and Coalition of Reform for Democracy (CORD) are examples of fragile coalitions that have been challenged internally by latent obedience to oligarchy (Wanyande, 2003). Over time, as the theory suggests, such political arrangements have usually transformed into non-democratic and autocratic institutions with power and responsibility delegated to a relatively small subset of members who end up in dominating the processes of formulating and recommending political lines of action. Thus, the organization of political parties in Kenya could be associated to oligarchical principles. Oligarchy appears to a possible major principle informing the origin and organization of political parties in Kenya (Masime, 2008).

This could be supported by the fact that party founders in Kenya for instance, Raila Odinga (NDP, LDP, ODM), William Ruto (URP), Mwai Kibaki (DP), Simon Nyachae (FORD-People) among others have been drawn from and represent the top classes in Kenyan society. For a long time, such leaders have influenced the political dynamics in both political parties and government in different ways by strategically organizing themselves and consolidating their interests to secure power over every period of transition (Prasai, 2009). Furthermore, these leaders as opposed to party members have historically dominated the decision-making processes in all most all parties in Kenya due to their knowledge, control and proximity to the levers of power in almost every political party (Salih, 2007). In most cases, once such systems have been institutionalized, party members have always been left with no clear mechanisms to assert their authority in the party apart from demanding extensive explanations from leaders' proposals and maintaining ultimate voting rights on party policies in order to maintain democratic control over the party (Matlosa, 2005).

Moreover, once elected, party leaders have been able to acquire vested interests in maintaining their positions in the organization through the creation and control of full-time administrative positions. By taking control of these positions, political parties have eventually become a means through which incumbents have been able to make their livelihood. This has made it possible for party leaders to ultimately recognize only their common interests in maintaining their positions within the organization and develop a sense of solidarity with one another (Matlosa, 2005).

In the end, party leaders have been able to act cohesively in fending off criticisms and warding off displacement efforts by the membership. In cases where serious challenges in political parties have not been readily suppressed, party leaders have often resorted to cooptation of individual rank-and-file members in order to effectively control lower-level resistance. With such strategies, leaders of once-radical protest organizations have been able to guide or influence such parties towards an increasingly conservative direction (Biezen, 2004).

Even though oligarchy has been treated as a restrictive and dictatorial model of party management, its relevance has been linked to the fact that Kenya being a transitional democracy with young and unstable political systems, leaders have considered oligarchy as an appropriate model of democracy at the early stages of party development. This system is useful for sustaining and directing democratic progress during the pioneer stages. However, with the expansion and complexity of political parties in terms of size and functions, there has been need to create separate specialized positions and units to carry out different tasks in political parties. This has been coupled with the need to increase formal rules processes manage new demands (Murithi, 2007).

Such political dynamics have made it difficult to establish effective administration of political parties in Kenya. This could be augmented by the fact that oligarchical practices have been associated with administrative secrets which limit the ability of rank-and-file members to challenge leaders' recommendations or decisions, and to replace them; thus, power increasingly inheres in the leadership. Based on such considerations, most political parties in Kenya have not been open to condemn oligarchy (Chege, 2007).

The reason as to why most leaders have found it difficult to challenge oligarchy is because of the contention that, with unstable and hurriedly formed political parties, intra-party democracy would prove cumbersome and could lead to inefficient and constrained decision making processes thus frustrating the ultimate desire to attain stability in terms of organization structures and institutionalization (Wanyande, 2015). These views concur with arguments that have been advanced by Durveger, (1954:134) and Teorell (1999:364) who contend that 'in order to serve democratic ends, political parties themselves can be ruled by oligarchic principles'. There is therefore evidence to the fact that attempts to nurture intra-party democracy over the single and multi-party periods in Kenya, instead of flourishing have created discontinuity in the democratic life of political parties.

This could be attributed to the fact that political parties that settled on expanding their democratic space and increasing their political strength by accommodating activists and leaders from other parties, have often suffered internal schism and eventual fragmentation into new political competitive political outfits (Lipset, 2001). Examples of such parties in Kenya include KANU, FORD, PNU, TNA and ODM. Those in support of oligarchy have therefore argued that these parties have been victims of reliance on unchecked competitive, participatory and deliberative models of democracy. Oligarchy though restrictive would establish stable party policies and a historical political culture and ideology to guide democratic progress in these parties. Consequently, such parties, have continuously identified with the inability to effectively compete against opponents (Mimpen, 2009).

By accepting NDP in a merger in 1999, KANU began to face internal challenges of impeded decision making processes. Similar challenges have been noticed in other coalitions and alliances that were later established like NARC, PNU, CORD and Jubilee. These

arrangements have faced difficulties in choosing candidates for respective positions. But even in successful coalitions and alliances, the common feature has been that their management have been dominated by a small group of party elites which is a manifestation of oligarchy. Thus, what has prevailed in party politics in Kenya has simply been the transfer of key political decisions to a small group of activists at the expense of the broader party membership thereby perpetuating what Gauja (2006) and Michels (1962) have defined as minimalist dictatorship at the expense of majoritarian democracy.

Critics of intra-party democracy have therefore argued that even though it is a popular requirement for the overall growth and performance of democracy in Kenya, it has to some extent lessened cohesion in many parties and increased their risk of internal rebellion. The efficiency of most parties in Kenya have also been adversely affected because more energy and time has been spent on internal competition and conflict resolution as opposed to focusing on the core priorities of electoral and organizational success of political parties and coalitions (Gauja, 2006).

Proponents of Oligarchy also contend that KANU, regardless of its associated limitations, compared to most parties that were formed after 1992, for a long time was able to present a united front both to the electorate and to the opposing parties because of guided democracy and centralization of authority (Wright, 1971). The highly fractious and heterogeneous nature of the Kenyan society could have provided for such an approach in order to contain the divergent and competing ethnic interests over the transition period.

This was instrumental in as much as critics of KANU have continued to raise hypothesis that KANU system made competing political parties superfluous. These could however be linked to two assumptions. First is that, the introduction of multi-party system in Kenya was believed would dissolve all differences of ideology and interests, and automatically and spontaneously provide revolutionary solution to all the strategic and tactical problems of the government. This however did not materialize (Gauja, 2006). Secondly, the criticism of KANU could have been a pretext for giving to a small group of self-appointed "leaders" the opportunity to manipulate a rather broad and inarticulate mass since this mass is deprived of any possibility of systematically coming to grips with these strategic and tactical questions of the government (Wright, 1971).

KANU borrowed from the model of the Bolshevik's party and combined two concepts-democracy and centralism in a complimentary manner and ensured that its political principle of unitary governance was strictly defined and respected, but at the same time provided that both the membership and leadership of the party enjoyed the right to define the direction of party policy. Freedom of criticism and intellectual struggle was however a guided process of party democracy as was the case in most ancient conservative democracies in the West(Linz,2000).

In reality the history of KANU comes out as a history of the struggle of factions. KANU however could not progress without intellectual conflicts, groupings and temporary factional formations because it guided the liberation process containing efforts of divergent interests and groups including, fighters, insurgents and ethnic nationalists. The efforts of KANU over this period of time could therefore not be underestimated (Wanyande, 2015).

Against criticisms of oligarchical tendencies of KANU, the history of party politics in Kenya has however shown that there is no substantial difference between KANU and the opposition parties that have called themselves democratic or reform parties. This is because such parties have not only failed to initiate favorable ideological and developmental basis for the masses but have somehow frustrated the democratic process in Kenya by failing to establish policies that spring spontaneously from the interests of the masses (Okuku, 2002).

Furthermore, because of the glaring challenges in the performance of political parties in Kenya, one could argue that we are obviously no longer dealing with democratic parties but with apparatus that represent the special interests of a privileged layer of society with limited concerns to the independent activity of the masses. KANU under Kenyatta and Moi governments however used the argument of oligarchy at different times and in different ways in defense of autocratic single party rule. Oligarchy was also used to secure total proscription of political parties in the name of national cohesion, development and state building. The fact that KANU systematically degenerated into a party of bureaucracy also serves as a key argument against oligarchic model of democracy (Okuku, 2002).

2. The Applicability of Competitive and Deliberative Models of Party Democracy in Kenya

Most political parties in Kenya, advocate for adherence to competitive, participatory and deliberative models of democracy that have been proposed by scholars like Sartori 1987. In contesting the applicability of oligarchy such political practitioners and parties have argued that KANU through its restricted democracy inhibited the growth of intra-party democracy by failing to offer opportunity for competitive expression of alternative views and generation of fresh leadership.

Most of the opposition politicians claimed that a system of competitive political parties was quite necessary for effective interest aggregation which the oligarchical policies of KANU did not provide thereby failing to strengthen participatory democracy in the wider Kenyan society (Makinda,2003). Whereas opposition politicians expressed preference for these liberal elements of democracy, when multi-party politics expanded in Kenya, political party structures have continued to be dominated by elite who control and lead the party at the expense of the party membership. Through the perceived influence of political elites, political parties have actually instituted undemocratic and authoritarian systems (Manning,2005).

Even with the efforts to constitutionalize political parties and regulate their conduct through the Political Parties Act 2011, we can still observe that only the institutions of political parties may have changed while the political culture remains un-conformed since most political parties in Kenya still manifest highly centralized and non-inclusive decision making processes. Even the anticipated party cohesiveness in legislatures has been elusive as politicians within different political parties sometimes have become irresponsible to one another than they otherwise would be because of their shared electoral fate (Wanyande,2005).

It therefore appears that calls for these models of intra-party democracy to provide for increased deliberation, participation and

competition in the parties could have been simply informed by the desire to replace KANU with alternative political parties but not for constructive and long term gains for party democracy. The need to expand internal competition in political parties was only considered necessary in the context of KANU regime weaknesses without a focus on the future political dispensation (Oloo, 2007).

The opposition parties argued that principles of deliberation and participatory democracy were necessary because transition to democracy would not be realistic if citizen self-rule is not facilitated by broadening deliberation in determining public policy. However, the constitutional guarantee of all the freedoms necessary for open political competition, deliberation and participation in political parties were not considered necessary at this point in time (Joseph, 1997).

Citizen participation and civic responsibility in political party processes were major concerns but care was not taken to institutionalize them either in al constitution or party constitution (Biezen, 2004) thus principles of intra-party democracy have not been integrated in the patterns of party behavior and culture. The clamor for political reforms limited its focus on the patterns of relationship between the leaders and other competing members of the party and ignored the essential element of externally related aspects of party processes as determinants of party democracy because they have to do with the party's relationship with the society in which it is embedded, including other institutions" (Randall/Svå-sand 2002:12).

The desire of intra-party democracy to 'facilitate citizen self-rule as stated by (Joseph, 1997) has therefore continued to be elusive while the expectation of scholars like Mc Pherson (1977) and Teorell (1999) that political parties bridge the gap between citizens and government because a truly participatory and deliberative model of democracy is not feasible has not been easy to articulate with political parties in Kenya.

This is because political parties have failed to provide avenues for citizen's participation and exercise deliberative democracy to include all levels of party organization as party members have not been considered as equal and rational citizens (Elser, 1998). In most parties the processes of deliberation and participation have been selective while competition has been gagged by the interests of party leaders who through their enormous influence in the party have dictated selection of candidates for seats in parliamentary, civic as well as party leadership positions.

Even though Dryzek (2000) has argued that the main concern of intra-party democracy is deliberation as opposed to voting, political parties in Kenya have only stated this concern in their statutes without applying it in their operations because opinions that are relied on to guide the party have never been formed through collective deliberation while policies and programs of most parties in Kenya have not been developed and formulated through consensus. Critical questions have therefore continued to be asked in regard to the democratic performance of political parties in Kenya especially why open candidate selection methods have not been applied if political parties are truly committed to deliberative and participatory democracy as they propose in their constitutions. The extent to which the ideas of the electorate have been represented in party organization and the level of acceptance of fresh ideas have continued to be major concerns in party management (Teorell, 1999).

3. Internal Party Democracy and Candidate Selection Process

This study analyzed intra-party democracy and the applicability of principles of oligarchy in party organization through a survey to test on respect on different elements of intra-party democracy. This survey was conducted in eight constituencies in Kenya purposively selected as strongholds of four major parties-TNA, ODM, FORD-Kenya and KANU.

The survey tested on the credibility of nomination procedures for presidential and parliamentary candidates and respondents were asked to give their opinions on how their party nominates presidential and parliamentary candidates. This question was used to confirm or test knowledge of the existence of procedures regulating candidate selection in the four political parties and to ascertain the democratic and participatory nature of the nomination processes of presidential and parliamentary candidates in the four parties.

Knowledge of the possible consequences of a centralized candidate selection process in the various parties was also tested. The questions used to test these elements of intra-party democracy had single answers and not multiple responses and the results on these questions were established in tables 1, 2 and 3.

	Executive Nominate Presidential Candidate		Executive Nominate Parliamentary Candidate	
	Frequency	Percent	Frequency	Percent
Strongly disagree	21	7.0	100	33.3
Disagree	5	1.7	175	58.3
Neutral	25	8.3	25	8.3
Agree	199	66.3	0	0
Strongly agree	50	16.7	0	0
	300	100.0	300	100.0

Table 1: Party Executive Nominate Candidates and are only endorsed by Voters

Source: Author, 2015

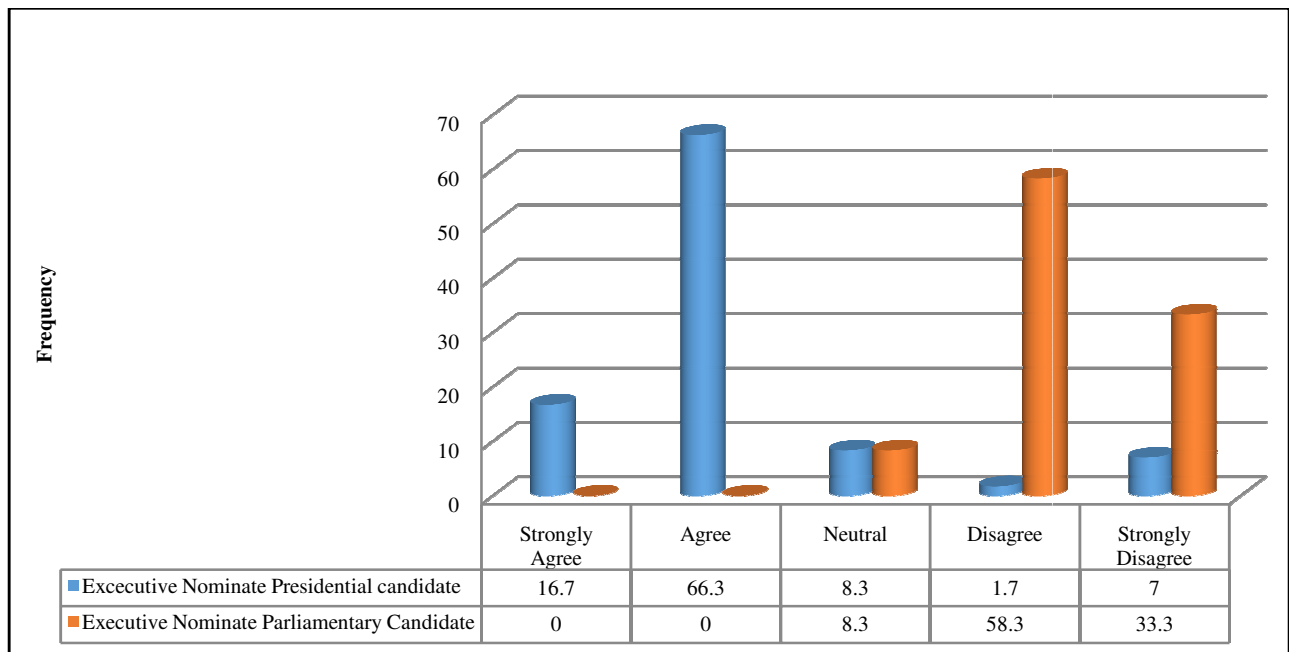


Figure 1: Party Executive Nominated Candidates
Source: Author, 2015

	Voters Nominated Presidential Candidate		Voters Nominated Parliamentary Candidate	
	Frequency	Percent	Frequency	Percent
Strongly Disagree	60	20	0	0
Disagree	180	60	0	0
Neutral	30	10	25	8.3
Agree	20	6.7	100	33.3
Strongly Agree	10	3.3	175	58.3
Total	300	100.0	300	100.0

Table 2: Voters/members Directly Nominated Candidates who freely compete in Primary Elections
Source: Author, 2015

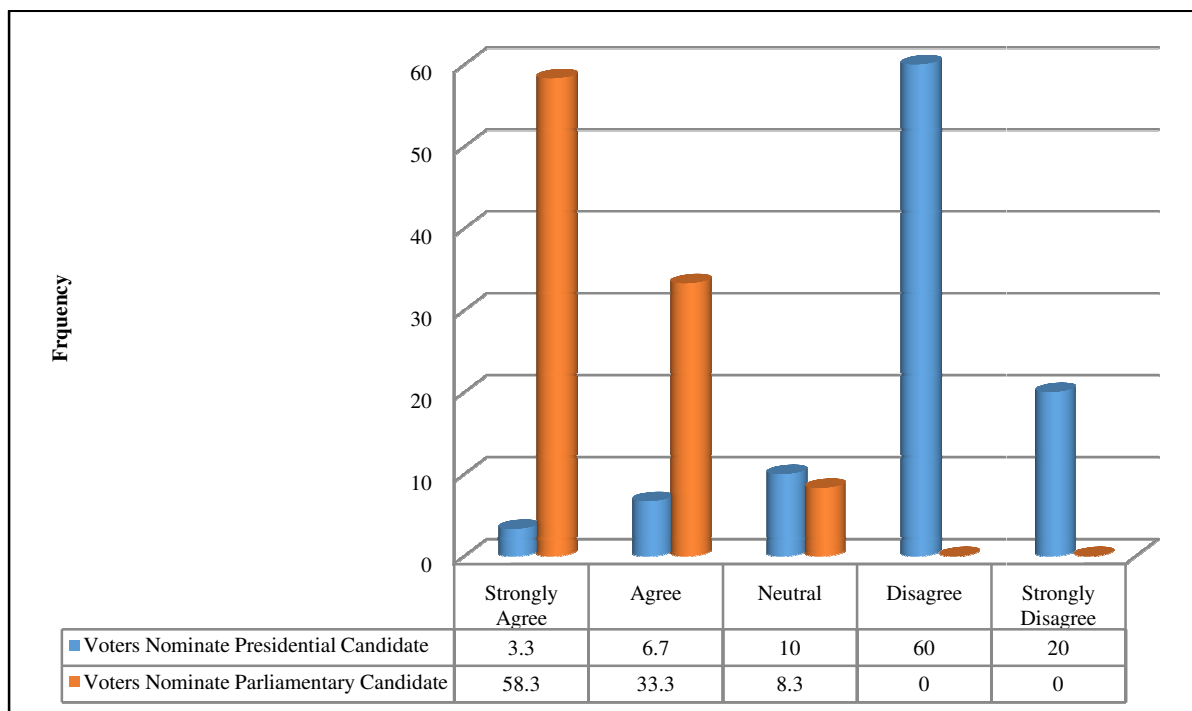


Figure 2: Voters/Members Directly Nominated Candidates who freely compete in Primary Elections
Source: Author, 2015

Political Parties	Consequences of centralized candidate selection	SA		A		N		D		SD	
		F	%	F	%	F	%	F	%	F	%
ODM (98)	Party stability and increased support	13.0	13.3	15.0	15.3	10.0	10.2	47.0	48.0	13.0	13.3
	Factions and increased independent candidates	47.0	48.0	51.0	52.0	0.0	0.0	0.0	0.0	0.0	0.0
	Substantial electoral loses	47.0	48.0	51.0	52.0	0.0	0.0	0.0	0.0	0.0	0.0
	Stronger party coherence and unity	0.0	0.0	9.0	9.2	13.0	13.3	43.0	43.9	33.0	33.7
FORD KENYA (37)	Party stability and increased support	0.0	0.0	7.0	18.9	6.0	16.2	11.0	29.7	13.0	13.3
	Factions and increased independent candidates	21.0	56.8	16.0	43.2	0.0	0.0	0.0	0.0	0.0	0.0
	Substantial electoral loses	16.0	43.2	21.0	56.8	0.0	0.0	0.0	0.0	0.0	0.0
	Stronger party coherence and unity	3.0	8.1	7.0	18.9	0.0	0.0	15.0	40.5	12.0	12.2
KANU (80)	Party stability and increased support	7.0	8.8	11.0	13.8	13.0	16.3	26.0	32.5	23.0	28.8
	Factions and increased independent candidates	43.0	53.8	27.0	33.8	0.0	0.0	7.0	8.8	3.0	3.8
	Substantial electoral loses	41.0	51.3	37.0	46.3	0.0	0.0	2.0	2.5	0.0	0.0
	Stronger party coherence and unity	0.0	0.0	0.0	0.0	11.0	13.8	47.0	58.8	22.0	27.5
TNA (85)	Party stability and increased support	0.0	0.0	0.0	0.0	0.0	0.0	48.0	56.5	37.0	43.5
	Factions and increased independent candidates	41.0	48.2	33.0	38.8	0.0	0.0	7.0	8.2	5.0	5.9
	Substantial electoral loses	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Stronger party coherence and unity	27.0	31.8	23.0	27.1	7.0	8.2	17.0	20.0	11.0	12.9

Table 3: Consequences of Centralized Candidate Selection

Key; F- frequency; %-percent

Source: Author, 2015

Regarding opinions on how the different political parties nominate their presidential and parliamentary candidates, interviews with selected party members from all four parties indicated that in the past elections, presidential candidates have been nominated through what appears as mock constitutional elections at party conventions. A bout 83% representing 249 respondents out of 300 was in agreement indicating that in most cases the party executive has been involved in nomination of the presidential candidates who eventually are simply endorsed by party members.

A large number of party members, 91.6%(275) disagreed that parliamentary candidates are nominated by the executive. In other words, they acknowledged that parliamentary candidates are nominated at constituency levels through intra-party elections. On the other hand, a large number of party members representing 80% disagreed with the idea that voters nominate presidential candidates.

Key informant interviews selected party officials, however revealed that some of the key elements of intra-party democracy in regard to candidate selection which includes free competition and non- imposition of candidates were not fully respected in some of the nominations of parliamentary party candidates. An informant interviewed in Kisumu Central constituency observed that.....

- In a few cases in different constituencies, the effort to centralize primary elections is aimed at ensuring the re-election of the party's incumbent MPs. In my party-ODM, this has contributed to abuse of existing institutional procedures regarding party nominations resulting in confusion, defections and rise of independent candidates (Sungu, Kisumu Central, April, 20th, 2015)

In TNA, FORD-Kenya and KANU where such incidences were not widely noticed in 2013 elections, the parties' electoral performances were comparatively impressive and with limited controversies especially in their strong holds. While it may not be generalized that candidate selection procedures solely contributed to the relatively successful electoral performance of the three parties (TNA, FORD-Kenya and KANU), for parties like FORD-Kenya and KANU, an informant observed that....

- their show of unity and success in primary nominations may have been due to limited internal competition within the party while for TNA, this could have been attributed to the strategic nomination of candidates only in constituencies where they had undoubted prospects to win (Wanyama, Webuye East, July, 20th, 2015).

In all of the four parties, 67.7% disagreed that centralized candidate selection contributes to increased party stability while 90% agreed that it leads to rise of factions and independent candidates and 76.6% strongly supporting the position that it leads to substantial electoral loses.

Almost all the party officials interviewed from the four parties indicated that their parties have procedures regulating candidate selection processes, however, these processes appear to be implicit and non-effective in as much as a few party members interviewed could identify articles in their party constitutions regarding party nomination processes. An ODM party official interviewed cited, **Article 7.11** of ODM constitution that defines the composition and roles of the Elections Board. He argued that the mandate of this board is to plan, organize, direct and coordinate all party elections based on rules and procedures decided by the board.

In another interview, a TNA official observed that their party constitution also recognizes the authority of the Elections Board, which formulates rules and procedures for the conduct of its affairs but has to report its resolutions to the Oversight Board which then considers and where necessary act on any report of the Elections board and can raise objections on any candidate presented by the Elections Board whose candidature may be considered not in tandem with the TNA principles and aspirations.

While recognizing the relevance of party election boards, respondents interviewed aptly indicated that

- In as much as these institutions may be recognized by the different parties, their independence is evidently unclear and their decisions appear not to be absolute because they have to be checked by other organs of the party. The provisions of the Election Boards are also too brief and devoid of clear consequences of non-compliance. The common practice has been that the authority of the boards in most cases has been dictated by the party oligarchs and therefore has not been in full control of party nomination processes.

Against the existence of nomination rules, most of these parties but more particularly ODM had serious primary election irregularities especially in their strongholds despite the well-articulated constitutional procedures. This could lead to the conclusion that the existence of elaborate rules does not necessarily guarantee intra-party democracy. However, while such negative indicators on intra-party democracy have been noted in some parties in Kenya, the Political Parties Act 2011 and the National Constitution remain unclear or silent on candidate selection procedures.

This could imply that formal national institutions have limited impact on enhancement of intra-party democracy with regard to candidate selection since they do not provide the parameters for rewarding compliance and punishing non-compliance. Such glaring gaps appear to have created fertile opportunities for party leaders to undermined the party nomination regulations without risking the externally enforced penalties.

Secondary data offered more insights on candidate selection processes in political parties in Kenya. For example, Odhiambo (2015) observes that the cost of limited intra-party democracy in candidate selection process were severe in ODM in 2013. He notes that the 2013 ODM nominations resulted in increased number of independent candidates in Nyanza and more defections to smaller parties in the CORD coalition than in any other party due to the lack of transparency and intra-party democracy. He adds that almost all candidates who defected to other parties in Nyanza after the party primary nominations were in principle former ODM candidates.

Prior to these developments, Odhiambo (2015) observes that ODM was characterized by instability, massive resignations and defections from the party by prominent members due to claims of manipulation of the party constitution to limit open and free competition for party presidential candidates. ODM therefore experienced substantial decline of electoral support manifested by the reduction in its parliamentary seats as compared to 2007 elections. As more senior ODM officials defected to other parties alleging dictatorial leadership (while also seeking state benefits of incumbency), the ODM was riddled with divisions, and reduced support.

In general, the study observes that without proper regulation of primary elections through relevant institutions, opportunities for the manipulating of candidate selection processes are easily generated. All respondents noted that centralized candidate selection, limited participation and imposition of candidates have damaging costs to the party organization, including factionalism, increased independent candidates, reduced party support and electoral losses. Empirical results also indicate that the higher the level of participation in candidate selection, the higher the intra-party democracy.

The study also shows that all the four party constitutions provide for some kind of mechanisms for selection of party leaders at regular intervals, however the process has been highly centralized through the NECs. There are, of course, variations in terms of degrees of centralization but in most parties' NECs are charged with the responsibility of identifying and recommending to the party conventions candidates for the position of party president as well as other senior positions in the high command. The standard practice is that candidates cannot contest for these positions unless they have been sanctioned by the NEC. Thus, the NEC can exercise discretion in terms of who to recommend and not to recommend for party elections especially the top leadership.

A member of the National Executive Council of KANU when interviewed observed that...

- The major problem for political parties in Kenya is that procedures embodied in party constitutions for identifying leadership are hardly adhered to in practice because in most cases, the incumbent leadership often disregard the existing institutional frameworks due succession phobia.

In some parties, leaders have deliberately ignored the procedures and even made it a taboo to discuss succession plans. This, could perhaps explain why majority of the major political parties in the country are grappling with succession challenges as most leaders want to stay on in leadership positions even though they have served the maximum allowable tenure of office.

4. Coalition Arrangements

An assessment of intra-party democracy and the applicability of oligarchy in party management was also tested by analyzing opinions of party members and officials on coalition arrangements. This element was intended to establish whether there are internal and/or external institutions that subject party leaders to consult or seek the approval of their members before entering into coalitions with other parties. It was also aimed at examining the degree of membership participation in coalition decisions, determine in whose interest final coalition decisions are taken and to assess the possible consequences of centralized coalition formation processes in political parties in Kenya.

The four political parties under this study have been engaged in two dominant coalitions, Coalition for Reform and Democracy (CORD) and Jubilee Alliance. Responses from the interviews indicated that there are unclear coalition formation procedures in these four parties. In fact, cross-checking the constitutions of the four parties, confirms that the procedure on how parties are to make

coalition decisions is to be determined by two-thirds of the National Executive Committee composed of all National party officials. Whereas this position is established in the constitutions of these parties, in most cases party members are hardly consulted and the party leaders rely on their own discretion whether to consult their members or not and at what level, whenever they have to form or opt out of coalitions.

The study also tested on the institutional authority in which final decision on coalition arrangements rests. Figure 4 which had single responses, provided descriptive information from party members on the degree of involvement of party members in coalition decisions. The figure shows a high percentage of 83 % of respondents indicating that they are partially or never consulted by their leaders, while about 17 % indicated that there is consultation to a small extent.

In explaining the limited level of participation of party members, an informant concluded that this could be attributed to the complexity and privacy which surrounds coalition negotiations (Osuga, Kericho, August, 6th, 2015). The results on this element also revealed an acute information deficit mainly among leaders at constituency level regarding constitutional rules relating to coalition formation.

Party Members	SA	A	N	D	SD
ODM (98)	8	10	5	15	60
FORD Kenya (37)	0	0	4	10	23
KANU (80)	10	5	5	10	50
TNA (85)	8	5	2	14	56

Table 4: Members' Involvement in Coalition Decisions

Those that disagreed- ODM (62.5%), FORD-K (89%), KANU (75%) and TNA (82%) that coalition making decisions respect the opinions of party members indicated that their party constitutions either implicitly or explicitly oblige their party leaders to seek the consent of members before entering into a coalition. However, an examination of the constitutions of the four political parties confirmed that coalition arrangements are recognized by the constitutions. For instance, Article 10.0 of ODM constitution on party Affiliations, Alliances and Coalitions indicates that the party may form alliances and coalitions with other like-minded political parties (ODM constitution,2013).

The decision to form such alliances and coalitions shall be determined by two-thirds of the National Executive Committee and the instruments of such coalition, affiliations and alliances shall be executed and deposited with the Registrar of Political Parties and the Secretary General shall keep custody of all such Instruments. This article reads in a similar way with those of other political parties under this study on coalitions but the details of involvement of other party organs are not clearly stipulated by these constitutions as well as the details of basic requirements to be met before coalitions are considered (ODM constitution,2013).

In regard to the question that inquired on the interests that influenced decisions on coalition arrangements, about 230(76.7%) respondents from all the four parties mentioned the party leader as having the greatest influence, 220(73.3%) agreed that the National Executive Committee. All the respondents interviewed were of the opinion that Party Branch Officials are not consulted on issues of coalition arrangements. There was also evidence of the fact that a good number of party members were uncertain of the procedures of coalition arrangements especially on the mandate of the party leader and the National Executive officials.

Most party members interviewed observed that the party leader and National Executive Officials do involve in discussions on coalition arrangements to benefit Branch officials of the party at a later stage. This confirms weak knowledge on matters pertaining to coalition arrangements in political parties in Kenya. The large number of respondents who were neutral in their considerations (53.3%) could be attributed to the fact that the complexity and privacy which surrounds coalition negotiations limits the level of knowledge of members in the process (see Table 5).

STATEMENT	SA	A	N	D	SD
Branch officials (members)	0	0	0	100	200
National executive	140	80	40	35	5
Party leader	150	80	20	25	25
All the above	0	0	100	150	50

Table 5: Members Opinions on Involvement of Party Organs in Coalition Decisions Making

Source: Author 2015

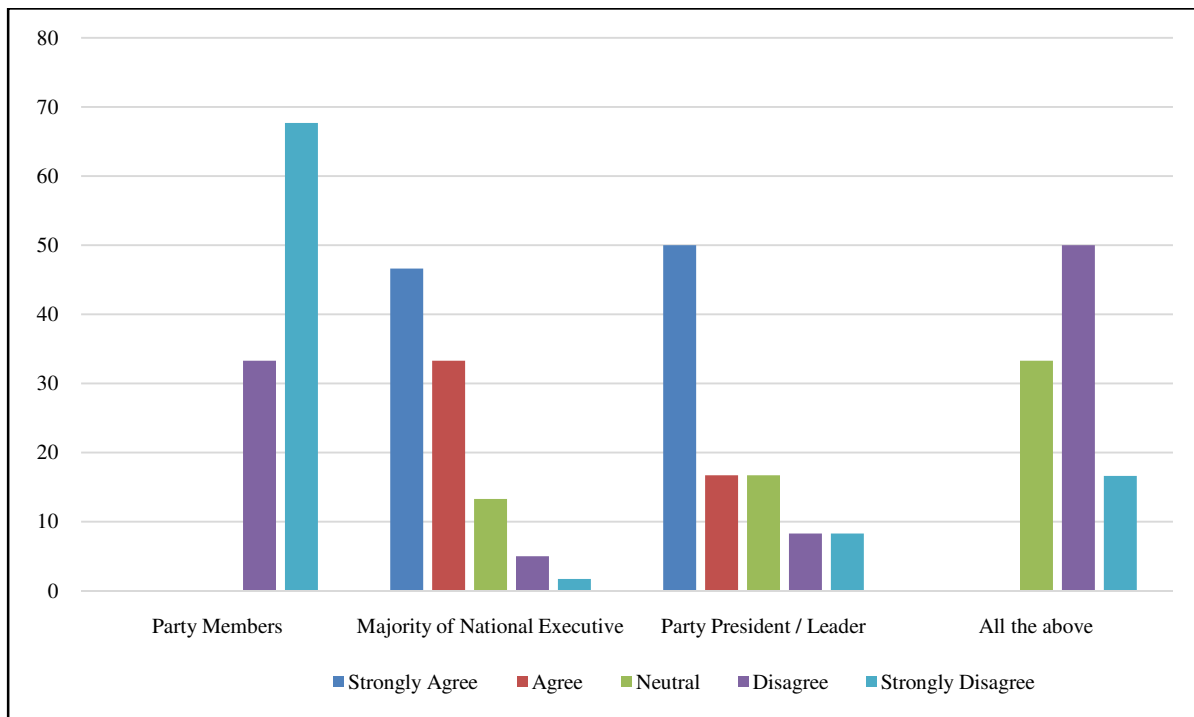


Figure 3: Involvement in Coalition Decision making in the Party
 Source: Author, 2015

Finally, informants unanimously stated that centralized decision making in coalitions contributes to reduced party unity and popularity, increased factionalism, fragmentation and independent candidates, and ultimately considerable electoral losses as was the case with centralized candidate selection processes. It can therefore be concluded based on these findings that the higher the participation in coalition decision processes, the higher the intra-party democracy.

The results also confirm the theoretical observation that in as much as coalitions between and among political parties are legally regulated by the National Constitution and the Political Parties Act, the terms of their engagement however remain obscure to most party members and officials. The provisions of the National Constitution and the Political Parties Act only legally recognizes the formation of coalitions but does not oblige them in any way to respect the details of their engagement. This has subjected coalition negotiations, management and termination to the discretion of party elites who also influence the degree and level of participation by members. To avert the cited setbacks and encourage adequate participation of party members, coalition laws need to be explicitly enacted in national and intra-party statutes to secure internal and external enforceability.

5. External Regulation of Political Parties and Intra-Party Democracy

As captured in the theoretical synthesis, respect to party institutions is very important because it guards against discretionary and arbitrary exercise of delegated authority and therefore, protects the interests of party members. This does not simply apply to internal institutions but also external institutions. Regarding the impact of external institutions on internal functioning of political parties, respondents settled on four institutions: national constitution, court judgments and injunctions, Parliamentary Standing Orders and Media Reports.

Statement	Sa		A		N		D		Sd	
	F	%	F	%	F	%	F	%	F	%
National Constitution	148	49.3	92	30.7	30	10.0	30	10.0	0	0.0
Court decisions	140	46.6	120	40.0	20	6.7	15	5.0	5	1.7
Registrar of political parties	157	52.3	97	32.3	17	5.7	16	5.3	13	4.3
Parliament	53	17.7	37	12.3	65	21.7	87	29	58	19
Media Reports	0	0.0	0	0.0	100	33.3	150	50.0	50	16.6

Table 6: Significance of Regulatory Tools on Political Parties
 Source: Author, 2015

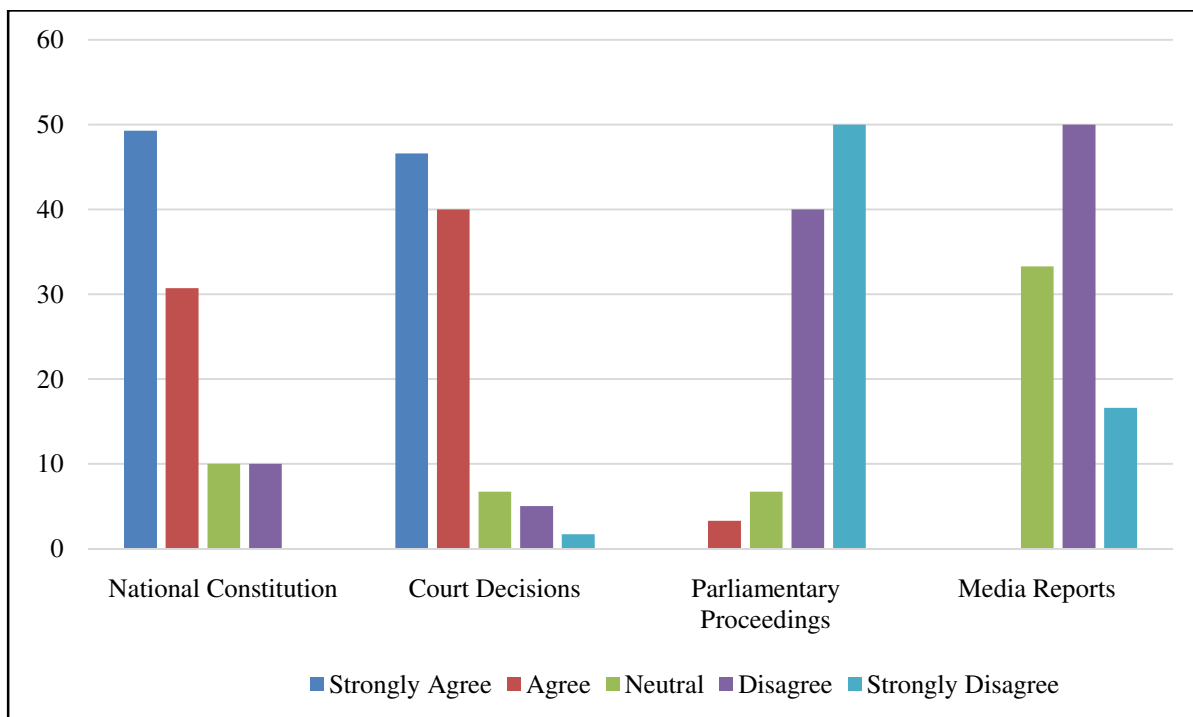


Figure 4: Opinions on the Significance of Institutions in External Regulation of Political Parties
Source: Author, 2015

Responding to the question on how these institutions affect intra-party democracy, both the party officials and expert respondents observed that the National Constitution forms the blue print against which party constitutions are mirrored while the courts decide on the democratic character of party decisions. Courts are to make decisions on party issues in respect to the democratic standards of party constitutions vis-à-vis the democratic standards set in the National Constitution. As such, the National Constitution and courts dictate changes and reversals to intra-party decisions. About 240 (80 %) agreed that the National Constitution is an important institution in regulating the conduct of political parties in Kenya while 260(86.7%) supported the role of courts in this process arguing that courts are especially important when there is disagreement with the decisions made by the party leaders.

This recommendation was also based on the fact that party dispute tribunals have not been trusted by those in dispute especially over nominations for elective positions. However, there are also those who felt that the party constitution should be independent from the National Constitution so as to protect parties from direct control by the government while those who supported the authority of the National Constitution over party constitution believed that such control will harmonize political party policies and operations in Kenya and ensure internal democracy (KII, 10, Male, Kajulu).

About 254 (84.7 %) of party members recognized the role of the registrar of political parties in regulating the conduct of political parties but observed that the functions of this office must be supported by the National Constitution and parliament, otherwise most political parties might assume its mandate. Thus, in light of the conduct of members of parliament, parliamentary proceedings received only 90 (30%) support as a means of regulating the conduct of political parties. Almost all respondents disagreed on the role of media reports in regulating party democracy. A total of 232(77.3%) of respondents were neutral in all the four elements confirming that political education on regulation of political parties is has not been prioritized on matters of improving understanding of internal democracy.

It was also noted that the Political Parties Act 2011 and National Constitution have been useful in setting the qualification standards for the presidential, Gubernatorial, Senatorial and parliamentary aspirants as well as the requirements for registration, coalition arrangements and eligibility criteria for funding of political parties by the government. With this mandate, the office of the Registrar of political parties determines the scope of party operations and activities. The results on this component show that external formal institutions have an impact on intra-party democracy because they not only regulate but also influence the quality and legality of internal party rules. Finally, the three groups of respondents (party members, officials and experts), observed that because of weak external regulation of political parties, some parties have continued to identify with authoritarian and undemocratic party activities and policies.

One expert respondent when interviewed observed that...

- In order to regulate the conduct of political parties, the “state” can rely on institutions like, the legislature, the judiciary and the executive for direction but the executive is the most important institution in regulating the conduct of political parties”.

He added that the state can rely on the executive instruments to realize “structured” regulation of political parties and pre-determine their democratic processes. The justification for regulation of political parties is premised on the fact that in as much as political parties are vital for democratic growth in Kenya, the law must ensure that their democratic practices do not degenerate into unnecessary internal and external competition at the expense of national unity (Carrey F Onyango, 11/4/2015).

Njoroge Waihenya from Lari however observed that, in regulating the conduct of political parties, the constitution should first recognize political parties as key institutions of democracy, support their internal democracy and provide for their operational freedom by allowing access to the (state-owned) media. The statutory laws on the other hand (party laws, electoral laws) should provide for free and fair nomination of candidates and gender equality within political parties on election-related offences (Njoroge Wiheny, 25/2/2015).

Moreover, as a third source of structuring political parties, Wanyande observed that parties should be governed by their own constitutions which should mirror the spirit of the National constitution and respective statutory laws. This is because, the need for regulation of political parties in Kenya has been necessitated by the dissatisfaction with political parties hence the desire to improve their performance. Furthermore, the society believes that as the very agents between government and society, political parties must translate various groups' interests into effective government policies. As regards the tools of regulation, Wanyande agreed with Prof. Yash Pal Ghai that national Constitutions and statutory laws are the most prominent strategies to influence parties (Wanyande, Kisumu, 12/4/2015).

These expert respondents however concluded that any type of party regulation might also limit the freedom of association; and there seems to be a thin line between regulation of political parties and the abuse of it, hence, the success of any measure of regulation will depend on its enforcement and implementation. Banning of political parties can therefore have particularly negative and unintended side-effects on inter-party relations (Ndege, 12/4/2016). Finally, there is no simple blueprint for successful regulation. Instead, measures must be designed according to country-specific conditions.

6. Consequences of Reliance on Oligarchical Principles in Intra-party Democracy

With regard to consequences of limited intra-party democracy, majority of the respondents indicated that the dominance of a few party elites in the management of political parties reduces party popularity and electoral support, undermines the moral authority of the party constitution and increases party instability and resignations.

However, a small percentage of 16.7% of respondents agreed that some degree of oligarchy in political parties could contribute to effective regulation and establishment of stronger party coherence and unity. This group of informants were of the opinion that internal competition in every party should be regulated and that there should be a reasonable degree of respect to party laws as well as leaders. An expert respondent interviewed observed that majority of political parties have been adversely challenged by unregulated competition and conflicting ideologies of leaders because of open an unregulated competitive party system. This has often resulted in un-ending competition, frequent splits and formation of new parties. However, a part from advocating for adherence to oligarchical principles, there is absolute need to uphold respect to the institutional requirements of every political party.

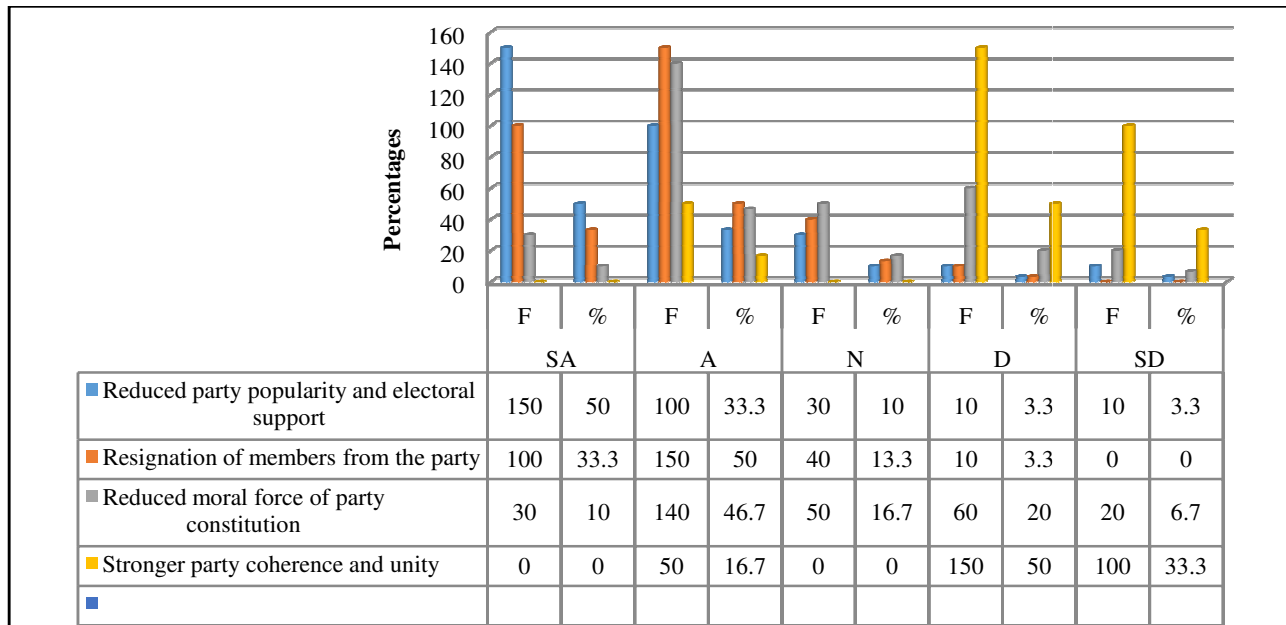


Figure 5: Consequences of Limited Internal Party Democracy
Source: Author, 2015

7. Conclusion

This study confirms that in as much as formal institutions are important for intra-party democracy there are many cases where rules are either not enforced or non-existent because party management appear to be self-contained within oligarchical structures. The overwhelming influence of party oligarchs continues to undermine the significance of institutions in political parties. Such arrangements have also inhibited effective application of internal and external formal rules thus providing for discretionary exercise of authority by the elites in the party. This therefore reinforces the need for strengthening of external regulation mechanisms of political parties by various institutions and enactment of appropriate legislations in order to uphold respect to party institutions.

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