

UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

// IS POWER SHARING A FEASIBLE ALTERNATIVE TO THE PURSUIT OF PEACE
IN CONTESTED ELECTIONS
A COMPARATIVE ANALYSIS OF KENYA AND ZIMBABWE //

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**A RESEARCH PROJECT PRESENTED TO THE INSTITUTE OF DIPLOMACY &
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DEGREE OF MASTER OF ARTS IN INTERNATIONAL STUDIES**

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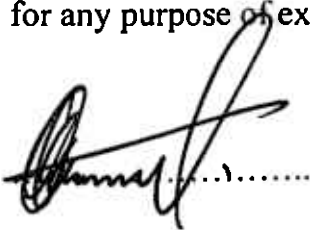
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DECLARATION

This research project is my original work and has not been presented in any other university for any purpose of examination



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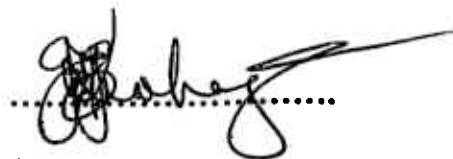
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DEDICATION

I dedicate this study to my dear wife and daughter for the love and support which they accorded me as I worked on this project.

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It has been an exciting and instructive study period at the University of Nairobi and I feel privileged to have had the opportunity to carry out this study as a demonstration of knowledge gained during the period studying for my master's degree. With these acknowledgments, it would be impossible not to remember those who in one way or another, directly or indirectly, have played a role in the realization of this research project. Let me therefore, thank them all equally.

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ABSTRACT

Power-sharing governments are common ingredients of peace making and peace building efforts. Power-sharing guarantees the participation of representatives of significant groups in political decision making especially in the executive as well as in the legislature, judiciary, police and army. By dividing power among rival groups during contested elections, power-sharing reduces the danger that one party will become dominant and threaten the security of others.

One way of understanding power-sharing is in terms of conflict management. The main function of power-sharing in this discourse is to end violence and not necessarily to build democracy.

There have been serious critiques with regard to the feasibility or the desirability of power-sharing. This study critically aims at looking at the meaning and evolution of the power-sharing agreements, underpinning aims and strategies of their use for recovery of states experiencing conflict due to contested elections, the key role they play, and their challenges and shortcomings in the recovery of conflicting societies. In other words, this study will research on the feasibility of power-sharing in governments as a means of fostering long-lasting peace in states experiencing conflict due to contested elections.

Qualitative data collection and analysis were used for this dissertation. Qualitative data is the most applicable to this study because it gathers rich data in the form of the attitudes, feelings, and motivations of the subjects. The attitudes, feelings, and emotions of the subjects can yield in-depth and rich answers to the research objectives. In-depth interviews were carried out using an interview guide to collect the qualitative data. These individual interviews are semi-structured in the sense that a number of prescribed or seed questions were asked. Once a seed question is asked, the interviews assume a discussion form, with the interviewee directing the conversation with a number of follow-up questions to uncover key contextual information or to elaborate on important topics.

CHAPTER ONE

1.1: INTRODUCTION AND BACKGROUND TO THE STUDY

This chapter gives an introduction of the study. It will focus on power-sharing which has remained among the most efficient means of solving conflict in contested elections. It will bring out the necessity of internal power-sharing as a bid to prevent dominant groups or communities from subjugating others.

Power-sharing refers to political arrangements which guarantee the participation of representatives of all significant communal groups in political decision-making not only in the executive but also in the legislature, the judiciary, the police and the army. By dividing power among rival groups, power-sharing institutions reduce the danger that one party becomes dominant and threatens the security of others¹.

At the same time however, there are serious critiques with regard to the feasibility or the desirability of power-sharing. Horowitz argues that majority rule can be more conducive to compromise as parties make efforts in appealing for broad electoral support². Also, how should we explain the fact that some countries under majority rule are stable, while some others with power-sharing systems have suffered from internal conflicts? Is it true that power-sharing, serving as a temporal solution, fails to address conflicts in the long run³? To address these issues, there needs to be a coherent theory on how power-sharing functions in a way different from majority rule.

¹Jarstad, Anna K. 2008. Power Sharing: Former Enemies in Joint Government. In *War-to- Democracy Transitions: Dilemmas of Peacebuilding*, edited by A. K. Jarstad and T. D. Sisk. Cambridge: Cambridge University Press.

²Horowitz, C. 2003. "Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management." *American Journal of Political Science* 47(2): pp. 318-332.

³Snyder, J. 2000. *From Voting to Violence. Democratization and Nationalist Conflict*. New York, London: W. W. Norton & Company.

The choice of institutions and procedures may include provisions for coalition government, guaranteed representation, legislative vetoes, territorial devolution and federalism, functional autonomy, and even trans-national structures agreed by treaty between sovereign states. Yet despite this broad palate of institutional options, the worry has long remained that power-sharing may be uncritically appropriated by those charged with designing and implementing power-sharing institutions⁴.

This study critically aims at looking at the meaning and evolution of the power-sharing agreements, underpinning aims and strategies of their use for recovery of states experiencing conflict due to contested elections; the key role they play, and their challenges and shortcomings in the recovery of conflicting societies.

1.2: Statement of Research Problem

Power-sharing describes a particular phenomenon of conflict resolution if practiced in adequate detail. However, more work needs to be done to increase its explanatory value (i.e., when and why does it succeed). Only then will it be possible to make sure that complex power-sharing does not emerge accidentally in practice as a patchwork of different conflict resolution mechanisms cobbled together to accommodate a wide range of diverse (and most likely, incompatible) interests and ideologies, but to provide a framework within which stable, lasting and ultimately successful conflict settlements can be designed.

Power-sharing has been put forward as a method to overcome the initial obstacles of governance after a violent conflict. South Africa is a case in point where transitional power-sharing paved the

⁴Mansfield, Edward.D. 2005. *Electing to Fight. Why Emerging Democracies Go to War*. Cambridge, Massachusetts London, England: MIT.

way for majoritarian democracy⁵. However, there is scant quantitative research on whether the power-sharing is a feasible alternative to the pursuit of peace in purely contested elections like the case of Kenya and Zimbabwe.

Studies done by Mansfield (2005) shows that there is little point in making immodest claims at this stage about the feasibility of complex power-sharing as a conflict resolution strategy in contested elections. While complex power-sharing practice may eventually lead to peace, mainly in civil war torn countries, there is as yet not enough real-world evidence about how stable such regimes can be under varying conditions⁶. Some of them have proven relatively stable over time (i.e., over ten years): Belgium, Brussels, Bosnia and Herzegovina, Crimea, and South Tyrol. Northern Ireland has, despite incomplete implementation, achieved a very significant reduction of violence and the continued peaceful and political engagement of the conflict parties in an effort to find a permanent and acceptable solution for all. Others, including Bougainville, South Sudan and Macedonia are too short-lived to provide reliable data about their long-term stability. Mindanao has only achieved partial success in bringing peace to a troubled region of the Philippines. In all these cases power-sharing has not been applied purely because of contested election like the case of Kenya and Zimbabwe, thus, further analysis is required to determine whether the power-sharing is a feasible alternative to the pursuit of peace in contested elections. No study has been done on examining power-sharing as an alternative for peace in contested elections hence the study.

⁵Hoddie, Matthew, and Caroline A. Hartzell. 2005. Power Sharing in Peace Settlements: Initiating the Transition from Civil War. In *Sustainable Peace. Power and Democracy after Civil War*,

⁶Mansfield, Edward.D. 2005. *Electing to Fight. Why Emerging Democracies Go to War*. Cambridge, Massachusetts London, England: MIT.

1.3: Objectives of the Research

1.3.1: Broad objective

To examine power-sharing as an alternative for peace in contested elections.

1.3.2: Specific objectives

- i. To describe the efficiency (or lack thereof) of coalition governments sharing power due to contested elections
- ii. To discuss the role of diplomacy and the international community in power-sharing.
- iii. To describe the effect of power-sharing on democracy.

1.4: Literature Review

Introduction

This chapter reviews the literature related to examine power-sharing as an alternative for peace in contested elections. It provides a deeper understanding of the research topic. The literature has been compiled from various sources ranging from books, journals and internet.

1.4.1 Critical review on Power-sharing governments

Power-sharing governments are common ingredients of peacemaking and peace building efforts. Power-sharing guarantees the participation of representatives of significant groups in political decision making especially in the executive as well as in the legislature, judiciary, police and

army. By dividing power among rival groups during contested elections, power-sharing reduces the danger that one party will become dominant and threaten the security of others.⁷

Political 'tribalism' as opposed to 'moral ethnicity' which can form the basis of a civic order, is rooted in colonial politics. Part of Africa's problem is what Peter Ekeh (1975:92) identified as the dichotomy between civic public and the primordial public, the former perceived as an amoral zone of rights and the latter as moral and governed by customs. Africa is still struggling to bridge the gap created by these bifurcated spheres inherited from the colonial society, which has produced two patterns of rights and obligations.

Picking from Ekeh's point, Mamdani argues that the ethnicisation of politics started with the construction of ethnicity as a legal entity that was elevated over otherwise fluid and loose characteristics of populations. This process turned race and tribe into fixed denominators in the colonial legal project. Ethnicity became axial to the colonial divide-and-rule device used for the purpose of political control, enforcement of taxes and extraction of wealth.

The colonial state drove a wedge between ethnic groups by giving preferential treatment to some identity groups through appointments of local authorities or administrative staff in the colonial offices. For example, the Belgian and French ascribed the Hamitic 'race' identity to the Tutsis in Rwanda as against the 'Bantu tribal' identity of the Hutus.

This flawed classification laid the foundation for ethnic rivalry and conflict which would culminate in the 1994 genocide. The colonial manipulation of ethnicity bequeathed Africa's post-colonial societies with the polarities of settler (migrant) and native (indigenous) categories.

⁷International Crisis Group, Elections in Zimbabwe: the Peace Wager, Crisis Group Africa Briefing, 9 December 2010.

These have become the axis about which ethnic violence in Rwanda or more recently in Kenya rotates.

Africa's post-colonial states inherited these ethnic stereotypes and divisive patterns of power between and within specific ethnic identities, thus sowing the seeds of competition and conflict along ethnic fault-lines. It did not help the matter that many post-colonial patrimonial elites continued this legacy of divide-and-rule to protect their power. The rise of one party states or no-party military systems enabled these rulers to keep the lid on the simmering inter-ethnic rivalry and animosity, but the democratization process and economic reforms associated with the Structural Adjustment Programmes 'erased the earlier post-colonial state's claim to unencumbered hegemony'.

The authority of the state also increasingly came under attack during the era of globalisation. As Appadurai (1998) correctly observes, globalisation has fostered uncertainties and inequalities that have reinforced primordial sensibilities and recidivist ideologies, inspiring the atomisation of political processes. The decline of the hegemonic state and socio-citizenship opened the vent for rival ethnic groups to challenge the authority of the central state and the ruling elite.

Despite this linking of ethnic entities with violent conflict, it has become clear that identities have a role to play in conflict resolution. Organisations like UNESCO (2005) and the African Union (2005) have embraced cultural diversity and the expression of different identities as important assets in peacemaking and nation building. Indeed, authors like Tan celebrate the diversity of identities as an asset in the re-engineering of the civic order. Ethnicity is not in itself a venal or negative force.

The historian John Lonsdale (1994) has distinguished between 'moral ethnicity' and 'political tribalism,' capturing the benign and negative forces of ethnic identities, respectively. In this

regard, social movements have been acknowledged as potential counter-hegemonic forces to the centralising and domineering forces of the secular nation-state. In many respects, ethnic movements have oftentimes localized struggles for citizenship in ways that have created moral communities, mobilised resources and broadened the space for cultural citizenship.⁸

Despite the rising of power-sharing in many countries due to contested election in Africa in order to restore peace, no study has been done to examine whether power-sharing is a feasible alternative to the pursuit of peace in contested elections. There is a dearth of literature on the role of diplomats and international communities on brokering power-sharing in contested elections, the effectiveness of power-sharing governments due to contested elections and possible alternatives to power-sharing in contested elections. Thus this study will envision filling this research gap.

1.5: Justification of the Study

The findings of this study will create awareness of the critical importance of power-sharing as an alternative for peace in contested elections. Regarding the issue of post-conflict territorial re-organization, bargaining takes place between the advocates of a strong state centre, on the one hand, and of full local autonomy, on the other. The central-local relations of a state are under constant (re-)negotiation. There is a trade off between the concerns for central control and local autonomy, respectively. Re-organization along federalist or regionalist lines, with specified degrees of regional autonomy built into the reformed state structures is a much applied solution to civil wars with a sharp territorial dimension. However, this is not a domain for technical state craftsmanship. Territorial re-organization reflects a dynamic combination of the balance of

⁸ Reyntjens, Filip, 'Briefing: Peaceful transition after war?', African Affairs 105/418, January 2006.

forces, pre-existing institutional set-ups and, preferences of actors in each case. One needs to understand the contextual dynamics. In conflict management the challenge is for the practitioners to choose the best alternatives to resolve the conflict. This is mostly informed by intellectual literature based on research. In this regard the study will be a reference to other studies that will be conducted.

The problem of conflict resulting from contested elections in Africa and how they can be managed efficiently has been viewed as one of the big challenges for African diplomacy⁹. Further the problem in Africa is not conflict *per se* but the inability to manage it and peaceably resolve inevitable social and other conflicts¹⁰. Africans have been active in trying a number of collective mechanisms for providing conflict management and security for intrastate conflicts. However this has not resulted to the desired outcomes of totally eradicating conflict. It even mandated the African Union to declare the year 2010 as the African Year of Peace, reiterating its commitment to further push the peace process in Africa. With recent power-sharing deals struck in Kenya, Zimbabwe and Mali and with more calls for African elite to share power to prevent and avoid escalation of post-election conflict, a study that seeks to analyze its efficacy as a conflict resolution mechanism is vital if appropriate decisions are to be made.

1.6: Hypothesis

- i. There is no effect on democracy in as far as power-sharing in governments is concerned.
- ii. There is no significant difference seen with the involvement of diplomacy and the international community in power-sharing.

⁹ Journal of Peace and Human Rights vol. 3 No 2 1997 p 171-187

¹⁰ R. Joseph, 'the internal community and armed conflict in africa in Gunmar M.Sorbo and Peter Vale (eds) out of conflict from war to peace in africa

- iii. There is no efficiency in coalition governments which have been brought about by contested elections.

1.7: Theoretical Framework: Consociation theory

Many African states governance have often been attributed to the lack of inclusive governance structures where state resources seem only to benefit a selected few. This has resulted to growing number of insurgent movements that also demand to have a stake in the national pie. As the international community focuses on rebuilding conflict ridden African states, one of the key strategies it has continued to advocate for is the formalization of power-sharing agreements.

It has been argued that when this is achieved there will be institutional development and capacity building in establishing good governance based on collaboration between the state and the society. However this has not been the case as these agreements have more often than not seemed to have collapsed where implemented with more conflicts erupting.¹¹ In the recent past until today Africa continues to face numerous challenges in its effort to build nation states. Faced by poor governance structures that results to violent insurgencies, intrastate conflicts seem to have riddled the continent over the past four decades.¹² This has brought scholars and conflict analysts back to the table to seriously look into the prospects of power-sharing as a conflict resolution mechanism.

Efforts to bring peace and reconstruction to the various intrastate conflicts in the world today have been fashioned by conflict resolution models that seek to institutionalize power-sharing agreements through negotiations, with a trajectory of ceasefire agreements, transitional

¹¹ International Crisis Group (2009) "Rebuilding Liberia; Prospects and Perils," *ICG Africa Report No 75*, Freetown, Brussels, January 30.

¹² International Crisis Group, Elections in Zimbabwe: the Peace Wager, Crisis Group Africa Briefing, 9 December 2010.

governments, demilitarization, constitutional reform and ending with democratic elections¹³. Immense efforts have continued to be seen to have rival groups within a country get to the negotiating table and agree to return to normal politics, which are often envisaged as a shift from exclusive societies to inclusive societies in order to provide the necessary security of the future which is often seen as the main cause of the intrastate conflict to conflicting communal groups dominated by various conscious collectives.¹⁴ They have been a central aspect of various recent peace settlements negotiated in Angola, Bosnia, Chad, Georgia, Philippines, Tajikistan, Afghanistan amongst others¹⁵.

Power-sharing perpetuates inter-communal conflict by institutionalizing difference at the political level; inhibits the transition from conflict management to conflict resolution by encouraging extremism; stifles internal diversity and recognition in the name of communal identity and group concerns; fails to recognize cross-cutting identities and leaves insufficient space for individual autonomy.

As already mentioned, internal power-sharing is necessary to prevent dominant groups or communities from subjugating others. And yet, depending on the particular way in which it is institutionalized, power-sharing can be bought at much too high a cost for the communities themselves, their individual members, and those in society who do not wish to (or who cannot) participate in political life along communal lines.

One of the most important tasks for conflict managers in intractable conflicts is properly assessing the causes and dynamics of a conflict and matching them with appropriate solutions. In

¹³ Patricia Daley, 'Challenges to Peace: Conflict Resolution in the Great Lakes Region of Africa', *Third World Quarterly*, Vol. 27, No. 2 (2006), pp. 303

¹⁴ IMF, "Request for Targeted Lifting of the Suspension of Fund Technical Assistance," April 21, 2009.

¹⁵ Research report in Caroline Hartzell and Matthew Hoddie, 'Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management', *American Journal of Political Science*, Vol. 47, No. 2 (Apr., 2003), pp. 318-332

Africa power-sharing alternatives have the potential to restructure anxieties through consensus-oriented governance¹⁶. However Local dynamics and the historical and multifaceted nature of the conflicts are infrequently factored in. Whether they are a preferred solution by the belligerents, the history of past interactions and outside factors that determine political processes need to be adequately considered in negotiations. There is need therefore to critically assess recent experience within Africa with power-sharing as a means of living together in intractable conflict settings in order to make it a feasible solution as hypothetically they still remain the best available option.¹⁷

The African continent, more than any other region has endured more intra-state conflicts since its countries became independent. There have been more than 80 violent changes of government and country after country has been engaged in either civil strife or full-scale war. In a significant number of these conflicts, negotiated power agreements that have been formalized or institutionalized have been agreed upon with the aim of providing enduring peace that will provide a favorable environment for post conflict reconstruction. However this has not prevented most of these countries from having recurring conflicts, which then puts them back to the negotiating table with more power-sharing agreements arising.

Angola and Chad are examples of countries of such countries. Kenya, Zimbabwe and Mali are now the latest countries to have formalized power-sharing agreements as result of contested elections and the reservation that arises amongst conflict managers is whether they will manage

¹⁶ Denis M Tuli and Andreas Mehler, 'The Hidden Costs of Power Sharing: Reproducing Insurgent violence in Africa', *African Affairs*, 104/416, p375-378

¹⁷ Jarstad, Anna, and Ralph Sundberg. 2007. *Peace by Pact: Data On the Implementation of Peace Agreements*. In *Globalization and Challenges of Building Peace*, edited by A. Swain, R. Amer and J. Ojendal. London: Anthem Press.

to hold the peace or they will bear out like other countries where these agreements have not worked.

Many agreements end armed conflicts by offering power-sharing incentives for warring parties. In most cases, power-sharing arrangements are likely to clash with attempts to meaningfully deal with truth, accountability, and reparation for past abuses. The tension between the two paradigms gives rise to a number of important challenges and constraints for policymakers and, thus far, there is little practical evidence to guide them in managing the clash.¹⁸

1.8: Methodology of the Research

The research will be qualitative as it shall focus on exploratory studies. This will be done by analyzing and interpreting data collected from the chosen case studies. The independent variable will be negotiated power-sharing agreements and the dependent variable will be peace making. Data shall mainly be derived from secondary sources. Primary sources will also be used. The data collection tools for the secondary data that will be used will be in-depth information gathering, and document analysis. For the primary data direct observation and open ended interviews will be used. This technique will mainly involve literature research. Data collected in this procedure will include quotations, opinions and specific knowledge and background information relating to the history of the conflicts and negotiations that have taken place.

This technique will involve critical thinking. This is because the study will have to analyse and understand many historical and current documents in the focus areas. Data collected in this procedure will include excerpts, quotations, correspondents and official reports. This technique

¹⁸ K Annan, 'Annan: this may be a turning point for Africa', *Globe and Mail (Toronto)*, 18 May 1998.

will be used to study the variables interplay in their natural setting thereby providing a richer understanding of the subject. It will be done by monitoring what's actually going on at case study countries. It will be informal, without much thought to the quality of data collection. It will allow for a more systematic, structured process, using well-designed observation record forms. Data collected will include; a description of the event, strategies used, methodology and behaviour. This instrument will be used to generate insights on the concept of power-sharing within the context of the case studies so as not to generalize about them. These findings will not be generalizable but will pertain to the context that limits the study. They will be used to expand understanding and search for exceptions to the 'rule'. The data collected can be validated elsewhere with several other interviews. Participants will be selected using purposive sampling techniques. Data collected will include; quotations, opinions and specific knowledge and background information.

Data will be analyzed interpretatively. This will be done by synthesizing, categorizing and organizing the data into patterns that produce the description of the phenomena or a narrative of the synthesis. It will proceed from the belief that all meaning is situational in the particular context or perspective. As a result, there could be different meanings to the same phenomena because the meaning will depend on the context. Since it is a qualitative research the hypothesis will be generated after the data is collected. The data will also be analyzed by making connections to existing, and integrating it with relevant concepts and theoretical framework. The steps to be used will be as outlined below. This will entail reading the data collected thoroughly to get familiar with it. It will also include recording it, editing and 'cleaning it up'. This will entail detecting the various categories or themes of the data and establishing relationships amongst them. This will entail evaluating and analyzing the data to determine the adequacy of its

information and its credibility, usefulness consistency and validation of the hypothesis. This will be the final step and will entail giving a vivid descriptive account of the situation under study. It will give an analytical view citing the significance and implications of the findings.

Reliability will estimate the degree to which instruments capture the right information. Validity, on the other hand, will involve the degree to which the instrument measures what it is supposed to. To ensure these are observed the research will use peer debriefing and an audit trail in data collection. Formalized power-sharing agreements in this study will be used to mean the institutions of governance between two political parties which had contested elections. This means those that are recognized by various state instruments. Peacemaking in this study will be used to mean the period in which overt violence has seized and this is a period of negative peace.

1.9: Chapter Summary

Chapter I – This chapter details the background of power-sharing in conflict resolution after contested elections which is the topic of research including reasons for conducting the study and objectives that the research seeks to meet. Moreover, it contains problem statement, objectives of the study, study justification the literature review, conceptual framework orientation, study methodology employed and finally the chapter outline. A discussion of the literature that informs the research is also provided as well as the methodology for conducting the research. The last content is the bibliography that the researcher has relied on.

Chapter II – This chapter will disuse the historical development of power-sharing agreements in Africa in contested election with focus on Kenya and Zimbabwe. It has further explored the consociation theory.

.Chapter III – This chapter will capture the case study of power-sharing in contested election with focus on Kenya and Zimbabwe. In this chapter both secondary and primary data will be analysed and interpreted. It will be a comparative study of Kenya and Zimbabwe.

Chapter IV – The chapter presents a critique of the analysis of the problem statement and the views that the study adopts following the analysis. It also gives a discussion on the international community and how diplomats have been biased on their role in solving contested elections disputes. It also discusses on how the difference in ideologies and incompatible difference make power-sharing governments inefficient.

Chapter V – Findings and Conclusion: This chapter provides the findings from the data analysis and develops a conclusion to the research based on the findings. This chapter also gives recommendations from the finding of the study.

CHAPTER TWO

HISTORICAL BACKGROUND OF POWER-SHARING

2.0: Introduction

One way of understanding power-sharing is in terms of conflict management. The main function of power-sharing in this discourse is to end violence and not necessarily to build democracy. “Power-sharing serves as the mechanism that offers this protection by guaranteeing all groups a share of state power.¹⁹ By dividing and balancing power among rival groups, power-sharing institutions minimize the danger of any one party becoming dominant and threatening the security of others”.²⁰

2.1 Global overview of power-sharing

Modern developments in transportation, social communications, technology and industrial organization, have produced pressures at one and the same time for larger political organizations and for smaller ones. The pressure for larger political units has been generated by the goals shared by most Western and non-Western societies today: a desire for progress, a rising standard of living, social justice, and influence in the world arena, and by a growing awareness of world-wide interdependence in an era whose advanced technology makes both mass destruction and mass construction possible. The desire for smaller, self-governing political units has risen from the desire to make governments more responsive to the individual citizen and to give expression to primary group attachments linguistic and cultural ties, religious connections, historical traditions and social practices which provide the distinctive basis for a community's sense of

¹⁹Korostelina, K.V 2007. *Social identity and conflict: structures, dynamics, and implications*. New York: Palgrave Macmillan.

²⁰ Elischer, S. (2008). ‘Ethnic Coalitions of Convenience and Commitment: Political Parties and Party Systems in Kenya’. GIGA German Institute of Global and Area Studies Working Paper no: 68.

identity and yearning for self-determination. Given these concurrent dual pressures throughout the world, it is not surprising that more and more peoples have come to see some form of federal political system, combining a shared government for certain specified common purposes and autonomous action by governments of constituent units for purposes related to maintaining their regional distinctiveness, as allowing the closest institutional approximation to the multinational reality of the contemporary world. In such a context, the objective of federal political systems is not to eliminate diversity but rather to accommodate, reconcile and manage social diversities within an overarching polity.

The need for such reconciliation has been accentuated at the end of the twentieth century by the increasingly global economy that has itself unleashed economic and political forces strengthening both supranational and local pressures at the expense of the traditional nation-state. Global communications and consumer-ship have awakened desires in the smallest and most remote villages around the world for access to the global marketplace of goods and services. As a result, governments have been faced increasingly with the desires of their people to be global consumers and local citizens at the same time. Tom Courchene has called this trend "glocalization". Thus, the nation state itself is simultaneously proving both too small and too large to serve all the desires of its citizens. Because of the development of the world market economy, self sufficiency of the nation-state is widely recognized as unattainable and nominal sovereignty is less appealing if it means that, in reality, people have less control over decisions that crucially affect them. At the same time, nation-states have become too remote from individual citizens to provide a sense of direct democratic control and to respond clearly to the specific concerns and preferences of their citizens. In such a context, federalism with its different

levels of government has provided a way of mediating the variety of global and local citizen preferences.

In the past two decades, power-sharing attracted tremendous attention in academic and policy discourse. This development can be attributed to the fact that in the 1990s, ethnic cleavages and the quest for self-determination emerged as one of the most serious sources of violent conflicts in the world; one which requires a constructive management.²¹

However, the claim that power-sharing intends to end violence but not necessarily build democracy, does not automatically mean that power-sharing and democracy are not compatible. It simply means that less emphasis is put on democratic representation and elections when efforts are made to implement power-sharing. Spears contends that “power-sharing does not have to mean that democratic principles and procedures must be abandoned; indeed, power-sharing arrangements can be compatible with democracy while diminishing its most destabilizing side effects”.²²

Furthermore, the salience of the power-sharing discourse stems from the opportunities provided by the wave of democratic transition in Africa, Asia, and Eastern Europe for constitutional engineering. The contemporary significance of power-sharing was however preceded by the development of arguments in the 1960s and 1970s that challenged a common assumption that democracy and political stability would be difficult to achieve in multi-ethnic societies.

Behind this assumption is the notion that deep social divisions and political differences within plural societies are elements which would ensure perennial instability and breakdown of democracy.

²¹ Mansfield, E.D., and J. Snyder. 2001. *Democratic Transitions and War. From Napoleon to the Millennium's End. In Turbulent Peace. The Challenges of Managing International Conflict*, edited by C. A. Crocker, F. O. Hampson and P. Aall. Washington D.C.

²² Spears, Kristine. 2008a. *Peacemaking in the Shadow of Violence*. Leiden: Martinus Nijhoff Publishers/Brill Academic Publisher.

However, this claim was challenged when it was shown that power-sharing can facilitate democratic stability in plural societies.²³

2.2: Conflict in Power-sharing

Originally in Kenya, one line of argument against entering into a power-sharing deal was the ‘principle’ argument by many ODM (Orange Democratic Movement) supporters and by sections of the international ‘good governance’ lobby. In Kenya the ‘correct’ results had given the victory to Odinga; ODM should rightly form the government.²⁴ Such arguments were echoed by opposition supporters and independent civil society activists later in Zimbabwe, and by influential regional commentators like Moeletsi Mbeki (2009), who sees the GPA (Global Political Agreement) as “a deal that preserves his (Mugabe’s) power”. But such politically correct arguments did not confront the realities of power, whose levers were still in the hands of the former ruling party, and they would come into play if the former opposition pursued any Plan B involving protest and civil disobedience, even if they had one. Moreover, in Kenya there was the brutal reality of the post-election violence and its ethnic dimensions, which was threatening to bring down the political system.²⁵ First and foremost the National Accord was a recipe to end the escalation of violence and displacement, and even then it took politicians on both sides until the end of February 2008 before they were pushed by popular pressure and international mediations into finding a formula. But it was perhaps inevitable that those who condemned the idea of power-sharing on principle were instinctively inclined to retreat into the view that ‘anyway it won’t last’. So, as indicated at the outset, now that they have survived for longer than

²³McGarry, John and O’Leary, Brendan, "Consociational theory, Northern Ireland's conflict, and its agreement: What critics of consociation can learn from Northern Ireland". *Government and Opposition* (2006), pp 249–277

²⁴Robert I. Rotberg, *Beyond Mugabe: Preparing for Zimbabwe’s Transition*, the Center for Strategic and International Studies, August 2011.

²⁵Snyder, J. 2000. *From Voting to Violence. Democratization and Nationalist Conflict*. New York, London: W. W. Norton & Company.

many anticipated, it is instructive to ask how and why they have seen through this initial period.²⁶

Certainly there have been ups and downs as well as moments of crisis. There has not been anything of a 'honeymoon' period. In Kenya for instance, in early 2009 relations between the partners became very precarious.²⁷ There were strong currents within ODM urging its leadership to withdraw from the power-sharing government because it was being marginalized. The President threatened to sack ministers who publicly criticized the government they were part of. These were followed by calls from civil society, notably the influential National Christian Council of Kenya, that parliament should dissolve itself and new elections be called as the underlying issues were not being addressed by government. But these demands were all put aside.²⁸

Other testing of the power-sharing formula have resulted from new cleavages in Kenya, between leaders and would-be leaders of the main parties, who have their eyes fixed on the next elections and on a post-Kibaki era.²⁹ But such politicking for the next Presidency automatically involves possible realignments in the present ethnic alliances that are contained in the parties. In the process other politicians who do not set their sights quite so high, seek to solidify their local base and put it on the defensive by resorting to scare tactics 'hate language'.³⁰

²⁶Spears, Kristine. 2008a. *Peacemaking in the Shadow of Violence*. Leiden: Martinus Nijhoff Publishers/Brill Academic Publisher.

²⁷Walter, Barbara F. 2002. *Committing to Peace. The Successful Settlement of Civil Wars*. Princeton: Princeton University Press.

²⁸Schneckener. U. 2002., Making Power-Sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation" *Journal of Peace Research*, Vol 39 (2), p 203 -228.

²⁹Oyugi, Walter O. (1997) "Ethnicity in the Electoral Process: The 1992 General Elections in Kenya," *African Journal of Political Science* Vol 2, (1): 41-69.

³⁰Murithi, T. 2009., Kenya- A Year after the Crisis: The Quest for Electoral Reform and Transitional Justice" *Situational Report. Institute for Security Studies*. 14 January 2009.

2.2.1: The Political Party Reform Package in Nigeria

Despite the fact that political parties were largely responsible for shaping political developments in Nigeria between 1940s and 1960s, the negative impact of their ethnicization and measures to remedy the problem were hardly discussed at the various constitutional conferences held during the period. However, the issue of political party reform was introduced into the political agenda during the making of the 1979 Constitution. Addressing the inaugural meeting of the Constitution Drafting Committee (CDC), the then Head of State, Murtala Mohammed, specifically urged the Committee to make clear recommendations on how Nigeria could engineer “genuine and truly national parties”³¹. Within the military government, there was a consensus that the ethno-regionalist orientation of Nigerian parties was largely responsible for the failure of the First Republic. The military government felt that deliberate engineering of national parties in Nigeria would promote inter-elite accommodation and political stability. Thus, the government sponsored the idea of nationalization of parties in the Constitution Drafting Committee (CDC) and the Constituent Assembly (CA).³²

The social position and preferences of members of the CDC and CA explain why the government’s view on the prohibition of ethno-regionalist parties sailed through. The Constitution Drafting Committee was comprised of fifty members selected by the military government. Majority of these individuals “belong to the broad ‘class’ of intelligentsia” – there were about twenty-six serving and retired university lecturers and administrators, twelve

³¹ Caroline Hartzell and Matthew Hoddie, ‘Civil War Settlements and the Implementation of Military Power-Sharing Arrangements’, *Journal of Peace Research*, Vol. 40, No. 3 (May, 2003), pp. 303-320

³² Chalmers, Rhoderick, ‘Toward a New Nepal?’, *Current History*, April 2007.

lawyers, journalists, and doctors. The Constituent Assembly members were elected – majority of them were businessmen and contractors, former politicians, retired military and police officers, lawyers, and doctors. In other words, the elite group that produced the 1979 Constitution was largely the intelligentsia in the CDC and the business cum commercial elite in the CA.³³

The structure of the CDC and CA made it easy for the military government to push through its proposal for the prohibition of ethno-regional parties, especially since the CDC and CA members appeared less interested in preserving ethno-regional parties. Perhaps, it may have been a different scenario if politicians, who needed to mobilize ethnicity to advance their career, dominated the constitution making bodies. Thus, contrary to the pre-1970 constitution making exercises that were dominated by politicians, the prominence of the intelligentsia and business elite in the 1979 constitution making provided the consensual basis for the nationalization of political parties in Nigeria. Moreover, the proposal for nationalization of parties fitted into a broader consensus in favor of power-sharing by the CDC and CA members.

The feeling in the government circles was that the decision to form national parties would among other things give equal rights and opportunities to all Nigerians to participate in the political process, prevent the recreation of political alliances that characterized the First Republic and to some extent the Second Republic, and promote a new pattern of political recruitment and participation that would enhance stability in Nigeria.³⁴ It was argued that the two-party system will “set the stage for the gradual clarification of our choice or locus in accordance with the two great historical systems of capitalism and socialism” instead of ethnicity and regionalism.

³³Civil Society Monitoring Mechanism, Annual Review of the Performance of the Inclusive Government of Zimbabwe, February 2011; and “ZANU (PF)s Blood Diamond Boost,” *The Zimbabwean*, March 2, 2011.

³⁴Curtis, Devon, ‘Transitional governance in Burundi and the Democratic Republic of the Congo’ in Karen Guttieri and Jessica Piombo, *Interim Governments; Institutional Bridges to Peace and Democracy?*, United States Institute of Peace Press, Washington, DC, 2007.

Besides throwing up chances for ideological politics, the adoption of a two-party system was seen as a way of altering the tri-polar structure of party politics in Nigeria, which revolves around the three dominant groups – the North, Yoruba, and Igbo.³⁵

Although there were fears that the two-party system would exacerbate one of the most important cleavages in Nigeria – the division between the North and South and that it could aggravate perennial tensions between the two biggest religious groups in Nigeria – Christians and Moslems, reports of the practice of the new arrangement showed that the fears were unfounded. The two party arrangements contributed to the development of national parties, encouraged inter-ethnic voting behavior and forced the politicians to cultivate inter-group alliances.³⁶

The political party reforms in Nigeria have also induced changes in the ideology, programs and strategies of the parties. The ideology, programs and strategies of the First Republic parties were essentially ethno-regional – focusing on protecting and advancing the interests of elites from specific groups. Some strategies of mobilizing support were common among the First Republic parties. First, the parties engaged in intensive mobilization of the ethnic homeland to ensure its monolithic support at times of elections. Second, the parties tried to widen their political base from the ethnic homeland to include the whole region. Third, the parties ensured that they won all the seats in their region of ethnic supremacy and consequently controlling the region's governmental power.³⁷

Fourth, the parties used governmental power in the region of their control to eliminate all forms of opposition and to ensure maximum support of the region's population for the party during

³⁵Donald Rothchild, b, "Assessing Africa's Two-Phase Peace Implementation Process: Power Sharing and Democratization," Manuscript, University of California, Davis.

³⁶Human Rights Watch (HRW), *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008, and International Crisis Group

³⁷Hoddie, Matthew, and Caroline A. Hartzell. 2005. *Power Sharing in Peace Settlements: Initiating the Transition from Civil War*. In *Sustainable Peace. Power and Democracy after Civil War*.

federal elections. The parties used the pattern of distributing government patronage at their disposal to discourage the constituencies within their regions from voting for the rival parties. Fifth, each of the parties encouraged agitation by minority ethnic groups in regions under the rival political parties against their governments and in support of regional status. This was to weaken the competing parties in their regional spheres of influence, and to ensure electoral support during federal elections.³⁸

Since 1979, there has been gradual, but steady progress towards ensuring that the parties are discouraged from pursuing merely ethno-regional goals. Significant adjustments in the ideology and strategy of the post-1979 parties can be identified. During the Second Republic, the UPN and the PRP distinguished themselves as parties with clearly articulated and nationally focused ideology (Joseph 1978, Diamond 1982).³⁹ The UPN in particular, unequivocally committed itself to four “cardinal programs”, namely: (1) free education at all 195 levels, (2) free medical care for all, (3) integrated rural development, and (4) full employment. The PRP explicitly called for public ownership of key economic sectors in Nigeria – specifically, finance and banking, insurance, oil exporting, and capital goods. The PRP also advocated the closure of most economic sectors to foreign investment and participation, and federally administered rent control.⁴⁰

The strategies of the Second Republic parties were also different from those of the First Republic. For example, the UPN’s strategy is anchored on three basic elements. Firstly, as a result of the new party regulation requiring the political parties to develop a nationwide base, the

³⁸International Crisis Group (2009) “Rebuilding Liberia; Prospects and Perils,” *ICG Africa Report No 75*, Freetown, Brussels, January 30.

³⁹International Crisis Group, *Elections in Zimbabwe: the Peace Wager*, Crisis Group Africa Briefing, 9 December 2010.

⁴⁰International Monetary Fund (IMF), *Zimbabwe’s GDP fell 40% from 2000-2007, and 14% in 2008*.

UPN leader Chief Obafemi Awolowo, made personal efforts to reach out and recruit top politicians from other ethnic groups to the party. Secondly, the UPN made an unequivocal nationwide class appeal.⁴¹ This strategy is reflected in the party's commitment to the progressive ideology of democratic socialism. Finally, the UPN undertook rigorous research and planning, which took place on a number of fronts – particularly in sponsoring writing of research papers. The party commissioned several intellectuals who engaged in series of research, writing and theoretical planning that sought to give content to the party's adoption of democratic socialism as its philosophy.⁴²

The conflicts, in Africa, are usually encouraged and exploited by outside countries who, rightly or wrongly, see them as opportunities to settle old scores, to foster their national interests, or both (e.g. Rwanda and Angola in the Zaire conflict). Ultimately many of these conflicts spread to neighboring countries potentially generating a chain of crises. Considering the reluctance of foreign powers controlling the Security Council to intervene militarily in African countries, the OAU is at a crossroads.⁴³ Power-sharing seeks to shelter minorities from the effects of majority rule. Power-sharing arrangements vary between those which specify the precise representation of groups in each state institution independent of elections and those which rely on indirect techniques, such as electoral rules, to ensure that political power is shared. Power-sharing agreements adopted in the context of peace agreements usually include a pre-agreed formula of group representation as well as rules on how and by whom decisions will be made.⁴⁴

⁴¹Kanyinga, Karuti (2009), 'The legacy of the white highlands: Land rights, ethnicity and the post-2007 election violence in Kenya', *Journal of Contemporary African Studies*, 27:3: 325-344.

⁴²Ken Menkhaus (2007) "Mediation Efforts in Somalia," HD Centre Background Paper, African Mediators' Retreat, April.

⁴³McGarry, John and O'Leary, Brendan, "Consociational theory, Northern Ireland's conflict, and its agreement: What critics of consociation can learn from Northern Ireland". *Government and Opposition* (2006), pp 249–277

⁴⁴Korostelina, K.V 2007. *Social identity and conflict: structures, dynamics, and implications*. New York: Palgrave Macmillan.

The idea of enhancing African capabilities in conflict resolution is not new. It was advocated during the 1960 Congo crisis by Cameroon, raised again in the 1972 Organization of African Unity (OAU) meeting in Rabat, and by French President Valery Giscard d'Estaing at the 1978 French-African Summit. In 1981, a *Force Interafricaine* (Inter-African Force) was further advocated by the then French President Mitterrand, with the goal of creating a rapid reaction force able to intervene in the Francophone countries during crises similar to the 1977 Shaba case.⁴⁵ The US, finally, endorsed the scheme with the more continental "African Crisis Response Initiative".⁴⁶

The strong stand expressed about sovereignty in "Agenda for Peace" suggested that the UN would, throughout the world, strongly exercise conflict resolution as in its Charter. To Boutros-Ghali, the respect of the state's sovereignty remained crucial. Yet, it was the task of states' leaders to understand that "the time of absolute sovereignty had matched by reality". Hence, they had to find a balance between the needs for good governance and the requirements of an ever more interdependent world. With the proactive policy implied in "Agenda for Peace", the issue of a conflict resolution mechanism in Africa seemed irrelevant.⁴⁷

Then with the problems associated with the Cambodia, Bosnia, and Somalia operations, a wave of criticism dawned on the UN and its Secretary General. The UN was criticized for its size and cost, while Boutros Ghali was portrayed as a man bidding for power and attempting to hijack US foreign policy. The 1994 election giving the Republicans control of both the US Senate and House of Representatives strengthened this trend. This was a clear signal of a challenge to

⁴⁵Mansfield, E.D., and J. Snyder. 2001. Democratic Transitions and War. From Napoleon to the Millennium's End. In *Turbulent Peace. The Challenges of Managing International Conflict*, edited by C. A. Crocker, F. O. Hampson and P. Aall. Washington D.C.

⁴⁶Mueller, S. 2009, 'The Political Economy of Kenya's Crisis' *Journal of East African Studies*, 2.2: 185-210.

Boutros Ghali's vision of a UN proactive role in conflict resolution, and the decision to use' US hegemony to substantially reduce it.⁴⁸

Considering recent history, the US influence in the world in general and the UN in particular, African leaders recognized that intervention by the UN or the US would be selective, and when it does occur, nothing guarantees that it would be congruent with what they wanted. However, the US, France and Britain showed also their willingness to help set up a conflict resolution scheme. The different individual projects were finally fused in a coordinating scheme called the "3Ps" (Three Powers) and espousing the lines of the African Crisis Response Force (ACRF) , that is the training, equipment, and financing of earmarked battalions from voluntarily contributing countries in Africa.⁴⁹

The US also expressed its willingness to help the OAU and any sub-regional organization's peacekeeping activity. This new approach meant a switch back to emphasis on an African solution to conflicts in the region. The uncertainty of the post-Cold War period had already led Africans to gradually take steps toward taking charge of their regional conflicts. First, in 1990, they issued the "Declaration of the Heads of States and Government of the OAU on the Political, Social and Economic Situation in Africa, and the Fundamental Changes taking place in the World". Then, the "Kampala Document"² issued in 1991, as a logical follow up to the "Declaration" seemed to confirm the awareness of the connection between the economic crisis, the democratic wave, and the marginalization of Africa. In his opening speech, Professor Adebayo Adedjji clearly pointed out that "there is no dichotomy between security and stability, on the one hand, and cooperation and development, on the other". Considering the internal

⁴⁸Nilsson, Desirée. 2006. In the Shadow of Settlement. Multiple Rebel Groups and Precarious Peace, Department of Peace and Conflict Research, Uppsala University, Uppsala.

⁴⁹PeaceNet-Kenya (2008), Legal and Institutional Framework to Provide for the Establishment of the Truth Justice & Reconciliation Commission, Nairobi.

character of most conflicts, this was an acknowledgment that the state system, so far a source of problems could, with good governance and respect of democratic principles, also be a solution to African conflicts.⁵⁰

2.2.2 Conflict Prevention, Management and Resolution in Africa

The last scheme, the "Mechanism for Conflict Prevention, Management and Resolution" (MCPMR) was discussed at the Dakar Summit of 1992, and adopted at the 1993 OAU summit in Cairo. Yet, if one remembers the importance of the economic challenge in the 1980s and the fate of the "Lagos Plan of Action" of 1980, the African Alternative Framework of 1984, and the "Economic Recovery Plan" of 1986, one wonders if the challenge is not too big for the OAU, as it seems to be for the UN. The question then becomes how well is the Mechanism likely to perform, and what are the implications of its success or failure?

To be successful, it must not only set principles, but also the conditions and means of intervention. In favor of the "Mechanism" is the commitment of the international community to help, and against it is the complexity of the new conflicts, the leaders' unwillingness to change the norms on "sovereignty", the lack of means and expertise, and the rivalries between states. Indeed, the institutional side seems, as in the "Concert of Europe", too weak relatively to the club aspect.⁵¹

If one puts aside the conflicts against racist and colonial regimes, African conflicts are between or within African states. The interstate conflicts are more manageable; they oppose relatively more organized and geographically limited states. As long as there is a government, it has duties

⁵⁰Reyntjens, Filip, 'Briefing: Peaceful transition after war?', African Affairs 105/418, January 2006.

⁵¹Schneckener. U. 2002., Making Power-Sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation" *Journal of Peace Research*, Vol 39 (2), p 203 -228.

to perform in order to continue existing. Hence, it can be more or less pressured and acted upon. Besides, the intensity of interstate conflicts is such that very few states can sustain them. Hence, without external support, these conflicts tend to be short in duration, and quick to stalemate.

The second type of conflict is intrastate, which really makes the MCPMR necessary. In these cases, who to pressure, where the front-line is, who are the combatants, etc., are difficult questions to answer, and the military aspect is more difficult to work out. The problem with internal conflicts is their complexity and the risks of spillover into neighboring countries. While many authors attribute them to ethnic groups, tribes and religion, these are only vehicles. In reality, these conflicts are over the old and more primary question of who will have the power to govern and over what territory.⁵²

Before independence, foreign powers had put tribal, ethnic, racial and religious sources of conflict at the service of their own interests and conflicts through a patron-client system. At independence, they left the control of both the state and its resources to the ethnic, religious or racial group that seemed the most willing to safeguard their interest.⁵³ The government, strongly backed by the covert or overt force of its patron, imposed this system. On the other hand, when the incumbent was unfavorable to their interest, whether ideological, strategic or economic, the patrons created resistance forces or helped the existing ones take advantage of the weakness of the state and destabilize it.⁵⁴

Most often, this was decisive in answering the question of "to whom the state would belong" while simultaneously nurturing sources of conflicts through exclusion, frustrations, etc. In so

⁵²Snyder, J. 2000. *From Voting to Violence. Democratization and Nationalist Conflict*. New York, London: W. W. Norton & Company.

⁵³Timothy D. Sisk (2003) "Power Sharing," in *Beyond Intractability*, eds, Guy Burgess and Heidi Burgess,

⁵⁴Udogu, E.I. 1999., *The Issues of Ethnicity and Democratization in Africa: Towards the Millennium*. *Journal of Black Studies*, Vol. 29, (6), pp 790-808

doing, and as early as independence, the patrons contributed to deepening the dividing line between the communal groups composing the new states as well as raising the level of violence. The artificiality of the borders, which were drawn without any consideration of population interest, created two additional sources for conflict.⁵⁵ One was the irredentism of some populations who, repressed in one country, would turn their eyes towards their brethren in another country for help. The second was that states would, for symbolic as well as economic reasons, raise the question of the borders. In such circumstances, a conflict could occur at any time.⁵⁶

Another aggravating factor is pointed to by Williams when he writes that "under extreme scarcity, informal economies, including the diversion of resources from the public arena and official collusion, develop; such parallel systems tend to cohere around ethnic and regional social networks"(1994:72). Indeed, since power means privileged access to the state's resources, the formation of groups along kinship lines allows politicians to solve two problems: the building of the coalition necessary to win this access to resources; and the duty to provide families and allies with resources. In so doing, these politicians make their part of the pie relatively bigger because they no longer have to share it with anybody. The problem though is that the pie sharing is done along a scriptive status, and hence raises frustrations.

These conflicts are also tricky for at least two reasons: the energy with which the "internal affairs" principles is clung to and defended by leaders; and their tendency to refuse mediation because it would be equivalent to legitimizing the claims of opposing parties. With the end of the Cold War, the post-colonial "order without justice" lost its main pillar: the overt and covert

⁵⁵Timothy D. Sisk (2003) "Power Sharing," in *Beyond Intractability*, eds, Guy Burgess and Heidi Burgess.

⁵⁶Walter, Barbara F. 2002. *Committing to Peace. The Successful Settlement of Civil Wars*. Princeton: Princeton University Press.

might of the patrons.⁵⁷ This has raised in many places the "tallyho" signaling the opening of the "hunting season", confirming that "the discontinuance of a sin is always the commencement of a struggle". In other words, each time patrons stop their support of dictators, the status quo is inevitably challenged, and often by force.

Even when the balance of forces is not favorable, making it impossible to take advantage of the situation, the contagion and diffusion effect would, at least, lead to demands by populations for more justice, and equality. Some challengers have conducted the struggle along constitutional lines, while others moved directly to force. The constitutional challenges were mostly in Francophone countries, and generated democratic transitions. In some places the outcome was a regime change: smooth in Benin, bloody in Mali, bumpy in Congo Brazzaville, Central African Republic and Niger. Other outcomes were a political stalemate as in Togo, a collapsed state as in Zaire; power laundering as in Cameroon, an authoritarian reaction as in Burkina Faso, and bloodshed in Burundi.⁵⁸

Where force was used, the outcome was a collapsed state in Somalia where the challengers could not agree on the division of the pie, a bloody civil war in Liberia and Rwanda, never-ending guerrilla warfare in Sudan. In some countries where the process did not end to the satisfaction of all parties (Congo, Zaire, CAR, Rwanda, Niger, etc.) the conflict reemerged and sometimes spread to neighboring countries. In some others, as in Burundi, it took the form of a preemptive attack by those who benefited from the previous status quo, the Tutsis, against the Hutus to reverse the constitutional changes.

⁵⁷Schneckener, U. 2002., Making Power-Sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation" *Journal of Peace Research*, Vol 39 (2), p 203 -228.

⁵⁸ Menkhaus, Ken, 'Mediation efforts in Somalia,' HD Centre Background Paper, African Mediators' Retreat, April 2007.

Some of these conflicts were ultimately regionalized along three of Deng's models through spillover effect (Rwanda, Burundi, Zaire), domestic politics pursued outside the state border (Liberia and Sierra Leone with the Nigerian intervention), in an attempt to change a neighbors' governmental leadership (Angola and Rwanda in Congo- Kinshasa, and the former again in Congo-Kinshasa). The fourth model, status rivalries among states, is currently unfolding between Angola, Nigeria, and possibly South Africa.⁵⁹

Political scientists and policy makers recognize power-sharing as a viable political mechanism for conflict process. As a primary feature of “convocational democracy”, Power-sharing implies that policies are decided by representatives from groups with heterogeneous interests. The sharing of executive power according to ethnicity or religion imposes constraints on the majority group and insures the interest of minorities. Warring minority parties therefore are likely to demand some form of power-sharing to sign a peace deal.⁶⁰

It is difficult to envision a post-conflict political settlement that does not, guarantee to all the major contenders that they will be assured some political representation and decision-making power in the post-conflict peace, because it provides a sense of security to rivals. As a method of conflict resolution power-sharing is hypothetically appealing but practically it's a daunting task due to its institutionalizing problems⁶¹ that range from being difficult to arrive at, even more difficult to implement and even when implemented, such agreements rarely stand the test of time. Despite these challenges one still wonders why it continues to be the most recommended mechanism of resolution to conflict. In Africa, negotiated power-sharing agreements are no new

⁵⁹Jarstad, Anna K. 2008. Power Sharing: Former Enemies in Joint Government. In *War-to- Democracy Transitions: Dilemmas of Peacebuilding*, edited by A. K. Jarstad and T. D. Sisk. Cambridge: Cambridge University Press.

⁶⁰Mansfield, Edward.D. 2005. *Electing to Fight. Why Emerging Democracies Go to War*. Cambridge, Massachusetts London, England: MIT.

⁶¹ For comprehensive analysis of problems see Ian S. Spears, ‘Understanding Inclusive Peace Agreements in Africa: The Problems of Sharing Power’, *Third World Quarterly*, Vol. 21, No. 1 (Feb., 2000), p. 105

phenomenon. They have been used to settle conflicts in Angola, Chad, South Africa, Mozambique, and Papua New Guinea amongst others but most recently in Kenya, Zimbabwe and Mali to resolve the recent political impasses that were experienced in the countries. The kind of exclusive democratic system of 'winner takes all' practiced in African pluralistic societies, is what has been accredited to the many conflicts that ravage the continent. This is why an inclusive form of governance through power-sharing has often been advocated for as a post conflict reconstruction mechanism.⁶²

However while power-sharing or inclusion has been cited as a necessary direction which African leaders should follow, it remains relatively unproven as a means of conflict resolution⁶³. This is because of its limited success in the continent that would warrant advocating for especially when you look at countries like Chad, Angola, Somalia, Sudan, Mozambique, Rwanda and Liberia. In Chad for example there have been at the very least two power-sharing agreements yet this has not prevented the country from facing another conflict after signing the agreement. This has been the case in Angola and Liberia amongst others and now Zimbabwe which has signed its second power-sharing agreement. Kenya has recently signed its first agreement and there is a curiosity amongst conflict analysts to see if it will work or not.

However despite these challenges of negotiated power-sharing in Africa, one cannot totally rule out its success as a mechanism especially when you look at its success in countries like Azerbaijan, Croatia, Malaysia and even South Africa which is within the African continent.⁶⁴

⁶² Donald Rothchild, b, "Assessing Africa's Two-Phase Peace Implementation Process: Power Sharing and Democratization," Manuscript, University of California, Davis.

⁶³ Ian S. Spears, 'Understanding Inclusive Peace Agreements in Africa: The Problems of Sharing Power', *Third World Quarterly*, Vol. 21, No. 1 (Feb., 2000), p. 106

⁶⁴ Walter, Barbara F. 2002. *Committing to Peace. The Successful Settlement of Civil Wars*. Princeton: Princeton University Press.

Another way of understanding power-sharing is by viewing it as a mechanism for making democracy work in societies divided along ethnic lines. This is where Arend Lijphart's theory of consociationalism comes in. "Consociational democracy means government by an elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy".⁶⁵ One of the main functions of any democracy is to ensure the equality of citizens so as to avoid potential disputes arising from inequalities. Dlamini states that "democracies seek to manage conflicting interest by allowing the people to compete according to agree upon rules, mediated by institutions". It thus seems evident that power-sharing and consociationalism share one common essence, and that is, they both seek to regulate and minimize conflict in multi-cultural or multi-ethnic societies.⁶⁶

According to Lewis, plural societies are divided by tribal, religious, linguistic, cultural and regional differences, and they are more likely to be found in colonized territories of Africa, Asia and Latin America. On the other hand, class societies are societies in which social class is the key source of political identification and differentiation, and this type of societies is predominant in Western Europe. Lewis argues that majoritarian democracy is inappropriate in plural societies because of the risk that primordial groups may be polarized, arousing intense competition between the groups in government and those in opposition. He suggests that the kind of democracy that plural societies need is such that do not polarize the ethnic groups between government and opposition; but one that unites them in a coalition government.⁶⁷

Lijphart argued that democratic stability in these countries is a product of the deliberate efforts by the political elite to "counteract the immobilizing and unstabilizing effects of cultural fragmentation".

⁶⁵ Walter, Barbara F. 2002. *Committing to Peace. The Successful Settlement of Civil Wars*. Princeton: Princeton University Press.

⁶⁶ Nellis, J. 1974. *The Ethnic Composition of Leading Kenyan Government Positions*, Uppsala: The Scandinavian Institute of African Studies

⁶⁷ Murithi, T. 2009, Kenya- A Year after the Crisis: The Quest for Electoral Reform and Transitional Justice" Situational Report. *Institute for Security Studies*. 14 January 2009.

However, scholars have contested the classification of some of the European countries as consociational democracies. One of the most systematic critiques was written by Brian Barry in 1975.⁶⁸ He insists that Switzerland, for example, is not an example of consociational democracy because in the first place, the country was never a deeply divided society since political parties cross-cut cleavages and facilitate “consensus rather than highly structured conflict of goals”. Again, he argues that the institutions of referendum and popular initiative in Switzerland contradict the tenets of consociational decision making.⁶⁹

From a purely empirical theory that strives to explain democratic stability in plural European societies, Lijphart extended consociationalism to the rest of the world as the most promising means of achieving democratic stability in plural societies. The normative element in consociationalism lies in the claim that the consociational pattern observed in Europe may contribute to stability if implemented in plural societies elsewhere around the world.⁷⁰

Attempts to extend consociationalism from an empirical to normative model have been hotly contested. Lijphart responded to these criticisms by listing nine conditions¹³ that are favorable to the implementation of consociationalism, but he added that the conditions “are helpful but neither indispensable nor sufficient in and of themselves to account for the success of consociational democracy”.⁷¹ This hedging, as Lustick and Andeweg noted, makes the conditions unverifiable and “allows Lijphart to recommend consociationalism whether the conditions are favorable or not”.

Horowitz proposes the creation of ethnically homogenous states if groups are territorially concentrated. He argued that the creation of ethnically homogenous states has the advantage of

⁶⁸Oneal, John R., Bruce M. Russett, and Michael L. Berbaum. 2003. Causes of Peace: Democracy, Interdependence, and International Organizations, 1885-1992. *International Studies Quarterly* 47 (3):371-393.

⁶⁹PeaceNet-Kenya (2008), *Legal and Institutional Framework to Provide for the Establishment of the Truth Justice & Reconciliation Commission*, Nairobi.

⁷⁰Rutten, M. and S. Owuor (2009) 'Weapons of mass destruction: Land, ethnicity and the 2007 elections in Kenya', *Journal of Contemporary African Studies*, 27:3,305-324.

⁷¹Reilly, Benjamin. 2001. *Democracy in Divided Societies. Electoral Engineering for Conflict Management*. Cambridge: Cambridge University Press.

fragmenting formerly monolithic ethnic groups and reducing the ability of such groups to make coherent divisive claims at the national level.⁷² In this case, issues that might otherwise have been contested at inter-group level may end up at the intra-group level; thus, relieving politics at the national level of frequent inter-group tensions. But where groups are intermixed, Horowitz advocates the creation of ethnically heterogeneous states.⁷³

He claims that an ethnically heterogeneous state encourages elites from different ethnic backgrounds to intermingle at the state level, creating opportunities for the development of inter-ethnic elite relations that can ease ethnic hostilities at the national level.⁷⁴ Finally, Horowitz posits that heterogeneous states afford groups that are minority at the federal level the opportunity to become majority in one or more states, thereby compensating for their marginal influence at the federal level.⁷⁵

Pakistan was one of the two original successor states to British India, which was partitioned along religious lines in 1947. For almost 25 years following independence, it consisted of two separate regions, East and West Pakistan, but now it is made up only of the western sector. Both India and Pakistan have laid claim to the Kashmir region; this territorial dispute led to war in 1949, 1965, 1971, 1999, and remains unresolved today. What is now Pakistan was in prehistoric times the Indus Valley civilization (c. 2500–1700 BC). A series of invaders—Aryans, Persians, Greeks, Arabs, Turks, and others—controlled the region for the next several thousand years.

⁷²René Lemarchand, 'Consociationalism and Power Sharing In Africa: Rwanda, Burundi, and the Democratic Republic of the Congo', *African Affairs*, 106/422, pp 1-20

⁷³Robert I. Rotberg, *Beyond Mugabe: Preparing for Zimbabwe's Transition*, the Center for Strategic and International Studies, August 2011.

⁷⁴Sadomba, Wilbert Z. (2008), *War Veterans in Zimbabwe's Land Occupations: Complexities of a Liberation Movement in an African Post-colonial Settler Society*, Ph. D. Wageningen University, June.

⁷⁵Schneckener. U. 2002., Making Power-Sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation" *Journal of Peace Research*, Vol 39 (2), p 203 -228.

Islam, the principal religion, was introduced in 711. In 1526, the land became part of the Mogul Empire, which ruled most of the Indian subcontinent from the 16th to the mid-18th century. By 1857, the British became the dominant power in the region.⁷⁶ With Hindus holding most of the economic, social, and political advantages, the Muslim minority's dissatisfaction grew, leading to the formation of the nationalist Muslim League in 1906 by Mohammed Ali Jinnah (1876–1949).⁷⁷ The league supported Britain in the Second World War while the Hindu nationalist leaders, Nehru and Gandhi, refused. In return for the league's support of Britain, Jinnah expected British backing for Muslim autonomy. Britain agreed to the formation of Pakistan as a separate dominion within the Commonwealth in Aug. 1947, a bitter disappointment to India's dream of a unified subcontinent. Jinnah became governor-general. The partition of Pakistan and India along religious lines resulted in the largest migration in human history, with 17 million people fleeing across the borders in both directions to escape the accompanying sectarian violence.

In the 1990s, Pakistan saw a shaky succession of governments Benazir Bhutto was prime minister twice and deposed twice and Nawaz Sharif three times, until he was deposed in a coup on Oct. 12, 1999, by Gen. Pervez Musharraf. The Pakistani public, familiar with military rule for 25 of the nation's 52-year history, generally viewed the coup as a positive step and hoped it would bring a badly needed economic upswing. To the surprise of much of the world, two new nuclear powers emerged in May 1998 when India, followed by Pakistan just weeks later,

⁷⁶Human Rights Watch (HRW), *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008, and International Crisis Group

⁷⁷Hartzell, C., and M. Hoddie. 2003. Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management. *American Journal of Political Science* 47 (2):318-332.

conducted nuclear tests. Fighting with India again broke out in the disputed territory of Kashmir in May 1999.⁷⁸

Close ties with Afghanistan's Taliban government thrust Pakistan into a difficult position following the Sept. 11 terrorist attacks. Under U.S. pressure, Pakistan broke with its neighbor to become the United States' chief ally in the region. In return, President Bush ended sanctions (instituted after Pakistan's testing of nuclear weapons in 1998), rescheduled its debt, and helped to bolster the legitimacy of the rule of Pervez Musharraf, who appointed himself president in 2001. On Dec. 13, 2001, suicide bombers attacked the Indian parliament, killing 14 people. Indian officials blamed the attack on Islamic militants supported by Pakistan. Both sides assembled hundreds of thousands of troops along their common border, bringing the two nuclear powers to the brink of war.

Historically, governmental relations with aboriginal or other ethnic minorities have been characterised by a raft of distasteful mechanisms, including genocide, deportation, oppression and assimilation. These responses are increasingly seen as illegitimate in today's modern democracies. Indeed, part and parcel of this change of policy on the part of Western governments with regards to dealing with aboriginal claims has been a wholesale acceptance of the majority's culpability in these inappropriate actions on the part of the state, and a desire to redress past wrongs on the basis that the marginalisation of aboriginal peoples is no longer considered acceptable.

In Canada, serious effort is being made to popularise the understanding that the First Nations were oppressed as a matter of course for much of the nation's existence. This widespread

⁷⁸International Crisis Group (2004) "Rebuilding Liberia; Prospects and Perils," *ICG Africa Report No 75*, Freetown, Brussels, January 30.

acknowledgement of the sins of the past has led to the emergence among the mainstream population of a culture of restitution, which has in no small part paved the way for a desire to redress historical wrongs *vis-à-vis* the treatment of aboriginal people by the government. The question remains, however, whether such a culture could arise in Taiwan, and if so, whether it would lead to similar results.⁷⁹

One of the obstacles to this is the differing conception on the continuity of power held by the people of Taiwan compared to the mainstream in Canada. In Canada, there is a multiparty system that nevertheless is part of a continuity of government. In contrast, the conception in Taiwan seems to be one of a change of regimes. That is to say, in Western democracies, there is an acceptance of the alternation of power-holding on the part of two or more parties, whereas in Taiwan, the 2000 presidential election was widely seen by both sides of Taiwan's unique political spectrum as the end of one era and the beginning of another, rather than a placeholder arrangement.⁸⁰ The same occurred in 2008, with another transfer of power, and yet another popular conception of the end of one regime and beginning of another. This is largely the result of China's history of dynastic succession and inexperience with the ebb and flow of democratic power-holding arrangements.⁸¹

Attempts were made to bring an end to Liberia's civil war through power-sharing arrangements in several sets of peace agreements signed by the various warring parties. However, the way in which power was to be shared under these agreements changed over time. The 1993 agreement allowed the leaders of existing factions to be represented at (though not to directly control) the

⁷⁹Hartzell, C., and M. Hoddie. 2003. Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management. *American Journal of Political Science* 47 (2):318-332.

⁸⁰Horowitz, J. 2008. Power-sharing in Kenya: Power-sharing Agreements, negotiations and peace processes, Centre for the Study of Civil War. CSCW Papers. University of California, San Diego (UCSD)

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executive and legislative levels of a transitional government.⁸² The 1993 Cotonou accord became the framework for subsequent agreements and marked the beginning of a 'power for guns' policy, whereby faction leaders signed agreements because these granted them increasing amounts of power in the transitional government and allowed them to bring their combatants into the capital.⁸³

The 1994 agreement permitted some of the faction leaders to sit in the transitional government, rather than forcing them to seek power through elections, which the earlier agreements had required. Decision-making at the executive level within the transitional government was on a majority rather than a consensual basis. Moreover, the agreement called for disarmament to occur after the installation of the transitional government, militarizing the capital as the faction leaders were allowed to bring their fighters into the capital. Subsequent fighting between factions that had signed the agreement and factions that were excluded from it resulted in the signing of the 1995 Clarification.⁸⁴

The 1995 agreement was a true power-sharing agreement, calling for representation of all the warring parties and allowing them to stand for election. However, fighting broke out between the various factions over appointments to government positions, and over the fact that one of the warring factions was marginalized at the executive level. Warlord Charles Taylor used his position within government as the most powerful faction leader to assume power in the 1997

⁸²International Crisis Group, *Rebuilding Mozambique: Prospects and Perils*, ICG Africa Report No 75, Maputo, Brussels, 30 January 2004.

⁸³Jarstad, Anna K. 2008. *Power Sharing: Former Enemies in Joint Government*. In *War-to- Democracy Transitions: Dilemmas of Peacebuilding*, edited by A. K. Jarstad and T. D. Sisk. Cambridge: Cambridge University Press.

⁸⁴Kanyinga, Karuti (2009), 'The legacy of the white highlands: Land rights, ethnicity and the post-2007 election violence in Kenya', *Journal of Contemporary African Studies*, 27:3: 325-344.

election as the country's president. Taylor's election however, facilitated the emergence of new rebel groups that eventually ousted Taylor from power in 2003.⁸⁵

The 2003 agreement was far more inclusive than earlier agreements. It established an all-inclusive national transitional government, which included representatives from civil society, political parties, the Taylor government and rebel groups at all levels of government, placing no restrictions on the rights of transitional government representatives to participate in national politics.⁸⁶

A recent conference in Beirut brought together Swiss and Lebanese experts to explore lessons that might be learned for Lebanon and the Arab world from the Swiss experience. Switzerland has developed a successful system of managing and resolving conflict, and has developed a stable, democratic and prosperous society despite having serious internal divisions and for much of its history a threatening external environment. The heart of Switzerland's success is in its state institutions that are built on a concern for internal and external security coupled with political institutions of permanent power-sharing. But also, it has developed a political culture that tolerates diversity, a strong civil society, and strong common economic interests.

The benefits of power-sharing formulas are not limited to Switzerland, but have also evolved in Belgium, Holland, Austria, Germany, Northern Ireland, India, and South Africa, among other countries. Neither Lebanon nor any other Arab country is the Switzerland of the Middle East; every society has its own specificities and no lessons can be transported directly from one

⁸⁵M Ottaway, 'Democratization in collapsed states', in I W Zartman, *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, (Boulder, CO: Lynne Rienner, 1995), p 248-269

⁸⁶LSNSA (Land Sector Non-State Actors) (2009), 'Land Reforms in Kenya: Do we have a Choice?' Press statement, 4.xi.09.

country to another. But the Arab world can do well to examine some of the benefits of political power-sharing.

Switzerland has not always been stable and prosperous. Its internal divisions are deep and numerous: between protestant and catholic; French-speaking and German-speaking; rural and urban; liberal and conservative; labor and capital. And these differences have led to numerous civil wars, the last of which was in 1847. The constitution of 1848 created a new set of political institutions: a federal council of 7; a bicameral parliament; extensive decentralization; and direct democracy-what has come to be known as a consociational democracy. A majoritarian democracy would have led Switzerland back into civil war.⁸⁷

The main principal of Swiss central government is that of a permanent national coalition government. With this form of government, no group can win everything, but no group gets nothing. No group fears that it will be left out, nor can any group nurse the ambition to dominate and exclude the others. National coalition government does not mean government by consensus but by changing decision-making coalitions, as decisions in the federal council are always taken by majority. The system encourages understanding and accepting the other, because your opponent in a decision today might be your ally in another decision next month.

This form of government has had important effects in Switzerland: the inclusion of all major groups in government means that no group has to resort to secession or armed insurrection. It has also boosted national stability in a country without a strong cultural identity, because individuals and groups now feel part of the state. Although government by coalition is slow, it also means

⁸⁷Mansfield, Edward.D. 2005. *Electing to Fight. Why Emerging Democracies Go to War.* Cambridge, Massachusetts London, England: MIT.

that decisions that are finally taken have a broad support in society, and are more effectively implemented and sustained. The participation of multiple groups in government creates understanding and acceptance of the other, and this culture of understanding and accepting the other permeates into society. The success of the Swiss state gradually allowed the individual a high measure of security and freedom, which enabled him, in turn, to reduce his dependence on his community for protection or advancement.⁸⁸

With regard to the Arab world, power-sharing government is not only relevant to obvious cases like Lebanon or Iraq, where no other viable alternative exists; it is also relevant more widely. Majoritarian democracy is not a realistic option for most countries in the region. Regimes are too afraid to risk full defeat in real majoritarian elections; societies are too divided for losers not to risk real oppression from winners; and violence is too close to the surface. The Arab world can only proceed toward some form of coalition government that will include a wide cross-section of parties and groups in national government, and increase the sense of security and participation for all.⁸⁹

In very divided societies like Lebanon and Iraq as in historic Switzerland the path forward is not easy. External intervention and internal conflict stymied Swiss development for many years. But as the Swiss experience showed, full participation in national government should enable the building of a strong national army and strengthening internal security. Iraq is trying to do that today; and the fact that Lebanon did not develop this security aspect earlier was not inevitable

⁸⁸Gary Milante and Stergios Skaperdas, 'Power sharing under the threat of conflict, *The World Bank Department of Economics and University of California, Irvine Preliminary and Incomplete Draft* May 18, 2009

⁸⁹Hartzell, C., and M. Hoddie. 2003. Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management. *American Journal of Political Science* 47 (2):318-332.

but was a tragic mistake of the Lebanese elites of the 1940s and 1950s. Only today is the Lebanese state beginning to take its national and internal security obligations seriously.

For many authoritarian regimes in the Arab world, power-sharing might be a necessary way forward. By bringing groups and parties into the government, regimes can help defuse tension, build stability, negotiate social and economic policies, and gain more support for government policies and decisions. It might also be a form of political participation they might be willing to tolerate, since they are not willing to contemplate full democratization at this point. This form of power-sharing has been used in Europe even in countries and periods, in which democracy was absent, because it was recognized that modern societies and states require a high level of real political participation in order to preserve national stability and security and develop sustainable socio-economic policies.⁹⁰

Even in the absence of full democracy, it is necessary that Arab authoritarian regimes be encouraged to widen the space of participation by creating national coalition governments that include, alongside the ruling party, other parties from the opposition and a wide cross-section of groups and communities. These governments would not directly threaten the hold of the president or monarch, but would get ruling regimes to become more accustomed to and less afraid of sharing power, would increase the public sense of participation, encourage parties to learn how to work together, encourage moderation, and encourage different groups and communities to understand and accept others. Although it might slow down decision making, it

⁹⁰Caroline Hartzell, Matthew Hoddie, Donald Rothchild, 'Stabilizing the Peace after Civil War: An Investigation of Some Key Variables', *International Organization*, Vol. 55, No. 1 (winter, 2001), pp. 183-208

will create a process in which government decisions are more attuned to public needs and in which there is much more public support for government decisions.⁹¹

The practice of power-sharing in government even in the absence of full democracy might be an important path toward boosting political participation, and developing the political culture of mutual respect and absence of fear that would enable more steps toward real democracy in the future. The current dead-end of democratization in most of the Arab world should not deter us from continuing to push for it. But nor should it deter us from learning from other countries' innovative and creative ways to build political participation even in the midst of a broad authoritarian reality. At the end of the day, although every country's experience is different, we might have a lot to learn from Switzerland.

In March 2008 Tibet, known for its deeply religious and peaceful Buddhist people, broke out in widespread protests all over the Tibet Autonomous Region (TAR) as well as in the ethnically Tibetan areas of neighboring provinces. Some of these protests were peaceful, but others turned into riots and violence including the burning and looting of stores owned by Han Chinese, China's majority ethnic group. "When violent rioting broke out in the Tibetan capital, Lhasa, on March 14, 2008, after four days of peaceful protests, businesses owned by Chinese were looted and burned. At least 19 people were killed, most of them Han Chinese." The Chinese government's response to the protests and riots throughout Tibet was swift and extreme. By some

⁹¹Civil Society Monitoring Mechanism, *Annual Review of the Performance of the Inclusive Government of Zimbabwe*, February 2011; and "ZANU (PF)s Blood Diamond Boost," *The Zimbabwean*, March 2, 2011.

estimates, the March protests culminated in the deaths of over 100 "unarmed" Tibetans — many of them Buddhist monks.⁹²

Attempting to understand the mass Tibetan anger, this paper will begin by recounting a few of the recent events of Tibetan and Chinese history. In 1950, the Chinese Communist Party (CCP), winners of the 1949 Chinese Civil War, launched an invasion of Tibet. From Tibet's perspective, this invasion interrupted centuries of independent nationhood. The Chinese, meanwhile, believed they were simply reestablishing control of part of their sovereign territory, which had been wrested from them during the past century of foreign imperialism and precipitating civil war. Later, a 1959 Tibetan uprising partly nonviolent, partly violent, and largely inspired and led by the CIA, was violently squashed by the Chinese. Following these events, the Dalai Lama fled Tibet for northern India. The Dalai Lama, who has as of yet never returned to Tibet, and the Tibetan Government in Exile have been based there in Dharamsala, India for the past half-century. The CCP created the TAR in 1965, nominally establishing Tibet's regional autonomy; however, in practice Tibetans enjoy minimal or zero autonomy, as Tibet's politics, economics, and increasingly its culture are controlled by Beijing.⁹³

2.2.3 Core Causes of the Conflict

The China-Tibet conflict is often viewed as an ethnic and/or religious conflict. This is understandable, given the prominence of ethnicity and religion in the conflict. First, while the native inhabitants of the Tibetan plateau are Tibetans, the majority ethnic group in China is Han Chinese. The Chinese government is made up mostly of Han Chinese, and it does not have a

⁹²Denis M Tuli and Andreas Mehler, 'The Hidden Costs of Power Sharing: Reproducing Insurgent violence in Africa', *African Affairs*, 104/416, p375-378

⁹³ Hartzell, C., and M. Hoddie. 2003. Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management. *American Journal of Political Science* 47 (2):318-332.

strong record of dealing with China's ethnic minorities like Tibetans in a fair way. Secondly, virtually all Tibetans are Buddhists, while ethnic Han Chinese are generally not, even though the Chinese people are becoming increasingly religious including Buddhist now that the ideology of Communism has collapsed in China (except in name only). Moreover, the Chinese government has a history of persecuting religious movements, especially those which draw large numbers of followers and which have the potential to transform into political movements that could potentially threaten the regime's hold on power.⁹⁴ Tibetan Buddhism has this kind of following and transformative potential. For these reasons, headlines from the Tibet conflict often paint a picture of intense religious and ethnic conflict. While these are aspects of the conflict, they are better described as residual causes, or even consequences, of it.

There is no inherent reason that ethnicity or religion must cause violent conflict in Tibet or anywhere else. Rather, the primary sources of conflict in Tibet are history and geography; Chinese security and sovereignty concerns; and the policies of the Chinese government in Tibet. While they bring attention to ethnic and religious differences between Tibetans and Chinese, these factors are what really drive the conflict in Tibet.⁹⁵

2.2.4 History and Geography of power-sharing in Tibet and China

First, history and the different views on whether Tibet has historically been an independent nation represent a core cause of the conflict. In the Tibetan view, Tibet has been an independent nation and at times a great empire throughout the last several centuries. In this view, Mongolian rule over Tibet ended with Tibet reestablishing independence, and its relationship with China

⁹⁴ Horowitz, J. 2008. Power-sharing in Kenya: Power-sharing Agreements, negotiations and peace processes, Centre for the Study of Civil War. CSCW Papers. University of California, San Diego (UCSD)

⁹⁵ LSNSA (Land Sector Non-State Actors) (2009), 'Land Reforms in Kenya: Do we have a Choice?' Press statement, 4.xi.09.

thereafter was not one of subservience. Tibet remained independent up until the Chinese invasion in 1950, which is therefore illegal.

On the other hand, the Chinese believe that Tibet's historically great empire greatly declined beginning in the 9th Century and then was finally and completely brought down by the Mongols centuries ago. Tibet then came under Chinese "suzerainty" in the 18th Century, and it remained under Chinese administration until the late 19th Century when Great Britain invaded Tibet, wanting to control Tibet as a buffer between China and British India. Moreover, China contends that Britain created the fantasy of an "independent Tibet", for this purpose of creating a buffer between China and British India. China then reclaimed Tibet when Britain came preoccupied with a rising Germany, and effectively gave Tibet back to China via a 1907 treaty. China was finally able to reestablish control over Tibet when it emerged from foreign imperialism and civil war in the middle of the 20th Century.⁹⁶

These competing claims are still debated in academic and policy making circles. However, Dickinson states that "Tibetans, by virtue of their lack of participation in the larger community during the first half of the twentieth century, by their failure to participate in international organizations such as the League of Nations, and by their failure to modernize, have been unable to mount a convincing case to establish that Tibet was an independent state at the time of the 1950 Chinese occupation." In fact, neither the United States nor any other major country recognizes Tibet as independent; they all recognize Chinese sovereignty over Tibet. "As a result, China has been able to maintain its occupation and assert that Tibet was historically part of its

⁹⁶LSNSA (Land Sector Non-State Actors) (2009), 'Land Reforms in Kenya: Do we have a Choice?' Press statement, 4.xi.09.

territory, relying on other states not to interfere in its domestic affairs on a basis of territorial integrity."

Chinese concerns over its security and sovereignty represent another core cause of the conflict in Tibet. The Chinese see themselves as victims of foreign imperialism especially during the century of humiliation, which remains fresh in their minds and therefore feel that they must take (what others see as) a hard-line stance on sovereignty issues in places like Tibet. After all, if Tibet became independent, it could inspire similar succession movements in Xinjiang, Inner Mongolia, and Taiwan.⁹⁷ These areas not only make up significant border territories as well as buffers against foreign influence but also are central to the Chinese sense of identity which had been devastated in the last two centuries, given the China's once proud, imperial past. Moreover, China views the Dalai Lama, perhaps unfairly, as a "splittist" that could spark "Color Revolutions" throughout China.

U.S. policies have thus far not helped the situation. The CIA's 1950s and 1960s involvement in Tibet as well as the George W. Bush administration's belligerent anti-China policy (especially early in President Bush's tenure) have reinforced China's sovereignty fears. Moreover, recent U.S. policies have not only failed to moderate Chinese policy but have also inspired Tibetan exiles to keep lobbying for independence. Because of this, U.S. action on Tibet has tended to exacerbate China's fears that the United States is trying to destabilize China. This reality weakens the position of those Chinese willing to work with Tibetans, strengthens the hard-liners, and does nothing to actually help the Tibetan cause.⁹⁸

⁹⁷ Ibid

⁹⁸ Jarstad, Anna K. 2008. Power Sharing: Former Enemies in Joint Government. In War-to- Democracy Transitions: Dilemmas of Peacebuilding, edited by A. K. Jarstad and T. D. Sisk. Cambridge: Cambridge University Press.

Another principal cause of the Tibet conflict has been Chinese governance and the precipitating "Sinicization" of the region. While the Chinese government claims that it has successfully raised the standard of living in Tibet, many Tibetans both inside and outside Tibet believe that the Chinese government's "modernization" policies have hurt the region. China claims that the \$45.4 billion it has spent in the TAR has helped make the region's 2003 GDP 28-times greater than its 1978 GDP. According to Newsweek, for the last four years, there has been a 13% per-capita GDP increase per year in rural Tibet, where 80-90% of the TAR's three million people live. As is the case for the rest of China, the CCP believes that a lack of political freedom is a small price to pay for this kind of economic growth.⁹⁹

The source of Tibetan frustration largely stems from the fact that while Tibet's standard of living has improved, most of the benefits have gone to the ethnic Han Chinese who have immigrated into Tibet. Han immigration encouraged by the Chinese government through tax incentives is also, according to Tibetans, undermining Tibet's political, religious, and cultural freedom. Though the CCP disputes this charge, Tibetan exiles claim that 60% of Lhasa is now ethnic Han.

In fact, a recent study by a Chinese group called the "Open Constitution Initiative" concluded that the 2008 riots in Tibet were inspired by "legitimate grievances", as Tibetans are feeling increasingly "disenfranchised" in their own land. Supporting this claim, one scholar noted that many of the 2008 rioters were unemployed youth Ethnic Han in Tibet have a "monopoly" on jobs; it is difficult to find a job if you are a Tibetan. Furthermore, only 300 of the 13,000 shops and restaurants in Lhasa are owned by Tibetans. To make matters worse, the ethnic Han

⁹⁹ K Annan, 'Annan: this may be a turning point for Africa', *Globe and Mail (Toronto)*, 18 May 1998.

generally send their incomes back home, so Tibet does not receive much of the benefit. Accordingly, a 2002 study found that while 15% of Tibetans benefit from the Chinese government economic programs, 85% live in abject poverty.¹⁰⁰

Tibetans are also angered by the Chinese government's intrusions on the political and cultural freedoms of their supposedly autonomous region. Despite Tibet officially having a "governor", real power resides with the Communist Party Secretary, who is Han Chinese. Also, there is a serious problem with local government accountability as CCP officials do a poor job reconciling the Chinese political system and Tibetan culture. Because of this, the Tibetan way of life in terms of its religion, agriculture, and wildlife is at risk. The CCP imposes certain restriction on religious freedom, such as the number of monks allowed at a given monastery. The Chinese government's preferred methods of farming have reaped poor harvests and subsequently led to hunger, and according to some, famine. Finally, Tibet's unique wildlife is being threatened by poaching and hunting.¹⁰¹

These issues make up the roots of the tension between Tibetans and Chinese. To help resolve violent conflict in Tibet, possible solutions which will be discussed later must be implemented by the following actors. The primary parties in the Tibet conflict are the Chinese and the Tibetans. The Chinese side includes ethnic Han the majority ethnic group in China living in Tibet and the Chinese government. The Tibetans can be further divided into those living in the TAR as well as its neighboring provinces versus Tibetan exiles living in northern India, or elsewhere in the world.

¹⁰⁰Korostelina, K.V 2007. *Social identity and conflict: structures, dynamics, and implications*. New York: Palgrave Macmillan.

¹⁰¹ Mansfield, Edward.D. 2005. *Electing to Fight. Why Emerging Democracies Go to War*. Cambridge, Massachusetts London, England: MIT.

Tibetans both inside and outside China can be further divided into those that want to remain part of China, but with increased autonomy, and those who believe Tibet should be an independent country. Some of those who want independence advocate nonviolent means; others promote the use of violence in the cause of Tibetan freedom from Chinese rule.

No third parties have played a consistent and active role in mediating the conflict. The United States acted as an interested second party during the 1950s and 1960s, when the CIA was trying to destabilize a newly Communist China. However, it later lost interest in playing a concerted role, and the rest of the international community has been unable to put together a cohesive policy. However, third parties will be discussed later in the paper as an essential part of any solution to the violent conflict in Tibet.¹⁰²

Here is one vision of a possible future Tibet. Tibet would be more autonomous, but still remain part of China and under its sovereignty. However, Tibet would have more political self-determination. Economic development would continue, but in a way that genuinely benefits Tibetans, rather than only Tibet's Han Chinese immigrants. Moreover, these and other steps would help keep Tibetan culture intact. Gradually, this kind of self-determination and improved governance would be extended to the ethnically Tibetan areas of neighboring provinces. Finally, through a long term, incremental process, China and therefore eventually Tibet would one day become a liberal democracy.¹⁰³

¹⁰²LSNSA (Land Sector Non-State Actors) (2009), 'Land Reforms in Kenya: Do we have a Choice?' Press statement, 4.xi.09.

¹⁰³M Ottaway, 'Democratization in collapsed states', in I W Zartman, *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, (Boulder, CO: Lynne Rienner, 1995), p 248-269

The following are some of the actions that various parties to the conflict can take to bring about a just resolution, like that envisioned above. As always in a violent conflict, one of the first steps should be to bring about reconciliation in this case between Tibetans and Chinese. Of course, this is easier said than done. According to Lederach, relationships among members of society must be rebuilt in ways that address the conflict's emotional and psychological issues. Moreover, he says this process should lead, not just to the end of conflict and negative emotions, but the building of something new and positive. This process needs to take place at all three levels of society the elite, the middle, and the grassroots levels.¹⁰⁴

The middle level which Lederach calls the most important level because it can connect the other two levels can play a key role in Tibet. One example of this might be bringing Han businessman together with Tibet's Buddhist leaders, which could help alleviate one of the main sources of tension. Tibet's religious leaders feel like their religion and culture are being undermined by certain business practices. Meanwhile, many Han business owners may simply want to earn a living to support their families and/or to help the Tibetans develop their society. Through relationship building, the two sides may be able to find common ground and reconcile their differences.

2.2.5 Power-sharing and Power Dividing

As Tibetans will need to work side-by-side in government with Han Chinese, at least in the early stages of the peace building process, "power-sharing" could help ease the conflict between Tibetans and Chinese. According to Roeder and Rothschild, while power-sharing does not, in the long run, lead to lasting peace and democratization, it can help "initiate a transition from

¹⁰⁴Morrow, Jonathan, 'Iraq's constitutional process II: an opportunity lost', Special Report 155, United States Institute of Peace, November 2005.

conflict." Moreover, the authors list a set of conditions under which power-sharing can be more successful, some of which may apply to the Tibet case.

Power-sharing works best when, for example, the elites once they have reached an agreement to end violent conflict have the ability to also stop regular citizens from continuing the fight at the grass-roots level. In China/Tibet, the CCP certainly has significant capacity which it exercises on a daily basis to control the behavior of its citizens through coercion and repression. Meanwhile, Tibetans are also very likely to refrain from violence if the Dalai Lama requests this of them, although for different reasons the great admiration and respect they hold for him.¹⁰⁵

The chance of successful power-sharing also goes up when the parties demonstrate a strong, sincere commitment to the agreement. While the CCP claims that the Dalai Lama is a "splittist" who is insincere about not wanting independence and therefore cannot be trusted, there is reason to believe Tibet's spiritual leader means what he says.¹⁰⁶ The Dalai Lama points to his friendly visit to Taiwan, which also views Tibet as an essential part of China, as evidence that he is not interested in independence. Moreover, according to Newsweek, the world leaders who have met the Dalai Lama are convinced of his sincerity on this matter. Regardless, there are powerful elements of the Tibet lobby who strongly favor independence. Power dividing and its emphasis on civil liberties, checks and balances, and the protection of minority rights could even mark the first steps toward the long term goal of liberal democratization in China.¹⁰⁷

¹⁰⁵ ONeal, John R., Bruce M. Russett, and Michael L. Berbaum. 2003. Causes of Peace: Democracy, Interdependence, and International Organizations, 1885-1992. *International Studies Quarterly* 47 (3):371-393.

¹⁰⁶ PeaceNet-Kenya (2008), Legal and Institutional Framework to Provide for the Establishment of the Truth Justice & Reconciliation Commission, Nairobi.

¹⁰⁷ Patricia Daley, 'Challenges to Peace: Conflict Resolution in the Great Lakes Region of Africa', *Third World Quarterly*, Vol. 27, No. 2 (2006), pp. 303-319

2.3 Conclusions

Power-sharing governments are common ingredients of peacemaking and peace building efforts. Power-sharing guarantees the participation of representatives of significant groups in political decision making especially in the executive as well as in the legislature, judiciary, police and army. By dividing power among rival groups after contested elections, power-sharing reduces the danger that one party will become dominant and threaten the security of others.¹⁰⁸ The need for such reconciliation has been accentuated at the end of the twentieth century by the increasingly global economy that has itself unleashed economic and political forces strengthening both supranational and local pressures at the expense of the traditional nation-state.¹⁰⁹ Global communications and consumership have awakened desires in the smallest and most remote villages around the world for access to the global marketplace of goods and services. As a result, governments have been faced increasingly with the desires of their people to be global consumers and local citizens at the same time.¹¹⁰

¹⁰⁸Sisk, Timothy D., and Christoph Stefes. 2005. *Power Sharing as an Interim Step in Peace building: Lessons from South Africa. Power and Democracy after Civil Wars*, London: Cornell University Press.

¹⁰⁹ Rutten, M. and S. Owuor (2009) 'Weapons of mass destruction: Land, ethnicity and the 2007 elections in Kenya', *Journal of Contemporary African Studies*, 27:3,305-324.

¹¹⁰Reyntjens, Filip, 'Briefing: Peaceful transition after war?', *African Affairs* 105/418, January 2006.

CHAPTER THREE

KENYA AND ZIMBABWE POWER-SHARING

3.0: Introduction

This chapter will capture the case study of power-sharing in contested election with focus on Kenya and Zimbabwe. In this chapter both secondary and primary data are analyzed and interpreted. It is a comparative study of Kenya and Zimbabwe.

3.1: Review on Kenya and Zimbabwe Power-sharing

3.1.1: Kenya Power-sharing

According to Kimenyi¹¹¹, in the post-independence period, up to but not including the 1990s, Kenya was a relatively peaceful country. “Kenya has remained fairly stable and peaceful during most of the post-independence period; violence between ethnic groups has tended to erupt around elections since the introduction of competitive multiparty politics”.¹¹² The country’s relative tranquility has been characterized by a stable political system and a well-balanced economy, further, Kenya has for many years been regarded as a favorite tourist destination.¹¹³ However, Kimenyi does not take into account the oppression experienced by Kenyans under the regime of Daniel arap Moi, (1978-2001).

The early 1990s saw the expansion of ethnic violence in Kenya. “Specifically, the worst ethnic conflict since independence erupted mainly in the Rift Valley, Western, and to some extent,

¹¹¹ Kimenyi, S (2006) ‘The Demand for Power Diffusion: A Case Study of the 2005 Constitutional Referendum Voting in Kenya’ University of Connecticut. Working Paper: 11.

¹¹² Oyugi, Walter O. (1997) “Ethnicity in the Electoral Process: The 1992 General Elections in Kenya,” *African Journal of Political Science* Vol 2, (1): 41-69.

¹¹³ Mwangiru, M. (2009) *The Water’s Edge: Mediation of Violent Electoral Conflict in Kenya*, Nairobi: Peace Net – Kenya.

Nyanza Provinces of Kenya in the 1990s".¹¹⁴ The ethnic conflict started during the term of President Daniel arap Moi, who was also referred to as a 'dictator'. The genesis of this conflict was to get rid of other members of ethnic groups who had political power for the purposes of excluding them from material and social resources. Moreover, since Kenya was a one-party state during President arap Moi's term, the Moi administration tried all possible means of retaining economic and political benefits as the country was moving towards a multi-party system.

The Kenyan ethnic conflict did not cease with the introduction of the multiparty system, instead there were outbreaks of violence in various parts of the country.¹¹⁵

For example, in 1992 approximately 2,000 people were killed in tribal conflict in the West of the country. In December 1992 Moi was re-elected in the multi-party elections. His party Kenya African National Union (KANU) won a majority of legislature seats. In 1997, after the death of Oginga Odinga, Kenya's first Vice president, Moi won a further term in widely criticised elections. In 2001, ethnic conflict culminated in several violent clashes in Kenya. "In December, thousands fled and several people were killed in rent battles involving Nubian and Luo communities in Nairobi's Kibera slum district".¹¹⁶ Daniel arap Moi's term of office was ended by the victory of Mwai Kibaki in December 2002. Kibaki won over KANU rival Uhuru Kenyatta, this ended KANU's four decades in power.

The most recent outbreak of violence in Kenya occurred in February 2008. The genesis of the violence was the contested nature of the presidential election of 27 December 2007. The main protagonists were the incumbent, Mwai Kibaki, leader of The Party of National Unity (PNU),

¹¹⁴ Murunga. G.R. 2004., *The State, its Reform and the Question of Legitimacy in Kenya Identity, Culture and Politics*, Vol. 5. (1 & 2), pp 179-206.

¹¹⁵ Rutten, M. and S. Owuor (2009) 'Weapons of mass destruction: Land, ethnicity and the 2007 elections in Kenya', *Journal of Contemporary African Studies*, 27:3,305-324.

¹¹⁶ Schneckener. U. 2002., *Making Power-Sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation*" *Journal of Peace Research*, Vol 39 (2), p 203 -228.

and Raila Odinga, leader of the (opposition) Orange Democratic Movement. Raila Odinga and his party believed that the elections were definitively flawed.¹¹⁷ Schneckener further comment that “ Kenyans, along with the rest of the world, heard reports of irregularities during the electoral process, including vote-buying, ballot stuffing, and data tallying issues and delays reporting the results...” Not only were election procedures flawed, but also ethnic tensions were exacerbated by the tendency of politicians to play the ethnic card.¹¹⁸

The concept of ‘identity politics’ is reinforced by social identity theory. Korostelina defines the theory as one that “accentuates the impact of status and self-esteem on stereotypes, attitudes and prejudice and provides explanation of a person’s behavior in situations of increasing status through the collective action or intergroup migration”.¹¹⁹ This definition is instructive in light of the findings of a Gallup poll conducted after Kenya’s 2008 elections. “The self-identified Kikuyu are the only group in which majorities (67%) say the presidential election was honest.

As in other parts of the world, electoral systems in Africa often are characterized by ‘identity politics’, and from the 1990s onwards, Kenya is no exception. According to Udogu, in specific relation to identity politics in Africa, you are practicing identity politics when you vote for or against someone because of his or her skin color, ethnicity, religion, gender, sexual orientation, or any marker that leads you to say yes or no independently of a candidate’s ideas or policies. In essence, identity politics is an affirmation of tribe against the claims of ideology...An identity

¹¹⁷Kimenyi, S (2006) ‘The Demand for Power Diffusion: A Case Study of the 2005 Constitutional Referendum Voting in Kenya’ University of Connecticut. Working Paper: 11.

¹¹⁸ Ibid

¹¹⁹Korostelina, K.V 2007. *Social identity and conflict: structures, dynamics, and implications*. New York: Palgrave Macmillan.

politics voter says in effect, I don't care what views he holds, or even what bad things he may have done, or what lack of ability he may display, he's my kinsman, or he's my landsman.¹²⁰

In the aftermath of the post-election violence, Kenya embarked on a conflict resolution process, during which the former Secretary General of the United Nation, Mr Kofi Annan acted as a mediator between the two rival presidential candidates.¹²¹ According to Hartzell, while the negotiations began with a wide gulf between the two sides, the adroit management of the lead mediator, Kofi Annan, produced an accord in March 2008. The main provision of the agreement was that a Grand Coalition government would be created in which the two parties would share power¹²².

The power-sharing agreement between Raila Odinga and Kibaki meant that there would be a creation of a prime minister post and government's top positions were to be shared between Odinga's party and Kibaki's. The agreement called for an act of parliament within two weeks that would change the country's constitution, creating the position of prime minister to "coordinate and supervise" the government and its ministries.¹²³ Odinga was to assume that position. The National Accord and Reconciliation Act 2008 establishes that the president, vice president, prime minister and other ministers will form the government's cabinet -- with the addition of two deputy prime ministers who will be appointed by the president.¹²⁴ The new power-sharing agreement, according to Kofi Annan, is known as the National Accord and Reconciliation Act and is entrenched in Kenya's constitution today. As can be seen from the

¹²⁰ Udogu, E.I. 1999., The Issues of Ethnicity and Democratization in Africa: Towards the Millennium. *Journal of Black Studies*, Vol. 29, (6), pp 790-808

¹²¹Gibson, C. Long .J. 2009., The presidential and parliamentary elections in Kenya December 2007. *Journal of Electoral Studies*, pp. 1-6.

¹²² Hartzell, C, and Hoddie M. 2003., Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management. *American Journal of Political Science*, Vol.47 (2), pp. 318-332.

¹²³Katumanga, M (2005), 'A City under Seige: Banditry & Modes of Accumulation in Nairobi, 1991-2004', *Review of African Political Economy*, No. 106: 505-520.

¹²⁴Branch, D & N. Cheeseman, (2008) 'Democratisation, Sequencing and State Failure: Lessons from Kenya', *African Affairs*, 108. 428: 1-26, December.

background to the 2007-2008 conflict in Kenya, two main features have been highlighted: an ethnic dimension to the conflict, and a power-sharing formula intrinsic to the process of resolution.

3.1.2: Mediation Efforts towards Power-Sharing

Initially, Kenya's mediation efforts were not easy to execute. This is because mediators found it hard to bring the two rivals together in search of a peace agreement. Much of the difficulty came from Odinga's side which was reluctant to comply with the agreement without clear assurance from the international community that Kibaki will not eventually turn against him on the power-sharing deal as it was with the 2002 elections. As Kambudzi¹²⁵ put it, International efforts to bring a negotiated settlement failed in the initial phase of the crisis. The African Union, the Kenyans, and the European Union all encouraged a power-sharing arrangement between Odinga and President Kibaki. Odinga, while willing to negotiate with Kibaki, was reluctant to agree to a deal without international guarantees. Kibaki was elected president in 2002 largely due to strong support from Odinga and current opposition leaders. As part of the coalition agreement, Odinga was to become prime minister in the Kibaki government, although Kibaki reportedly reneged in that agreement.¹²⁶

Initially, the President of the African Union (AU) John Kufour of Ghana was unsuccessful in bringing the two rivals to the negotiating table. However, the mediation efforts in Kenya's conflict received solid support from the United Nation's former Secretary General— Kofi Annan who actively involved himself to ensure that the two parties eventually arrived at a peace agreement. Moreover, the African Union (AU) supported Annan's mediation. Thus, the

¹²⁵ Kambudzi, Admore. 2008., Turning Elections into a development asset in Africa". *Institute of Security Studies* 163 (2008): 4.

¹²⁶Branch, D & N. Cheeseman, (2008) "Democratisation, Sequencing and State Failure: Lessons from Kenya", *African Affairs*, 108. 428: 1-26, December.

consensus to begin mediation within an African framework was quickly endorsed by the AU.¹²⁷ Annan was also influential with the establishment of a seven member Independent Review Commission which was to be part of the Kenyan election and was to be headed by the retired South African Judge Johann Kriegler. “Specifically, the Kriegler Commission was mandated to examine all aspects of the controversial 2007 presidential poll through consultations with officials of the ECK, election observers, politicians, and citizens”¹²⁸. Some of the responsibilities of the Kriegler Commission were to review “the organization and conduct of the 2007 elections, extending from civic and voter education and registration through polling, logistics, security, vote-counting and tabulation to results-processing and dispute resolution”.¹²⁹

The Commission was also tasked with assessing the independence of the structure and composition of the ECK, and to also contribute towards improving future elections in Kenya. As Horowitz¹³⁰ puts it, given the bitterness and distrust that existed at the start of the negotiations, the fact that a deal was reached is a credit to Annan’s skillful management of the process.¹³¹ The personal dedication and adroit management of the lead mediator, Annan, was of considerable importance in maintaining progress.¹³² Early on Annan managed to end the acrimonious war of words that was being waged between the two sides in the media by demanding that both sides

¹²⁷Anderson, D. & E. Lochery, (2008) ‘Violence and Exodus in Kenya’s Rift Valley: Predictable and Preventable?’, *Journal of Eastern African Studies*, 2.2: 328-343, July.

¹²⁸ Murithi, T. 2009., Kenya- A Year after the Crisis: The Quest for Electoral Reform and Transitional Justice” Situational Report. *Institute for Security Studies*. 14 January 2009.

¹²⁹ Ibid

¹³⁰ Horowitz, J. 2008. Power-sharing in Kenya: Power-sharing Agreements, negotiations and peace processes, Centre for the Study of Civil War. CSCW Papers. University of California, San Diego (UCSD)

¹³¹Jarstad, Anna K. 2008. Power Sharing: Former Enemies in Joint Government. In *War-to- Democracy Transitions: Dilemmas of Peacebuilding*, edited by A. K. Jarstad and T. D. Sisk. Cambridge: Cambridge University Press.

¹³²Kambudzi. Admore. 2008., Turning Elections into a development asset in Africa”. *Institute of Security Studies* 163 (2008): 4.

stop airing their grievances to the press.¹³³ At a critical point, Annan also sequestered the entire negotiations process for several days in Tsavo, one of Kenya's wildlife preserves, to remove the process from the limelight in Nairobi, the nation's capital. Finally, in the last stages, when the negotiations were stalled over key details, Annan bypassed the negotiation teams appointed by each party and appealed directly to the principals, the heads of the two parties.

3.1.3: Power-sharing Agreement 2008

At the outset, it is important to note though, that debates on the implementation of the power-sharing deal had been a topic of discussion and consideration for many years in Kenya.¹³⁴

Hartzell asserts that, "The post-election violence in 2008 was the catalyst for a power-sharing deal. But debates about power-sharing in Kenya predate the 2008 deal by several decades."¹³⁵

Thus, the power-sharing deal of 2008 was a continuation of past efforts in Kenya.

In March 2008, a power-sharing deal was reached between the two rival political parties, respectively led by Kibaki and Odinga. "The agreement, which calls for a new coalition government, was known as the National Accord and Reconciliation Act of 2008 and was unanimously passed by the Parliament"¹³⁶ Kwaja states that, under this peace agreement, 40 ministers were named as cabinet together with 50 assistant ministers. This faction of politicians was also referred to as a "peace cabinet"¹³⁷. During the course of the negotiations, the two sides

¹³³Kanyinga, Karuti (2009), 'The legacy of the white highlands: Land rights, ethnicity and the post-2007 election violence in Kenya', *Journal of Contemporary African Studies*, 27:3: 325-344.

¹³⁴Katumanga, M (2005), 'A City under Siege: Banditry & Modes of Accumulation in Nairobi, 1991-2004', *Review of African Political Economy*, No. 106: 505-520.

¹³⁵ Hartzell, C, and Hoddie M. 2003., Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management. *American Journal of Political Science*, Vol.47 (2), pp. 318-332.

¹³⁶ Kwaja, C.M.A. 2009., "Do the people have faith in electoral democracy? Lessons from Kenyan 2007 presidential elections." *African Journal of Political Science and International Relations* Vol. 3 (2), pp. 038-045.

¹³⁷Kimenyi, S (2006) 'The Demand for Power Diffusion: A Case Study of the 2005 Constitutional Referendum Voting in Kenya' University of Connecticut. Working Paper: 11.

were threatening to sabotage the process. This was due to demands that were advanced by the ODM with which the PNU disagreed. “First was the creation of the Prime Ministerial post whose occupant would be the Head of Government and who would have powers to appoint and remove government officers, including cabinet members” (Horowitz 2008:8).¹³⁸

Secondly, the ODM demanded the equal division of cabinet portfolios and that the two sides must share high ranking profile ministries such as the Interior and Finance. “Thirdly, ODM called for proportionality of all levels of government”¹³⁹. The entrenching of the deal in the constitution was ODM’s last demand. On the contrary, the PNU insisted on that the President remain the Head of Government “and retain the authority to determine the composition of the cabinet. The Prime Minister position would oversee the ministries but would not have executive functions related to hiring or firing.”¹⁴⁰

3.1.4: Sources of Violence in Kenya

Commenting on conflict in Kenya, Gibson argues that, A good deal of the statistical work in the political economy literature on conflict argues persuasively that conflict, particularly civil war, is driven mainly by greed rather than grievance, while others disagree¹⁴¹. From the standpoint of the elite, many of whom already owned large tracts of land in the Rift Valley and elsewhere, greed for political power, both by MPs from the area and by President Moi, appears to have been the motivating factor in the face of multi-party elections.

¹³⁸ Murithi, T. 2009, Kenya- A Year after the Crisis: The Quest for Electoral Reform and Transitional Justice” Situational Report. *Institute for Security Studies*. 14 January 2009.

¹³⁹ Ibid

¹⁴⁰ Murunga. G.R. 2004., The State, its Reform and the Question of Legitimacy in Kenya *Identity, Culture and Politics*, Vol. 5. (1 & 2), pp 179-206.

¹⁴¹ Gibson, C. Long .J. 2009., The presidential and parliamentary elections in Kenya, December 2007. *Journal of Electoral Studies*, pp. 1-6.

As Gibson highlights, there is a connection between power and wealth in Kenya. The practices of the ruling elite tend to undermine the poor in Kenya.¹⁴² According to Chege¹⁴³ “Elite monetary interest and politics become inextricably intertwined, further estranging political action from the needs and demands of ordinary people and hampering a genuinely democratic form of leadership”. One of the resource sectors of which the elite in Kenya take advantage is the agricultural sector.

Agricultural production is an important factor in Kenya’s economy. As Chege notes: “Agricultural activity is concentrated in the highlands, the previous heart of the white colonial community and thereafter the Kikuyu ethnic group”.¹⁴⁴ The Kikuyu had managed to dominate business and politics for decades because they have been favored by the colonialist for a long time. Ottaway¹⁴⁵ puts it more succinctly; The Kikuyu occupied the rich highland in the central region of the colony close to Nairobi and adjacent to the main areas of white settlement. These energetic farmers worked the deep, red soil to good advantage. They were enterprising in business and, much as the advent of colonial rule had deprived them of lands and exploited their labor, many Kikuyu made the most of the opportunities afforded by the connections to an imperial economy.¹⁴⁶

Thus the accumulation of wealth by a particular ethnic group during the colonial era created economic imbalances in post-colonial Kenya, and thus the economic factor can be regarded as a

¹⁴²Murithi, T. 2009, Kenya- A Year after the Crisis: The Quest for Electoral Reform and Transitional Justice” Situational Report. Institute for Security Studies. 14 January 2009.

¹⁴³ Chege, M. 2008., Kenya: Back From the Brink?” *Journal of Democracy*, Vol 19 (4), pp. 125-139.

¹⁴⁴LSNSA (Land Sector Non-State Actors) (2009), ‘Land Reforms in Kenya: Do we have a Choice?’ Press statement, 4.xi.09.

¹⁴⁵ M Ottaway, 'Democratization in collapsed states', in I W Zartman, *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, (Boulder, CO: Lynne Rienner, 1995), p 248-269

¹⁴⁶LSNSA (Land Sector Non-State Actors) (2009), ‘Land Reforms in Kenya: Do we have a Choice?’ Press statement, 4.xi.09.

seminal cause of violence. As the above quotation suggests, colonialism instituted a process of conflating ethnicity and socio-economic class. For example, the Kalenjin may have historically accumulated more wealth than the Luo, thus to ensure that goods and resources are kept within ethnic domain, they (Kalenjin) would find it hard to release political power to a different ethnic group. “But it has also been observed that in the process of colonial 'development' some groups adapted much earlier than the others.¹⁴⁷ The Kikuyu are said to have been the first to adapt their social structure and culture to the capitalist mode of production”¹⁴⁸ Particularly when Moi was in power, Kenya’s politics revolved around money and many politicians utilized high government position in order to accumulate wealth. As Bakari puts it; “Kenyan politics was for a long time all about money. He who had the money controlled the politics, and Moi used money, or access to money in the form of fat government contracts, high governmental positions that were virtually sinecures, and in the last decade, access to land” (2002:271). Indeed, even Kenya’s first and most illustrious President, Jomo Kenyatta, was not an exception to this rule. According to Oyugi, “Both these presidents- Kenyatta and Moi— the former Kikuyu, the latter Kalenjin— used their power to reward a small group of supporters with business opportunities and, most crucially, land”.¹⁴⁹

The manifestly unequal allocation of state resources generates hatred and vendettas amongst different ethnic groups. Arguably, violence is inevitable as a result of differences and inequality created between ethnic communities. Furthermore, unequal allocation began with colonialism

¹⁴⁷LSNSA (Land Sector Non-State Actors) (2009), ‘Land Reforms in Kenya: Do we have a Choice?’ Press statement, 4.xi.09.

¹⁴⁸ Ibid

¹⁴⁹Oyugi, Walter O. (1997) “Ethnicity in the Electoral Process: The 1992 General Elections in Kenya,” *African Journal of Political Science* Vol 2, (1): 41-69.

and was replicated by successive post-colonial regimes. As earlier stated, the correlation between ethnicity and access or non-access to wealth began with colonialism.

Land has been a key issue in Kenyan politics ever since the British colonial government claimed large tracts of fertile land in the Central Province and the Rift Valley for white settlement and abetted grossly unequal property relations between ethnic communities along the coast.¹⁵⁰ At independence— prodded by the 1950s Mau Mau rebellion over land rights and freedom, which claimed as many as 13,000 Kenyan lives and led to the arrest of an estimated 70,000 Kikuyu tribesmen—President Kenyatta quickly moved to recentralize power in the office of the president. Land owned by displaced white settlers was bought on a “willing buyer, willing seller basis” and turned into settlement schemes.

The accumulation of resources by a particular ethnic group reinforces and perpetuates ethnic voting. In consequence, it is arguable that Kenya’s political and electoral system is informed by ‘identity politics’ “Such voting implies that voting is not the outcome of a careful evaluation of policy positions or the performance of leaders. Instead, it is identity that matters”¹⁵¹ Factors determining the voters’ decisions could be skin color, religion, sexual orientation; ethnicity etc. “Race, gender, and other identity categories are most often treated in mainstream liberal discourse as vestiges of bias or domination - that is, as intrinsically negative frameworks in which social power works to exclude or marginalize those who are different”.¹⁵² This is a problem that is particularly applicable in post-colonial states like Kenya that have inherited from the colonial state the notion of ethnic entrenched ‘difference’. As Oyugi, puts it: The notion of ‘a

¹⁵⁰Oyugi, Walter O. (1997) “Ethnicity in the Electoral Process: The 1992 General Elections in Kenya,” *African Journal of Political Science* Vol 2, (1): 41-69.

¹⁵¹ Kimenyi, S (2006) ‘The Demand for Power Diffusion: A Case Study of the 2005 Constitutional Referendum Voting in Kenya’ University of Connecticut. Working Paper: 11.

¹⁵² Taylor, R. 1992., “South Africa: A Consociational Path to Peace?” *Transformation*, Vol. 17, pp,1-11.

people's own area' which resulted from the formal political administrative regimentation of the colonized people into ethnic administrative enclaves was later to lead to the heightening of ethnic self-identity or sense of belonging. It also in the process, created a sense of exclusiveness which sooner or later manifested itself in the rejection of 'outsiders'.¹⁵³

3.2: Zimbabwe Power-sharing

In January 2009, prior to the new government's formation, Zimbabwe was considered by some analysts to be a failed state. Dubbed "the world's fastest shrinking economy," Zimbabwe's Gross Domestic Product (GDP) had declined over 50% since 2000. After several years of hyperinflation, the country's official inflation rate had risen to a level at which prices doubled in less than 24 hours. Zimbabwe's economy had effectively collapsed.¹⁵⁴

Today, Zimbabwe continues to face serious political and economic challenges that critics suggest stem from years of poor governance and mismanagement. Life expectancy for Zimbabweans fell from an estimated 56 years in 1990 to 44 in 2008. Almost 95% of the population lack formal employment. Some seven million Zimbabweans reportedly required food aid in the first months of 2009, and almost three million are expected to be food insecure through the end of the year.¹⁵⁵

The breakdown of the country's dilapidated water and sewage systems contributed to an outbreak of cholera that, from August 2008 to July 2009, resulted in several thousand deaths and infected almost 100,000. An estimated six million people, over half the population, still have little or no access to safe drinking water or sanitation. An estimated three to four million Zimbabweans have emigrated in the last decade, including up to half of the country's doctors and

¹⁵³ Oyugi, Walter O. (1997) "Ethnicity in the Electoral Process: The 1992 General Elections in Kenya," *African Journal of Political Science* Vol 2, (1): 41-69.

¹⁵⁴ According to International Monetary Fund (IMF), Zimbabwe's GDP fell 40% from 2000-2007, and 14% in 2008.

¹⁵⁵ Ibid

nurses. Hospitals and clinics lack basic medicines, supplies, and functioning equipment. The country's public education system has suffered a major decline in recent years; most public schools closed in late 2008 as teachers went on strike over unpaid salaries. Today, many schools have reopened, but teachers receive wages that are a fraction of those received by their regional counterparts.¹⁵⁶

Flawed elections in 2008 and subsequent months of widespread political violence left the country bitterly divided in early 2009. At that time, the Government of Zimbabwe, considered to be authoritarian by the U.S. State Department and other Western countries, found few allies in the international community; several countries, including neighboring Botswana, refused to recognize the government's legitimacy.¹⁵⁷

3.2.1: March 2008 Elections

Following years of political tensions and a violent March 2007 assault by police on government critics that drew widespread international criticism, then South African President Thabo Mbeki initiated a mediation effort between the Government of Zimbabwe and the opposition in 2007.¹⁵⁸ The main objective of the mediation, as described by Mbeki, was to create political conditions for free and fair elections, the results of which would be accepted by all parties. Although the negotiations resulted in the amendment of some laws seen to restrict press freedom and political activity, the talks were abandoned after Mugabe announced that elections would be held on

¹⁵⁶Human Rights Watch (HRW), *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008, and International Crisis Group

¹⁵⁷Ndlovu-Gatsheni, S. (2009) 'Africa for Africans or Africa for "Natives" Only? "New Nationalism" and Nativism in Zimbabwe and South Africa', *Africa Spectrum*, No. 1: 61-78.

¹⁵⁸International Monetary Fund (IMF), Zimbabwe's GDP fell 40% from 2000-2007, and 14% in 2008.

March 29, 2008. Human rights activists argue that the legislative changes were cosmetic and that the talks failed to create a level playing field prior to the elections.¹⁵⁹

The two factions of the main opposition party, the MDC, which split in 2005, remained divided prior to the elections. Despite rumors of dissatisfaction with Mugabe's continued rule from within his own party, the party's central committee nominated Mugabe to be their presidential candidate in March 2007.¹⁶⁰ The committee also supported a resolution to hold all elections (presidential, parliamentary, and local council) at the same time, and to reduce the terms for all public offices from six to five years. In addition, they voted to back efforts to increase the number of parliamentarians from 150 to 210 and the number of senators from 66 to 84. Critics contends that these proposals were an effort to manipulate the electoral process through gerrymandering, with the new constituencies created in rural areas where the ruling party had stronger support.¹⁶¹

The proposals were included in a controversial Constitutional Amendment Bill, which, to the surprise of many observers, was passed by the parliament in September 2007 with the support of MDC Members of Parliament (MPs). The final version of the legislation, did, however, include some changes seen as concessions to the opposition, and reports suggest that the MDC supported the legislation because of progress in the South Africa negotiations.¹⁶²

In February 2008, a senior member of ZANU-PF, Simba Makoni, announced his intention to run against President Mugabe in the upcoming elections. He was subsequently expelled from the

¹⁵⁹Bratton, Michael and Nicolas van de Walle 1997. *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*. Cambridge: Cambridge University Press.

¹⁶⁰International Crisis Group, "Zimbabwe: Engaging the Inclusive Government," *Africa Briefing No. 59*, 20 April 2009.

¹⁶¹International Crisis Group (2009) "Rebuilding Liberia; Prospects and Perils," *ICG Africa Report No 75*, Freetown, Brussels, January 30.

¹⁶²International Crisis Group, "Zimbabwe: Engaging the Inclusive Government," *Africa Briefing No. 59*, 20 April 2009.

party and ran as an independent, although he was rumored to have the support of several unnamed senior party officials. Makoni,¹⁶³ served as Finance Minister from 2000 to 2002 and was reportedly dismissed after criticizing the administration's economic policies. Makoni also previously served as the executive secretary of SADC. Opposition leader Tsvangirai dismissed Makoni as "old wine in a new bottle," but rival MDC leader Arthur Mutambara withdrew as a presidential candidate and expressed his support for Makoni.¹⁶⁴

In the pre-election period, civic activists reported significant pre-election irregularities. The Zimbabwean government invited election observers from over 40 countries and regional organizations, including SADC, but allegedly barred observers from countries considered to be critical of its policies. Western media organizations and journalists were also reportedly denied permission to cover the elections.¹⁶⁵

Zimbabwe's first "harmonized" elections were held on March 29, 2008. The Zimbabwe Electoral Commission (ZEC), widely criticized for its delayed release of the electoral results, announced the National Assembly results four days after the election. For the first time since independence, ZANU-PF lost its majority in the National Assembly. The MDC factions, known as MDC-Tsvangirai (MDC-T) and MDC-Mutambara (MDC-M) for their respective leaders, which reunited on April 28, won 109 seats in the 220-seat National Assembly, over ZANU-PF's.¹⁶⁶

¹⁶³ Benjamin Leo and Todd Moss, *Moving Mugabe's Mountain: Zimbabwe's Path to Arrears*

¹⁶⁴ ICG, *Zimbabwe: Prospects from a Flawed Election*, Africa Report No. 138, March 20, 2008.
IDASA, (2009), *GNU Watch*, October, Johannesburg.

¹⁶⁵ Hammar, A. (2008) 'In the name of sovereignty: Displacement and state making in post-independence Zimbabwe', *Journal of Contemporary African Studies*, 26.4: 417-434, October.

¹⁶⁶ Amnesty International, *Left Behind: The Impact of Zimbabwe's Mass Forced Evictions on the Right to Education*, October 5, 2011.

After a month of rising tensions, the results of the presidential race were belatedly announced on May 2. They indicated that Morgan Tsvangirai had received more votes than Mugabe, but had failed to garner the 50% plus one majority needed to avoid a runoff.¹⁶⁷

Although the opposition accused the government of manipulating the results and initially objected to participating in a runoff, Morgan Tsvangirai agreed to stand against President Mugabe in a second round of voting. While electoral law requires the government to hold a runoff election within 21 days of announcing the initial results, the ZEC declared that the runoff would not be held until June 27, three months after the first round. During the following weeks, reports of political violence increased dramatically, in what many critics contend were a government orchestrated attempt to punish opposition supporters and ensure a Mugabe victory in the runoff.

Several of the country's security service chiefs, including the heads of the army and the police, publicly announced that they would not recognize an electoral victory by anyone other than Mugabe.¹⁶⁸ Citing the high number of attacks against MDC supporters and the lack of a level playing field, Tsvangirai withdrew from the race days before the election. Despite public comments from African observer missions and a presidential statement from the United Nations Security Council arguing that conditions for a free and fair election did not exist, the government held the runoff as scheduled. Mugabe was declared the winner with over 85% of the vote and inaugurated on June 29, 2008. His electoral victory in the runoff election was declared illegitimate by several countries, including the United States and Botswana.

¹⁶⁷Amnesty International, *Left Behind: The Impact of Zimbabwe's Mass Forced Evictions on the Right to Education*, October 5, 2011.

¹⁶⁸Robert I. Rotberg, *Beyond Mugabe: Preparing for Zimbabwe's Transition*, the Center for Strategic and International Studies, August 2011.

3.2.2: Prior to Coalition Government

Prior to the runoff, Zimbabwe's state-controlled media sent mixed signals about the regime's post-election plans. On April 23, the government-owned *Herald* newspaper printed an editorial that suggested SADC should mediate between the parties to create a transitional coalition government, led by President Mugabe that would organize new elections.¹⁶⁹ The following day the paper announced on its website that a unity government was "not feasible." According to a May 2008 International Crisis Group report, some senior ZANU-PF members, including Vice President Joyce Mujuru and Reserve Bank governor Gideon Gono, tried to convince the president to accept a unity government, but were overruled by senior security officials. Central to the concerns of ZANU-PF hardliners, critics assert, are questions regarding immunity for serious human rights abuses committed since independence.¹⁷⁰ Both parties issued public statements after the elections indicating a willingness to negotiate, but ZANU-PF declared that Tsvangirai must acknowledge Mugabe's victory as a prerequisite. Tsvangirai refused to do so. Some believe ZANU-PF had planned to negotiate even before the runoff, but wanted to enter the talks from a position of power, with Mugabe having won the second round.¹⁷¹

3.2.3: Post-Election Violence

As noted above, although observers suggest that the March 29 election day was largely peaceful, reports of politically-motivated violence subsequently increased to a level not seen in two decades, according to advocacy groups. In May 2008, the Zimbabwe Association of Doctors for Human Rights reported that its doctors had treated hundreds of victims with injuries consistent

¹⁶⁹ International Crisis Group, "Zimbabwe: Engaging the Inclusive Government," *Africa Briefing No. 59*, 20 April 2009.

¹⁷⁰ Sadomba, Wilbert Z. (2008), *War Veterans in Zimbabwe's Land Occupations: Complexities of a Liberation Movement in an African Post-colonial Settler Society*, Ph. D. Wageningen University, June.

¹⁷¹ Agreement Between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the two Movement for Democratic Change (MDC) Formations, on Resolving the Challenges Facing Zimbabwe 2008. Harare, 15 September.

with assault and torture since the election date, and that “the violence is now on such a scale that it is impossible to properly document all cases.”¹⁷² The MDC has alleged that over 500 of its supporters were killed in the months after the election. U.S. Ambassador James McGee implicated the ruling party in orchestrating the attacks.¹⁷³

ZANU-PF and the Zimbabwean army have denied involvement with the violence, although the army, police, intelligence service, “war veterans”, and Zimbabwe’s National Youth Service - also known as the “Green Bombers” have all been implicated. One week after the elections, self-styled war veteran leader Jabuli Sibanda warned, “It has come to our realization that the elections were used as another war front to prepare for the re-invasion of our country.... As freedom fighters, we feel compelled to repel the invasion,” echoing a frequent Mugabe refrain that an opposition victory would be tantamount to the British reinstating colonial rule. The state-owned *Herald* newspaper contributed to fears of a white takeover in the wake of the election, reported, “An increasing number of white former commercial farmers are reportedly threatening resettled black farmers throughout the country with eviction from their farms or face the wrath of an anticipated ‘incoming MDC government.’”¹⁷⁴ These pronouncements coincided with farm invasions throughout the country, and by April 16, 2008 the Commercial Farmers Union reported that over 100 of the estimated remaining 400 white farmers had been forced off their lands.¹⁷⁵

Since independence, Mugabe’s regime has employed terminology associated with military-style campaigns for government programs ranging from the implementation of price controls, known as Operation Reduce Prices, to the demolition of informal urban settlements, or Operation

¹⁷² Benjamin Leo and Todd Moss, *Moving Mugabe's Mountain: Zimbabwe's Path to Arrears*

¹⁷³ International Crisis Group, “Zimbabwe: Engaging the Inclusive Government,” *Africa Briefing No. 59*, 20 April 2009.

¹⁷⁴ Ibid

¹⁷⁵ Benjamin Leo and Todd Moss, *Moving Mugabe's Mountain: Zimbabwe's Path to Arrears*

Murambatsvina (translated as “Clean out the Filth”).¹⁷⁶ Reports suggest that the recent round of violence may have had its own campaign name, Operation *Mavhoterapapi* (“Who did you vote for?”). Critics note the government’s historic use of violent tactics against political opponents, pointing to the infamous Operation *Gukurahundi* (“The rain that washes away the chaff before the spring rains”), the violent “pacification” campaign by a North Korean-trained military unit, the 5th Brigade, in the 1980s against alleged dissidents and supporters of ZANU-PF’s political rival, the Zimbabwe African People’s Union (ZAPU). *Gukurahundi* is referred to by some as the Matabeleland Massacres, which resulted in the deaths of as many as 20,000 civilians, mostly from the Ndebele ethnic group in the southwest.¹⁷⁷ That 5th Brigade was led by then Lt. Col. Perence Shire, now commander of Zimbabwe’s Air Force. Other security officials involved in the campaign were elevated to senior government posts, including Sydney Sekeremayi and Emerson Mnangagwa. Both continue to hold senior security posts in the new coalition government.¹⁷⁸

Mnangagwa, then Minister of State Security in charge of intelligence, once reportedly warned that the government would burn down “all the villages infested with dissidents.” He has been considered a possible successor to Mugabe within the party and is rumored to be in charge of the Joint Operations Command (JOC), a secretive group of the country’s security chiefs and top commanders that some allege exert significant control over the government.¹⁷⁹

Zimbabwe’s rural areas appear to have been the hardest hit by the post-election violence; the U.S. Embassy in Harare documented thousands who fled the countryside for urban areas in the

¹⁷⁶ (ICG), Africa Report No. 138, Zimbabwe: Prospects from a Flawed Election, March 20, 2008.

¹⁷⁷ Ibid

¹⁷⁸ International Crisis Group, “Zimbabwe: Engaging the Inclusive Government,” *Africa Briefing No. 59*, 20 April 2009.

¹⁷⁹ Benjamin Reilly, “Electoral Systems for Divided Societies,” *Journal of Democracy*, Vol 13, No 2, April

months after the March elections. Most Harare medical clinics were at full capacity during the height of the violence, according to the U.S. Agency for International Development (USAID).¹⁸⁰ Zimbabwe's largest farmers' union reported that militias displaced over 40,000 farm workers, and there were widespread reports of burned homes, granaries, and livestock. Human Rights Watch detailed the "re-education" and torture of more than 70 MDC supporters, seven of whom reportedly died from their injuries, in Mashonaland province on May 5. Amnesty International reported that victims were often denied medical access and that humanitarian organizations were targeted by militias for providing assistance.¹⁸¹ The United Nations' resident representative in Zimbabwe stated at the time, "There is an emerging pattern of political violence inflicted mainly, but not exclusively, on suspected followers of the MDC."¹⁸² The level of violence was confirmed by an 8-person SADC mission, who declared, "we have seen it, there are people in hospital who said they have been tortured, you have seen pictures, you have seen pictures of houses that have been destroyed and so on."¹⁸³

Some who fled to the cities faced further intimidation.¹⁸⁴ Police repeatedly raided the offices of both the MDC and ZESN. Hundreds were arrested in the MDC raids, many of whom had reportedly already suffered attacks in their rural homes and fled to the MDC offices for refuge. In these raids, the police, allegedly looking for subversive documents, took computers and files. Some Zimbabwean officials, including the police chief, have accused the MDC of rigging and inciting violence. More than ten newly elected MDC legislators were arrested in the wake of the

¹⁸⁰ IMF, "IMF Executive Board Concludes 2010 Article IV Consultation with Zimbabwe," May 25, 2010

¹⁸¹ Ibid

¹⁸² International Crisis Group, "Zimbabwe: Engaging the Inclusive Government," *Africa Briefing No. 59*, 20 April 2009.

¹⁸³ Ibid

¹⁸⁴ Human Rights Watch (HRW), *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008, and International Crisis Group

March elections.¹⁸⁵ Sixteen other MDC officials and human rights activists were charged with terrorism and sabotage. Over 100 election officers were arrested on charges of committing fraud and abusing public office in favor of the MDC. Independent reports suggest that teachers, who held many of the election officer positions, were specifically targeted by government supporters.

3.2.4: The Power-Sharing Agreement

Questions surrounding the legitimacy of the Zimbabwe government in the wake of the March and June 2008 elections left the country mired in political uncertainty for much of 2008. President Mugabe delayed the swearing in of the new parliament and the naming of a new cabinet as Mbeki and other international leaders pressed for talks between the parties.¹⁸⁶ When the parliament was sworn in on August 25, 2008, Lovemore Moyo, an MP from the MDC Tsvangirai faction, was elected as Speaker. He received 110 votes, beating MDC-M MP Paul Themba-Nyathi, who had received 98 votes, including those of most ZANU-PF members of parliament. Two MDC-T MPs were arrested prior to the swearing in, but were later released. On September 15, after several weeks of negotiations overseen by Mbeki, Mugabe and Tsvangirai signed a power-sharing arrangement aimed at resolving the political standoff. The agreement, known as the Global Political Agreement (GPA), outlined a time frame for the drafting and adoption of a new constitution.¹⁸⁷ As part of the deal, Tsvangirai would become Prime Minister in a new unity government, and cabinet positions would be divided among the parties.¹⁸⁸ The MDC factions would take 16 ministerial positions, three of which would come

¹⁸⁵ Civil Society Monitoring Mechanism, *Annual Review of the Performance of the Inclusive Government of Zimbabwe*, February 2011; and "ZANU (PF)'s Blood Diamond Boost," *The Zimbabwean*, March 2, 2011.

¹⁸⁶ Ian S. Spears, 'Understanding Inclusive Peace Agreements in Africa: The Problems of Sharing Power', *Third World Quarterly*, Vol. 21, No. 1 (Feb., 2000), p. 105-118

¹⁸⁷ Ibid

¹⁸⁸ International Crisis Group, "Zimbabwe: Engaging the Inclusive Government," *Africa Briefing No. 59*, 20 April 2009.

from the MDC-M faction, and ZANU-PF would take 15 positions. Mugabe, who remains head of state under the arrangement, would lead the cabinet, but Tsvangirai, who would chair a Council of Ministers, would be responsible for the day-to-day management of government affairs. Early reports claimed that Tsvangirai would gain control of the police force, while Mugabe would retain control of the armed forces. The text of the agreement, however, left the oversight of the police, which falls under the Ministry of Home Affairs, undetermined, and ZANU-PF refused to relinquish the position.

In the months after the agreement was signed, the MDC accused the government of abducting and torturing over forty opposition and civil society leaders, including human rights activist Jestina Mukoko. Mukoko's whereabouts were unknown for three weeks before she was presented in court on charges of treason.¹⁸⁹ Southern African leaders continued to call on the parties to implement the agreement, and for the parties to share the Home Affairs ministry, but Tsvangirai, citing the continued harassment of his colleagues, declared the deal to be unworkable. After Mugabe announced plans to name a new cabinet with or without Tsvangirai's participation, SADC leaders renewed efforts to bring the parties together, and on January 31, amid reports of significant internal debate among the MDC leadership, Morgan Tsvangirai announced that he would join Mugabe in a transitional coalition government.¹⁹⁰

3.2.5: The Transitional Government

On February 11, 2009, Morgan Tsvangirai was sworn in as the Prime Minister of Zimbabwe. Arthur Mutambara was sworn in as a Deputy Prime Minister, as was MDC vice-president Thokozani Khupe. The positions were created as part of a constitutional amendment approved

¹⁸⁹ ICG, *Zimbabwe: Prospects from a Flawed Election*, Africa Report No. 138, March 20, 2008.

¹⁹⁰ International Crisis Group, *Elections in Zimbabwe: the Peace Wager*, Crisis Group Africa Briefing, 9 December 2010.

unanimously by the legislature on February 5 that formalized the coalition government and the GPA.¹⁹¹ The new ministers were sworn in on February 13. The controversial Ministry of Home Affairs is co-chaired by an MDC and a ZANU-PF Minister, but the MDC's ability to affect change within the police service, still led by a ZANU-PF loyalist, remains in question. The MDC factions gained control of several other key ministries, including Finance, Public Service, Water, Energy and Power Development¹⁹², Public Works, Health, Education, Commerce, and State Enterprises, which oversees parastatals. The party aimed to use the Ministry of Constitutional and Parliamentary Affairs to press for its goal of constitutional reform. The GPA, now enshrined in Zimbabwe's constitution, outlines a time frame of eighteen months for the drafting of a new constitution and a nationwide referendum on the document but the constitution-making process has however taken more than three and a half years to complete largely due to incessant squabbling between the 3 parties to the GPA.¹⁹³

Some expect elections to be held several months after the referendum, but a timeline for elections is not provided in the GPA. Despite the MDC's new role in government, many observers remain skeptical that the parties can work together effectively to implement reforms deemed necessary by international donors. Critics of the previous regime suggest that Mugabe and his allies have not entered into this new government in good faith, and some suggest that Zimbabwe now has, in fact, two parallel governments.¹⁹⁴ International donors, including the United States, have repeatedly stated that a resumption of significant aid will depend on both

¹⁹¹ ICG, *Zimbabwe: Prospects from a Flawed Election*, Africa Report No. 138, March 20, 2008.

¹⁹² Ibid

¹⁹³ Ndlovu-Gatsheni, S. (2009) 'Africa for Africans or Africa for "Natives" Only? "New Nationalism" and Nativism in Zimbabwe and South Africa', *Africa Spectrum*, No. 1: 61-78.

¹⁹⁴ Benjamin Leo and Todd Moss, *Moving Mugabe's Mountain: Zimbabwe's Path to Arrears Clearance and Debt Relief*, the Center for Global Development, November 12, 2009.

Amnesty International, *Left Behind: The Impact of Zimbabwe's Mass Forced Evictions on the Right to Education*, October 5, 2011.

economic and democratic reforms, the restoration of the rule of law, and a demonstrated respect for human rights. Without an influx of considerable foreign funds, economic and social indicators are expected to continue their downward slide.¹⁹⁵

3.3: Veto Players on Power-Sharing Agreements

Veto players are actors who, through their formal constitutional powers or informal influence, are effectively able to reject policy proposals in a particular field. Following Spears we distinguish between institutional veto players, such as legislatures and judiciaries, and partisan veto players that operate within them, such as political parties. Because the influence of different actors typically varies across a range of issues, veto-players analysis must begin by specifying the relevant policy area.¹⁹⁶

Most veto-player analysis proceeds on the assumption that in political systems where more veto players exist, more compromises are likely to be required in order to secure the necessary approval for any given piece of legislation or reform, thus reducing the prospects for radical change.¹⁹⁷ While we agree that the different balance of partisan and institutional veto players in Zimbabwe and Kenya helps to explain the marked variation in the form taken by power-sharing arrangements in each case, our approach diverges significantly from this rather static framework, which typically focuses on identifying the relevant number of veto players at a given point in

¹⁹⁵Ranger, T. (2004) 'Nationalist historiography, patriotic history and the history of the nation: The struggle over the past in Zimbabwe', *Journal of Southern African Studies*, 30.2: 215-234.

¹⁹⁶Spears, I. S. 2000., Understanding inclusive peace agreements in Africa: the problems of sharing power. *Third World Quarterly* 21 (1):105-118.

¹⁹⁷Robert I. Rotberg, *Beyond Mugabe: Preparing for Zimbabwe's Transition*, the Center for Strategic and International Studies, August 2011.

time, and rarely provides a historical explanation of why certain veto players emerge rather than others¹⁹⁸

In Zimbabwe, the stronger barriers to power-sharing resulted from the combination of strong institutional and partisan veto players, which in turn reflected the capacity and willingness of military leaders to block the transfer of political power, and the refusal of senior Zimbabwe African National Union – Patriotic Front (ZANU-PF) leaders to countenance working side by side with their Movement for Democratic Change (MDC) opponents. In turn, the strength and intransigent nature of these actors can only be explained by considering two key developments during the late 1990s.¹⁹⁹

First, Mugabe's increasing political vulnerability encouraged a progressive militarization of government, which over time earned the security forces an effective veto. Second, ZANU-PF's deeply divisive use of an exclusive 'patriotic history' combined with the strategic use of political violence gave rise to intensely hostile elite relations. The 'opposition's' monopoly over victimhood, and the military's complicit responsibility in so much of the violence, served to harden political identities and to undermine the potential for common ground between 'government' and 'opposition'. Consequently, after the signing of the Global Political Agreement (GPA), ZANU-PF refused to make space for new political players, giving rise to the politics of continuity; the more things change the more they stay the same.²⁰⁰

In contrast, in the Kenyan case the institutional veto did not exist because the exclusion of the military from politics ensured that any deal brokered by key civilian leaders could be expected to

¹⁹⁸International Crisis Group, "Zimbabwe: Engaging the Inclusive Government," *Africa Briefing No. 59*, 20 April 2009.

¹⁹⁹Sadomba, Wilbert Z. (2008), War Veterans in Zimbabwe's Land Occupations: Complexities of a Liberation Movement in an African Post-colonial Settler Society, Ph. D. Wageningen University, June.

²⁰⁰Human Rights Watch (HRW), *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008, and International Crisis Group

hold. Although the recent election controversy and civil conflict brought elite relations to an all-time low, Kenya's history of relatively inclusive single-party rule together with the complex nature of the conflict meant that there was significantly more intra-elite understanding and trust than in Zimbabwe. Significantly, because all ethnic groups could claim to some extent to be 'victims', and because members of all of the main parties stand accused of being 'perpetrators', it was in the interest of key veto players on both sides to prevent prosecutions for past crimes.²⁰¹ Consequently, the attitude of political leaders was more accommodating than in Zimbabwe, and Kenya's political leaders realized that they could use the unity government established by the National Accord and Reconciliation Act to forge fresh alliances in order to protect their own positions, resulting in a form of power-sharing commonly termed as the politics of collusion.²⁰²

3.4: Role of Diplomats and International Communities

Both Kenya and Zimbabwe were subject to intensive negotiation. These were formally in African hands – in the Kenya case the Elders, led by Kofi Annan, under the auspices of the African Union (AU) – and interestingly not the regional body IGAD – and Zimbabwe a group instituted by the regional organization, SADC, led by Thabo Mbeki initially while he was still President of South Africa.²⁰³ But their efforts resourcing in both cases were played out against strong undercurrents of diplomatic muscle provided by the main western powers. For somewhat different reasons what happened in both countries mattered to the international community: Kenya had been a straight ally since the days of the Cold War and remained an actor seen as offering stability in a turbulent region. Zimbabwe could not be ignored or quarantined given its

²⁰¹Jarstad, Anna K. 2008. *Power Sharing: Former Enemies in Joint Government*. In *War-to- Democracy Transitions: Dilemmas of Peacebuilding*, edited by A. K. Jarstad and T. D. Sisk. Cambridge: Cambridge University Press.

²⁰²*Zimbabwe: 2011 Article IV Consultation*, IMF Country Report No. 11/135, May 12, 2011.

²⁰³Robert I. Rotberg, *Beyond Mugabe: Preparing for Zimbabwe's Transition*, the Center for Strategic and International Studies, August 2011.

impact on Southern Africa. These differing considerations had differing implications for the relations between the external actors and the internal contesting partners.

The stance of Western donors and diplomatic forces and international financial institutions toward Zimbabwe parties was asymmetric: strongly condemnatory of the ZANU-PF regime, supportive of the MDC factions. This position has thus far dictated that no general budgetary support to the coalition government or its recovery programme is on offer. However much such withholding of longer-term recovery and development assistance and channeling of aid through NGOs until greater achievement of the Agreement's commitments to the rule of law may be justified by both donors and human rights activists.²⁰⁴

In Kenya the post-election violence and the foot-dragging about constitutional and electoral reform and Agenda 4 items are laid at the door of both parties and both leaders, so pressure to live up to agreements is applied to both sides. The reaction of the US Ambassador in holding a public meeting immediately on the release of the draft constitution in November 2009 to stress that US leaders want the hurdles removed by the two Kenya leaders and quick endorsement, is an example of attempts to influence and are partisan nor are they confined to diplomacy in the corridors of power.²⁰⁵

Regional actors have been directly involved in both countries in as far as power-sharing is concerned. At first in the mediations through which Agreements emerged and the agencies involved: under the AU (not the sub-regional body, IGAD) in Kenya and SADC in Zimbabwe. It could also be said that the monitoring and compliance mechanisms with relation to Zimbabwe are in practice more detailed and despite the resistance to them, more effective than those

²⁰⁴ Nellis, J. 1974. *The Ethnic Composition of Leading Kenyan Government Positions*, Uppsala: The Scandinavian Institute of African Studies

²⁰⁵ Murithi, T. 2009., Kenya- A Year after the Crisis: The Quest for Electoral Reform and Transitional Justice" Situational Report. *Institute for Security Studies*. 14 January 2009.

operating in Kenya. In the latter case the diplomatic and aid-conditionality measures of donors and international agencies are more significant.²⁰⁶

In Zimbabwe the reality of a stronger regional organ dominated by a hegemon in the form of South Africa, and a widespread feeling that surrounding countries are impacted upon by Zimbabwe's crisis in terms of investment confidence and huge migrant flows, generates more peer pressure than in Kenya. This needs to be included in analyses by the international media and academic analysts who exclusively focus on the absence of explicit public condemnations of ZANU-PF by Zimbabwe's neighbors on Constitutional Reform.²⁰⁷

3.5: Constitution Making

Both agreements specified that one of the major tasks of the transition period under the coalition government should be the drafting, debating and adopting of a new constitution. To underline the similarity between the two countries, both were governed under a constitution framed at London's Lancaster House at the time of their Independence negotiations, and have been subject to only limited revisions since then, so they retain authoritarian elements from the colonial origins of the state.²⁰⁸ Both states have had similar histories since the late 1990s involving incomplete constitutional review processes, wherein alternative drafts were proposed by civil society and by government, with the latter eventually being put to the electorate but voted down in referendums.

The Agreements have essentially set in motion a second round of these processes – with of course no guarantee that the outcome will be any more successful in either providing for a

²⁰⁶Morrow, Jonathan, 'Iraq's constitutional process II: an opportunity lost', Special Report 155, United States Institute of Peace, November 2005.

²⁰⁷Kambudzi, Admore. 2008., Turning Elections into a development asset in Africa". *Institute of Security Studies* 163 (2008): 4.

²⁰⁸Jarstad, Anna, and Ralph Sundberg. 2007. *Peace by Pact: Data On the Implementation of Peace Agreements*. In *Globalization and Challenges of Building Peace*, edited by A. Swain, R. Amer and J. Ojendal. London: Anthem Press.

genuine democratic framework, or even in agreeing on any formulae. A further common feature is that the central issue to (re)surface in the current debates is over the relative powers of the President, and whether the prime minister, provided for in the interim, will be a permanent feature.²⁰⁹

What distinguishes the Kenya process so far, as well as it being commendably on schedule, is that the drafting was given to a Committee of Experts, who were both, qualified and non-partisan. They apparently took into account both of the two drafts that had been in contention in 2005 and tried to come up with the best hybrid.²¹⁰

In Zimbabwe a constitution review process was lead by a Parliamentary Select Committee on the Constitution (PSCC-Z), and consultations with the public took place throughout the country. However, progress was slow and contentious. The first stakeholders meeting in July was disrupted, allegedly by ZANU-PF rowdies, and had to be discontinued. The National Constituent Assembly, an umbrella body which had played a prominent role in debates in 2000-2002, developing an alternative draft to that put to the referendum by government, and then announced the launch of a parallel civil society process.²¹¹

3.6: Sources of Conflict

The agreements in both countries recognized certain basic socio-economic issues as sources of instability and conflict, which deserved attention in the medium- to long-term, in addition to the electoral and constitutional reform that might help avoid future disruption. Among these was the matter of access to land and national resources.

²⁰⁹ International Crisis Group, *Rebuilding Mozambique: Prospects and Perils*, ICG Africa Report No 75, Maputo, Brussels, 30 January 2004.

²¹⁰ International Crisis Group, "Zimbabwe: Engaging the Inclusive Government," *Africa Briefing No. 59*, 20 April 2009.

²¹¹ ICG, *Zimbabwe: Prospects from a Flawed Election*, Africa Report No. 138, March 20, 2008.

In Kenya, the National Accord and Reconciliation Agreement picked out a set of intractable issues including explicit mention of the need for comprehensive land policy review. In fact a process of that sort had been going on for a few years following the 2002 election of the NARC government to replace the Moi regime. There had been recognition of the need to redress a range of land grievances that had not been successfully dealt with in the redistribution of land in the 'white highlands and the registration of individual titles to land in most of the former African reserves, at the end of colonial rule, and that had instead given way to a process of 'grabbing' of public lands subsequently. This recognition had come about mainly through the vigorous lobbying of civil society groups, and spontaneous actions such as occupations, and also documented by official inquiries²¹².

The 'Land Question' was seen as so central to the Zimbabwe GPA that it has its own section. But the issues there are different from Kenya, as the second stage of redistribution of the former white farms from 2000 pushed the process considerably further in Zimbabwe. Moreover, what to do about land was an issue between the two main parties, rather than between popular forces and elites across both parties as in Kenya.²¹³ These differences were acknowledged in the Zimbabwe Agreement: "while differing on the methodology of acquisition and redistribution, the parties acknowledge that compulsory acquisition and redistribution has taken place" so they were seeking a compromise, but in fact differences over acquisition are now basically matters of the past. They did agree that "the primary obligation of compensating former land owners for land acquisition rests on the former colonial power".²¹⁴

²¹² Kambudzi. Admore. 2008., Turning Elections into a development asset in Africa". *Institute of Security Studies* 163 (2008): 4.

²¹³ IMF, "Request for Targeted Lifting of the Suspension of Fund Technical Assistance," April 21, 2009.

²¹⁴ Gibson, C. Long .J. 2009., The presidential and parliamentary elections in Kenya December 2007. *Journal of Electoral Studies*, pp. 1-6.

3.7: Institutional Mechanisms to Enhance Power-sharing

In Kenya, the Independent Review Commission (Kriegler) Report on the electoral system set out recommendations for a complete overhaul of electoral law and the replacement of the existing Electoral Commission with a new and independent body, which amounts to one major area of institution building, and one moreover that is seen as the main guarantee of a 'free and fair' election in 2012, which is when the National Assembly (NA) will run to.²¹⁵ Reform of the Electoral Commission is equally crucial to the prospects of free and fair elections now scheduled for March 2013. Amidst controversy, a short-list of possible 'independent' members had been agreed by October 2009.²¹⁶

The Kenya NA also proposed a truth and reconciliation process, and a National Ethnic and Race Relations Commission (NERC), which would survey inequalities and antagonisms covering the period from Independence to 2007. A Truth Justice and Reconciliation Commission, first mooted in 2003, was finally constituted under Bethuel Kiplagat, who had been the IGAD mediator over Somalia, as Chair.²¹⁷ The NERC has yet to be formed, and may prove too controversial to ever be formed. A Mitigation and Resettlement Unit has been constituted, but its key function – the resettling of people displaced in ethnic clearances – will require complex untangling of legalities

²¹⁵Ian S. Spears, 'Understanding Inclusive Peace Agreements in Africa: The Problems of Sharing Power', *Third World Quarterly*, Vol. 21, No. 1 (Feb., 2000), p. 105-118

²¹⁶Jarstad, Anna K. 2008. *Power Sharing: Former Enemies in Joint Government*. In *War-to- Democracy Transitions: Dilemmas of Peacebuilding*, edited by A. K. Jarstad and T. D. Sisk. Cambridge: Cambridge University Press.

²¹⁷Horowitz, J. 2008. *Power-sharing in Kenya: Power-sharing Agreements, negotiations and peace processes*, Centre for the Study of Civil War. CSCW Papers. University of California, San Diego (UCSD)

of ownership and of community relations as well as the costs of transport and restoration of livelihoods, which may be too demanding in the political climate.²¹⁸

The GPA in Zimbabwe did acknowledge the need for national healing but a truth and reconciliation mechanism has not been provided for, although an Organ for National Healing, Reconciliation and Healing which is by-partisan, consisting of three Ministers from each of the three parties in Parliament, rather than independent, has been formed. The issue of immunity or accountability has in fact come up more in relation to corruption rather than violence, with the eventual passing of a Reserve Bank Amendment Bill, whose draft clauses on ending immunity were resisted by ZANU-PF, but only partially successfully. Overall in Zimbabwe, another power-sharing mechanism of ministers from the parties, a Joint Monitoring and Implementation Committee (JOMIC) was provided for in the GPA and has met from time to time.

3.8: Ideological Difference

Ideology has figured little in political discourse in Kenya after the disappearance of 'African Socialism' in government rhetoric and the defeat of the radical formation, the Kenya People's Union (KPU), led by Oginga Odinga, father of the present Prime Minister and leader of ODM, in the late 1960s. Since then there has been no discernible difference between the beliefs, policy prescriptions (if any), or interests of those in the varying factions and political alliances expect the rise of call of majibo system of governance during 2005 referendum by ODM.²¹⁹

In Zimbabwe, ZANU-PF is the repository that still enshrines itself in the mantle of the national liberation struggle, and has in recent years refined this and explicitly expounded it into a specific formula. Insofar as there is a major programmatic difference between parties in Zimbabwe, it

²¹⁸ Murithi, T. 2009., Kenya- A Year after the Crisis: The Quest for Electoral Reform and Transitional Justice" Situational Report. *Institute for Security Studies*. 14 January 2009.

²¹⁹ Kanyinga, Karuti (2009), 'The legacy of the white highlands: Land rights, ethnicity and the post-2007 election violence in Kenya', *Journal of Contemporary African Studies*, 27:3: 325-344.

could be argued that ZANU-PF did pursue the major Fast-track Land Reform programme from 2000, and it is clear that MDC would not have gone down that path, but after the event the differences lie in how to deal with that inherited situation not whether to reverse it (see section on land below).²²⁰ Moreover, there clearly were and probably still are a range of different interests and views about FTLR within ZANU-PF, especially between those veterans committed to a national reform and elites who saw it as a means of acquisition.²²¹ Another dimension along which one might search for currently important programme deficits relates to the shape of any economic recovery programme, the main stated priority in the GPA, and especially how far to accept engagement with the international economy based on an unadulterated neo-liberalism. To be sure some of ZANU-PF's anti-imperialist rhetoric could be interpreted as resistance to that but there are elements within the party that would not hesitate to sign up to such a formula providing they got to keep their assets. On the other hand those Zimbabweans who are concerned with keeping some control over their own economy can be found in all parties and as well as in none.²²²

3.9: Politics of Continuity in Zimbabwe and the Politics of Collusion in Kenya

In Kenya, power-sharing has facilitated the creation of new alliances, as MPs have sought to exploit the new arrangements for their personal gain, while safeguarding themselves and their allies from prosecution. Although the election proved extremely confrontational, and relations between Odinga and Kibaki were poor, the willingness of Kenyan leaders to put aside the national interest for personal gain quickly overcame their mutual animosity. Partisan veto players

²²⁰Katumanga, M (2005), 'A City under Siege: Banditry & Modes of Accumulation in Nairobi, 1991-2004', *Review of African Political Economy*, No. 106: 505-520.

²²¹Human Rights Watch (HRW), *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008, and International Crisis Group

²²²Mbeki, M. (2009), 'Zimbabwe: Time to Stay Tough', *Time*, 23 July.

have been willing to allow a more harmonious and, on the face of it, effective unity government to emerge, safe in the knowledge that they remain capable of exercising their veto when it truly matters, most notably with regards to potential investigations into human rights violations and corruption.²²³

The most visible sign of this politics of collusion is the recruitment of forty ministers and fifty-two assistant ministers to the unity cabinet, representing the largest – and most expensive – cabinet in the country's history, with the bill for salaries and allowances topping an estimated US\$15 million per year.²²⁴ Indeed, despite the fierce competition between parties and factions for positions within the new government, Kenyan MPs quickly managed to find common ground by devoting their efforts to maximizing their own conditions of service. At the same time, the organizational shell of the unity government has enabled these alliances to be built out of the public eye.²²⁵

In Zimbabwe willingness of partisan and institutional veto players to obstruct and subvert reform resulted in painstakingly slow progress, with the deep divide separating ZANU-PF and the MDC overtly expressed in the content of the GPA. The fire is insurrectionary, anti-colonial, “patriotic history”, focused on sovereignty and isolationism. It uses the familiar language of Mugabe-ism. Side by side with it runs the universal language of democracy and human rights and development’ (*ibid.*). Given this continuing ideological division, it is unsurprising that ZANU-PF and its intellectuals continue to make use of a divisive ‘patriotic history’ to polarize the political system.

²²³Ndlovu-Gatsheni, S. (2009) ‘Africa for Africans or Africa for “Natives” Only? “New Nationalism” and Nativism in Zimbabwe and South Africa’, *Africa Spectrum*, No. 1: 61-78.

²²⁴Gibson, C. Long J. 2009., The presidential and parliamentary elections in Kenya December 2007. *Journal of Electoral Studies*, pp. 1-6.

²²⁵Ranger, T. (2004) ‘Nationalist historiography, patriotic history and the history of the nation: The struggle over the past in Zimbabwe’, *Journal of Southern African Studies*, 30.2: 215-234.

The significance of the military to the dynamics of power-sharing in Zimbabwe is far from unique. The commitment of the military to continued ZANU-PF rule is solidified by the lavish lifestyle that military leaders have managed to carve out for themselves within the power-sharing administration. In October 2008, one month after the GPA was signed, the military seized control of the Marange diamond fields in eastern Zimbabwe, engaged in forced labour of children and adults, and tortured and beat local villagers.²²⁶ 'Army brigades have been rotated into Marange to ensure that key front-line units have an opportunity to benefit from the diamond trade', helping to sustain the military and ensure unity amid desperate economic conditions. Tsvangirai's demands for an investigation of the military's human rights abuses in Marange and for the military to leave the diamond fields have been ignored by the generals.²²⁷

3.10 Conclusion

Many African states governance have often been attributed to the lack of inclusive governance structures where state resources seem only to benefit a selected few. This has resulted to growing number of insurgent movements that also demand to have a stake in the national pie. As the international community focuses on rebuilding conflict ridden African states, one of the key strategies it has continued to advocate for is the formalization of power-sharing agreements.

It has been argued that when this is achieved there will be institutional development and capacity-building in establishing good governance based on collaboration between the state and the society. However this has not been the case as these agreements have more often than not seemed to have collapsed where implemented with more conflicts erupting.

²²⁶Kambudzi. Admore. 2008., Turning Elections into a development asset in Africa". *Institute of Security Studies* 163 (2008): 4.

²²⁷International Crisis Group, "Zimbabwe: Engaging the Inclusive Government," *Africa Briefing No. 59*, 20 April 2009.

3.11 Research Design and Methodology

Introduction

Now that a literature review has been conducted examining power-sharing as an alternative for peace in contested elections and a theoretical model has been developed, it is necessary to collect primary data. Chapter 3 describes the methodology used as well as the reasons for this. This chapter sets out the research methods that were followed in completing the study. It involves a blueprint for the collection, measurement and analysis of data. Therefore in this section the research identifies the procedures and techniques that were used in the collection, processing and analysis of data. The chapter also includes a discussion of the analysis strategy and the methods that are used to ensure validity and reliability.

3.11.1 Methodology

Qualitative data collection and analysis are used for this dissertation. Qualitative data is the most applicable to this study because it gathers rich data in the form of the attitudes, feelings, and motivations of the subjects. The attitudes, feelings, and emotions of the subjects can yield in-depth and rich answers to the research objectives. The study collected qualitative data using an interview guide. Drawing upon the personal experiences of the subjects through interviews produces richer data. The respondents were gotten from members of the public and students from the University of Nairobi studying conflict management.

3.11.2 Research Design

Individual in-depth interviews are used to collect the qualitative data. These individual interviews are semi-structured in the sense that a number of prescribed or seed questions are asked. Once a seed question is asked, the interviews assume a discussion form, with the

interviewee directing the conversation with a number of follow-up questions to uncover key contextual information or to elaborate on important topics.

3.11.3 Validity and Reliability

The interview process was carried out first through presentation of initial interview letter to the prospective interviewees which contains the goals and objectives of the interview. As soon as enhancing the validity of the methods used each interviewee accepted to grant interview, he/she was given the set of questions to read through so as to prepare for the interview session. Since most of them were not ready to be placed on tape, the interviewer had to take longhand record of response to each question.

CHAPTER FOUR

CRITICAL ANALYSIS

4.0: Introduction

This chapter critically examines power-sharing in contested elections. It also tests the research hypothesis.

4.1: Hypothesis Testing

4.1.1: Hypothesis I

The spirit of democracy has been undermined through power-sharing brought about by contested elections

Power-sharing solutions make for good transitional devices, but in the long run the best outcome may well be a much more fluid form of democracy that allows for the creation of flexible coalitions that bridge the ethnic divide.²²⁸ A central question that has yet to be fully explored is the terms under which power-sharing, consensus-oriented forms of democracy can evolve into more flexible institutions that can foster reconciliation and a broader national identity. If sustainable peace comes through "conflict transformation," as argued by Tull, power-sharing is often too rigid a system to allow for the social and political changes necessary for addressing the underlying causes of conflict that give rise to war.²²⁹ This is affirmed by one of the respondents interviewed at the University of Nairobi who posed "how come we have conflicts erupting in Tana River and North Eastern districts despite having a so-called all-inclusive government where everybody's interests are meant to be taken care of?"

²²⁸PeaceNet-Kenya (2008), *Legal and Institutional Framework to Provide for the Establishment of the Truth Justice & Reconciliation Commission*, Nairobi.

²²⁹Tull, D and A. Mehler, (2005) 'The Hidden Costs of Power-sharing: Reproducing Insurgent Violence in Africa', *African Affairs*, 104. 416: 375-398.

If power-sharing is at best a transitional device, this conclusion begs the question of what types of political institutions can be expected to allow democratic decision-making to prosper in post-election conflict environments in which politics remain deeply divided. There is no way to say *prima facie* which type of power-sharing system - consociational or integrative -- is inherently best.²³⁰

In Kenya, despite widely expressed reservations, the deal negotiated by Kofi Annan, the former Secretary General of the United Nations, and signed by Kibaki and Odinga, has held together so far. But it has not been without inherent tensions. The Kenyan agreement, known as the National Accord and Reconciliation Act, created the post of executive prime minister for Odinga, and it was expressly stipulated that it would be written into the Kenyan constitution.

In Zimbabwe, a power-sharing deal was brokered by Thabo Mbeki, former president of South Africa, and signed by President Mugabe, Tsvangarai, and Arthur Mutambara, a second opposition leader, in September 2008.²³¹ This agreement, in which Tsvangarai is to become the prime minister of Zimbabwe, was made possible by a combination of factors – notably the pressure on Mugabe by his fellow leaders in southern Africa, Mugabe's loss of support among African leaders in the African Union, and the dire economic situation in Zimbabwe.²³²

Zimbabwe's power-sharing deal has not yet been fully negotiated, let alone implemented. Unlike Kenya's, the Zimbabwe deal was only a framework agreement, which left several critical details unaddressed. Agreement on those details – especially those of which parties would lead which ministries – has been difficult to achieve. Mbeki's recent domestic political misfortunes – his

²³⁰ Mueller, S. 2009, 'The Political Economy of Kenya's Crisis' *Journal of East African Studies*, 2.2: 185-210.

²³¹ Mansfield, Edward.D. 2005. *Electing to Fight. Why Emerging Democracies Go to War*. Cambridge, Massachusetts London, England: MIT.

²³² Mbeki, M. (2009), 'Zimbabwe: Time to Stay Tough', *Time*, 23 July.

resignation from office under pressure from the Jacob Zuma-led wing of South Africa's African National Congress (ANC) party – complicated the prospects of a solid power-sharing agreement in Zimbabwe, since Mbeki lost some of the leverage he enjoyed as a mediator who was head of state of the region's economic powerhouse.

In situations such as those in Kenya and Zimbabwe, power-sharing agreements appear to be a necessary compromise – the least of all possible evils. Power-sharing reduces the risk of violence, but does not address the underlying factors that create conflict in African democracies.²³³ But it provides an umbrella under which groups in political conflict may feel adequately (though not optimally) represented to pursue a more long-term solution to the underlying issues. It is a 'big-tent' approach that emphasizes accommodation and co-existence over the winner-take-all outcome of many elections.²³⁴ One of the respondents interviewed for example feels that coalition governments should be introduced only where determining an outright winner in a presidential election is impossible and the resulting impasse causes loss of lives and wanton destruction of property.

The researcher approves the hypothesis that the spirit of democracy has been undermined through power-sharing brought about by contested elections. The practice of democracy in Africa is experiencing growing pains. The risk facing Africa is one in which new African organizations have a key role to play in preventing or monitoring electoral malpractices that lead to conflicts thus avoid power-sharing governments which undermine the essence of democracy.

²³³ Githongo, J. (2009), 'How Grand Coalition became a roadblock', *The EastAfrican*, 16-22 March: 16.

²³⁴ International Monetary Fund (IMF), Zimbabwe's GDP fell 40% from 2000-2007, and 14% in 2008.

4.1.2: Hypothesis II

The international community and diplomats have been biased on their role in solving contested elections disputes

Mediator bias here refers to the extent to which the third party derives utility from the allocation of the stakes to each side in the dispute. This is how mediator bias is conceptualized in most bargaining models of this type.²³⁵ Important exceptions include models by Anderson, who conceive of the mediator as being biased toward a particular outcome; regardless of whether it favors one of the disputants.²³⁶ In other cases in which biased mediation was allegedly successful it is not clear that the intervening third party was in fact taking sides.

An intervention by a third party occurs within the context of a conflict, crisis or war. Once a conflict breaks out it can be managed in several ways, e.g., by violence, bilateral negotiation or by the involvement of a third party acting as an arbitrator or as a mediator between the conflicting parties. The role of a third party in violent conflict management is directed toward helping the actors in conflict to realize their own interests when various problems threaten to disrupt or downgrade their bargaining relationship.²³⁷ Third parties are useful in the process of conflict abatement, and they can make positive and direct contributions by focusing the parties on a termination agreement, providing an agenda and/or manipulating the timing of the negotiation process.²³⁸

²³⁵Hammar, A. (2008) 'In the name of sovereignty: Displacement and state making in post-independence Zimbabwe', *Journal of Contemporary African Studies*, 26.4: 417-434, October.

²³⁶Anderson, D. & E. Lochery, (2008) 'Violence and Exodus in Kenya's Rift Valley: Predictable and Preventable?' *Journal of Eastern African Studies*, 2.2: 328-343, July.

²³⁷Hammar, A. (2008) 'In the name of sovereignty: Displacement and state making in post-independence Zimbabwe', *Journal of Contemporary African Studies*, 26.4: 417-434, October.

²³⁸Hoddie, Matthew, and Caroline A. Hartzell. 2005. Power Sharing in Peace Settlements: Initiating the Transition from Civil War. In *Sustainable Peace. Power and Democracy after Civil War*,

Despite an emerging consensus on the effectiveness of international mediation, research on the subject has fallen short on two counts; First, theoretical and cross-case empirical analyses of mediation generally study its effects separately from its causes. This makes it difficult to rule out that an apparent effect of mediation on conflict settlement is not in fact the result of certain states and international organizations sending mediators to particular types of conflict. Second, statistical work on international mediation typically only identifies correlations, but no causal effects. Mediation is never initiated in a conflict the way a new medication is assigned in a drug trial, with a treatment and a control group, although most statistical analyses of mediation treat it as if it was just that or something close to it, once we adjust for certain covariates. If we were to fully understand the conditions under which mediation is initiated, this would bring us closer to identifying the causal effect of mediation on conflict settlement.

The best peace accords are those in which the parties are jointly satisfied of the outcome and in which both parties find mutual gain. Young argues that third parties can often be very useful in bringing the parties to seek an accommodation and often have a moral obligation to do so.²³⁹ Yet, as Rutten argues, the 'curse' of third-party interventions is often that it artificially interrupts conflicts that have yet to run their 'natural course.'²⁴⁰ Third party interveners may often have a limited knowledge of the states and issues in which they get involved, and this in turn can lead to inefficient and short peace accords. Mwangiri finds that third party interventions in general are inefficient and have little or no impact on the expected duration of conflicts.²⁴¹

²³⁹ Young, J. (2005), 'Sudan: A Flawed Peace Process Leading to a Flawed Peace' *Review of African Political Economy*, No. 103, March: 99-113.

²⁴⁰ Rutten, M. and S. Owuor (2009) 'Weapons of mass destruction: Land, ethnicity and the 2007 elections in Kenya', *Journal of Contemporary African Studies*, 27:3,305-324.

²⁴¹ Mwangiri, M. (2009) *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya*, Nairobi: Peace Net – Kenya.

United States (US) is the most actively involved third party intervener but in many crises it is also a crisis actor and a party to the dispute. In the Kenyan and Zimbabwe context the USA and Britain governments were biased towards the opposition side when they intervened. Therefore, the forms of third party interventions and the identity of the intervener will be affected by the identity of the belligerents and their political interests and world-view. Once again, we are confronted with this political reality; a global conflict management policy will not advance without first tackling these regional interests and politics.²⁴²

Ranger argues that intervener definition seeks to affect the duration of conflicts, which in effect a conflict-management function.²⁴³ Indeed, while it may be difficult to measure the interests of third parties we can more easily assess the motives of third party actors. If the purpose of the intervention is to manage a conflict – that is, to affect the process of the conflict in such a way as to hasten its abatement and to save lives – we can evaluate whether the intervention had a “lifesaving” function.²⁴⁴ Thus, Betts questions the whole idea of biased v. unbiased intervention, arguing that the point of an outside intervention is to manage the conflict, so interventions work best (*i.e.*, end a conflict more efficiently and quickly) when “the intervener takes sides, tilts the local balance of power, and helps one of the rivals to win – that is, when the intervention is not impartial”.²⁴⁵ In this research paper, the researcher approves the hypothesis that the international community and diplomats have been biased on their role in solving contested elections disputes in Kenya and Zimbabwe.

²⁴²Gary Milante and Stergios Skaperdas, ‘Power sharing under the threat of conflict, *The World Bank Department of Economics and University of California*, Irvine Preliminary and Incomplete Draft May 18, 2009

²⁴³Ranger, T. (2004) ‘Nationalist historiography, patriotic history and the history of the nation: The struggle over the past in Zimbabwe’, *Journal of Southern African Studies*, 30.2: 215-234.

²⁴⁴Denis M Tuli and Andreas Mehler, ‘The Hidden Costs of Power Sharing: Reproducing Insurgent violence in Africa’, *African Affairs*, 104/416, p375-378

²⁴⁵Branch, D & N. Cheeseman, (2008) ‘Democratisation, Sequencing and State Failure: Lessons from Kenya’, *African Affairs*, 108. 428: 1-26, December.

The study rejects the null hypothesis that there is no significant difference seen with the involvement of diplomacy and the international community in power-sharing. The study established from the respondents that international community is very effective in solving conflicts related to contested elections. Diplomacy also gives a very strong hold for conflict resolution.

4.1.3: Hypothesis III

The difference in ideologies and incompatible difference make power-sharing governments inefficient

There are no one-size-that-fits-all situations. While power-sharing may be seen as rewarding bad political behavior by despots and reluctant democrats, it also provides a face-saving mechanism in political cultures that lack maturity, and in which the alternative scenario could be one of destructive violence. The danger is that power-sharing arrangements could become the end itself, rather than a means to an end.

When economic agents care for some extra-economic issue a great deal, there is a polarization on the subject and this is not coincident with the division of society on the fiscal policy measures the authority should implement, a coalition government with conflicting fiscal purposes is likely to be elected in office. This "ideological" coalition is most likely to cause the accumulation of large public debts, because its members find it impossible to choose a fiscal policy cooperatively. Their strategic interaction leads to delays in stabilization which are shown to constitute a welfare loss.²⁴⁶ A necessary condition for all this to happen is a precise institutional

²⁴⁶ Sadomba, Wilbert Z. (2008), War Veterans in Zimbabwe's Land Occupations: Complexities of a Liberation Movement in an African Post-colonial Settler Society, Ph. D. Wageningen University, June.

set-up, i.e. a parliamentary democracy with proportional representation. A change of the institutional context may be the right cure to follow.²⁴⁷

The number of parties in the ruling coalition in Kenya and Zimbabwe is positively related to social expenditures. This study uses data on government expenditure. The researcher finds that public spending increases with the size of the cabinet while the effect of coalition governments seems more ambiguous.²⁴⁸

A large empirical literature attempts to test the hypothesis that coalition governments and governments characterized by large cabinets spend more. The relevant studies can be distinguished by whether they use cross-country or sub-national data.²⁴⁹ This strand of the literature tends to conclude that both coalition governments and large cabinets exacerbate the common pool problem and cause either more spending or higher deficits.²⁵⁰ However, one problematic feature of the cross-country studies is that the objects of study, being countries, are very heterogeneous.

It may be difficult to fully account for the cross-country heterogeneity by means of control variables. A recent literature attempts to address this problem by using data at the sub-national level. Tull for example, show that in Flemish municipalities, coalition governments and large cabinets are in general associated with higher spending. The prevailing conclusion in the

²⁴⁷Christine Bell, 'Peace Agreements: Their Nature and Legal Status', *The American Journal of International Law*, Vol. 100, No. 2 (Apr., 2006), pp. 373-412

²⁴⁸Ndlovu-Gatsheni, S. (2009) 'Africa for Africans or Africa for "Natives" Only? "New Nationalism" and Nativism in Zimbabwe and South Africa', *Africa Spectrum*, No. 1: 61-78.

²⁴⁹Sadomba, Wilhert Z. (2008), *War Veterans in Zimbabwe's Land Occupations: Complexities of a Liberation Movement in an African Post-colonial Settler Society*, Ph. D. Wageningen University, June.

²⁵⁰Caroline Hartzell and Matthew Hoddie, 'Civil War Settlements and the Implementation of Military Power-Sharing Arrangements', *Journal of Peace Research*, Vol. 40, No. 3 (May, 2003), pp. 303-320

empirical literature of the fiscal consequences of government fragmentation is that coalition governments or large cabinets result in higher public expenditures.²⁵¹

The difference in ideologies and incompatible difference make power-sharing governments inefficient mainly by high cost of running the government; conflicts now and then make the government take a long time to make key decisions. Thus the researcher deduces that the difference in ideologies and incompatible difference make power-sharing governments inefficient. The bickering among the two governing coalition principals in Kenya is an example which was cited by one of the members of the public interviewed. She gave an example of when President Kibaki and Prime Minister Raila Odinga – the two principals – issued conflicting statements to the public about their consultation (or lack thereof) regarding their nomination of an individual whom they wanted to succeed the outgoing Attorney General.

4.2: Criticism of Power-sharing

Despite the very real differences between Kenya and Zimbabwe, there are good reasons to think that the prospects for reform are equally bleak in each case. The *politics of continuity* in Zimbabwe has been characterized by a lack of progress on constitutional and institutional reform, revealing the sham nature of power-sharing in that context. By contrast, the *politics of collusion* in Kenya has resulted in a government which on the surface appears to be more functional than its Zimbabwean counterpart, and has consequently retained international confidence.²⁵²

However, in reality this reflects not a common desire to reform, but the ability of key Kenyan political leaders to use unity government as a screen, behind which they have cultivated an ‘anti-

²⁵¹Tull, D and A. Mehler, (2005) ‘The Hidden Costs of Power-sharing: Reproducing Insurgent Violence in Africa’, *African Affairs*, 104, 416: 375-398.

²⁵²Arend Lipjhart (2004) “Constitutional Design for Divided Societies,” *Journal of Democracy*, Vol. 15, No. 2, April.

reform' alliance that sounds the death knell for attempts to end the culture of impunity. Both cases therefore reveal the danger that power-sharing arrangements simply turn back the clock to the days of the one-party state and the politics of forced inclusion, so common throughout Africa in the post-independence era.²⁵³ Rather than create space for reform coalitions, power-sharing can be manipulated by incumbents desperate to retain their positions in the face of electoral defeat, undermining the prospects for reconciliation or institutional regeneration. The lesson to be taken from the experience of Kenya and Zimbabwe thus far is bleak; power-sharing serves to postpone conflict, rather than to resolve it.²⁵⁴

4.2.1: Veto Role

The different evolution of veto players in the two countries was directly reflected in the key players of the power-sharing negotiations. While the Kenyan talks were predominantly civilian, and largely revolved around the main partisan veto players who had played a prominent role in the election campaign, in Zimbabwe members of the JOC took part in the unity government negotiations.²⁵⁵ However, it is difficult to assess the impact of institutional and partisan veto players on the negotiation process itself for two reasons; First, the talks were held behind closed doors, and no reliable transcripts of the debates and the various positions adopted by different actors are available. Second, the deals were negotiated under great international pressure and were signed largely for international consumption; consequently, the actual text of the documents should not be taken at face value. In both cases, incumbent governments were willing to sign unity deals precisely because they recognized that so long as they retained the all-

²⁵³ Benjamin Reilly, "Electoral Systems for Divided Societies," *Journal of Democracy*, Vol 13, No 2, April

²⁵⁴ Benjamin Reilly, "Electoral Systems for Divided Societies," *Journal of Democracy*, Vol 13, No 2, April

²⁵⁵ Hammar, A. (2008) 'In the name of sovereignty: Displacement and state making in post-independence Zimbabwe', *Journal of Contemporary African Studies*, 26.4: 417-434, October.

powerful presidency they would continue to be able to effectively veto reform by simply refusing to implement the clauses of the agreements they found most problematic.²⁵⁶

It was thus not in the negotiation process, but in the implementation period, that the impact of the different veto players at work in the two cases came to the fore. Indeed, although roughly similar power-sharing deals were signed in Kenya and Zimbabwe, they gave rise to markedly different political dynamics within months of their inception. The similarities are most apparent in the infrastructure of power-sharing: in each case incumbents were forced to distribute cabinet posts roughly fifty-fifty between the 'government' and 'opposition', but refused to give up the presidency and sought to maintain control over the main levers of coercion, including Foreign Affairs, Home Affairs, Defence, and Internal Security. The opposition therefore had to be content with the creation of a new post of Prime Minister to accommodate Tsvangirai/Odinga, and a number of ministries less integral to the maintenance of political control, such as Health and Education.²⁵⁷ The only significant difference was that Zimbabwe's desperate economic plight, combined with the clear preference of Western governments for the MDC, forced ZANU-PF to allow opposition leader Tendai Biti to take up the powerful position of Finance Minister, in a bid to turn the taps of international financial assistance back on.²⁵⁸

However, despite the many similarities, the important differences between the two cases became clear once the attention of international actors had moved elsewhere, leaving domestic veto players to struggle over how the new rules of the game would work in practice. In Zimbabwe, the combination of institutional and partisan veto players ensured that the power-sharing government

²⁵⁶Civil Society Monitoring Mechanism, *Annual Review of the Performance of the Inclusive Government of Zimbabwe*, February 2011; and "ZANU (PF)'s Blood Diamond Boost," *The Zimbabwean*, March 2, 2011.

²⁵⁷Barbara F. Walter (1999) "Designing Transitions from Civil War: Demobilization, Democratization, and Commitments to Peace," *International Security*, Vol. 24, No. 1, Summer.

²⁵⁸Hammar, A. (2008) 'In the name of sovereignty: Displacement and state making in post-independence Zimbabwe', *Journal of Contemporary African Studies*, 26.4: 417-434, October.

was stillborn; from the very start, ZANU-PF and military hard-liners had no intention of respecting the unity deal. In contrast, in Kenya the history of elite cohesion and the absence of institutional veto players allowed for a more cohesive government, precisely because MPs from rival parties shared experiences and interests.²⁵⁹ However, it is important to recognize that, this variation notwithstanding, a common thread continues to underpin the fates of the two counties: power-sharing in both cases occurred in the absence of a viable pro-reform alliance within the parliament, and without an elite consensus on the need for institutional change. As in the bad old days of the one-party state, unity government appears to have enabled presidents to retain control of the political agenda and to marginalize reformers. Consequently, in both cases the prospects for genuine constitutional change and democratic consolidation remain bleak.²⁶⁰

4.2.2: Reconciliation and Reform

For all the criticisms of power-sharing arrangements, it is clear that the question of how to resolve conflict in Africa remains extremely complex, and there may be good reasons for thinking that in some cases the benefits outweigh the costs. After all, power-sharing is usually justified principally in terms of the number of lives it is likely to save in the short term. However, in order to make accurate decisions as to when these benefits outweigh the costs, it is essential to fully recognize the barriers that unity government may create to genuine reform. To date, international actors and the academic community have been slow to consider how significant these barriers may be.²⁶¹

²⁵⁹Caroline Hartzell and Matthew Hoddie (2003) "Institutionalizing Peace: Power Sharing and Post- Civil War Conflict Management," *American Journal of Political Science*, Vol. 47, No. 2.

²⁶⁰Curtis, Devon, 'Transitional governance in Burundi and the Democratic Republic of the Congo' in Karen Guttieri and Jessica Piombo, *Interim Governments; Institutional Bridges to Peace and Democracy?*, United States Institute of Peace Press, Washington, DC, 2007.

²⁶¹Donald Rothchild, b, "Assessing Africa's Two-Phase Peace Implementation Process: Power Sharing and Democratization," Manuscript, University of California, Davis.

Even if power-sharing arrangements do deliver greater peace and stability in the short term, the deep flaws documented in this paper suggest that it should only be used as a last resort. Power-sharing is a generous title for a process which has condemned opposition parties to accept inferior positions within the government, despite their success at the ballot box. Not only has this revival of one-party rule demoralized opposition activists and made it extremely difficult for opposition leaders to justify their decisions to their own supporters; it has enabled authoritarian elements to maintain the benefits of incumbency which will no doubt be wielded with added ferocity in future elections.²⁶² The implications for the prospects of democratic consolidation are clear. Thus, while periods of power-sharing may have been impossible to avoid in the DRC or Liberia, we should be extremely cautious before we advocate a similar strategy in countries engaged not in civil war but in democratic deadlock, such as Kenya and Zimbabwe. In these cases it is less clear that the benefits of power-sharing outweigh the costs, especially if unity governments turn out to represent little more than a reversion to the illusory inclusiveness of the one-party state.²⁶³

Given this, the spread of the model in recent years is a cause for concern. By supporting the extension of power-sharing arrangements to Kenya, the international community inadvertently backed a form of government unlikely to deliver far-reaching reform, while simultaneously legitimating an incumbent regime that had demonstrated its contempt for the democratic process. The ability of SADC leaders to push for a similar outcome in Zimbabwe, enabling Mugabe to remain in power, suggests the rise of a dangerous precedent that may encourage vulnerable leaders in fragile democracies to engage in strategies to produce deadlock, in order to legitimize

²⁶² Donald Rothchild, b, "Assessing Africa's Two-Phase Peace Implementation Process: Power Sharing and Democratization," Manuscript, University of California, Davis.

²⁶³ International Crisis Group, Elections in Zimbabwe: the Peace Wager, Crisis Group Africa Briefing, 9 December 2010.

the creation of a unity government within which they are allowed to retain executive power. In this way, the spread of the power-sharing model has generated incentives for anti-democratic behavior at a time when the progress of many of Africa's new multiparty systems towards democratic consolidation remains partial at best.²⁶⁴

4.2.3: Flaws and Ambiguities of Power-sharing

The power-sharing model has also been criticized for its lessened democratic element. Some observers questioned whether the power-sharing model built on elite supremacy and predominance over the followers really takes into consideration important democratic criteria.²⁶⁵

Furthermore, controversial debates hover around the normative and prescriptive values of the model. Successful power-sharing cases, in which solid links between stability and democracy have been empirically tested, are indeed rare. This draws one's attention to the limited and narrow margins of the model's applicability.²⁶⁶

Another reservation is that the adoption of power-sharing devices may exacerbate inter-segmental conflicts and tensions instead of dampening and pacifying them. This critique applies for instance to the deeply divided Kenyan society in which the enforcement of power-sharing deal after the 2007/2008 conflict without an efficient and parallel approach to conflict-regulation has exacerbated and politicized inter-tribal animosities.²⁶⁷

Moreover, the claim that elites are always enlightened and that they act in the best interest of their society is controversial. Hence, power-sharing variable of elite engineering cannot provide

²⁶⁴Jarstad, Anna K. 2008. *Power Sharing: Former Enemies in Joint Government*. In *War-to- Democracy Transitions: Dilemmas of Peacebuilding*, edited by A. K. Jarstad and T. D. Sisk. Cambridge: Cambridge University Press.

²⁶⁵Ken Menkhaus (2007) "Mediation Efforts in Somalia," *HD Centre Background Paper, African Mediators' Retreat*, April.

²⁶⁶M Ottaway, 'Democratization in collapsed states', in I W Zartman, *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, (Boulder, CO: Lynne Rienner, 1995), p 248-269

²⁶⁷Murithi, T. 2009, Kenya- A Year after the Crisis: The Quest for Electoral Reform and Transitional Justice" Situational Report. *Institute for Security Studies*. 14 January 2009.

a sufficient tool for crafting stability in a deeply fragmented society. An arising question is whether power-sharing models only work when inter-segmental conflicts and hostilities are not acute. In this case, it is not the elite variable that facilitates power-sharing engineering but the existence of deeply embedded mechanisms of inter-communal bargaining.²⁶⁸ Besides, a power-sharing democracy seems to function only when the surrounding environment is relatively tranquil. In deeply divided societies situated in agitated regions, power-sharing is more bound to external variables than to domestic dynamics.²⁶⁹

A supplementary critique hinges on the relevance of power-sharing democracy as an independent typology. The fact that power-sharing elements in countries such as Kenya and Zimbabwe have withered makes the model tantamount to a temporary and intermediate arrangement. In addition, the fact that there are many democracies which have power-sharing features but which do not fully approximate the power-sharing model makes one wonder whether power-sharing democracy is a stable typology or whether it is a transient 'political mode'. A challenging question is whether scholars should stop considering the power-sharing model as a pure type in political taxonomy but rather study power-sharing as a feature in democratic systems.²⁷⁰

Furthermore, power-sharing argument that deeply divided societies have the option between power-sharing democracy and no democracy at all has been challenged by various political scientists. Some have advanced the thesis that a kind of 'control model' whereby one group dominates could also induce stability.²⁷¹ Others argue that increasing overarching loyalties and

²⁶⁸ Mansfield, Edward.D. 2005. *Electing to Fight. Why Emerging Democracies Go to War*. Cambridge, Massachusetts London, England: MIT.

²⁶⁹ Murunga. G.R. 2004., *The State, its Reform and the Question of Legitimacy in Kenya Identity, Culture and Politics*, Vol. 5. (1 & 2), pp 179-206.

²⁷⁰ Nilsson, Desirée. 2006. *In the Shadow of Settlement. Multiple Rebel Groups and Precarious Peace*, Department of Peace and Conflict Research, Uppsala University, Uppsala.

²⁷¹ Mueller, S. 2009, 'The Political Economy of Kenya's Crisis' *Journal of East African Studies*, 2.2: 185-210.

introducing vote-pooling cooperative measures could enhance inter-segmental cooperation, and stabilize the society without introducing power-sharing per se.²⁷²

Although power-sharing is indeed a breakthrough in system typologies on the one hand and in the art of conflict-regulation on the other, it fails to meet scientific criteria. Thus, its equivocal semantic field can be ascribed to several interpretations. For instance, no thorough and consistent terminological definitions have been elaborated when it comes to differentiating cleavage lines and their impact on power-sharing. It is also difficult to define the boundaries between a plural and a deeply divided society in power-sharing literature. Also, the power-sharing theory has been criticized for its exaggerated use of impressionistic notions that have not been tested empirically. Many analysts argue that Lijphart's model is not really reliable, and that the case studies he chose to verify his claims remain selective. Because of the weak scientific character of the model, consociational theory lacks precise tools of verifiability and has a rather restrained predictive potential. A major inconsistency in the consociational theory is the unclear relationship between Lijphart's favorable factors and the model itself. The conjectural and unbinding character of these factors makes them devoid of meaning and applicability.²⁷³

Upon examining a certain case, one cannot really ascertain to what extent favorable factors have contributed to the emergence and maintenance of power-sharing, for these factors, according to Lijphart, may or may not have been decisive. What adds confusion to the status of the favorable factors is that various scholars emphasized different conditions or prerequisites which determined power-sharing experiences.²⁷⁴ In addition, unlike Lijphart who argues that these

²⁷²PeaceNet-Kenya (2008), *Legal and Institutional Framework to Provide for the Establishment of the Truth Justice & Reconciliation Commission*, Nairobi.

²⁷³Tull, D and A. Mehler, (2005) 'The Hidden Costs of Power-sharing: Reproducing Insurgent Violence in Africa', *African Affairs*, 104. 416: 375-398.

²⁷⁴René Lemarchand, 'Consociationalism and Power Sharing In Africa: Rwanda, Burundi, and the Democratic Republic of the Congo', *African Affairs*, 106/422, pp 1-20

favorable conditions are not binding, others lay emphasis on the determining character of the conditions, and assert that these factors are necessary to fashioning power-sharing.²⁷⁵

In short, the fact that there are no reliable indicators to measure and evaluate the feasibility and performance of power-sharing democracy weakens the application of power-sharing models.

The relationship between democracy and power-sharing is another controversial aspect that needs to be addressed. The theory does not say much on the democratic components of power-sharing and on the dynamics of power-sharing trends.

In most studies, democracy is taken for granted as an accompanying feature, yet it is well known that there could be power-sharing elements in a non-democratic regime. Additionally, it is noteworthy that consociational theory remains a static theory in comparison to more recent theories on democratization and system transition.²⁷⁶ In fact, there are no precise tools in consociational literature to assess whether a consociational system is democratic or not. Power-sharing democracy ends up being a catchall term that does not differentiate between democratic and power-sharing aspects in a particular system. For more conceptual and empirical clarity, it is essential that the interrelationships between democratic and power-sharing components in the system be defined.

4.3 Conclusions

From the findings it can be concluded that for all the criticisms of power-sharing arrangements, it is clear that the question of how to resolve conflict in Africa remains extremely complex, and there may be good reasons for thinking that in some cases the benefits outweigh the costs. After all, power-sharing is usually justified principally in terms of the number of lives it is likely to

²⁷⁵ Ibid

²⁷⁶ Nellis, J. 1974. *The Ethnic Composition of Leading Kenyan Government Positions*, Uppsala: The Scandinavian Institute of African Studies

save in the short term. However, in order to make accurate decisions as to when these benefits outweigh the costs, it is essential to fully recognize the barriers that unity government may create to genuine reform. To date, international actors and the academic community have been slow to consider how significant these barriers may be.²⁷⁷

²⁷⁷Donald Rothchild, b, "Assessing Africa's Two-Phase Peace Implementation Process: Power Sharing and Democratization," Manuscript, University of California, Davis.

CHAPTER FIVE

FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.0: Introduction

This chapter contains the key findings of the research, conclusion and recommendation for the study.

5.1: Key findings

5.1.1: Effectiveness of Power-sharing Governments

While power-sharing may be seen as rewarding bad political behavior by despots and reluctant democrats, it also provides a face-saving mechanism in political cultures that lack maturity, and in which the alternative scenario could be one of destructive violence. The number of parties in the ruling coalition in Kenya and Zimbabwe is positively related to social expenditures. This study uses data from government expenditure.²⁷⁸ The researcher finds that public spending increases in the size of the cabinet while the effect of coalition governments is more ambiguous. The difference in ideologies and incompatible difference make governments sharing power inefficient mainly due to high cost of running the government; now and then conflicts by government officials as well as the long time the government takes to make key decisions.

5.1.2: Role of Diplomats and International Communities on Brokering Power-Sharing

The best peace accords are those in which the parties are jointly satisfied with the outcome and in which both parties find mutual gain. Young argues that third parties can often be very useful in bringing the conflicting parties to seek accommodation and often have a moral obligation to

²⁷⁸Snyder, J. 2000. *From Voting to Violence. Democratization and Nationalist Conflict*. New York, London: W. W. Norton & Company.

do so. Third parties are useful in the process of conflict abatement, and they can make positive and direct contributions by focusing the parties on a termination agreement, providing an agenda and/or manipulating the timing of the negotiation process. While it may be difficult to measure the interests of third parties we can more easily assess the motives of third party actors.²⁷⁹ If the purpose of the intervention is to manage a conflict – that is, to affect the process of the conflict in such a way as to hasten its abatement and to save lives – we can evaluate whether the intervention had a “lifesaving” function. This study established that the international community and diplomats have been biased on their role in solving contested elections disputes in Kenya and Zimbabwe.

5.1.3: The Effect of Power-sharing On Spirit of Democracy

Power-sharing solutions make for good transitional devices, but in the long run the best outcome may well be a much more fluid form of democracy that allows for the creation of flexible coalitions that bridge the ethnic divide. In situations such as those in Kenya and Zimbabwe, power-sharing agreements appear to be a necessary compromise – the least of all possible evils. Power-sharing reduces the risk of violence, but does not address the underlying factors that create conflict in African democracies.²⁸⁰ But it provides an umbrella under which groups in political conflict may feel adequately (though not optimally) represented to pursue a more long-term solution to the underlying issues.

²⁷⁹ Timothy D. Sisk (2003) “Power Sharing,” in *Beyond Intractability*, eds, Guy Burgess and Heidi Burgess.

²⁸⁰ Githongo, J. (2009), ‘How Grand Coalition became a roadblock’, *The East African*, 16-22 March: 16.

5.2: Conclusion

Post-election conflicts are characterized in part by the inability of the conflicting parties in them to completely prevail upon escalation of violence. When conflicting parties reach a stalemate and are highly motivated to de-escalate, conflict-resolution practitioners may be in a position to help the parties arrive at a workable solution for power-sharing. While there may be understandable pressures for power-sharing, there are immediate risks to such an arrangement from spoilers and longer-run risks from the design of political institutions.²⁸¹

To reconcile immediate imperatives with the sustainability of peace over time, power-sharing will work best when it can but over time, wither away. Whether in Kenya or Zimbabwe, in the immediate term, formal power-sharing has been an effective confidence-building device to ensure that all groups with the capacity to spoil a peace settlement should be included in the institutions and given influence in decision-making. Over time, however, postwar societies need to move beyond the mutual hostage taking that a guaranteed place at the decision-making table implies, the deadlock it inevitably creates, and the construction of postwar societies around the fixed and unyielding social boundaries of ethnicity.²⁸²

Integrative power-sharing solutions have an inherent advantage, if they can be achieved. When successful, they engineer a moderation-seeking, centripetal spin to the political system, one that allows for ethnicity but promotes fluid coalitions that transcend the cleavages of conflict in war-torn societies. A practical way to begin is to purposefully manipulate the electoral system to

²⁸¹Schneckener, U. 2002., Making Power-Sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation" *Journal of Peace Research*, Vol 39 (2), p 203 -228.

²⁸²Mansfield, Edward.D. 2005. *Electing to Fight. Why Emerging Democracies Go to War*. Cambridge, Massachusetts London, England: MIT.

provide new incentives to moderate and coalesce across group lines, as suggested above. Electoral systems should be designed to give politicians real incentives to motivate, moving beyond a perhaps natural instinct to play the communal card to attain power. There is emerging evidence that such clever design can promote moderation in intractable conflicts, as examples from Northern Ireland, Fiji, and Papua New Guinea attest.²⁸³

The clever design of power-sharing institutions, no matter how careful, cannot resolve some of the inherent problems that lead to discord and the inability to reach consensus in today's deeply divided societies. If thoughtful analysis and clever design were sufficient, it is likely that the Kenya and Zimbabwe dispute would have been resolved quite easily. Nevertheless, if and when the Kenya, Zimbabwe and others in similar situations are ready to settle, they will find themselves facing basic choices about sharing power and how best to do so. As a means for exiting intractable social conflicts, there seems to be no alternative.²⁸⁴

The role of a third-party in contested election conflict management is directed toward helping the actors in conflict to realize their own interests when various problems threaten to disrupt or downgrade their bargaining relationship. Third parties are useful in the process of conflict abatement, and they can make positive and direct contributions by focusing the parties on a termination agreement, providing an agenda and/or manipulating the timing of the negotiation process. But once they get biased without any real genuine reason to do so, they make power-sharing difficult and untenable.

²⁸³ Timothy D. Sisk (2003) "Power Sharing," in *Beyond Intractability*, eds, Guy Burgess and Heidi Burgess
²⁸⁴ Kambudzi. Admore. 2008., Turning Elections into a development asset in Africa". *Institute of Security Studies* 163 (2008): 4.

5.3: Recommendation

In light of this thesis, one is compelled to revisit the prescriptive potential of power-sharing democracy, and its applicability to deeply divided societies due to contested elections. The danger of portraying power-sharing as the only solution to post-election conflict states should be taken into consideration. Also, more investment in scientific and empirical analysis needs to be made in order to investigate the link between different kinds of cleavage lines, their degree of intensity and consociational outcomes in different divided societies due to contested elections. Additional suggestions would be to study more diligently how different actors (e.g. counter-elites, the masses, interest groups) and intra-communal divisions in various case studies shape the power-sharing configuration. In the final analysis, it might be more fruitful – both on the theoretical and empirical levels – to analyze the structural features that make up and influence consociationalism from below instead of considering the model as an elite-imported choice from above and dwelling on the variable of elite behaviour at the top and in the institutional realm.²⁸⁵

For power-sharing arrangements to work as conflict resolution mechanisms, certain conditions must be in place: The conflict must be ripe for resolution. Attempts to create a power-sharing arrangement are rarely successful as a first resort. At that point, each of the protagonists believes their positions or interests will yet prevail and have no incentive to share power. It is when every other peaceful option has failed, and both sides have reached a dead end, that power-sharing deals can work. We have seen this element at work in the negotiations that ended the Kenyan crisis of 2007-2008, and the difficulties of the Zimbabwean negotiations, fed by Mugabe's attempts to maintain total control.

²⁸⁵Hoddie, Matthew, and Caroline A. Hartzell. 2005. Power Sharing in Peace Settlements: Initiating the Transition from Civil War. In *Sustainable Peace. Power and Democracy after Civil War*.

There must be a certain balance of power between the protagonists that make a power-sharing arrangement acceptable and possible. This balance of power needs not rest in material resources or military-security power, but can include other tangible and intangible factors such as external pressure, the internal economy, and loss of legitimacy.²⁸⁶ This is especially relevant in Zimbabwe, where Mugabe has demonstrated tendencies that make it difficult to predict the success of a power-sharing arrangement in that country: Two decades ago, after the massacres in Matabeleland created fundamental political problems for Mugabe's Zimbabwe African National Union (ZANU) party, he entered into a power-sharing arrangement with his opponent Joshua Nkomo and the Zimbabwe African People's Union (ZAPU) party, but this arrangement quickly became a means to co-opt and decimate the opposition, and ZAPU lost most of its influence. Power-sharing deals must be backed by law, and should not rest on good faith alone. Legal backing is also necessary because such arrangements usually involve a change in the constitutional status quo. Power-sharing deals need to spell as clearly as possible the allocation of functions, responsibilities and powers between the parties. The study recommends that without truly independent electoral commissions as organizers' and umpires, it is difficult to avoid electoral manipulations. Election commissions must be independently funded, include representatives of the main political parties, and their members – like judges in countries with genuinely independent judiciaries should not be susceptible to removal by the executive branch of government.²⁸⁷

Good governance remains a key challenge for Africa. The presence or absence of good governance standards affects everything else. Elections, then, do not automatically bring real

²⁸⁶ Reilly, Benjamin. 2001. *Democracy in Divided Societies. Electoral Engineering for Conflict Management.* Cambridge: Cambridge University Press.

²⁸⁷ Ranger, T. (2004) 'Nationalist historiography, patriotic history and the history of the nation: The struggle over the past in Zimbabwe', *Journal of Southern African Studies*, 30.2: 215-234.

democracy. This is why powers-sharing deals will not address the fundamental challenge of democracy in Africa. The researcher recommends that entrenching good governance standards is what will enable elections to achieve their promise of political accountability and freedom of choice. The African Union and the sub-regional economic groups – such as the South African Development Community (SADC), the East Africa Cooperation (EAC) and the Economic Community of West African States (ECOWAS) have a key role to play in preventing or monitoring electoral malpractices that lead to conflicts in Africa. Africa's reluctant democrats may resist attempts by Western countries to criticize or sanction them for controversial but 'internal' political processes, but will have a harder time discrediting the intervention of their fellow African leaders.²⁸⁸ African heads of state and governments should use this leverage more forcefully. Admittedly, it is not easy to do so, when several of those leaders have themselves come to power through tainted elections. But a critical mass of legitimately elected leaders is emerging in Africa. As their numbers increase, so will their potential influence on the culture of democracy on the continent.

Finally, vested interest in economic growth is an increasingly important factor in checking the escalation of African conflicts. Nearly US\$1 billion worth of damage was done to Kenya's economy by the violence unleashed during the electoral crisis, and its tourist industry and image of stability have suffered serious setbacks.²⁸⁹ The private sector in Kenya sub-Saharan Africa's third largest economy – was battered by the post-election violence. Regardless of which protagonist's side they were on, Kenya's business sector pressed the parties for a negotiated

²⁸⁸ Oyugi, Walter O. (1997) "Ethnicity in the Electoral Process: The 1992 General Elections in Kenya," *African Journal of Political Science* Vol 2, (1): 41-69.

²⁸⁹ Hartzell, C., and M. Hoddie. 2003. Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management. *American Journal of Political Science* 47 (2):318-332.

settlement. Again, in Zimbabwe, reviving the country's devastated economy which is unlikely as long as Mugabe retains the reins of power and excludes the opposition has been the single most important source of pressure on Mugabe to negotiate.²⁹⁰ Overall, in an era in which Africa's economies have witnessed an average growth of five percent annually and aspire to be considered as emerging markets, and in which the average African now owns shares in companies quoted on the continent's stock exchanges, everyone's vested interest in creating and managing wealth has become the strongest reason to think twice about re-enacting the violent conflicts that stunted the continent's growth for far too long.

5.4: Recommendation for further studies

The researcher recommends that a similar study should be done on a different country whose contested election has resulted to formation of a coalition government in order to verify the findings of this study. The researcher finally recommends that future researchers should research further on effects of power-sharing on long term peace where it has been applied.

²⁹⁰ Mbeki, M. (2009), 'Zimbabwe: Time to Stay Tough', *Time*, 23 July.

BIBLIOGRAPHY

- Agreement Between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the two Movement for Democratic Change (MDC) Formations, on Resolving the Challenges Facing Zimbabwe 2008. Harare, 15 September.
- Ahmedou Ould-Abdallah (2000) *Burundi on the Brink 1993-95* (Washington: US Institute of Peace Press).
- Ahmedou Ould-Abdallah (2000) *Burundi on the Brink 1993-95* (Washington: US Institute of Peace Press).
- Amnesty International, *Left Behind: The Impact of Zimbabwe's Mass Forced Evictions on the Right to Education*, October 5, 2011.
- Anderson, D. & E. Lochery, (2008) 'Violence and Exodus in Kenya's Rift Valley: Predictable and Preventable?', *Journal of Eastern African Studies*, 2.2: 328-343, July.
- Andrew Reynolds (1995) "Constitutional Engineering in Southern Africa," *Journal of Democracy*, Vol. 6, No. 2.
- Andrew Reynolds (1995) "Constitutional Engineering in Southern Africa," *Journal of Democracy*, Vol. 6, No. 2.
- April. Donald Horowitz (2002) "Constitutional Design: Proposals versus Processes," in Andrew Reynolds, ed, *The Architecture of Democracy* (Oxford: Oxford University Press).
- Arend Lipjhart (2004) "Constitutional Design for Divided Societies," *Journal of Democracy*, Vol. 15, No. 2, April.

Barbara F. Walter (1999) "Designing Transitions from Civil War: Demobilization, Democratization, and Commitments to Peace," *International Security*, Vol. 24, No. 1, Summer.

Benjamin Leo and Todd Moss, *Moving Mugabe's Mountain: Zimbabwe's Path to Arrears*

Benjamin Reilly, "Electoral Systems for Divided Societies," *Journal of Democracy*, Vol 13, No 2, April

Benjamin Reilly, "Electoral Systems for Divided Societies," *Journal of Democracy*, Vol 13, No 2, April

Branch, D & N. Cheeseman, (2008) 'Democratisation, Sequencing and State Failure: Lessons from Kenya', *African Affairs*, 108. 428: 1-26, December.

Brandt, Michele, 'UN assistance to constitution-making processes: the cases of East Timor, Cambodia and Afghanistan', UNDP/Bureau for Crisis Prevention and Recovery (BCPR), 2004.

Bratton, Michael and Nicolas van de Walle 1997. *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*. Cambridge: Cambridge University Press.

Caroline Hartzell and Matthew Hoddie (2003) "Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management," *American Journal of Political Science*, Vol. 47, No. 2,

Caroline Hartzell and Matthew Hoddie, 'Civil War Settlements and the Implementation of Military Power-Sharing Arrangements', *Journal of Peace Research*, Vol. 40, No. 3 (May, 2003), pp. 303-320

- Caroline Hartzell, Matthew Hoddie, Donald Rothchild, 'Stabilizing the Peace after Civil War: An Investigation of Some Key Variables', *International Organization*, Vol. 55, No. 1 (winter, 2001), pp. 183-208
- Chalmers, Rhoderick, 'Toward a New Nepal?', *Current History*, April 2007.
- Christine Bell, 'Peace Agreements: Their Nature and Legal Status', *The American Journal of International Law*, Vol. 100, No. 2 (Apr., 2006), pp. 373-412
- Christine Bell, 'Peace Agreements: Their Nature and Legal Status', *The American Journal of International Law*, Vol. 100, No. 2 (Apr., 2006), pp. 373-412
- Civil Society Monitoring Mechanism, *Annual Review of the Performance of the Inclusive Government of Zimbabwe*, February 2011; and "ZANU (PF)s Blood Diamond Boost," *The Zimbabwean*, March 2, 2011.
- Clearance and Debt Relief*, the Center for Global Development, November 12, 2009.
- Conflict Research Consortium, University of Colorado, Boulder. Posted: September 2003.
- United States Institute for Peace, *Constitution-Making, Peacebuilding and National Reconciliation*
- Curtis, Devon, 'Transitional governance in Burundi and the Democratic Republic of the Congo' in Karen Guttieri and Jessica Piombo, *Interim Governments; Institutional Bridges to Peace and Democracy?*, United States Institute of Peace Press, Washington, DC, 2007.
- Daniel P. Sullivan, 'The missing pillars: a look at the failure of peace in Burundi through the lens of Arend Lijphart's theory of consociational democracy', *Journal of Modern African Studies*, 43, 1 (2005), pp. 75-95.
- Denis M Tuli and Andreas Mehler, 'The Hidden Costs of Power Sharing: Reproducing Insurgent violence in Africa', *African Affairs*, 104/416, p375-378

- Donald Horowitz (2003) "Electoral Systems and their goals: a primer for decision-makers," January.
- Donald Rothchild, b, "Assessing Africa's Two-Phase Peace Implementation Process: Power Sharing and Democratization," Manuscript, University of California, Davis.
- Gary Milante and Stergios Skaperdas, 'Power sharing under the threat of conflict, *The World Bank Department of Economics and University of California*, Irvine Preliminary and Incomplete Draft May 18, 2009
- Gibson, C. Long .J. 2009., The presidential and parliamentary elections in Kenya December 2007. *Journal of Electoral Studies*, pp. 1-6.
- Hammar, A. (2008) 'In the name of sovereignty: Displacement and state making in post-independence Zimbabwe', *Journal of Contemporary African Studies*, 26.4: 417-434, October.
- Hartzell, C., and M. Hoddie. 2003. Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management. *American Journal of Political Science* 47 (2):318-332.
- Hoddie, Matthew, and Caroline A. Hartzell. 2005. Power Sharing in Peace Settlements: Initiating the Transition from Civil War. In *Sustainable Peace. Power and Democracy after Civil War*,
- Hoddie, Matthew, and Caroline A. Hartzell. 2005. Power Sharing in Peace Settlements: Initiating the Transition from Civil War. In *Sustainable Peace. Power and Democracy after Civil War*,
- Horowitz, J. 2008. Power-sharing in Kenya: Power-sharing Agreements, negotiations and peace processes, Centre for the Study of Civil War. CSCW Papers. University of California, San Diego (UCSD)

Human Rights Watch (HRW), *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008, and International Crisis Group

Human Rights Watch, (1993), *Divide and Rule: State-Sponsored Violence in Kenya*, New York.

Ian S. Spears, 'Understanding Inclusive Peace Agreements in Africa: The Problems of Sharing Power', *Third World Quarterly*, Vol. 21, No. 1 (Feb., 2000), p. 105-118

ICG, *Zimbabwe: Prospects from a Flawed Election*, Africa Report No. 138, March 20, 2008.

IDASA, (2009), *GNU Watch*, October, Johannesburg.

IMF, "Request for Targeted Lifting of the Suspension of Fund Technical Assistance," April 21, 2009.

International Crisis Group (2004) "Rebuilding Liberia; Prospects and Perils," *ICG Africa Report No 75*, Freetown, Brussels, January 30.

International Crisis Group (2009) "Rebuilding Liberia; Prospects and Perils," *ICG Africa Report No 75*, Freetown, Brussels, January 30.

International Crisis Group, "Zimbabwe: Engaging the Inclusive Government," *Africa Briefing No. 59*, 20 April 2009.

International Crisis Group, *Elections in Zimbabwe: the Peace Wager*, Crisis Group Africa Briefing, 9 December 2010.

International Crisis Group, *Elections in Zimbabwe: the Peace Wager*, Crisis Group Africa Briefing, 9 December 2010.

International Crisis Group, *Nepal: Peace Postponed*, Asia Briefing No 72, 18 December, 2007.

International Crisis Group, *Nepal's Constitutional Process*, Asia Report No 128, 26 February

- International Crisis Group, *Rebuilding Mozambique: Prospects and Perils*, ICG Africa Report No 75, Maputo, Brussels, 30 January 2004.
- International Crisis Group, *Rebuilding Mozambique: Prospects and Perils*, ICG Africa Report No 75, Maputo, Brussels, 30 January 2004.
- International Monetary Fund (IMF), *Zimbabwe's GDP fell 40% from 2000-2007, and 14% in 2008*.
- Jarstad, Anna K. 2008. *Power Sharing: Former Enemies in Joint Government*. In *War-to-Democracy Transitions: Dilemmas of Peacebuilding*, edited by A. K. Jarstad and T. D. Sisk. Cambridge: Cambridge University Press.
- Jarstad, Anna, and Ralph Sundberg. 2007. *Peace by Pact: Data On the Implementation of Peace Agreements*. In *Globalization and Challenges of Building Peace*, edited by A. Swain, R. Amer and J. Öjendal. London: Anthem Press.
- K Annan, 'Annan: this may be a turning point for Africa', *Globe and Mail (Toronto)*, 18 May 1998.
- Kambudzi. Admore. 2008., *Turning Elections into a development asset in Africa*". *Institute of Security Studies* 163 (2008): 4.
- Kanyinga, Karuti (2009), 'The legacy of the white highlands: Land rights, ethnicity and the post-2007 election violence in Kenya', *Journal of Contemporary African Studies*, 27:3: 325-344.
- Katumanga, M (2005), 'A City under Seige: Banditry & Modes of Accumulation in Nairobi, 1991-2004', *Review of African Political Economy*, No. 106: 505-520.
- Ken Menkhaus (2007) "Mediation Efforts in Somalia," *HD Centre Background Paper*, African Mediators' Retreat, April.

- Kimenyi, S (2006) 'The Demand for Power Diffusion: A Case Study of the 2005 Constitutional Referendum Voting in Kenya' University of Connecticut. Working Paper: 11.
- Korostelina, K.V 2007. *Social identity and conflict: structures, dynamics, and implications*. New York: Palgrave Macmillan.
- LSNSA (Land Sector Non-State Actors) (2009), 'Land Reforms in Kenya: Do we have a Choice?' Press statement, 4.xi.09.
- M Ottaway, 'Democratization in collapsed states', in I W Zartman, *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, (Boulder, CO: Lynne Rienner, 1995), p 248-269
- Mansfield, E.D., and J. Snyder. 2001. Democratic Transitions and War. From Napoleon to the Millennium's End. In *Turbulent Peace. The Challenges of Managing International Conflict*, edited by C. A. Crocker, F. O. Hampson and P. Aall. Washington D.C.:
- Mansfield, Edward.D. 2005. *Electing to Fight. Why Emerging Democracies Go to War*. Cambridge, Massachusetts London, England: MIT.
- Mbeki, M. (2009), 'Zimbabwe: Time to Stay Tough', *Time*, 23 July.
- McGarry, John and O'Leary, Brendan, "Consociational theory, Northern Ireland's conflict, and its agreement: What critics of consociation can learn from Northern Ireland". *Government and Opposition* (2006), pp 249–277
- Menkhaus, Ken, 'Mediation efforts in Somalia,' HD Centre Background Paper, African Mediators' Retreat, April 2007.
- Morrow, Jonathan, 'Iraq's constitutional process II: an opportunity lost', Special Report 155, United States Institute of Peace, November 2005.

- Mueller, S. 2009, 'The Political Economy of Kenya's Crisis' *Journal of East African Studies*, 2.2: 185-210.
- Murithi, T. 2009, Kenya- A Year after the Crisis: The Quest for Electoral Reform and Transitional Justice" Situational Report. *Institute for Security Studies*. 14 January 2009.
- Murunga. G.R. 2004., The State, its Reform and the Question of Legitimacy in Kenya *Identity, Culture and Politics*, Vol. 5. (1 & 2), pp 179-206.
- Mwagiru, M. (2009) *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya*, Nairobi: Peace Net – Kenya.
- Ndlovu-Gatsheni, S. (2009) 'Africa for Africans or Africa for "Natives" Only? "New Nationalism" and Nativism in Zimbabwe and South Africa', *Africa Spectrum*, No. 1: 61-78.
- Nellis, J. 1974. *The Ethnic Composition of Leading Kenyan Government Positions*, Uppsala: The Scandinavian Institute of African Studies
- Nilsson, Desirée. 2006. In the Shadow of Settlement. Multiple Rebel Groups and Precarious Peace, Department of Peace and Conflict Research, Uppsala University, Uppsala.
- Sadomba, Wilbert Z. (2008), *War Veterans in Zimbabwe's Land Occupations: Complexities of a Liberation Movement in an African Post-colonial Settler Society*, Ph. D. Wageningen University, June.
- Oyugi, Walter O. (1997) "Ethnicity in the Electoral Process: The 1992 General Elections in Kenya," *African Journal of Political Science* Vol 2, (1): 41-69.
- Patricia Daley, 'Challenges to Peace: Conflict Resolution in the Great Lakes Region of Africa', *Third World Quarterly*, Vol. 27, No. 2 (2006), pp. 303-319

- PeaceNet-Kenya (2008), *Legal and Institutional Framework to Provide for the Establishment of the Truth Justice & Reconciliation Commission*, Nairobi.
- Ranger, T. (2004) 'Nationalist historiography, patriotic history and the history of the nation: The struggle over the past in Zimbabwe', *Journal of Southern African Studies*, 30.2: 215-234.
- Reilly, Benjamin. 2001. *Democracy in Divided Societies. Electoral Engineering for Conflict Management*. Cambridge: Cambridge University Press.
- René Lemarchand, 'Consociationalism and Power Sharing In Africa: Rwanda, Burundi, and the Democratic Republic of the Congo', *African Affairs*, 106/422, pp 1-20
- Reyntjens, Filip, 'Briefing: Peaceful transition after war?', *African Affairs* 105/418, January 2006.
- Reyntjens, Filip, 'Briefing: Peaceful transition after war?', *African Affairs* 105/418, January 2006.
- Robert I. Rotberg, *Beyond Mugabe: Preparing for Zimbabwe's Transition*, the Center for Strategic and International Studies, August 2011.
- Rutten, M. and S. Owuor (2009) 'Weapons of mass destruction: Land, ethnicity and the 2007 elections in Kenya', *Journal of Contemporary African Studies*, 27:3,305-324.
- Sadomba, Wilbert Z. (2008), *War Veterans in Zimbabwe's Land Occupations: Complexities of a Liberation Movement in an African Post-colonial Settler Society*, Ph. D. Wageningen University, June.
- Schneckener. U. 2002., *Making Power-Sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation*" *Journal of Peace Research*, Vol 39 (2), p 203 -228.

- Sisk, Timothy D., and Christoph Stefes. 2005. *Power Sharing as an Interim Step in Peace building: Lessons from South Africa. Power and Democracy after Civil Wars*, London: Cornell University Press.
- Snyder, J. 2000. *From Voting to Violence. Democratization and Nationalist Conflict*. New York, London: W. W. Norton & Company.
- Spears, I. S. 2000., Understanding inclusive peace agreements in Africa: the problems of sharing power. *Third World Quarterly* 21 (1):105-118.
- Spears, Kristine. 2008a. *Peacemaking in the Shadow of Violence*. Leiden: Martinus Nijhoff Publishers/Brill Academic Publisher.
- Sumantra Bose (2005) "The Bosnian State a Decade After Dayton," *International Peacekeeping*, Vol. 12, No. 3, Autumn.
- Timothy D. Sisk (2003) "Power Sharing," in *Beyond Intractability*, eds, Guy Burgess and Heidi Burgess,
- Timothy D. Sisk (2003) "Power Sharing," in *Beyond Intractability*, eds, Guy Burgess and Heidi Burgess,
- Tull, D and A. Mehler, (2005) 'The Hidden Costs of Power-sharing: Reproducing Insurgent Violence in Africa', *African Affairs*, 104. 416: 375-398.
- Udogu, E.I. 1999., The Issues of Ethnicity and Democratization in Africa: Towards the Millennium. *Journal of Black Studies*, Vol. 29, (6), pp 790-808
- UN IRIN, "Hunger Drives Post-Election Violence, Deepens Poverty," May 9, 2008.
- Walter, Barbara F. 2002. *Committing to Peace. The Successful Settlement of Civil Wars*. Princeton: Princeton University Press.
- War: An Investigation of Some Key Variables," *International Organization*, Vol. 55, Winter.

Young J. (2007), 'Sudan: Not More Diplomacy but Popular National Struggles', *Review of African Political Economy*, No. 111, March: 165-168.

Young, J. (2005), 'Sudan: A Flawed Peace Process Leading to a Flawed Peace' *Review of African Political Economy*, No. 103, March: 99-113.

Zimbabwe: 2011 Article IV Consultation, IMF Country Report No. 11/135, May 12, 2011.

APPENDIXES

APPENDIX I: Introduction Letter

University of Nairobi,

P. O. Box. 30197,

Nairobi, Kenya.

Dear Sir/Madam,

Re: Request for Research Data

I am a postgraduate student undertaking a Master of Arts in International Relations degree at the University of Nairobi. I am currently carrying out a research on power-sharing and its feasibility as an alternative to the pursuit of peace in contested elections. The research focuses on a comparative analysis of Kenya and Zimbabwe. I kindly request that to the best of your knowledge, you respond to the questions on the attached interview guide. Your response/contribution will be treated with utmost confidentiality, and the information provided will be used purely for academic purposes, and specifically for this study.

Your assistance and cooperation is highly appreciated.

Yours faithfully,

Kaburia Edward Kimathi

MA student.

Appendix II: Interview Guide

- 1) Compare and contrast roots of political instability in Kenya and Zimbabwe
- 2) Compare and contrast the process which led to political crisis in Kenya and Zimbabwe
- 3) Compare and contrast the historical roots of the key veto players who shaped how power-sharing agreements were implemented in Kenya and Zimbabwe.
- 4) Compare and contrast the role of diplomats and international communities on brokering power-sharing in Kenya and Zimbabwe
- 5) What were the conditions that were put in place to make power-sharing effective in Kenya and Zimbabwe and did these conditions hold
- 6) Compare and contrast the effectiveness of coalition governments in Kenya and Zimbabwe
- 7) Compare and contrast challenges posed by cases of democratic deadlock in Kenya and Zimbabwe and did these conditions hold
- 8) Compare and contrast the barriers to reconciliation and state-building in Kenya and Zimbabwe
- 9) Discuss the ideologies difference of the two sides of coalition government in Kenya and Zimbabwe Discuss whether or not power-sharing facilitates reconciliation and reform in the medium to long term in Kenya and Zimbabwe
- 10) Discuss the actors capable of blocking power-sharing in Kenya and Zimbabwe
- 11) Discuss the impact of, power-sharing in Kenya and Zimbabwe
- 12) Compare and contrast the attitude of political leaders in Kenya and Zimbabwe power sharing deal

- 13) Discuss the politics of continuity in Zimbabwe and the politics of collusion in Kenya and how they shaped power-sharing deals
- 14) Discuss the institutional strength and their role in power-sharing in Kenya and Zimbabwe
- 15) Discuss the spirits of democracy in Kenya and Zimbabwe in the contested elections