

lament zu. All das machte die Führungsrolle der Geistlichen in der Revolution für die übrigen oppositionellen Kräfte akzeptabel. Der Islam bot sich als die Opposition einigender Faktor an, weil er für weite Bevölkerungskreise Identität stiften und sich als unverbraucher "dritter Weg" präsentieren konnte.

Nach einer kurzen Darstellung der "Islamistischen Komponenten der Verfassung im Allgemeinen" (I.) zeigt der Verfasser in dem zentralen zweiten Kapitel (II. "Hierokratische und nichthierokratische Komponenten der Verfassung"), gestützt vor allem auf Zeitungsartikel, Interviews und Protokolle der Debatten in dem verfassungsgebenden "Expertenrat", wie es den "hierokratischen Legalisten" gelang, die Verfassungsgebung im revolutionären Prozeß weitgehend unter ihre Kontrolle zu bringen. Dabei kam ihnen die kompromißbereite, uneinheitliche und unentschlossene Haltung der übrigen Gruppen zugute, denen es dennoch zunächst gelang, die vollständige Umsetzung des Konzepts zu verhindern. Trotz allem wurden der Exekutive und der Legislative in der Verfassung religiöse, mit Rechtsgelehrten besetzte Institutionen zu- und übergeordnet. Zu nennen sind hier vor allem das auf Khomeini zugeschnittene Amt des "Führers", der noch über dem Staatspräsidenten steht, und der "Wächterrat", der mit Verwerfungskompetenz prüft, ob die vom Parlament erlassenen Gesetze Ausdruck der Scharia sind. In weiteren, allerdings eher kurzen und etwas oberflächlichen Kapiteln, weist der Verfasser auf die nichtislamistischen Bestandteile der Verfassung (III. "Säkularistische Komponenten der Verfassung") und auf widersprüchliche Äußerungen zur Wirtschaftsverfassung (IV. "Ökonomische Widersprüche in der Verfassung") hin.

Die Verfassung von 1979 war, das kann man als Ergebnis der Lektüre festhalten, letztlich nur eine Etappe auf dem Weg zur Verwirklichung des Konzepts der *welayat-e faqih*, das die Verfassung zwar schon stark prägt, dort allerdings noch nicht in Reinform abgebildet ist. Die weitere Umsetzung dieses Konzepts blieb der politischen Praxis vorbehalten, die den Prozeß der Auflösung des Verfassungskompromisses einleitete, und die dann am eigenen Anspruch scheiterte. Letzteres, die Kluft zwischen Anspruch und Realisierbarkeit der *welayat-e faqih*, erkennt der Verfasser als weiteren Widerspruch in der Verfassung, widmet ihm in dem hier anzuzeigenden Werk allerdings nur wenige Zeilen (S. 8, 94 f.) und verweist auf eine in Zukunft folgende Untersuchung (S. 10).

*Johannes Christian Wichard*

*Stefan Mair*

**Kenias Weg in die Mehrparteiendemokratie: Von Uhuru über Harambee und Nyayo erneut zur Uhuru**

Nomos Verlagsgesellschaft, Baden-Baden, 1994, 144 S., DM 34,--

This book on the re-introduction of the multi-party system in Kenya is the first in a series of studies carried out by the Stiftung Wissenschaft und Politik (SWP) on Africa in an

attempt of analysing the democratisation process in Africa. It applies an analysis methodology developed by SWP experts on Africa. According to the author, the methodology is not based on any explicit theoretical model, but combines different specific criteria in analysing the democratisation process. That assists in establishing a pattern of processes and also in identifying problematic areas and influencing possibilities. It assesses all those involved in the democratisation process, that is individuals and groups or organisations involved in the opposition as well as those who are holding reigns of power. This study on Kenya will be followed by others on the democratisation process in Tanzania, Zambia, Cameroun, Gabon, Nigeria, Benin and Ghana.

Part one of the book gives an overview of the political system in Kenya by discussing its constitutional framework, the rule of the first President of Kenya, Mzee Jomo Kenyatta, and gives a brief resume on the concepts of "Harambee" and "Nyayo" signifying the transition from the rule of Jomo Kenyatta to that of President Daniel arap Moi and ends with the introduction of a de jure one-party system in Kenya in 1982. It is explained in this chapter that Jomo Kenyatta's power was based on a clientalistic and hierachic system, him being the supreme patron, with ministers, members of parliament and high-ranking civil servants as sub-patrons. Despite Kenyatta considerably favouring his own kinsmen, the Kikuyu, still he strived hard to maintain the balance between the different ethnic and regional interests in Kenya. To the contrary, when Daniel arap Moi assumed the Presidency in 1978, he destroyed that system and became mistrustful of anyone who tried to pose as a sub-patron. After the 1982 coup attempt he became even less tolerant towards his critics and visibly sensitive against potential competitors for power. Moi's government became even more repressive by resorting to detention without trial even on trivial cases. At one time even the constitution was amended to remove the security of tenure of the judges making them vulnerable to the whims of the President in hiring and firing them, thus seriously affecting the independence of the judiciary which is one of the cornerstones of a democratic system of governance.

The return of Kenya to a multi-party system is tackled in the second part of the book. It is significant to note that the author addresses himself both to internal and external factors which led to the re-introduction of the multi-party system. This approach is commendable compared to those who have exclusively dwelt with the external factors unleashed by the changes in Eastern Bloc in 1989 and completely ignored the internal struggles by the people in Africa against their authoritarian rulers and one-party systems even before that year. No doubt, however, the changes in Eastern Europe emboldened the process of democratisation in Africa in general and in each particular country.

In analysing internal factors the author takes into consideration the socio-economic changes which have occurred in Kenya creating a favourable ground for the emergence of a vibrant civil society. He discusses in this book the concentration of powers in the hands of Moi and how, by mainly appointing people from his own ethnic group, the Kalenjin, to important political, economic and administrative positions, Moi reduced his basis of power as this has left out and marginalised the two biggest ethnic groups in Kenya, the

Kikuyu and the Luo. Corruption and political mismanagement, according to the author were mainly responsible for the economic crisis that plagued Kenya in the early nineties. On the external factors the author analyses the effect of the changes in Eastern Europe which signalled the end of the cold war which necessitated the realignment of the premises of their foreign policy. Tying new conditions such as respect of human rights, introduction of political reforms, introduction of austerity measures in government expenditures and ending corruption to development aid and assistance left no other alternative to Moi's government except to burge to the demands of the opposition. To exert pressure, in 1991, the West European powers, implementing the decision reached at the meeting of the World Bank consultative group in Paris, suspended the disbursement of aid to Kenya. Criticism by West European ambassadors against the government of Moi for refusing to accept the demands of the opposition groups to introduce political reforms was aired in public and reported by Kenyan newspapers. Finally, Moi succumbed, and the constitution was changed to allow the re-introduction of the multi-party system and the holding of general elections in 1992. However, as later events have shown, this change of heart by Moi towards the multi-party system was not genuine but employed only as a patina of respectability for the assuagement of international criticism in order to secure financial assistance from the donor community.

The book deals also with the opposition against Moi's government and the reaction of the government towards it and its demands. It identifies and analyses both individuals and groups or associations which comprised the opposition movement. It delves into their social differentiation and establishes that it mainly consisted of urban intellectual elites dominated by lawyers, the clergy and former members of parliament and government. But it also included businessmen, academics at the university and journalists. The author concludes that, in its ethnic composition, the opposition was mainly dominated by Kikuyu and Luo, and, although other ethnic groups were also represented in the opposition movement, one could hardly find a Kalenjin in the opposition top leadership. This is supplemented with profiles of prominent personalities in the opposition movement. In analysing the ethnic composition of opposition leaders, the late Anglican bishop Alexander Muge of the Diocese of Eldoret of the Church of the Province of Kenya (CPK) is grouped together with Martin Shikuku and Japeth Shamalla as a Luhya (p. 51). That is not correct. The late Rt. Revd. Alexander Kipsang arap Muge born in Nandi District, who was killed in a car accident which was believed to have been staged by some government leaders, is – like President Daniel Toroitich arap Moi – a Kalenjin from the Rift Valley Province.

Although it is true that lawyers as individuals and as members of the Law Society of Kenya (LSK) were in the forefront of the opposition movement, the author needed to have indicated that within their ranks and in the top leadership of the LSK there were those who fervently supported the government and the one-party state to the end. The same applies to the protestant clergy in Kenya. In reading the book one may get the impression that the whole protestant clergy and the National Christian Council of Kenya made up by

the protestant churches in Kenya supported changes. It is imperative to point out that some of protestant churches renounced their membership of the NCCCK over its confrontation with the government and joined the Evangelical Fellowship of Kenya (EFK) which has been largely pro-establishment. Even within the Anglican episcopacy in Kenya, which provided some of the outspoken protagonists of the multi-party system, still there were some senior bishops who did not support what they considered to be a confrontation with the government.

The book makes a thorough analysis of the opposition movement and the later formation of political parties and the split of the main opposition party, Forum for the Restoration of Democracy (FORD), into FORD-Kenya and FORD-Asili, which weakened the opposition. The author also makes a meticulous analysis based on very detailed empirical data of the parliament, presidential and local government elections in 1992, the first after the re-introduction of the multi-party system. In an election which was marred by ethnic clashes mainly in the Rift Valley Province and based on a skew constitutional regulation that an elected president must get at least 25% of the respective votes in at least five out of Kenya's eight provinces Moi was able to win the presidency with a simple majority.

The last chapter of this book entitled "Overview: Transition, Consolidation or Regression?" gives a bleak picture of the future of the democratisation process, and the author emphatically concludes that: "Moi's election victory means a harsh setback for the democratisation process in Kenya. Instead of further progress towards the consolidation of the multi-party system, stagnation or retrogression must be expected. Moi tries and will try to draw back the wheel centimetre by centimetre." That is exactly what has been happening of recent in Kenya as documented by Amnesty International and Africa Watch in their recent reports on Kenya and by statements of Western diplomats based in Nairobi about the repression and restrictions on the opposition leaders and their political parties by the government.

Indeed, this thought provoking book serves as a good precursor to the other SWP studies that are to follow on the democratisation process in Africa.

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### **Die Rolle des Parlaments im autoritären Malawi**

Institut für Afrika-Kunde, Hamburg, 1993, 174 S., DM 20,--

Malawi like all other former British colonies was hastily bequeathed at independence, in July 1964, with a constitution based on the Westminster Model. This consisted of a parliament with all its attendant British traditions and trappings based on a multi-party system. However, it did not last long before this institution, which was supposed to control the executive, lost its majesty and power and was subordinated under the execu-