

CROSSING THE FLOOR AND THE TENSIONS OF REPRESENTATION IN EAST AFRICA*

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KENYA, Uganda and Tanzania emerged into independence with relatively strong legislatures. The nature of the nationalist struggle for power during the colonial period had given the old legislative council a central position in the political system, and a mystique had grown round the idea of Parliament.

After independence there was a decline of the legislature in each of the three countries. And at least in Kenya and Uganda the decline was connected with the whole phenomenon of "crossing the floor in Parliament". But it would be a mistake to assume that crossing the floor was merely a symptom of the inefficiency of inherited political institutions or of the decline of Parliament and party affiliations. It is a contention of this paper that the device of crossing the floor in Parliament has sometimes served distinct and significant functions in the political systems of East Africa.

But before we define those functions it is important to define the status of Parliament itself on attainment of independence. And this can only be done by examining its relationship with the struggle for independence which had just triumphed.

I

In a sense the story of the nationalist struggle in each of the East African countries was a story of trying to increase African representation in the legislative council. Certainly during the concluding years of colonial rule the immediate ambitions of African leaders were oriented towards control of the legislature and its executive organ. The competitive struggles for power, later characterized by political parties operating within a framework of simple majority and single-member constituencies, were often preoccupied with whether to maintain or eliminate some fancy franchise, or other aspects of constitutional engineering, which the Colonial Office had become so dextrous at producing. Power for the nationalist movement was conceived of in representational terms. The language of liberalism was strongly evident. The road to independence was supposed to be through a process of rapid democratization and a widening franchise. As Julius Nyerere said to the Trusteeship Council of the United Nations in June 1957:

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"We [contend] that the Tanganyika Government should make a statement to the effect that Tanganyika is going to be developed as a democratic state and that, since 98 per cent of the population of our country is African, this means naturally that Tanganyika is to become primarily an African state. . . . We have also asked that . . . a change should be effected within the Constitution to be symbolic of this intention to make Tanganyika democratic. . . . We suggested an increase in the number of African representatives in proportion to the number of non-African representatives. . . . We are opposed to the idea of a restricted franchise even if we had not a single European in the country or a single Asian. . . ."¹

Nyerere himself was at this time basically a "gradualist" in his demands for greater democratization. But his conception of African political progress was typically representational. That is one reason why much of the rhetoric of African nationalism in East and Central Africa was saturated with liberal democratic dicta. Nationalist demands were for "One Man, One Vote", "Undiluted Democracy", "Majority Rule" and the like.

It is this general ethos which gave the legislative council a special mystique in the colonial political system. Even when Tanganyika devised a new Republican Constitution a year after independence, with new strong powers for the President, one of the four basic principles of the Constitution was declared to be the continuing "sovereignty of Parliament". In parts of East Africa members of the legislature possessed the privilege of displaying on their cars a large badge bearing the letters "M.P.". It also carried potentialities of influence and a gradual accumulation of affluence. The legislature, that central object of constitutional wrangles during the colonial period, had now momentarily become a symbol of power for those with a seat in it. The political elite in East Africa was, for the time being, the legislative elite.

For a while parliament continued to share the mystique which had been created by the exciting and liberating possibilities of self-government. Criticism of it was relatively slow to develop and in practice never took the form of root and branch condemnation of the legislature as such. But there were certain aspects of the "Westminster Model" which were "suicidal" for the model itself as soon as it was taken out of its native area. One of these seemed to be the institution of crossing the floor in Parliament. In Britain itself the right of the individual M.P. to change his Party without resigning his seat does not endanger the system. It is a right which has not disturbed the stability of political arrangements.

When the "Westminster Model" was exported elsewhere, it usually included among its parts this right of crossing the floor. But outside its native environment, with all the constraints and stabilizing influences, the right to cross the floor changed its character and was put to novel uses. Instead of being a rare occurrence marked by torment of conscience or by a nicely calculated opportunism, it assumed in East Africa a capacity to transform the political system as a whole.

¹ See Julius K. Nyerere, *Freedom and Unity: A selection from writings and speeches* (Dar es Salaam: Oxford University Press, pp. 46-47).

A major aspect of the operation of any political system is the management of conflict. Crossing the floor in East African parliaments had an important role to play in conflict-management. Sometimes it served the purpose of internalizing conflict within the ruling Party. This is best illustrated in Uganda's experience. In Kenya, on the other hand, crossing the floor in 1965 resulted in externalizing what had previously been intra-party tensions. A third role of conflict-management overlaps with those other two. Crossing the floor has sometimes helped to mitigate tension and narrow the area of possible clash between groups.

A useful approach is to take those three roles of conflict-management in turn. And since the first was best exemplified in Uganda, it is to Uganda that we should look first.

II

When independence was attained in Uganda in October 1962, the Government side of the National Assembly consisted of a coalition between Dr. Milton Obote's Uganda People's Congress (UPC, 44 seats), and the ethnically-oriented Buganda party, the Kabaka Yekka (KY, 24 seats). In Opposition was the Democratic Party (DP) with 24 seats.

Two forms of party fluidity were soon evident in the legislature, and the term "crossing the floor" is perhaps misleading in one of the categories. To switch from the Democratic Party to the UPC was indeed to "cross the floor". It was to move from the Opposition side to the ruling side of the House. But in fact the more interesting phenomenon, and perhaps the more significant in the long run, was the record of changing allegiances within the governing coalition itself.

Dr. Obote's Uganda People's Congress kept on growing. Initially its increasing strength owed less to its own appeal than to serious dissensions within the Kabaka Yekka movement and within the Democratic Party. Let us look at the latter first. On attainment of independence the DP Parliamentary group set out to be a serious and basically responsible official Opposition. But the leader of the Party had not succeeded in winning a seat to the National Assembly, and this rapidly led to a clear divergence between policy in the National Assembly and policy as unilaterally enunciated by the Party leader outside. The Party leader or president-general was Mr. Benedicto Kiwanuka.³ The official leader of the Opposition within Parliament, on the other hand, was Mr. Basil Batarangaya. While Mr. Batarangaya was carefully trying to build the image of responsible Opposition within Parliament, Mr. Kiwanuka was indulging in a number of opportunistic tactics which cost the Party a good deal of popular respect. He even attempted (in vain) to get the traditionalist institutions of Buganda to promote him as an indirectly-elected member from the Kingdom—although his Party had declared itself been opposed to indirect elections and to the powers of those traditionalist institutions.

The Parliamentary leader of DP, Mr. Batarangaya, had never commanded

³ Mr. Kiwanuka held the Premiership under the phase of internal self-government on the eve of full independence.

enough support within the party to wrest the overall leadership from Mr. Kiwanuka. The former's position therefore became increasingly untenable. A number of his colleagues in Parliament crossed to Dr. Obote's Party, in part out of genuine disenchantment with DP.³ On 31st December, 1964, Mr. Bataringaya himself crossed the floor and joined the UPC, taking five other DP members with him. Although there were calls that the rest of the Parliamentary group of DP should also cross, this was resisted. And the president-general of the party, Mr. Kiwanuka, declared a resolute resistance to the apparent trend towards a one-party system in Uganda.⁴

In the meantime the UPC had been gaining at the expense of KY also. And, as we indicated, it was not at first a case of "crossing the floor" so much as a change of allegiance within the governing UPC/KY Coalition itself. The twenty-four KY members of the National Assembly had all been indirectly elected—twenty-one by the Lukiiko (Buganda Regional Assembly) and three by the National Assembly itself sitting as an electoral college. In the earlier phases the drift from KY to UPC seemed to be a reaction against the way in which the chiefs and other traditionalists in Buganda had successfully thwarted any hope of converting the KY movement into a modern political party or of using its moral assets as a means of bringing about major reforms within the kingdom itself.

Ideologically, the KY members who joined the UPC appeared to be nearer to Obote's pragmatic brand of African socialism than to the conservative forces grouped round the Kabaka or king of Buganda. By joining the UPC the KY members were branded as traitors to the cause of upholding Buganda's traditions. But though elected by the Lukiiko they were not removable by the Lukiiko. In any case the continuing coalition between KY and UPC perhaps helped to mitigate the sense of betrayal felt by those who had elected the defected KY members to the National Assembly.

III

But then, in August, 1964, Dr. Obote felt strong enough in Parliament to terminate his allegiance with KY. The fourteen remaining members of KY at the time crossed the floor and sat alongside the DP opposition, though they seemed to make no attempt to enter into any kind of tactical arrangement with them.

Until this break-up of the alliance, those who joined the UPC from the ranks of its opponents did not seem motivated to subvert the UPC from the inside. But following the break-up of the alliance, and especially in the course of 1965, an entirely new political manoeuvre modelled on Trojan Horse tactics made its appearance, and had repercussions which culminated in the violent upheaval of 1966. Before independence Dr. Obote had made a deal with KY whereby as a *quid pro quo* for support in the National

³The earlier phases of these events are traced in some detail by C. Gertzel in "How Kabaka Yekka came to be" and "Report from Kampala" both in *Africa Report*, October 1964.

⁴See *Uganda Argus and Daily Nation*, 2nd January, 1965. See also *East African Standard*, 11th January, 1965.

Assembly, the UPC was to refrain from opening up branch offices and recruiting members in Buganda. The indirect election of the 21 Buganda MPs by the Buganda Regional Assembly, the Lukiiko, was part of the same deal. These MPs were originally elected as KY members.

Early in 1963 the understanding between the two parties was partially abandoned and a few UPC branches were opened in Buganda, principally in urban areas. Recruitment of Baganda into the UPC was slow mainly because Baganda nationalists were successful in portraying the UPC as an organization bent on undermining the Baganda way of life. The UPC attempt to sensitize Ganda attitudes to a new set of centrally-oriented political goals were sufficiently alarming for the Buganda establishment to lead to a broad reappraisal of strategy. What evidence there is seems to indicate that a momentous decision was taken to try to subvert the UPC from within. By February 1966 the control of the Buganda regional branch of the UPC had fallen into the hands of a faction ostensibly supporting the UPC but apparently sharing its outlook with KY supporters. The Chairman of the Buganda Regional Branch of the UPC, Dr. Lumu, was a Minister in Dr. Obote's Cabinet. There were at least four other Ministers in the UPC Government who seemed to share political sympathies with KY.

Within Parliament the KY strategy had now apparently become one of trying to utilize the device of crossing the floor as a method of internalizing opposition to Dr. Obote. In July 1965 six out of the fourteen KY Members who sat on the Opposition benches crossed the floor and joined the Government majority. But how sound was the Government majority? Most of the sixteen former KY supporters were a doubtful proposition, and a number of ex-DP and UPC members began to examine their political "availability" as rumours of a plan to oust Dr. Obote gained ground.

The extent to which members had joined the anti-Obote bandwagon was dramatically revealed in February 1966. By an adroit manipulation of the parliamentary timetable, a motion was introduced in the National Assembly demanding a commission of inquiry into the disposal of certain ivory tusks and gold sent out of the Congo by the Stanleyville rebels. It was alleged that Dr. Obote, the Minister of Defence and the deputy Army Commander was implicated in this Congo "gold and ivory scandal". The person who introduced the motion and "led the pack" was a leading member of Kabaka Yekka, the late Daudi Ocheng. Obote was absent from the House touring in the north when the motion for a commission of inquiry was introduced. When the vote was taken those present in Parliament amounted to almost two-thirds of the total membership of the National Assembly. To the surprise of the outside world, all but one member of the National Assembly supported the motion—and this included six Cabinet Ministers. That was perhaps Daudi Ocheng's most dramatic moment of triumph. While it lasted it was also a vindication of KY's strategy of internalizing opposition to Dr. Obote by swelling the ranks of the disaffected within his own party.

The full account of Dr. Obote's recovery from this collapse of his party's unity under his leadership lies outside the scope of this paper. He came

back to the capital¹ and first assured himself of the loyalty of the security forces. In a dramatic move he then got the police to arrest five ministers when they assembled for a Cabinet meeting. He suspended the independence Constitution of 1962 and then replaced it with an interim one providing an executive president and eliminating the quasi-federal safeguards for Buganda which had formed part of the previous Constitution. Certain counter-moves by Buganda culminated in an army attack on the Kabaka's Palace in May 1966. The Kabaka fled from the country and sought refuge in England. In the meantime the six remaining KY members in Parliament, having refused to take the oath of allegiance to the new Constitution, lost their seats. And with Buganda in a state of emergency, and its loyalty in doubt, there was no question of holding bye-elections to replace them.

A striking omission in the new interim Constitution was the simple fact that no attempt was made to launch a one-party system. Smaller upheavals elsewhere in Africa had quickly been used as an excuse for eliminating all formal opposition. But Uganda's experience was different. The rump of the Democratic Party in Parliament was permitted not only to continue in existence but also to act as the most important remaining source of public criticism of the government. This was the more remarkable since Dr. Obote had taken advantage of Mr. Bataringaya's crossing of the floor the year before to declare that there would no longer be an "Official" Opposition in Uganda. This could easily have been a prelude to the abolition of "unofficial" opposition as well, particularly considering Obote's public espousal of the one-party system as early as February 1964. Indeed, all those crossings of the floor in Parliament in the course of 1964 and early 1965 seemed to be carrying Uganda irresistibly towards a one-party system. In January 1965 the national chairman of the UPC, Mr. John Babiha, was asserting that only a one-party system could assure Uganda "social, political and economic stability and tranquility".²

Yet a year later, when the UPC was in a position to take advantage of a state of emergency to launch a one-party state, it refrained from doing so. The whole idea of winning converts from opposition parties, and thus helping to liquidate them, had lost the great attraction it once had. The one-party system carried the danger of intra-party subversion—and the device of "crossing the floor" was the Trojan Horse which could bring this about.

In June 1967 new Constitutional proposals were made in Uganda, to replace the interim Constitution which had been hastily introduced in the midst of the troubles of the previous year. The 1967 Constitutional proposals aimed to make the President stronger than ever. There were also stricter provisions curtailing civil liberties, including a new Preventive Detention Act. But again the centralization fell short of outlawing opposition and setting up a one-party system.

¹ See M. Crawford Young, "The Obote Revolution", *African Report* June 1966; G. F. Engholm, "Buganda's Power Struggle", *New Society*, 2nd June, 1966; and G. F. Engholm and Ali A. Mazrui, "Violent Constitutionalism in Uganda", *Government and Opposition*, August 1967.

² *Daily Nation*, 21st January, 1965.

It is not an exaggeration to say that a major factor which has saved Uganda from a one-party system for the time being is the use to which the device of "crossing the floor" was once put. Here was a practice which could easily have led to the emergence of a one-party system, as the losers deserted their parties to join the winners. But in Uganda the practice culminated in intra-party subversion and in a resultant disenchantment with one-partyism itself, at least when this is conceived in terms of open membership.

In August 1966 the UPC frankly admitted its new suspicion of party crossings. A statement issued by the national secretariat said that in order to prevent people joining the party for "ulterior motives", all kingdom and district assemblies would in future have to send applications for membership to the national secretariat. "Meanwhile, the national secretariat has appealed to the National Council to examine and screen members of other political parties joining the UPC in future," the statement said.⁷ The use to which "crossing the floor" in Parliament had been put had aroused suspicions about changing allegiances in the country at large. And the trend towards one-partyism in Uganda, which had seemed so irresistible in the second half of 1964, was now being thwarted by the dominant party itself.

IV

Kenya's experience with political parties has been, in some ways, even more complicated. But from the point of view of our analysis of conflict-management, what is of particular interest is the phenomenon of externalizing ideological and personality clashes as illustrated by Kenya politics in recent times.

But first, let us trace the background to this phenomenon in the story of Kenya. Between 18th May and 26th May, 1963, elections were held throughout the country as a prelude to self-government. The results were as follows:

House of Representatives

Kenya African National Union (KANU)	64
Kenya African Democratic Union (KADU)	32
African People's Party	8
Independents	8

Senate

Kenya African National Union	18
Kenya African Democratic Union	16
African People's Party	2
Independents	2

On 31st May 1963 the Governor of Kenya, Mr. Malcolm MacDonald, formally proclaimed the country's attainment of full internal self-government. KANU was in power. A few weeks later, after discussions with the Ministers of the new Kenya Government, the Secretary of State for Commonwealth Relations and the Colonies, announced in the House of Commons that Kenya would become independent on 12th December, provided satis-

⁷ See *Daily Nation*, 22nd August, 1966.

factory progress was made at a Constitutional conference scheduled for the end of September.

The immediate points of issue between the parties continued therefore to be constitutional. KANU, the majority party, stood for a centralized, unitary state. KADU, an alliance of the smaller and less secure minority tribes of Kenya, stood for a wide area of local autonomy in each region. The small African People's Party under the leadership of Paul Ngei was essentially a Party of the sizeable and politically significant Kamba tribe. The Kamba were related to the Kikuyu, and the APP leadership had more in common with KANU leaders than they had with the dominant figures of KADU. But for a while Paul Ngei did lend some support to KADU's "Majimbo" or regionally oriented policies.

By September 1963, however, Ngei declared his disenchantment with the "Majimbo" policy and proposed to forsake the opposition and line up with the Government. In order to forestall any accusations of "betraying the Kamba masses", Ngei made it a point to give advance warning of his intention of crossing the floor while addressing meetings in the heart of Kambaland—at Machakos and Kitui. By the 16th September the *Kenya Gazette* announced that the African People's Party had been removed from the register of societies as it had "ceased to exist". All the APP members of the House Representatives and the Senators had crossed the floor to join KANU.⁸

The result of all this was that, unlike Uganda, Kenya approached independence with only two parties after all. Their deep differences in constitutional matters was taken to London to be thrashed out at the conference. The outcome of the conference was an attempt to reaffirm both KADU's Majimbo principle and KANU's desire for a stronger government. But on the whole this last constitutional conference prior to independence was more a triumph for the centralists than for the regionalists. The achievement of the regionalists had come earlier—when their influence helped to give Kenya the prolix and devolved constitution which accompanied the country into internal self-government—a document which was the longest of its kind in the history of the British Empire and its dissolution. But the last constitutional conference prior to Kenya's independence tried to make amends for the centralists, though still leaving one or two matters unresolved.⁹

The possibility of KADU crossing the floor to join KANU was raised soon after the constitutional conference. The governing party extended an invitation to members of the Opposition to cross the floor en masse. But after an important meeting of the KADU Parliamentary group in October 1963, Mr. Ronald Ngala, the leader of the Opposition, explained his Party's position on this matter with firmness. Asked if his party was in favour of "a united front" with KANU, Mr. Ngala said:

"If united front means that the Opposition should cross the floor, then

⁸ For some of the relevant background reports see *East African Standard*, September 7, 9, 12, 13, 17, 1963.

⁹ As it turned out, the most important of the unresolved issues was the North Eastern region and the future of the Somalis living there.

that is out of the question. But if it means that there should be agreement between the Opposition and the Government on delicate national issues, then that is the normal democratic way in which the party in power recognizes the Opposition."¹⁰

On 12th December, 1963, Kenya became independent. It still had a two-party system, but pressures for the dissolution of KADU had been mounting. Some members had been crossing the floor already. Towards the end of November, for example, two defections from KADU gave KANU access to what had previously been "enemy territory"—the Kalenjin areas. "There comes a time in the careers of politicians when they have to make an agonising reappraisal of their position," explained a defector.¹¹

But it was not until nine months after independence that KADU's survival faced its worst test. The Government's proposals for a Republican constitution included proposals to reduce the powers of the seven regional authorities. But the minority safeguards within the independence Majimbo constitution seemed to make it impossible for KANU to change the Constitution unless they got extra voting strength from at least some members of KADU, especially in the Senate. KANU asked the Opposition either to support the proposals or face a national referendum. It was expected that such a referendum would reveal much more clearly than ever how weak was the Opposition in the country and how "inflated" was its strength in the two Houses of Parliament. KADU was therefore rightly concerned about the risks involved in forcing the Government to go to the country at that particular moment.

Nevertheless, in early November, 1964, the KADU executive decided to stand firm against the Government on the Republican constitutional proposals. But at the eleventh hour a political confrontation was avoided. Two days before the Senate was due to vote on the Republican proposals, two Masai members and one Samburu crossed the floor following meetings that Mr. Kenyatta had been having with the chief and elders of the Masai and Samburu. The decisive move soon came when the Kalenjin MP's abandoned KADU and crossed the floor thus giving the Government its ninety per cent majority in the Senate. The country was therefore spared the expense and possible risks of what might have been an acrimonious referendum.

The KADU executive soon met to reappraise the situation. They decided that it was now "obvious that the country has chosen to have one leadership under the new Constitution". At this time the vote in the Senate had not as yet been taken on the new proposals, but the Government now had the requisite voting strength. KADU decided that the time to cross the floor and join the Government was before the vote was taken. And so, on 10th November, 1964 Ronald Ngala stood in the House of Representatives and solemnly announced his Party's decision: "I have a full mandate to declare today that the official Opposition is dissolved. KADU is joining the Government under the leadership of Mzee Jomo Kenyatta and the Opposition today will vote with the Government for the new Constitution in the Senate."

¹⁰ See *East African Standard*, 23rd October, 1963.

¹¹ See *East African Standard*, 24th and 25th November, 1963.

Mr. Ngala's voice was almost drowned by the cheering and stamping. And then stood a beaming Mr. Kenyatta and, to a tumultuous applause, he said: "I welcome our brothers wholeheartedly . . . I regard this day as a great day, not for KANU but for the people of Kenya."¹⁸

With the dissolution of KADU Kenya became what was called "a voluntary one-party state". In the scramble for position as independence approached the country had had three parties. On the eve of independence the smallest of the three crossed the floor to join the largest. Kenya therefore attained sovereign status with a two-party system. But floor-crossings again started eroding away the strength of the Opposition. And finally a decisive triple-crossing gave the Government the requisite strength for a major constitutional change. The KADU Opposition reappraised itself—and decided to join the winners.

The One-party trend, which in Uganda was thwarted before it attained fulfilment, managed in Kenya to "go the whole hog". KANU became the only party—at least for a while.

V

But was not this simply another instance of internalizing opposition into the ruling group itself? Certainly suggestions of this kind were being made not long after KADU dissolved itself to join KANU. Mr. Oginga Odinga, then Vice-President of the country, remarked some months after KADU's dissolution that former KADU leaders still had "KADU beliefs".

And yet Mr. Odinga's own remarks were the beginning of a new kind of split. Unlike the case of some of the KY crossings in Uganda, the KADU crossings in Kenya were certainly not an instance of infiltration. It was not a case of bringing opponents of the Government from the outside into the inner chambers of the governing party. To that extent KADU crossings were not a simple case of internalizing opposition to the Government.

And yet there is no doubt that Opposition to the Government within the Party became more marked following the merger with KADU. What was the difference? The answer to the question brings in the whole relationship between the one-party state and the problem of unity. It is true that the disappearance of KADU from Kenya's political scene led to internal dissension within KANU. But KADU did not cause this dissension by joining KANU. It caused it simply by dissolving itself. In other words, even if Mr. Ngala and his colleagues of KADU had simply retired from politics after dissolving their Party, the dissension within the ruling party would still have reared its head simply because of the disappearance of a rival party.

This is one of the dilemmas facing African one-party states. A one-party system is often defended in terms of being an instrument for unity. And yet its own internal party unity sometimes depends on the stimulus of a rival party. The Tanganyika African National Union has so far averted the danger of "withering away". But the Kenya African National Union was faced with this risk as soon as it was deprived of the invigorating insecurity which

¹⁸ See *East African Standard*, 11th November, 1964.

came with a rival party. In an open letter to President Kenyatta in January 1966 the Organizing Secretary of KANU at the time, Mr. John Keen, complained bitterly of the rust, dust and cobwebs which were already covering the Party machinery. He noted "the appalling situation of the Party". There had not been a meeting of the Party Secretariat since February 1964 or of the party executive council since 1963. Party debts totalling nearly £20,000 had not been paid. Full-time party workers had received no salaries for months, and electricity and telephones were sometimes cut off because the requisite bills had remained unattended. Paul Ngei, who had dissolved his own party just before independence to become a leading member of KANU, echoed John Keen's sentiments in March 1966. Ngei told the Press:

"It is my opinion that the Party is not functioning . . . I cannot see the Party dying like this when the Party is ruling the country."¹³

But it was not mere lethargy which ensued upon the launching of the one-party system in Kenya. It was also mounting dissension between factions within the Party. In the course of 1965 open clashes and exchange of political abuse between leading members of KANU became increasingly uninhibited. The leader of the discontented members of the Party became Mr. Oginga Odinga, the Vice-President of the country and of the Party. Clashes between him and fellow Members of the Cabinet more loyal to Mr. Kenyatta became more publicly articulated.

Among the most loyal to Mr. Kenyatta were, in fact, the former leaders of KADU like Ronald Ngala and Daniel arap Moi. Indeed, when Mr. Kenyatta decided to relieve Mr. Odinga of his portfolio as Minister for Home Affairs, he then gave it to Mr. Moi. It was about that time that Mr. Odinga made suggestions that the KADU leaders who had crossed the floor had brought their KADU beliefs with them. To these accusations Mr. Moi said:

"I would like to make clear to the public that KADU joined KANU and the Government sincerely, and has consolidated those forces who were, and are, loyal to the President of Kenya. The country will no doubt know who are loyal to the President and who are not. It is easy to speak, but what remains to be seen in practice is what should be taken to be the true intent."¹⁴

It was indeed a significant paradox. The end of KADU had both strengthened the Kenya Government and weakened the ruling party. As we have indicated KANU was weakened when it lost the unifying effect of a rival party. The Kenya Government was strengthened when its own brand of political pragmatism found loyal support from former KADU leaders. To use the words of Mr. Moi again, "we joined the Government and the party to consolidate forces within them loyal to the President."¹⁵

In the course of 1966 events in Kenya seemed to be heading towards an ultimate confrontation between Mr. Kenyatta's immediate supporters and the disaffected members of KANU around Mr. Oginga Odinga. Kenya's single-

¹³ For a very useful background article to Kenya at that time see John Spencer, "Kenyatta's Kenya", *Africa Report*, Vol. II No. 5, May 1966. John Keen later resigned from his party office, and was briefly detained by the Government.

¹⁴ See *East African Standard*, 1st December, 1965.

¹⁵ *Ibid.*

party system was merely an umbrella for genuine political clashes and open debate. As a newspaper of one of Kenya's neighbours noted in an editorial following a remarkable debate in the Kenya Parliament:

"It is surprising that Kenya, a one-party state, should have a Parliamentary debate on a motion seeking to express confidence in the President and his Government. And the acrimony of the debate, in which several members were ordered out and the Vice-President of Kenya walked out, comes as a surprise, despite the fact that it has been known for a long time that there were divisions in the ruling Kenya African National Union."¹⁶

This brief period was perhaps the golden age of liberalism in Kenya. President Nyerere of Tanzania had once said that the one-party system had the capacity to promote freer political debates than was possible in a two-party system. Party discipline, which often effectively curtailed the freedom of the individual legislator in a two-party system, could be dispensed with in a situation in which there was no rival party that might stand to gain by dissension within one's own party.

To put it another way, a single-party system has no obvious alternative government which must be denied electoral advantage. Opposing factions are looser and changeable. If there is such a thing as a "shadow cabinet" it has not been institutionalized—and is therefore shadowy than ever. Precisely because the fear of giving "the enemy" an electoral advantage is less immediate and identifiable, dissension within the ruling party in a single-party system can be all the more uninhibited.¹⁷

But the best illustration of this vigorous debate within a single-party system has not, in fact, been Tanzania. It was Kenya in its period of vigorous liberalism within the single-party structure. Top Tanzania leaders have never clashed as openly and frankly as top KANU leaders were clashing in 1965-66. Kenya as an "open society" attained the heights of candour in this short phase.

But then the device of "crossing the floor" brought the curtain down on this period. On 14th April, 1966 Oginga Odinga announced his resignation as Kenya Vice-President. The impact was far-reaching. Two assistant Ministers resigned from KANU. And then eighteen members of the House of Representatives and nine Senators crossed the floor to give Parliamentary existence to a new Opposition Party, the Kenya People's Union (KPU). Shortly afterwards the Minister of Information, Achieng Oneko, resigned and joined the rebels. It was not long before Oginga Odinga formally took over as President of KPU.

The risk of further floor-crossings seemed immediate. The ruling party reacted with resourcefulness. It is reported that at a meeting of the KANU Parliamentary Party Group following Oneko's resignation Mr. Kenyatta angrily demanded that all those who had crossed the floor should be expelled from Parliament. The Speaker of the House pointed out that this would be unconstitutional. Mboya is credited with the alternative solution which was

¹⁶ "KANU's Split is Showing", *Uganda Argus*, 17th February, 1966.

¹⁷ For Nyerere's Stimulating discussion of this theme see his *Democracy and the Party-System* (Dar es Salaam: Tanganyika Standard, 1962).

adopted—that those who had changed parties should be forced to go to their constituencies and stand for election again. This move was apparently rationalized on the grounds that “having deserted KANU, the dissidents no longer represented their constituents.”¹⁸

But this too needed a constitutional amendment. Such an amendment was rushed through. Thirteen of the defectors, faced with the loss of perquisites, applied for readmission to KANU and publicly reaffirmed their loyalty to Mr. Kenyatta. They helped to get the constitutional amendment passed by the two Houses. But in spite of their renewed declarations of allegiance to the Party, the dissidents were told that they too would have to stand for re-election under the new law. On hearing this ten of the penitents crossed the floor once again—and rejoined the KPU.

In June 1966 the “Little General Election” was held in Kenya in those constituencies affected by the floor-crossings. By that time twenty House of Representatives seats and ten Senate seats were involved. The campaigns were energetic and lively. And the issues which divided the two parties were indeed partly tribal. But there were also more genuine classes of ideology and policy-alternatives than have been evident in most African elections so far. There was a neo-Marxist theme in much of KPU’s rhetoric which clearly distinguished the Party from its ruling rival.

Many of KPU’s members in Parliament were not returned, including Bildad Kaggia, the leftist radical from Kikuyu. But the Party, however small, did survive the “Little General Election” and continued to follow the leadership of Mr. Oginga Odinga. After a brief exercise in single-party politics, Kenya once again had a rival Opposition party in Parliament.

At first sight this “externalization” of opposition to the Government would seem to have served the cause of liberal politics in Kenya. The device of crossing the floor had given the country a two-party system once again.

And yet the total effect of the events of 1966 was in fact to reduce liberalism in Kenya. Mr. Odinga’s group was larger and more powerful within KANU than it has become since then. The “Little General Election” had itself taken its toll. Many leading figures, who would have continued to command public attention had they continued to be in Parliament, have now fallen into oblivion. Achieng Oneko and Bildad Kaggia are two such figures. Had they and their colleagues not left KANU, there would have been no “Little General Election”. And had there been no such election, the parliamentary opposition to Government policies would have been stronger than it is now. And Mr. Odinga’s following—within the ruling party but against the government—would have been larger and more commanding. It is also just possible that in such circumstances there would have been no Preventive Detention Act as yet in Kenya. That, however, is a less solid speculation. What the evidence does support is that crossing the floor in Kenya in 1966 resulted in giving the country an extra political party but at the cost of reduced candour in public debate and reduced effectiveness in challenging government policy. Kenya gained a two-party system and lost much of the liberalism of its politics.

¹⁸ John Spencer, “Kenyatta’s Kenya”, *op. cit.*

But liberalism is tied to the doctrine of consent in government, and this in turn is by no means unrelated to the kind of party system a country devises. It is to these aspects of the question, and their bearing on mitigation of conflict in the political system, that we must now turn.

To the question "What is the connection between the party system and the principle of consent?" the liberal answer has tended to start from the premise that consent postulates an alternative. A people could not be said to have consented to be ruled by Party A unless there was an alternative party that they were in a position to vote for had they been so inclined. When therefore Mr. Ngala late in 1964 decided to dissolve KADU and join the ruling party in Kenya he was in effect depriving the people of Kenya of their right to an identifiable "shadow government". In other words, a liberal might have argued that Kenya's two-party system had no right to commit suicide. The decision which Mr. Ngala and his colleagues had reached affected more than Ngala's own political future. It was arguable that by killing his own party Mr. Ngala had denied the country as a whole a potential alternative to KANU.

But perhaps it was not just Mr. Ngala who killed KADU. It was also all those members of his Party who had crossed the floor before he decided on dissolving it. This is where we need to look at the relationship between the doctrine of consent and the phenomenon of crossing the floor.

We should perhaps begin by taking note of the concept of *composite consent*. What is consented to after a free inter-party election is not simply which party should rule. The effect of the voting is not merely in determining which party is in a majority in the legislature but also which is in a minority and by what margins of strength the different parties are separated. The balance of forces which emerges after a free election is what enjoys the *composite consent* of the electorate as a whole.

In the last general election in Kenya on the eve of independence the composite consent which resulted was to a two-party system—though with one party considerably stronger than the other.

It is possible to argue in general terms that every crossing of the floor is a distortion of the composite consent of the electorate since it modifies the balance of forces to which they had originally assented. The Uganda Parliament by the end of 1965 bore little relationship to the strength of the Uganda People's Congress at the last general election. The phenomenon of floor-crossings had inflated the strength of the UPC in Parliament and made it considerably stronger than its original electoral position would justify. The composite consent which emerged after the last general election has since sustained considerable distortion in Parliament, mainly because of floor-crossings.

Yet in Kenya in the first year of independence it was possible to argue that crossing the floor was by no means always a distortion of original consent. This was because of a prior distortion arising from constituency boundaries. In July 1962 a Commission had been appointed to delimit con-

stituencies for the Lower House of the National Assembly. In January 1963 the Report was published. It became increasingly clear that the main result of the new constituency boundaries was a heavy weighting against Mr. Kenyatta's Kenya African National Union. Clyde Sanger, writing in *The Guardian*, assessed that the sizes of the 117 constituencies varied so much that in broad terms it seemed likely that three votes for KANU would be worth only two cast for any other party—Mr. Ngala's KADU, Mr. Paul Ngei's African People's Party or the secessionist Somalis in the Northern Frontier District.

Mr. Sanger continued:

"In other words KANU could win sixty per cent of the popular vote and yet take only a minority of seats. . . . Electorates vary in size from Baringo East with 749 votes to Nakuru East with 47,017."¹⁹

When in May the elections were held, the results were not quite as bizarre as at one time had seemed possible. After all, KANU did emerge as the majority party. Nevertheless, KADU, with only one-fifth of KANU's electoral strength in the country, won the equivalent of half of KANU's seats (KADU had 32 seats in Parliament to KANU's 64). It is true that the system of single-member constituencies is not intended in any case to achieve the happy neatness of proportional representation. But in the case of Kenya's constituencies something approaching "neo-gerrymandering" had been at play. If therefore through a fault in the electoral arrangements KADU had got more seats in Parliament than was justified even by the canons of single-member constituencies, then crossing the floor had a *restorative* rather than *distorting* function. A few desertions from KADU made the legislature more representative rather than less. And the composite consent of the electorate was restored.

This is certainly one area of activity in which crossing the floor could serve to mitigate some of the frustrations of being under-represented. When Clyde Sanger assessed before the Kenya elections that KANU could conceivably win sixty per cent of the popular vote and still win only a minority of seats, he appended a warning to this hypothesis. He said:

"If this happened it would not only be the perennial pessimists who would predict revolutionary violence."²⁰

Sanger was pointing precisely to the explosive risks of a certain scale of under-representation. But it was not Kenya which was soon to vindicate Sanger's theory of representational frustrations. It was Zanzibar. It is arguable that of all countries in former British Africa the one which needed floor-crossings most of all was Zanzibar between its last election in July 1963 and the actual revolution in January 1964. The results of the July elections had given the Zanzibar Nationalist Party twelve seats and the Zanzibar and Pemba People's Party six seats. These two parties had formed the ruling alliance, holding eighteen seats in Parliament. The Opposition party was the Afro-Shirazi Party, with the remaining thirteen seats of the legislature.

¹⁹ *The Guardian*, 20th February, 1963. See also *Africa Digest*, Vol. X No. 5, April 1963, pp. 158-159.

²⁰ *The Guardian*, *ibid.*

And yet, in terms of support in the country, the governing coalition had won only forty-six per cent of the popular vote. Through a predictable electoral fault in constituency boundaries, Zanzibar had once again a frustrated popular party in opposition, while a minority coalition held the reins of power. This was an anomaly which was predictable enough to have been rectified before the election—had the departing British authorities possessed the will to do so. But they did not. The country therefore emerged into independence with a minority government.

In different circumstances this anomaly might have mattered less. But it just so happened that in Zanzibar the ruling minority government was too closely identified with a long-established Arab elite within the Sultanate. It is true that the Zanzibar Nationalist Party had more African support than naïve external commentators sometimes assumed. The ruling coalition government would not have won forty-six per cent of the vote if it was simply an "Arab coalition", for the Arabs were little more than a sixth of the population.

Nevertheless, although not all Africans were against the government, virtually all Arabs were for it. That is why the ruling coalition became so closely associated in many people's minds with the long-established Arab elite.

The Arabs were economically, especially in land-ownership, still very much a privileged class. By 1963 the Arabs could no longer maintain their economic status through armed might. That is why parliamentary control assumed a crucial significance. In the words of Michael F. Lofchie:

'Whereas the Arabs' position in the past rested upon their superior force as a caste of colonial invaders and upon an ability to use this force to dominate the economy, their security now depended upon the intrinsic stability of a parliamentary system.'²¹

If the Arabs had lost control over the parliamentary system, it is conceivable that no violent revolution would have been necessary. And how could they lose control over the parliamentary system? Presumably by losing that margin of seats in Parliament without which their parties in Parliament would not have been able to form a ruling coalition.

But given that a fault in constituency arrangements had already conferred an artificial majority on the coalition of the ZNP and the ZPP, the only hope lay in a post-electoral shift in the balance of parliamentary strengths. This is what leads us to one of the great "might-have-beens" in the political history of East Africa. It might not be too much of an exaggeration to say that if three members of the ZNP/ZPP coalition had crossed the floor to join the Afro-Shirazi Party, the Zanzibar revolution need not have taken place. Sixteen seats in Parliament would have given the Afro-Shirazi Party a majority. And if this had happened between July 1963 and early December, the departing British authorities would have had to supervise a change of government following a shift in Parliamentary support. There might indeed have been some rioting here and there, but the violent revolution which

²¹ Lofchie, *Zanzibar: Background to Revolution* (Princeton: Princeton University Press, 1965) pp. 270-271. See also *The Times* (London) 17th July, 1963.

occurred within a month of British departure might well have been averted.

It is difficult to be certain when one is speculating about what might or might not have happened in this or that set of circumstances. But if Lofchie is right that the stability of the parliamentary system was the Arabs' last protection against a rapid erosion of their privileges, those hypothetical defections in Parliament from the coalition to the Afro-Shirazi Party might well have averted one of the most brutal episodes in the recent history of East Africa.

Concluding Summary

We might again reiterate that increased representation in the legislative council was one of the earlier aims of nationalist movements in most British colonies in Africa. This phenomenon helped to acquire for the legislature a mystique which accompanied it into independence.

After independence the Westminster model, at first popular, was then rapidly discredited. And with the apparent decline of the organized effectiveness of political parties in much of Africa, the institution of Parliament seemed to be losing its centrality in African political systems.

And yet in East Africa one form of parliamentary behaviour had sometimes far-reaching implications for political arrangements at large. And this was, as we indicated, the phenomenon of crossing the floor. In Uganda the device of crossing the floor first took the country to the brink of a one-party system. But then the dominant party took another look at what had been happening. Floor-crossing had, in part, been a form of infiltration—and while it was taking the country to the brink of a one-party system its real aim was to push the top leadership over the brink.

Uganda might still end up having a one-party system. But for the time-being the dominant party is not overtly speeding up the process. Both in 1966 and in 1967 the Party put forward proposals for sweeping constitutional changes. But in both cases the Government did not use the opportunity to push forward proposals for a one-party system. On the contrary, in 1967 the Government specifically affirmed that it had no special proposals to set-up a one-party state.²³

It might therefore be argued that the utilization of crossing the floor as a "Trojan Horse" tactic had led to a situation in which the dominant party had become a little apprehensive about over-extending itself. Crossing the floor had therefore helped to create in Uganda, at least for a while, a distrust of one-partyism.

In Kenya crossing the floor had first before independence given the country a three-party system. Then the trend led to the liquidation of the APP—leaving the country with a two-party system. And about a year after inde-

²³ This was affirmed by Minister Felix Onama, who had on previous occasions strongly attacked "Western-style democracy". See *Uganda Argus*, June, 1967.

pendence the self-dissolution of KADU gave the country a voluntary one-party state.

However, the disappearance of a rival party let loose within the ruling party the ideological friction and personal rivalry which had before remained subdued. The tendency culminated in a new wave of crossings in 1966—and the formation of the Kenya People's Party. This was a case of externalizing opposition to Government. But while the crossings of 1966 restored for Kenya a two-party system, it was at the expense of the more vigorous opposition and debate which had been possible from within the party.

Finally, we analysed the relationship between the doctrine of government by consent and the phenomenon of crossing the floor. In Kenya crossing from KADU to KANU might have helped to mitigate some of the frustrations of under-representation. In pre-revolutionary Zanzibar, however, what was significant was the floor-crossing which never took place—the hypothetical three defections from the coalition to the Afro-Shirazi Party which alone would have given the latter the necessary majority to form a Government without a revolution.

It is these considerations which give the phenomenon of parliamentary defections in East Africa a depth of meaning which far transcends the apparently trivial motives which often inspire them. At times a mere symptom, and at others a catalyst or a cause, the phenomenon of crossing the floor has often been at the very centre of problems of conflict-management in the political systems of East Africa.