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Kenya and Zimbabwe: issues of democracy, electoral violence and civil participation

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ABSTRACT

Democracy can be a useful tool in Africa. It can open channels for foreign aid and ultimately development. Many African countries have struggled with the changes and expectations that democracy brings. They have opted for authoritarian regimes or one party state regime. Zimbabwe and Kenya represent some of these countries. Such countries have been unable to promote or perfectly place liberal democracy within their societies. The most salient issue in the democratization process of Africa has been the post colonial state. Transitions into democracy have not always gone well at all in fact many transitions remain stagnant.

This research investigates the problems surrounding the attainment of democracy in Africa, using the cases of Kenya and Zimbabwe. It seeks to understand the obstacles and challenges to the democratization processes in the two countries by focusing on the 2007/2008 contested elections as well as previous elections, and the attempts by external actors to deal with the results of the elections.

The citizens of Kenya and Zimbabwe have both been affected and impacted by the lack of democracy that has existed in each country. This research also investigates the role of citizen participation in the electoral process. For both countries to succeed in all regards there is a pressing need for regime change and institution building.

Keywords: democracy, elections, civil participation, electoral violence, Kenya, Zimbabwe

LIST OF ABBREVIATIONS/ ACRONYMS

ANC – African National Congress
APRM- African Peer Review Mechanism
AU-African Union
DA- Democratic Alliance
ECK- Electoral Commission of Kenya
ECOWAS- Economic Community of West African States
ESC- Electoral Supervisory Commission
EU – European Union
GPA- Global political agreement
ICC- International Criminal Court
KANU- Kenya African National Union
KEC- Kenya Electoral Commission
KHRC- Kenya Human Rights Commission
KPU- Kenya's People Union
MCA- Millennium Challenge Account
MDC- Movement for Democratic Change
NEPAD- New Partnership for African Development
ODM- Orange Democracy Movement
PNU- Party of National Unity
PR- Proportional Representation
SADC- Southern African Development Community
UANC – United African National Council
UN- United Nations
UNDP- United Nation Development Programme
US- United States
USAID – United States Agency for International Development
ZANU PF Zimbabwe African National Union- Patriotic Front
ZAPU-PF- Zimbabwe African People's Union
ZEC- Zimbabwe Electoral Commission

ZESN – Zimbabwe Election Support Network

ZUM- Zimbabwe Unity Movement

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DECLARATION

1. I know that plagiarism is wrong. Plagiarism is to use another's work and pretend it is one's own.
2. Each significant contribution to, and quotation in this essay that I have taken from the work(s) of other people has been attributed, and has been cited and referenced.
3. This research report is my original work.
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Chapter 1

1.1 Introduction and Background of the study

Post colonial transitions have not come with ease to many African countries; this has been a contributing factor in failing to lay solid foundations for democracy. The colonizers' structures still echo in many of these countries. Bratton and Van de Walle (1994:454) suggest that contemporary political changes are conditioned by mechanisms of rule embedded in the ancient regime. They state that authoritarian leaders in power for long periods of time establish rules about who may participate in public decisions and the amount of political competition. This has been the case in Zimbabwe and not so much in Kenya's case. The idea of the post-colonial state in Africa offers some challenge in building democratic states. According to Bayart (1993:8) one of the characteristics of the peripheral zone is that the indigenous state is weak, moving from a colonial existence to a state with weak autonomy referring to the neo-colonial situation. The grafting of the state has been a failure; accounts of the different manifestations of instability and political coercion bear witness to this. Bayart (1993:60) further says that in Africa as else where the state is a major source of inequality. This alludes to the fact that the state as Africans know it is an import and its development was aided by colonization.

Africa has gone through experiences and experiments with democracy, some of which have resulted in civil wars and violence. According to Bratton and Van de Walle (1994:453) though democratisation is clearly incomplete in Africa, it has exposed and discredited military and one-party regimes few of which are likely to survive intact .This is echoed in countries such as Zimbabwe and Kenya which have been exposed and discredited. Some African countries such as Botswana have managed political reforms and transitions of a democratic nature. Botswana has had a good democratic experience. Democracy has not been easily achievable in Africa as whole; the cases of Zimbabwe and Kenya demonstrate this.

As stated above the historical context has played a role in the uneasy transitions of many African countries. Kenya achieved independence in 1963 and Zimbabwe in 1980 but neither country is closer to long term prosperity or being full fledged democracies. There is a lot one can deduce from Kenya and Zimbabwe's post colonial transitions. Why is Kenya not ahead of Zimbabwe considering the length of independence? Perhaps the difference and similarities of these transition processes can suggest answers.

Kenya and Zimbabwe lend themselves to a comparison of adjustment strategies for several reasons. They both share a comparable level of state formation with the state playing a critical role in determining and implementing adjustment policies. They also have identifiable adjustment strategies which differ in regard to state involvement and the scope of state action in the economy. They have both embarked on a path of foreign borrowing. They have both struggled with their adjustment policies. Since their independence, they have both increased their economic and financial links to the developed world. Both countries have experienced growth in manufacturing and industrial sectors Lehman (1990:39). It does seem in both cases that the colonizers never entirely left, they still had a grasp on the successes and failures in both countries. According to Gordon (1981:37) both Kenya and Zimbabwe, at independence had inherited economic and social structures that had been shaped by white settlers. One would say that these structures were perceived to have been vital in the reconstruction of both countries. Similarly Gordon (1981:38) says both the countries leaders at independence shared the belief that the inherited economic structures, while creating certain constraints also provided opportunities that could be harnessed in the drive for development. If these respective countries had not received outside help they would have struggled but even with outside help both countries continue to struggle, could democracy be the solution?

Democracy in Africa is as varied as the ever changing forms of government in more than fifty sovereign states. Democracy in Africa is an experimental process

in a new generation of countries, Sklar (1983:12). Kenya and Zimbabwe are not new to democracy; both countries have always preferred a one party state without party competition. Recent portrayals of a democratic nature in both countries are still on a shaky ground, particularly democratic elections. Some scholars have stated that elections are largely insignificant to democratization. This research report will show that there is still a need for elections to uphold democracy. Lindberg (2006:139) says he has analysed more than two hundred of third wave elections in Africa which have shown that uninterrupted series of competitive elections imbue society with certain democratic qualities. Repeated elections regardless of their relative freeness or fairness appear to have positive impact on human freedom and democratic values.

This study is interested in finding out the problems surrounding the attainment of democracy in Africa, using the cases of Kenya and Zimbabwe. It seeks to understand the obstacles and challenges to the democratization processes in the two countries by focusing on the 2007/2008 contested elections as well as previous elections, and the attempts by external actors to deal with the results of the elections.

1.2 Aims of the Study

In terms of democracy the research report wishes to address two issues around democratization: 1) why democracy has been hard to attain 2) what are the obstacles to building democracy in the respective countries.

Civilians have been marginalized at one point or the other in the democratization process as well as the electoral process. The research report will interrogate issues around effective political participation of the citizens, which is also linked to democracy. There is a connection between civil participation and the cause of electoral violence, the latter happens due to a lot of factors but mostly, enraged

citizens. The research report will find out what the role of the citizens of Kenya and Zimbabwe was in this regard.

Electoral violence shows a weakness in the respective countries' value for democracy and the decline in democratic functions. The research report aims to find out firstly reasons behind electoral violence and secondly what the role of external actors such as the African Union were in Kenya and Zimbabwe.

In dissecting the electoral violence in Kenya and Zimbabwe, the research report aims to assess the significance of elections in aiding democracy.

1.3 Research Questions

- What are the obstacles to building democracy in Zimbabwe and Kenya?
- What are the reasons that led to electoral violence in recent elections?
- What role have external actors played in helping in the return to stability and democracy?

1.4 Rationale of the Study

It is significant to embark on this study because the notion of democracy has been practiced partially due to highly contentious political environments. Africa is reputable for dictatorship and authoritarian governments which have meant a silenced and dormant civil society. This brings to question the legitimacy of "democracy" in Africa. Through civil engagement, mobilization and action against corrupt and unjust governments, citizens can bring about change and achieve justice. Examples of this are the revolt in South Africa against the apartheid government. As well as the revolt in the Niger Delta against the marginalization of the inhabitants of the delta.

Zimbabwe and Kenya have recently held elections in which the citizens from both countries where displeased by the electoral outcomes. In both countries the

ruling parties were accused of rigging the votes and heavily influencing the respective electoral commissions. This study comes at a time when Africa seems to be incapable of having free and fair elections, elections that are peaceful and accepted by all. According to Adejumobi (2000:59) Africa remains incapable of free and fair elections due to the predominance of political dictatorships and personalized rule. Zimbabwe has been ruled by President Robert Mugabe for over two decades. He has managed to win the support of the masses and at times his party has been accused of rigging elections. 29 March 2008, saw Zimbabwe and its citizens standing on their toes, many had hoped that this would be the end of his reign but he was declared the president. This then enraged a disillusioned citizenry and sparked electoral violence between ZANU PF (Zimbabwe African National Union- Patriotic Front) and the opposition party the Movement for Democratic Change (MDC). The role of the citizens in the electoral process is one that was ignored, the people seem to have chosen the MDC with 46% of the electoral vote but the ZEC (Zimbabwe Economic Commission) declared ZANU PF the winning party which only had 44 % of the votes. The second round of voting held on June 27 2008 saw ZANU PF win the electoral votes with over 80%. According to Moore and Bond (2005) even in past elections polling agents were asked to sign affidavits swearing secrecy to station procedures and boycotted by the opposition.

Kenya's plight was no different, filled with electoral violence and vote rigging. Elections held on the 27 December 2007 exposed this further, with the opposition party the Orange Democracy Movement (ODM) also battling against the ruling party the Party of National Unity (PNU). Although the situation in Kenya and Zimbabwe were somewhat similar, Kenya faced ethnic tensions. According to the United Nations Office of the High Commissioner for Human Rights(2008:8), the Electoral Commission of Kenya released results from half of Kenya's 210 constituencies, putting Raila Odinga at 2,755,111 votes and Mwai Kibaki at 2,172,440 in the presidential contest. The report further states that suspicion of

electoral fraud grew by the hour as presidential vote tallying appeared to be increasingly delayed. Such situations occurred frequently in both countries thus both show the extent of flaws in the electoral process.

The election process in Zimbabwe and Kenya has not gone well at all, there have been countless times when elections have failed. In Zimbabwe the parliamentary elections in 2000 and later elections in March 2002 have all been threatened by violence and alledged government interference in the electoral process Randall and Svasand (2002:30). Unlike Zimbabwe, Kenya managed from the 1992-1997 elections to have somewhat fair elections but as late as 2007 had a similar backdrop of violence and vote rigging. This study aims to highlight all these electoral flaws and assess the scope of democracy that exists in Africa. Lindberg (2006:139) has analyzed more than two hundred third wave elections in Africa and it shows that an uninterrupted series of competitive elections imbues society with certain democratic qualities. Repeated elections regardless of their relative freeness or fairness appear to have positive impact on human freedom and democratic values. This shows that elections are significant to democracy. More importantly this research report addresses the importance of elections because they are still a viable means of ensuring the orderly process of leadership succession and change; they are an instrument of political authority and legitimation (Adejumobi 2000:59). He further says the reason elections in Africa have failed or are absent largely defines the predominance of political dictatorships in Africa. It is important to note that it is through elections that citizens have a chance to voice out their concerns and opinion. Similarly Adejumobi (2000:60) says democracy only means that the people have the opportunity of accepting or refusing the men who want to rule them. Elections symbolize popular sovereignty and the expression of the social pact between state and the people.

Both countries have experienced electoral violence and it is important to interrogate the role of external actors in maintaining democracy. Third party

intervention has become one of the norms in solving issues in the international political arena. Leaders can also allow mediators to have a role because of certain opportunities. According to Carment and James (2000:175) political leaders respond to international opportunities to promote their domestic interests and most implicitly the security and power of the ruling party elite. They further say rulers will use violence if it can secure or increase their share of power. These International opportunities allow external actors to have an inside view of the issues. Moghalu (2008:34) says the response of mediators and protagonists in these crises are present to negotiate power sharing deals, coalition governments in which previous governments and the opposition govern jointly. These arguments are valid and they show that there are different reasons why countries allow external negotiators into their political space.

There are many reasons why elections and democracy in general have not been able to work in Africa, Makinda (1996:558) cites four reasons; firstly he says democracy was denied to Africans for about a century, any opposition to European rule was crushed. The second is that the continent has always been at the periphery of world politics and thirdly Africa's lack of economic, scientific and technological infrastructure and lastly the cultural dimension of poverty, underdevelopment, injustice and authoritarianism. Africa has been plagued by various malaises; the slate was never clean in order to start afresh. Adejumobi (2000:62) says a demeaning politics of de-participation and the shrinking of the electoral arena which characterized the post-colonial era in Africa had its roots in earlier colonial history. The natures of elections in post colonial era in Africa therefore tilted towards a state regulated and non competitive model. At different points of the spectrum leaders in Kenya and Zimbabwe fatefully decided against the multiparty systems and vetoed for authoritarian regimes.

Many countries as a result were forced to change their restrictive and rigid regimes. Elections in most cases are an expedient political exercise for ruling

regimes partly because of their economic implications in terms of external aid flows and economic assistance and partly because of their public relations advantage in propping up the political profile of the regime in the international arena (Adejumobi 2000:66). According to Makinda (1996:555) authoritarian leaders increasingly came under pressure between 1990 and 1993 to liberalize and permit participation in the political process. It seems most countries were persuaded to change due to perceived incentives of being democratic. Some would say that Africa turned democratic to gain economic favour from the West.

Competitive party systems and elections are an important aspect of democracy Lindberg (2006:148) says the element of competition is inherent in elections, it provides voters and organisations with a means to pressure incumbents and demand concessions from politicians. It is important at all times that politicians within their political parties are kept accountable for their decisions and keep legitimate democracies. Kenya and Zimbabwe have solid background of being either de facto or de jure single party systems. Kenya was once a one party state before 1991 and Zimbabwe is still being ruled by one party and could be considered a de facto one party state. In Africa plural systems have been hard to maintain effectively at some point or another. According to Randall and Svasand (2002:32) African political parties are plagued by weak organisations, low levels of institutionalisation and weak links to the society that they are meant to represent. This will be discussed more in detail in the research report, as well as providing an historical outline about opposition parties in the respective countries yet it is important to know the significance of political parties.

According to Bogaards (2000:171) the opposition performs a crucial function in a democratic polity. Constitutional political opposition is the sine qua non of contemporary democracy. Mass politics and its institutionalisation in some form or another are required before a regime can be called democratic. Bogaards reiterates the sentiment that opposition is important and is an end result of a thriving democracy. Similarly Randall and Svasand (2002:33) state that parties

assemble and promote policy platforms for voters to choose from. In the new African democracies the overwhelming judgement seems to be that parties care little about presenting clearly distinguishable policy platforms. The general assessment of election campaigns is that they are dominated by personality issues and claims and counter claims to the merits of the individual candidates. Clearly there are many aspects of maintaining democracy but the most relevant to this research report is the electoral process and elections.

The above shows the interconnectedness of competitive party systems and elections which one does not deny. The study itself looks at elections specifically to assess the impact of democratic reform in Africa and how democracy is perceived. It is important to document electoral violence in the electoral process, most countries throughout Africa prepare for this eventuality due to party intolerance, disgruntled civilians and other factors. The issue of democracy is ever pressing; Africa itself waits for a time when all ethnic groups will live in peace, civilians have control over their governments, governments and civilians interacting to keep democracy alive. Thus the research report uses Zimbabwe and Kenya as case studies in investigating the difficulties of attaining and maintaining democracy. The research report will suggest that citizens can aid in maintaining democracy forward.

1.5 Theoretical framework

There is no one theory that explains why Africa is the way it, it would be ideal considering the confusion that rests among scholars. There is no one box we can fit the problems into. Therefore the research report will show two theories that each carry some importance in bringing clarity to the issue at hand. The two theories which will we discussed are Patrimonialism or Neo-patrimonialism and new democratic theory otherwise known as Participatory democracy theory. The reason for Patrimonialism is to show that there has been a system of patronage and client relationship that African politics have always operated. The reason for the use of the New democratic Theory is to show that the decision making

process can also be undertaken through partnership with the citizenry which is the ideal situation. These two theories show us where Africa and its state come from and where it should be ideally experiencing a new kind of democracy.

Scholars who study the theory of patrimonialism do not agree on the definition. According to Theobald (1982:548) patrimonialism has been linked with or treated as synonymous with patron-client relations. She further says there are two types of patrimonialism: one is found in those increasingly few regimes where legitimacy is still based upon traditional grounds and the second type is personal rulership which does not require any belief in the ruler's personal qualifications but is based mainly on material incentives and rewards. Pitcher et al (2009:126) disagrees with the above view of patrimonialism, they say patrimonialism was not a synonym for corruption or bad governance, violence or tribalism or weak state. It was instead a specific form of authority and a source of legitimacy. Pitcher et al (2009:137) further state that many scholars have begun to recognize the limitations of the concept for explaining transition to democracy and variations in politics and policy among democratic regimes. This has resulted in more judicious uses of the term and greater recognition of the possible coexistence of neopatrimonialism with formal democratic procedures as well as the interpenetration of the two. This shows that the theory needs to be further dissected in future, allowing opposing scholars to see what definitions and explanations of the concept are plausible.

Africa is not immune from the global challenge to authoritarianism. Between 1990 and 1993 more than half of Africa's fifty two governments responded to domestic and international pressures by holding competitive presidential or legislative elections. The dynamics and outcomes of these transitions vary from country to country. Meaning that in some cases, countries could afford to change the political system. In some cases, a competitive election has led to an alternation of political leaders and the emergence of a fragile democratic regime; more often the transition has been flawed with the incumbent stealing the election and

blocked by the deadlock between the incumbent and the opposition over rules of the political system, at times marred by widespread civil unrest Bratton and van de Walle (1994:453). This is the situation the research report is trying to explain through the use of patrimonialism. Many countries still find it hard to give up the power and security they have, hence so much strife has followed. Bratton and Van de Walle (1994: 459) say some of the new states are not states at all they are virtually the private instruments of those powerful enough to rule. Neopatrimonialism is the most salient type of authority in the developing world because it corresponds to the normal forms of social organization in pre-colonial societies.

According to Theobald (1982:550) patrimonialism plays a major intergrative role in the new states where the political center tends to be organized around the division of “spoils” in the form of jobs, economic aid, loans and legal spoils. Typically these spoils are apportioned to the leaders of various groups or factions who then transmit to their followers such resources as are necessary to retain their support. Pitcher et al (2009:131) says African communities were historically organized along patron-client relationships a pattern they now perceive in the contemporary political organization of states. While other states have moved on to newer and more efficient forms of governance, Africa remains in a community centered orientation. What has kept African states from moving on is often left unspecified, a common line of argument is that colonialism while disrupting traditional patterns of authority in some instances also reconstructed and reconfigured patron-clientism so that it survived in traditional form or another. The above argument is yet to be disputed; it has become the norm and reason to why Africa is the way it is.

According to Bratton and van de Walle (1994:466) in neo patrimonial regimes political transitions are struggles to establish legal rules, struggles over the rules of the political game. Political transitions determine the future constellation of

winners and losers in the socio economic realm. These are problems that a patrimonial regime brings and that constantly face regimes that are patrimonial in nature. An ideally democratic society also brings with it many issues, loosers as well as winners but democracy is currently the most preferred ideology. The next part of the section discusses the new democratic theory.

The reason why the new democratic theory was chosen is because it recognizes the importance of civil participation in democracy as well as the importance of the electoral process. According to Killian (2008:2) the new democratic theory offers a critique of both traditional or classical democracy theory and modern democratic theory. At the core of the critique is the weakness of liberal democracy, representative democracy, elitist democracy, pluralist democracy and others in enhancing full participation of the people in decision making in the state and other spheres. Killian continues by saying that according to traditional or classical theory the people are given a negative role, that is, people are involved in little more than passively choosing between options presented to them. This idea is associated with the notion that the elected representatives have greater knowledge and wisdom than their constituents.

Megill (1970:65) puts the ultimate picture in mind; he says democracy today as always means rule by the people that is a social order which is controlled by those who live and work in the society. Even the institutionalists agree with the above statement. According to Breytenbach (1996:15) without participation there is no democracy. The vote alone cannot be an indicator of democracy. He further says the preferable route would be to create institutions for public participation first.

According to Deth (2001:3) democracy is not worth its name if it does not refer to government by the people. When it comes to participation formal procedures like voting ,working for parties or candidates, attending election rallies, attending community meetings ,joining with others to raise issues or contacting elected

leaders can have an educative effect on increasing interest and efficacy as well as building support for democracy, this according to the institutionalists(Chu, Chang and Huang 2004). This points out the importance of the involvement of citizens in maintaining democracy and partaking in certain aspects that keep democracy alive.

The new democratic theory is not a static theory it is constantly being build upon, according to Warren (1992:8), Democratic theories argue for expanding the scope and domain of democracy and assume that democratic experiences will transform individuals in democratic ways. He further states that there are three ways this can be achieved; firstly increased democracy transforms individualistic and conflicting interests into common and non conflicting ones, in the process developing capacities of citizenship that reduce factional threats to rights and pluralism. This suggests how electoral violence could have been prevented in Kenya and Zimbabwe; both countries have identified the need to transforms individualistic and conflicting interests into common and non conflicting ones. This is necessary for peace and democracy in both countries.

Secondly, the transformation needed reduces conflict. They allow the reduced use of power as a medium of political interaction. This increases consensus and governability. Thirdly democracy is then necessary for the values of self development, autonomy and self-governance; these are the values and freedoms presumably which ought to be protected. The above suggested transformations are realistic enough although there is still the issue of how democracy is not easily attainable. There are positives to the democratic theory; it balances democratic participation both from institutions, government and civilians. For the researcher it sums up how democracy ought to be handled.

1.6 Methodology

The proposed study is largely qualitative. Journals, articles and books have been utilized to help unpack the differences and similarities of Zimbabwe and Kenya's democratization processes. These journals, articles and books have helped in understanding the importance of the role of civilians in the electoral process. These secondary sources have been used to interrogate the reasons behind the electoral violence in both countries. Primary and secondary sources have been used throughout this study. Secondary sources include the bulk of the literature i.e. books, journal articles and newspaper articles. Primary sources include official documents from governments, organizations and transcripts from interviews.

The research topic requires extensive literature to be used in addressing the research questions. The bulk of the literature will include journals and newspaper articles.

The Wits libraries have been of great assistance in the information gathering process. The libraries hold extensive access to valuable information. Warteinweiler and Cullen Libraries have some literature on the electoral issues facing Zimbabwe and Kenya. Another benefit is that electronically through the library system one has been able to access electronic databases such as JSTOR, EBSCO Host, Sciencedirect; these databases contain vital contemporary information.

A lot of online based news sites have been utilized such as the Mail and Guardian Online, BBC News, CNN. These have been used in order to give the study a connection to what is currently going on in these respective countries. Online based information has been vital for this study as most issues discussed are contemporary in their nature.

SAIIA (South African Institute of International Affairs) has been of great assistance. It is a research tank that will aid the knowledge of democracy in

Africa. They do have researchers who focus on democracy issues in Africa. Zimbabwe has been a subject of discourse in many of their papers.

The Afro barometer website has aided this study. Their focus is largely Africa and they have written intensely on some areas of the study

Chapter 2

2. Overview of democracy in Africa and Challenges in Kenya and Zimbabwe

"A country does not have to be deemed fit for democracy rather it has to become fit through democracy" **Amartya Sen 1999**

Many African countries have undergone difficulties trying to instill democracy in their respective countries. The process of democratisation has not been without challenges and many of these challenges have not subsided. Many arguments have been based around the colonial history that Africa has which has then translated into problems within government. The discussion becomes challenging when trying to find out what the real challenges of democracy are in Africa. According to Chabal (1998:295) confusion towards democratization is more than definitional, it is analytical and ideological. The heart of the debate is about the nature of power in Africa and possible political trajectories of African countries in years to come. Sadly one realizes that in most cases the power lies not in the people but in the elites in power hence the nature of power is essentially skewed and might take many more decades to fix.

This chapter will briefly look at the challenges of democratization in Africa, democracy as a concept that is flawed and is not without debate. The second aspect that the chapter will briefly look at is the post colonial state in Africa as defined through the democratic transitions in Kenya and Zimbabwe. The third and main section will discuss the differences and similarities of democracy in Kenya and Zimbabwe, looking at how democracy has been carried out in both countries and the challenges thereof.

2.1Democracy in Africa: challenges and obstacles

Democracy is not an easy ideology to enact even for those who claim its part of their history. Africa can only hope that one day a suitable system arises even though it might not originate from the continent. For a long time everyone envisioned democracy to be the light that brightens the 'dark continent' but with each democratic wave Africa fails to fully democratize, in many instances the ideology remains a theory lacking to be practiced. The problem may not lie with democracy itself. There are mixed perceptions about what democracy is supposed to be and the context which it ought to be practiced.

According to Fayemi (2009:103-104) democracy is a system that entails a system of government that allows citizens freedom or choice. He says democracy neither sets conditions for its outcomes nor characterizes itself as anything other than an electoral system. Essentially the value of democracy is the peaceful transfer of power enacted through regular elections. As mentioned before Chabal (1998:295) says that confusion towards democratization is more than definitional, it is analytical and ideological. The heart of the debate he says is about the nature of power in Africa and possible trajectories of Africa in years to come. There are many views about 'democracy' and what it ought to be, again just as there is a theoretical problem there is a practical problem as well. According to Clapham (1993:425) democracy even in the form of multiparty and federal systems, written constitutions, bill of rights, houses of parliament and their related trappings was all too obviously a once off response to a particular set of political circumstances in which the colonial rulers were abandoning power and a new set of nationalistic politicians was inheriting it. For colonialists it was a convenient mechanism for getting out, dignified with the transfer of power.

Although what Clapham alludes to may be true, to many African and other developing countries, democracy was a way for the ordinary man to gain a voice a chance for prosperity and for development to be experienced. Chabal says

(1998:301) democracy is seen as a prerequisite to development and development is taken to be the only way out of the present crisis.

Although many may recommend democracy, many can also see that it comes with its own set of disadvantages.Fayemi (2009:106) states that democracy as a concept is not cast in iron. Consequently in practice it cannot be a perfect system. He says it may not be a guarantee for economic development but democracy holds more potential for enhancing and promoting human development than any other system of government. He (2009:108) further says the fact that a democracy is old does not mean it is likely to be stable. Long established democracies face their own unique challenges, for example they face a growing trend of apathy and disillusionment among voters particularly the young whereas in emerging democracies voter turnout tends to be high. According to Sen (1999:6) democracy is a demanding system and not just a mechanical condition (like majority rule) taken in isolation.

One could say that the moment the politicians and policy makers start seeing that for democracy to work anywhere in the world there needs to be strong citizens who are able to act on the same level that the politicians do. Some may say that this is ideal but most revolutions and ideologies begin with a group of voice either for or against that ideology the same should apply to democracy. Democracy may have some negative connotations but it is mostly perceived to be good for a country.

According to Sen (1999:6-7) there are three ways in which democracy enriches the lives of citizens. Firstly he says political freedom is a part of human freedom in general and exercising civil and political rights is a crucial part of the good lives of individuals as social beings. Secondly he says democracy has an important instrumental value in enhancing the hearing that people get in expressing and supporting their claims to political attention. Lastly the practice of democracy

gives citizens an opportunity to learn from one another and helps society to form its values and priorities. Similarly Fayemi (2009:105) says democracy emphasizes that values should not be forced upon people and stipulates liberty, the separation of power, majority rule and the sovereignty of the people. It gives primacy to political and moral values of equality, reciprocity and respect for the views of others. The role of the citizen in maintaining and promoting democracy is more valid than being a mere constituency in an electoral system, without the citizen democracy as imagined in ancient Greece fails to exist.

According to McFaul (2005:2) there are ten points that make democracy advantageous:

1. Democracy helps to prevent rule by cruel and vicious autocrats;
2. Democracy guarantees its citizens a number of fundamental rights that non-democratic systems do not and cannot grant;
3. Democracy insures its citizens a broader range of personal freedom than any feasible alternative to it;
4. Democracy helps people protect their own fundamental interests;
5. Only a democratic government can provide maximum opportunity for a person to exercise the freedom of self-determination, that ism to live under laws of their own choosing;
6. Only a democratic government can provide a maximum opportunity for exercising moral responsibility;
7. Democracy fosters human development more fully than any feasible alternative;
8. Only a democratic government can foster a relatively high degree of political equality;
9. Modern representative democracies do not fight one another;
10. Countries with democratic governments tend to be more prosperous than countries with non democratic governments.

It is important to note that a country at some point or another may not have all these qualities and revert into being a non democratic state. This largely depends on the kind of leadership that a country has, many democratic leaders choose to have a term or two but many leaders want to live out their entire lives in the presidency which highlights their non democratic nature. This brings us to discussion of the challenges that face Africa as a whole and many times it is due to governance and leadership that democracy is not fully experienced.

According to Clapham (1993:423) the democratization process reflects a crisis in the African state itself which is becoming clear. Democracy has destabilized most states instead of being useful. He says the major obstacles to democracy in Africa lie as they have always in the absence or inadequacy of the social, political and economic conditions. These conditions foster a sense of identity needed to make accountability possible and thus to institutionalize democratic methods such as a regular and respectful way of organizing political life. This statement reflects on the rhetoric that the African state as known is an imported idea that has caused many challenges. Clapham says one of the obstacles to such a sense of identity has been the grotesque artificiality of the state itself. Similarly according to Khagram (1993:55) Africa Is still not ready for democracy and the most that can be expected from these current processes of democratization are softer forms of authoritarian rule. He says the democratic transitions that took place in numerous countries will most likely leave extant social and economic inequalities intact but can be quite genuine nonetheless. This then brings us to the issue of the post colonial state.

2.2 Post –colonial state in Africa: towards democratic transitions

In the 1950s and 1960s it was African nationalism, social change,decolonization,political instability and economic development; in the 1970s, it was military and one party rule and economic prosperity; in the 1980s, re introduced to civilisation and transitions to democracy, economic recession, structural adjustment, internal war and the virtual atrophy of some states in the empirical sense, governance and foreign debt and in the 1990s,increased marginalization of Africa in the global system, collapse of national economies, escalation of internal war and civil strife and democratic transition (Osaghae 1995:186). This is a picture that explains Africa's political economy of transitions over a couple of decades. Democratic transitions remain a poignant mark of the continents' history.

This part of the chapter will discuss the post colonial state in Africa particularly the transitions towards democracy that took place in the 1990s. Much of what has not happened has been because of the imported nature of the state in Africa hence its continuing struggle towards democracy. According to Khagram (1993:60) transition, the initial phase of democratization has been designated as the "interval between one political regime and another". Transitions he says are "delimited", by this he means on the one side it is the launching of the process of dissolution of an authoritarian regime and on the other by the installation of some form of democracy. It could also be the return to some form of authoritarian rule or the emergence of a revolutionary alternative. It is also possible that transitions may produce a hybrid regime or be completely inconclusive and descend into anarchy. As stated before a transition can be defined as an unknown interval and can transform into any kind of regime. Khagram says this is due to its delimited nature of transitions. These transitions are flexible and might not be democratic. This is why he further states (1995:63) that due to the extreme uncertainty of transitions, they loose the structural conditions that normally constrain political

behaviour. One could say that these structural conditions allow for a clear sense of direction towards democracy or any other political systems.

From the above one can say that transitions are rather short-term unless the effect that they produce is long lasting. Then the ideology such as democracy can remain constant and gradually become advanced. According to Kaufman and Haggard (1997:263) the approach to the political economy of democratic transitions stresses the effect of short term economic conditions on the bargaining power and interests of incumbents and opposition. They further state (1997:264) that democratization is the crafting of alliances in the transition process.

Osaghae (1995:187) states that problems of frameworks for analyzing democratic transitions in Africa begin with the definition of the concept of transition itself. It is defined as the interval between one regime and another; more specifically, it is the process of change from an authoritarian regime to a democratic regime. It involves erosion of the past and construction of the future. The concept of transitions as an interval is not well suited to the study of political transitions. He further (1995:188) says the prevalent assumption that transitions to democracy are a new experience is conveyed by notions of democratization as a learning process. This has to be replaced by one that sees it in incrementalist terms as a continuation of previous efforts. The learning of democracy is indeed an old process which began in most countries with the transition from colonial rule. In addition Kaufman and Haggard (1997:265) say it is now impossible to formulate a theory of democratic transitions that does not explicitly address the strategic interactions between and within government and the opposition. This is why the significance of the opposition will be discussed in the next chapter. It is also important to re-emphasize from the above that the interval between one regime and another does not mean a transition towards democracy.

One could say that another problem that made transitions problematic in Africa was the issue of the contested nature of democracy. Many African scholars still claim that it is not suited to the African context. This means that it might still be perceived as an external ideology. According to Osaghae (1995:187) current democratization is a Western project and there is a need to properly situate its construction. He says the West must be careful to assist the organic development in each country.
The underlying factor comes from democracy itself being an imported ideology. Africa is not accustomed to this western ideal. According to Fayemi (2009:102):

> "The forces that led to democratization were both internal and external. Internally, it was occasioned by the development failures of many African states in the 1980s and in particular the mixed and meager accomplishments under structural adjustment programs. This demand for improved governance led to the rise of pro-democracy movements in African states, which resulted in concerted popular agitation for change. On the external front, there were serious concerns from international agencies and donor nations on the autocratic regimes in many African states. The pressure from the international scene for universal human freedom and life with dignity coupled with promises of improved bilateral relations for non-dictatorial states stimulated the internal drive for democratization in Africa. "

Similarly Chabal (1998:291) argues whether political liberalization was driven by internal political dynamics or the outcome of external faction. He says those who stressed the primacy of internal factors highlights five factors; erosion in the legitimacy of the one-party state, the decline in all aspects of state capacity, the failure of development, the depth of the economic crisis,and lastly the strength of political protest or pre-democracy movements. In contrast Chabal (1998:293) says those who emphasize the external factors look at three aspects; a more conservative outlook on North South relations, secondly the widespread imposition of structural adjustment programmes and lastly the collapse of communism and the end of the cold war.

The internal drive shows that there was a need for democracy, perhaps the people wanted a change, this shows that citizens have long been active politically but along the way they were silenced. One could say that the external drive was more pressure-filled and could have led more to democracy than the internal drive which is still questionable. Furthermore Fayemi (2009:114) quotes Wambia dia Wamba who says democracy in the form of the Western multiparty system is unsuitable for the African situation; he says one cannot democratize Africa by imposing the western democratic system on the African situation from the top. Similarly Bujra (2005: 12) says it is not possible to transfer political institutions across nations which have different historical experiences and different civilizations and cultures. He further says democracy often is not fully practiced by those countries claiming impeccable democratic credentials.

Democratic transitions also highlight different actors in the process, with reasons ranging from change from autocratic regimes and economic issues .According to Haggard and Kaufman (1997:265) the first actors in the transition process are political elites whether in the government or in opposition not interest groups, mass organizations, social movements, or classes. The second group of actors are typically defined in terms of their orientation towards regime change hardliners, softliners, moderates or extremists rather than by interests rooted in economic structures and conditions or institutional roles. The third group behave strategically their actions are influenced by expectations concerning the behaviour of allies and rivals. Finally democratization is the outcome of explicit or implicit negotiations; new institutions are bargains among self-interested politicians. For so long the deciding power belonged to the elites. Actors need to include social movements, citizens and different classes of people. Because of this it can be argued that earlier transitions were not appropriate because they failed to truly entrench democratic systems but they have important lessons which need to be factored into current transitions. The lessons from the past is that successful transitions or democratic consolidation does not simply mean the

defeat of undemocratic rulers like Kamuzu Banda or Kenneth Kaunda but the putting in place of democratic institutions notably multi party systems, bill of rights and free and fair elections (Osaghae 1995:187).

Full transitions at any particular point in both Kenya and Zimbabwe were difficult to achieve due to various actors and issues involved. According to Chabal (1998:289) Kenya exemplifies a process of blocked political reform in which the determination of the president to hold on to power and the division of the political opposition has combined to prevent a change of regime. The experience of Kenya seems to indicate that where a regime wants to prevent democratic change it can find means to do so. One could say the same when observing Zimbabwe, since independence there has only been an autocratic regime which has supposedly undergone the transition from being authoritarian to democratic in nature. The problem with Zimbabwe's democratic transition is the fact that it has been a one party state and consequently the same incumbent president. The transition has been one dimensional in terms of leadership. According to Peter (2003:2) ZANU-PF standing for re-election many times raises the central problem in the probable transition which is accountability. One could say there is a need to be accountable towards change. This also means that the constituency is not holding the party accountable through elections.

Briefly looking at the state after independence, it was inherited intact and in the view of many people the present Kenyan state and most African states are simply an expanded form of the colonial state which were inherited in 1963, institutions, laws, culture and since then the independent state did not reform what it inherited in order to bring about social transformation Bujra (2005:16). As stated before Clapham (1993:425) says democracy for colonialists was a convenient mechanism for getting out dignified manner and the transfer of power. According to Bujra (2005:21) the faction of the political elite which took over power in Kenya from the colonialist , failed to initiate policies which would eventually lead to the fulfillment of the nationalist goals for wanting independence

namely nation building ,eradication of disease, ignorance and poverty. Much of the same could be said about Zimbabwe, the freedom fighters enjoyed so much power and wealth and forgot to equally distribute.

This shows that Africa as whole experienced difficulties in taking up the democracy cause, there were so many factors which still inhibit democracy. Although some scholars still allude to the idea that the transition to democracy is a Western notion, one could say not much effort has been put into making sure that the system succeeds because of varying reasons such as corruption and patronage politics that still rule the continent. This has been described as personalized rule which still exists. A country needs to be fit through democracy.

2.3 Kenya and Zimbabwe: Democracy and its challenges

It has been noted in the above sections that democratic transitions do not churn out the same result from one administration to the next. When it comes to Kenya and Zimbabwe democratization has been hard to achieve and in both countries has not been presented on a full scale. Concepts such as democracy or even democratic transitions have to be carefully used.

In the 1960s and1970s Kenya was often portrayed as one of the few successful democracies in Africa; this image was reinforced by the occurrences of regular elections, the peaceful transfer of power from President Jomo Kenyatta to Daniel Arap Moi in 1978 and the absence of military coups so rampant elsewhere in Africa. Kenya was often said to be the best that Africa could hope for (Maina 1992:122). Similarly after independence in 1980 Zimbabwe was said to follow in Kenya's footsteps, it had a flourishing economy and was said to be the bread basket of Southern Africa. Its success superseded that of Kenya.

Achieving independence was great for both these countries however striving for democracy was very difficult. From the 1980s Kenya faced a downward spiral; in 1988 queuing in front of candidates replaced the secret ballot in parliamentary elections in spite of popular protest. This arrangement intimidated many votes and reduced a once vibrant parliament to a "rubber stamp parliament" after the 1988 elections. Many intellectuals were forced into exile where they advocated for human rights in Kenya (Maina 1992:123). Similarly around the 1990s the hope of a democratic Zimbabwe was dashed. Instead of expanding the economy had begun to contract, from being the bread basket the country had become a basket case. Instead of providing an anchor of stability in the Southern region, Zimbabwe was now a potential source of both political and economic turmoil thereby undercutting the region's efforts to lure investment for growth. (Sachikonye 2002:18)

This shows a lack of being able to sustain a transition into democracy. The crisis in both countries has continued, this not only an issue of multiparty elections and elections in general. According to Fayemi (2009:104) democracy emphasizes that values should not be forced upon people and stipulates liberty, the separation of power, majority rule, and the sovereignty of the people. Democracy gives primacy to political and normal values of equality, reciprocity and respect for the views of others. All the above have been unattainable in both countries. People in Zimbabwe are still forced to entertain the efforts of a one party state which maybe a value that is forced upon its citizens. In both governments the separation of power has been a difficult to maintain as well respecting the view of others.

Zimbabwe and Kenya have similar difficulties when it comes to their respective democratization process. It is difficult to trace how exactly democracy has been achieved due to the fact that there are no criteria in achieving democracy. What has been known and shown is how a country looses democracy that is through human rights violations, lack of competitive elections, lack of free and fair elections and largely a repressed citizenry. However on the other hand these countries have some similarities. Firstly leadership is a constant challenge and seems to have no sense of direction, leaders want wealthy and healthy countries but most of the wealth lies in their own personal coffers. The highly personalized rule still exists to this. A point of difference exists in the nature of politics. In Kenya the political issues are largely filled with ethnic issues and in Zimbabwe one party and its leader continue to somehow intimidate the people into electing the his very own party.

Both countries face a weak opposition, Kenya introduced opposition politics in 1991 but recently has had to enter into a coalition government. Zimbabwe has

with the least effort allowed opposition parties to canvass freely; it has also recently signed a coalition deal. Civil society is both active in both countries and that factor has helped keep democracy as well as human rights issues intact, although that has at some point become a contentious area. Revolt has also been the nature of politics. In both countries there has been unsatisfied majority of the constituency and this has aided ongoing tensions among citizens due to party rivalry and politics. Kenya's politics has been filled with ethnic as well as political tensions. Although Kenya has various official languages the Luo and Kikuyu are at the centre of the issues.

There are three factors that could have prevented proper transition and progress. Firstly both countries have experienced internal war at some point or another and these could have hindered democracy. This has not been well documented. According to Bermeo (2003:162) most of the theoretical literature on democratic consolidation leaves the connection to war either wholly neglected or seriously undertheorised. Africa has been a place of conflict and war for many decades and perhaps that has been an aspect that is indirectly linked to why some countries have not had smooth democratic transitions and have not been able to protect democracy fully on all levels. This is not to say that democracy can ever be fully achieved by all states perfectly but it is worth reaching a satisfactory level for all concerned.

Secondly both countries being a part of Africa have been subjected to the pessimistic view that Africa was not meant for democracy. (Joseph1997: 363) democratization was not supposed to happen in Africa. It had little of what seemed necessary for constitutional democratic politics. African countries were too poor, to culturally fragmented and insufficiently capitalist; they were not fully penetrated by Western Christianity and lacked the requisite civic culture. This has been echoed throughout literature by many scholars. However this has not

necessarily been the typical case, most African countries such as Botswana and South Africa continue to prove this statement wrong. As much as this is not true, African scholars themselves have been against democracy for countries such as Zimbabwe and Kenya mainly due to the belief that Africa should form an ideology of its own this has also been echoed throughout the paper.

The third factor encapsulates much of what happened in Africa throughout the 1980s the era of structural adjustment. More specifically Kenya and Zimbabwe represent heavy indebted countries because of the foreign aid era. Both countries at some point received aid. Zimbabwe received aid from the British government as well as other donors and Kenya from the United States and other donors. Programs such as the Millennium Challenge Account emphasized that countries need to observe human rights, reduce corruption as well as observe democratic values. According to Goldsmith (2001:413) foreign aid encouraged democracy, one of the goals of the aid transfer has been to encourage democracy or pluralistic national political system where people are reasonably free to express their political demands and hold rulers to account. Democracy in this sense is not identical with competitive elections held at regular intervals. The two do overlap, however elections are often the best tangible evidence to which a democratic system is in place. The aid resulted not in democracy but the opposite in Kenya and Zimbabwe. Goldsmith continues to mention that the United States Agency for International Development (USAID) had promised to give aid to Zimbabwe on the basis of the US Congress' Zimbabwe Democratic Bill. It would give aid pending a certified return to rule of law, respect for ownership of property and freedom of speech and association. Goldsmith says despite the pressure President Mugabe remained defiant.

According to Roessler (2005:210) rather than persuade repressive regimes to open their political systems, external pressure increased the demands on incumbents heightening their sense of vulnerability while empowering opposition challenges. In short political conditionalities acted as another threat to the long

time autocrats, hold on to power and provoked repressive responses. He (2005:211) further says aid blocked the democratization process of highly dependent regimes like Kenya and Malawi where the resumption of foreign aid flows was contingent upon the holding of multiparty elections which are indicative of democracy.

This is not to say aid cannot reach its goals but this has certainly been difficult with most countries becoming highly dependent on aid. Africa has experienced a continuous cycle of being aid dependent and highly undemocratic.

Democracy in Kenya and Zimbabwe has been a highly contentious issue, in recent years both countries have been continuously tested whether they can be democratic. They have both since opted for coalition governments. Levan (2001:3) sees power sharing as a response to flawed elections. It has led to animated discussions because contemporary cases such as Kenya and Zimbabwe raise new questions about government trust, citizen preferences and international involvement. This in both countries one would say is proving to be challenging democracy. The next chapter will discuss the challenges of elections through the lense of elections.

2.4 Conclusion

There have been a number of observations picked up from this chapter; Looking at the first part of the chapter of it has been noted that democracy in general is not an easy ideology to maintain. This is not only true of African or developing countries but developed countries as well. This also highlighted that a lot of work and effort need to be put from bottom to top approaches which may strengthen democracy. At the same there is an ongoing debate about the concept democracy itself and what that entails for countries. This does not help the added confusion that sits with most scholars and presidents on what democracy really is.

The issue of democracy in Africa was also filled with debate with issues ranging from the fitness of Africa to handle democracy, highly personalized rule in Africa and whether Africa should not form its own ideology due to the fact that democracy is not suited for African values because democracy is a western ideal.

The second part of the chapter discussed the post colonial state in Africa and its democratic transitions. It is in the transition phase a country moves from one regime to another. As pointed out it is not always true that many transition become automatically democratic and on the other hand the countries may sway back and forth between democracy and authoritarian regimes. It was noted in the section that most African countries from the 1980s onwards had various reasons behind democratic transitions; many of them opted for democracy because there was a promise of economic prosperity from external actors

Finally the aspect of Kenya and Zimbabwe's democratization processes proved to be difficult. At some point or other both these were considered highly democratic and they were heading towards economic prosperity. Foreign aid also impacted the countries instead of becoming progressively democratic. Aid made both countries dependent and susceptible to conditionalities.

Leadership has proved to be a challenge towards democratisation. Zimbabwe has been ruled by the same leader since independence and Kenya has had leaders who opted to cling to their power.

Democracy is a process; it does not flourish overnight and does not flourish on its own. Democracy needs to be nurtured it needs to be work for and it needs to be worked on. An African country needs to learn to be fit enough for democracy. A country as parts of Africa have shown a country does not necessarily need to be deemed fit for democracy.

Chapter 3

3. Elections in Kenya and Zimbabwe

"While it is true that elections are at the core of democratic politics, there must be some danger that the present obsession with elections will obscure processes of political change" Chabal P 1998

Elections form a great part of democracy itself, a country cannot change government without having elections. Democracy only means that the people have the opportunity of accepting or refusing the men who want rule them. Elections symbolize popular sovereignty and the expression of the social pact between the state and the people. Adejumobi (2005:60). At the end of the day a country that is said to have successful elections is consequently said to have democratic values. There is a nexus between democracy and elections.

Elections whether successful or not carry a message across and are considered to be significant in the democratization process particularly in Africa. To re-emphasise this Lindberg (2006:139) says repeated elections regardless of their relative freeness or fairness appear to have positive impact on human freedom and democratic values. In addition Adejumobi (2005:50) says elections are still a viable means of ensuring the orderly process of leadership succession and change; they are an instrument of political authority and legitimation.

Competitive elections are said to be an intergral part of democracy. It is in this space where the opposition parties and citizens alike get an opportunity to voice out their concerns. It is where society as a whole hands over a report card to the government of the day.

This chapter will firstly look at elections in Zimbabwe and Kenya the past, present and future trajectories of elections. This will discuss elections gone right and those gone wrong as well as the issues surrounding the government of the day.

The second aspect of the chapter will discuss the role of opposition parties in both countries. This speaks to the issue of competitive elections. The opposition together with the citizenry strengthens accountability and legitimizes democracy. The third aspect of the chapter will discuss civic engagement; together with opposition parties citizens can create a strong democratic force. Full participation is important because not only does it promote the people's needs it helps in keeping checks and balances in place.

3.1 Past, present and future of elections

Building electoral systems which are effective is necessary to carry out democratic values. As noted before elections and democracy go hand in hand, this is generally referred to as electoral democracy. Cowen and Laakso (1997:717) say that liberal democratic theory and practice, according to its precepts, involves an electoral system which includes the possibility of both criticizing government policies and actions and offering alternatives thereby enabling a choice to be made between one set of leaders and other and more generally holding politicians accountable for their actions.

"Meaningful elections were largely unknown during most of the post colonial era. Following an initial contest before independence, autocratic, civilian and military governments took control in the majority of countries. The entire sub-Saharan region (48 countries) held only 126 elections for top national office in 30 years through 1989. Most of these elections were non-competitive with an average winner's share of close to 90 percent. The 1990s broke form, during this decade African states held 78 leadership elections or more than half as in the three prior decades. All but five countries in the region were involved. These races became much tighter. The average winners' share dropped more than 20 percent points to around two thirds of the votes cast. This marked improvement over the slow elections typical of the earlier period, though still a lower degree of electoral competitiveness that characterizes older systems" Goldsmith (2001:419)

The above traces elections from post colonial period, all efforts to democratize and follow all liberal precepts have not been easy. Cowen and Laakso (1997:7172) state that since the 1990s more than 30 sub-Saharan states have introduced multiparty electoral systems to choose their national governments. This development is normally understood as part of the cold war 'wave of

democratisation' has led many to think that there is something intrinsically new about such a competitive process being new in Africa. The actual form and content of the electoral process can help gauge the extent to which liberal democracy is being realised.

Elections do not easily translate into democracy; there are various problems within the field. Elkit (1999:28) discuss the fallacy of electoralism which has been increasingly recognized. He says it is a problem that aptly denotes the mistake of confusing the holding of elections with the advent and development of democracy. Electoral systems in Kenya and Zimbabwe have both been marred by inconsistency in their elections. The introduction of competitive elections in both countries also did not go well.

In Kenya the change from one party to multi-party political system affected both the administration and legal environments in which elections occurred. Other factors that affected elections include ethnicity, clanism, and the nature of political parties, personality of individual politicians and in some cases religion. Wanyade (2006:62). As for Zimbabwe, according to Kriger (2005:2-3) the ruling party Zanu-PF has used the same tactics and strategies from 1980 to 2000 and one could say possibly till 2008 general elections. Organized violence and intimidation of the opposition, albeit of varying intensity has been the recurring strategy of the ruling party before, during and often after elections to punish constituencies that dared to oppose it. Other important ruling party electoral strategies and tactics such as the use of presidential powers, repressive laws, gerrymandering, media control, partisan electoral institutions, state financing of parties, and patronage are also present in Zimbabwe.

Briefly looking at the electoral history in both countries, one can deduce that elections have been problematic for both countries not more than one election has been conducted smoothly without bias and irregularities.
Elections in Zimbabwe have always been an unpredictable area, even the 1980 elections had issues of cease-fire violations and electoral violence and intimidation preoccupied all parties Kriger (2005:4). The focus is not the earlier elections but an overview is necessary. Starting from the year 2000 to 2008 the situation electoral situation has gotten worse. Despite many irregularities in the elections, many observers continued to claim that elections in Zimbabwe were free and fair and the people accepted them.

According to Laasko (2002: 438) multi-party elections in independent Zimbabwe have always been arranged in the context of an authoritarian political system. He says before the year 2000 election observers sent by foreign governments where not allowed. Elections in 2000 did not run smoothly due to many factors, the country was facing both economic and political turmoil. According to Kadima et al (2002) these elections where closer than ever in terms of the race. The election days were also peaceful but there was intimidation and violence nonetheless. The Movement for Democratic Change (MDC) was closer to a win with the result ZANU PF 47.2 and 62 seats and MDC 45.6 57 seats. The elections did not end up in MDC victory but there was an immediate shake up within the ruling party's hierarchy. One could say this election was a success on the basis that the opposition gained momentum.

The 2002 presidential elections of 9-11 March were the most significant elections in Zimbabwe. They attracted widespread international political attention (Raftopoulous 2002:413). Raftopoulous (2002:416) says by early 2002 the Mugabe regime had put in place a series of political and legislative measures in addition to countrywide structures of violence in preparation for Mugabe's presidential campaign. The violence he says continued to be used as a tool. These elections violated almost all SADC (Southern African Development

Community) parliamentary forum norms and standards. Voter registration was discriminatory and not transparent. Voter education was disrupted and there was insufficient time for ESC (Electoral Supervisory Commission) to conduct voter education after legislation. This meant that there was insufficient time for the ESC to train its 22 000 monitors all of whom where civil servants in particular the army and police. There were disturbing episodes of violence even during the polling days, opposition polling agents were harassed and prevented from carrying out their work. Baker (2002:1147) this indeed shows that the electoral violence worsened with this election and these elections were fundamentally flawed. According to Raftopoulous (2002:422) the EU and US government had already stated that the pre-election conditions in Zimbabwe ruled out the possibility of a free and fair election. The Zimbabwe Election Support Network (ZESN) declared that there was no way these elections could be described as substantially free.

According to Baker (2002:1145) Robert Mugabe won the 9-11 march 2002 presidential election. He was said to have polled 56.2 of the votes cast, while his main challenger Morgan Tsvangarai of the MDC was credited with 42 %. This appearantly the nature of elections in Zimbabwe the ruling party always wins.

The 2005 elections presented no difference to that of 2002. According to Kagwanja (2005:6) organizing and winning a credible election in 2005 according to the thinking of the ruling party ZANU PF stalwarts offered a viable strategy for self-rehabilitation and adjustment (the isolation and sanctions imposed by the international community). He further says the repressive system of governance introduced during the 2002-2004 hiatus remained intact making the platform of electoral competition uneven, casting into doubt the freeness and fairness of the poll held in 2005. As with other elections ZANU PF won the elections. Elections cannot claim success If they continuously fail to transfer power and reflect a changing society.

The 29 March 2008 elections were a controversial one –candidate presidential election run –off. 27 June 2008 that resulted in the disputed re-election of the incumbent with an unprecedented 85% of the vote. Consequently Zimbabwe has been under a de facto government since March 2008. According to the Solidarity Trust (2008:6) the June election went ahead as a one man race with Mugabe winning a landslide victory recording. Badza says Zimbabwe has shown that instead of being the necessary or ideal democratic tools for non-violent positive political transition in most young democracies of Africa, elections can be manipulated to prevent changes to an undesirable status quo. This is most likely if some strategic state institutions perceive their deeply entrenched positions and interests to be threatened by such necessary changes.

The 2008 produced turmoil, not only was the MDC robbed of their victory there was a lot more violence reported, many people were displaced, killed or arrested. According to the Solidarity Trust the period preceding the March elections was relatively peaceful, the horrendous violence that marred the period leading up to the June election completely undermined the conditions for a free and fair elections.Badza (2008:4) says Zimbabwe has a unique party –state political system with superficial trappings of political pluralism. There are no visible distinctions among the state, the incumbent party and the leader. Consequently most if not all institutions of government are perceived to be instruments at the service of the party-state. One can only hope that future projections will mean that the electoral system is revised to make the state is separated from party politics. The coalition government formed where Tsvangarai became prime minister has not been working out and will be discussed later in this section.

The situation in Kenya has a similar tone to that of Zimbabwe in regards to multiparty elections. Multi party elections were introduced in 1992. According to Brown (2004:327) a new era of multi party politics begun when Daniel Arap Moi repealed the constitutional clause that enshrined the Kenya African National

Union (KANU) as the sole party. Moi won the presidential elections and secured a majority in parliament in the following two general elections held in December 1992 and 1997. This was made possible by a blatantly uneven playing field and the ruling party's use of panoply of devious practices ranging from gerrymandering and stuffing of ballot boxes to violent intimidation and even ethnic cleansing facilitated by the opposition's fragmentation. For some the overall acceptability of the1992 elections flaws and all meant that Kenya had undergone a transition to democracy, even if it was not a liberal democracy. Similarly BBCNews (1997) says multiparty presidential elections took place on 29 December 1992. Moi won a fourth term of office. Although the election was widely viewed not to be free and fair a commonwealth monitoring group assessed that the election outcome reflected the will of the people.

The 1992 elections represented two things: the importance lay in the fact that apart from the little general elections held in the aftermath of the split in the ruling KANU and the Kenya People's Union (KPU), they were the first multi party general elections since political independence in 1963. Secondly they represented an example of an attempt to restructure an authoritarian state through political conditionalities.Ajulu (1993:98) these elections presented an opportunity for Kenya to build itself economically and politically. Ajulu (1993:100) further says like any other elections, the 1992 general elections were questioned as to whether they have successful and free and fair. According to Oyugi (1992:41) the 1992 general elections showed how ethnicity continued to be a major force influencing the behaviour of politicians and voters alike.

The 1992 elections represented a beginning a transition not only into democracy but into multi party elections. The 1997 presidential elections were expected to be somewhat fairer and freer than the 1992 presidential elections. According to Ajulu (1997:275-276) the 1997 elections presented a number of situations; it allowed political parties to participate, expanded the number of political parties

grew rapidly. The elections almost never happened. The run up to the elections had provoked a series of violent confrontation between the security apparatuses of the state and the opposition alliance. Ajulu (1997:278) says it became obvious that the democratization experiment in Kenya appeared to be getting nowhere. Six years after the opening of the democratic space, politics, political institutions and the whole concept of governance remains stuck in the authoritarian quagmire of the past. Lack of broader participation in decision making process and the absence of consensus around important issues of governance appeared to be the norm. No progress was made with the 1997 elections in terms of getting closer towards liberal democracy.

The December 2002 election marked a milestone in a process that had begun a dozen years earlier, was comparable to that of landmark votes in Zambia (1991) and Malawi (1994), when long-ruling autocrats went down to defeat at the hands of aroused elections. Ndegwa (2003:147). The 2002 presidential elections presented success and change considering the change of leadership that these elections brought. Ndegwa (2003:148) says comparing 2002's tallies with the presidential results from 1992 and 1997 a number of things can be noted. First, the winning candidate won more handily in 2002 than in 1992 and 1997. Moi winning 36% in 1992 was not much more than half of the vote share that Kibaki picked up ten years later (Kibaki received 20% in 1992 as the opposition vote fractured due to ethnic rivalries and machinations of Moi and KANU). In 1997, Moi took 41 % to Kibaki's 31 %. Secondly, Kibaki's 61 % 2002 share falls precisely between the 64% and 58% that all the opposition presidential challengers mustered collectively in 1992 and 1997, respectively. This tends to support the argument that the opposition wasted excellent chances of capturing the presidency on both those previous occasions. Another way of putting it would be that the 2002 victory by the opposition was a victory ten years delayed.

Kenya was indeed fortunate that these elections were successful. They showed how resilient the citizenry can be in demanding liberal democracy and in showing the government how badly they were performing. These elections have proved that the electorate can have a significant voice in political debates. However this being the case the 2007 showed a level of regression politically in Kenya mainly due to ethnicity.

According to Kwaja (2009:40) Politics in Kenya in the run up to the 2007 elections was no doubt influenced by ethnic concerns; voters, parties and policies were distinctly placed along ethnic cleavages. The incumbent, Mwai Kibaki is Kikuyu and his main rival who is the front runner Raila Odinga is Luo. Class is not the only reliable predictor of political loyalties and voting behaviour. Even more powerful are the constructed identities of ethnicity or religion. Elections in Kenya from 1992 to 2007 have shown how determined the political class is to cling to power and not mind the cost implication to the system. The United Nations report (2008:7) states that the period leading up to the elections was marred by several incidents of violence which were directly or indirectly related to the campaign itself. Meanwhile in it's monitoring of the pre-election the human rights situation in 79 Constituencies, the NGO Kenya Human Rights Commission (KHRC) reported 36 cases of political violence that left at least 20 people dead and more than 60 injured.

This scenario already paints a dim picture of the 2007 elections were going to turn out. Beyond issues of ethnicity the need for PNU to hold on to power like Moi was disturbing. Kwaja (2009:38) notes that without genuine political competition there is no realistic chance for change according to the will of the electorate, the fundamentals of electoral democracy are undermined.

According to Dagne (2008:2) on December 27 2007, millions of Kenyans went to the polls in Kenya's fourth multi-party elections, with the hope of strengthening the institutions of democracy and most importantly of bringing about change.

Several months before the December elections a number of polls indicated that the incumbent president trailed behind opposition candidate Raila Odinga. Although the polls suggested that Raila Odinga would win there was a delay in announcing the results. Dagne (2008:3) further says that president Kibaki was quickly sworn in as president while international and domestic election observers declared the election rigged and deeply flawed. The EU report concluded that the 2007 General elections fell short of key international and regional standards for democratic elections. Most significantly they were marred by a lack of transparency in the processing and tallying of presidential results, which raises concern about the accuracy of the final results of the elections.

The 2007 elections as a democratic experience failed. According to the UN report (2008:1) at the end of December widespread violence broke out in Kenya following the announcement of the results of the presidential elections on 27 December 2007. a lot more violence and speculation occurred after these elections and just like Zimbabwe, Kenya had to go into a coalition government with Mwai Kibaki as the president and Raila Odinga as the prime minister, this after much negotiation and mediation. This aspect will be discussed later in this section as to whether coalition governments are successful and whether Kenya and Zimbabwe have succeeded.

In order to deduce whether Kenya and Zimbabwe are capable of having free and fair elections, one needs to find out what kind of democracies they are. According to Elklit (1999:29) Kenya and Zimbabwe can be described as pseudo democracies, which are less than minimally democratic but still distinct from purely authoritarian regimes. They have legal opposition parties and perhaps many other constitutional features of electoral democracy, but fail to meet one of its crucial requirements: a sufficiently fair arena of contestation to allow the ruling party to be turned out of power. Pseudo- democracies obviously take different forms but the common denomination is that they tolerate the existence of opposition parties.

The above could to some extent explain what the situation has been in Kenya and Zimbabwe. At some point or another in both countries the ruling party was set in stone and no one could move it from power. To this day it is a difficulty facing the opposition parties. How then can elections be free and fair when the slate is not balanced? Elklit (1999:33) says one can question to a considerable degree what actually happens before the polling day and even before the electoral process started. He says the focus has to be on the pre-polling period if one's intention is to improve the quality of elections in a democratic perspective, he implies stressing the presence of ,respect for and unhindered use of relevant political and civil rights and freedoms. He further says free and fair elections are the culmination of the process not the beginning. Until other rights and liberties are firmly protected free and fair elections cannot take place.

3.2 Opposition parties: for or against democracy

Opposition was regarded as essential for a democratic process. One of the practical rules of politics which works out in normal functioning democracies is when there is open party competition and free elections, parties, governments and opposition seek the support of the large middle spectrum of voters. Democracy does not divide political parties but instead exerts a constant pull on the parties drawing them together. Cowen and Laakso (1997:726)

Competitive elections are just as important in maintaining a balanced view and in enabling effective power transfers. In general terms competitive elections do give the constituency options. Cowen and Laakso (1997: 726) further say that the opposition neutralizes extremists. The party competition is basically not divisive as commonly thought but unifying instead. Bogaards (2000:163) has noted that what stands out at the end of the decade is the seeming paradox that the re-introduction of multi party elections and the demise of one party state has resulted in one party dominance and single party rule in so many countries. Either the authoritarian regime has managed to cling to power through the ballot box or a democratic opposition has won an absolute majority in the transition elections and consolidated its position since. Looking at the case studies at hand one can say that Zimbabwe and Kenya fit this mould. The reigning authoritarian regime in Zimbabwe has kept its power through the ballot box. Although Kenya has embarked on a coalition government one party governed the country for decades before transferring power partially.

The opposition or political parties are significant for a number of reasons; according to LeBas (2005:4) parties are crucial institutions of democracy they structure political competition, aggregate social interests, serve as a primary link between elites and masses and even build trust in democratic institutions. Bogaards (2000:171) shares similar views, he says opposition parties have three

functions namely; they constitute an alternative government. Secondly they provide an institutional outlet for dissent and lastly they criticize the government of the day in public debates. In addition Randall and Svasand (2002:30) emphasise that no political order can be democratic which does not rest on the right of citizens who are entitled to vote in or out the highest officials. However the political party is the most effective vehicle for mobilizing voter support for electoral office. The institution of a multiparty system is indispensable to the principle and practice of democracy.

It is important to note that in most cases the weakness of popular opposition has facilitated continued rule by incumbent authoritarian elites (LeBas 2005:1). According to Cowen and Laakso (1997:730) the weak institutionalisation of parties in the multiparty system makes that system extremely fragile. The step from many parties to no parties system is extremely fragile. The process of changing from many parties to no parties and from no parties to many parties is an easy one. In their institutional weaknesses, the no-party system and the multiparty system resemble each other. They may resemble each other because they both require a lot of structure and mobilisation. The point to emphasise is that elections since 1990s have generally been multi-party, and that the strategies of many African governing regimes have been directed precisely at making opposition parties as institutionally weak as possible**.**

The above is a view that has been studied over a period of time. It does seem that even with the introduction of multi party system, Africa still has major obstacles in fully democratizing, and as noted above opposition party is also an intergral part of the democratization process.

In the post independence period Zimbabwe had opposition parties. According to Kriger (2005:3) some of the parties were the United African National Council (UNAC) and ZUM (Zimbabwe Unity Movement). Opposition politics in Zimbabwe have always taken place on an even plane; Kriger (2005:6) says that for the 1985

presidential elections ZANU-PF promoted a one party state. This makes it clear why Zimbabwe is still a one party state and just tolerates opposition parties. Zimbabwe had a few rivals but they were pushed out due to a unity accord that was signed between ZAPU (Zimbabwe African People's Union) and ZANU to form ZANU PF. According to Kriger (2005:13) a unity accord was signed between ZANU and ZAPU. He says other parties like ZUM (Zimbabwe Unity Movement) and CAZ (Conservative Alliance of Rhodesia) tried to emerge in the 1990s but intimidation and violence was used to make the parties loose elections.

In Zimbabwe, the opposition ZAPU survived the shift from Proportional Representation (PR) to plurality for the 1985 elections quite well due to the concentration of its electorate. In 1980 under PR the results were ZANU (57), ZAPU (20) and UNAC (3). In 1985, under plurality the results were ZANU (64), ZAPU (15) and ZANU (Sithole) (1).The disappearance of opposition in Zimbabwe is the result of the unity accord in 1987 between ZAPU and the ruling ZANU of President Robert Mugabe, under very strong pressure from the latter. A new opposition party ZUM which contested the 1990 parliamentary elections obtained 11% of the vote but only two of the one hundred and twenty seats in parliament. Bogaards (2000:169)

Whether under PR or plurality ZANU PF continued to dominate, the likelihood of the situation allowing fair participation of other parties seemed impossible. According to Kriger (2005:31) opponents were cast as reactionary enemies of the state, distinguished in 1990, 1995 and 2000 as mere puppets of the whites. The MDC provided a chance to break the mould and fight for the right to oppose. Compagnon (2000:449) says the MDC was launched in September 1999. According to Kriger (2005:13) the MDC's presence was largely felt in the 2000 elections when it clearly rejected a draft of the constitution that would support land confiscation of the whites.

MDC has shown since then that democracy is important and is necessary. The party always strives for democracy to be realized in Zimbabwe. The ruling party has only sought to suppress their every effort even by means of violence and intimidation.

The hunger for an opposition has always existed in Kenyan politics. According to Muigai (1993:26) widespread discontent followed the 1988 elections translated into demand for the end of a one party rule and the introduction of plural politics. The more the demand grew the more the KANU government insisted that plural politics was not suited for Kenya and it would never allow the re-introduction of opposition parties.

According to Ndegwa (1998:193-194) in 1991 the government legalized opposition parties rather than a wholesale revision of the authoritarian state that had been molded over the previous two decades. The euphoric celebration and anticipation of an end to the unpopular KANU rule soon proved to be for naught. It became abundantly clear in the run up to the general election of December 1992 when the incumbent party took advantage of institutional devices legally in its grasp to overwhelm the divided opposition. Muigai (1993:26) says the reason Kenya accepted a multiparty system was in order to continue receiving aid. In 1990 the United States Ambassador to Kenya Smith Hempstone, fired the first salvo when in a speech to Kenyan businessmen stated that the US would give preference in its grants of foreign aid to those countries which nourished democratic institutions, defended human rights and practiced multiparty politics. This is why Kenya opted to change its political system on the surface but the depth of its system remained authoritarian.

The opposition in Kenya has also faced a lot of challenges. According to Muigai (1993:30) the first challenges are based on resources. The lack of distinction between party and state gave KANU the advantage of employing the massive state machinery and tremendous financial resources in its campaign. Secondly

the chief secretary of the civil service warned civil servants that they must support the government of the day and dismissed the notion of political neutrality. Thirdly, in a number of cases the registrar took too long granting registration of parties, thereby in effect denying the parties valuable organization time. In some cases the registrar refused registration outright.

The opposition in Kenya according to Muigui (1993:32) is weak because it is composed of loose coalitions; there remains an inherent instability in each party. Raila Odinga in the current Kenyan context formed a coalition with Mwai Kibaki and helped Kibaki win the 2002 elections. When the time came for Kibaki and his party to transfer power they wanted yet another term, which shows that parties in Kenya have always wanted to hold on to power for as long as they can. This was very undemocratic on the PNU's party. However ODM as the opposition which can be likened to MDC has always wanted democracy to prevail. These parties have now been compromised for the sake of democracy to have power sharing agreements or coalition governments after the respective elections of 2007 and 2008.

According to Cowen and Laakso (1997: 726) the forms of disunity that characterize governments in new nations are thus often premature. Equally, an opposition which fears and mistrusts the government of the day helps to magnify the fears of a majority party leadership that the opposition in its efforts to achieve power is out to destroy all. In those first years of self government both sides need to recognize how absolutely necessary each is to each other.

This is why the power sharing agreements in each country have served a peaceful purpose and were meant for the ruling parties and opposition parties to work together. According to Moghalu (2008:34) the response of the mediators and protagonists in these crises in Kenya and Zimbabwe has been to negotiate power-sharing deals- coalition governments in which the previous government

and the opposition govern jointly. He further says this approach is not unique to Africa and has been applied in Northern Ireland. It has been controversial and raises the question of whether it is likely to become a convenient route for despots to thwart the will of the people in democratic elections in Africa. One can also see that citizens may be robbed of their choices due to power sharing, although citizens may opt for this choice if it brings peace and stops the violence.

Moghalu states that in Kenya despite widely expressed reservations, the deal negotiated by Kofi Annan, the former secretary general of the United Nations, which was signed by Kibaki and Odinga has held so far. 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 it was signed by Mugabe, Tsvangarai and Arthur Mutambara, a second opposition leader in September 2008.

According to the CNN (12 December 2009) Mugabe said the fragile power sharing government in his country has been given a short life and he intends to reclaim control through new elections. Mugabe's remarks come after renewed tension between him and Prime Minister Morgan Tsvangarai. The two formed a power sharing deal after months of controversy. The unity government has bickered constantly since it was formed in February 2009. The situation in government has worsened to the point that the Prime Minister and his Party boycotted parliament months into the coalition government". According to Baldauf (2009) Morgan Tsvangarai had disengaged from the power sharing deal after one of MDC leaders was arrested on charges of terrorism. Banya (2009) says Mugabe shrugged of the opposition boycott of Zimbabwe's unity government saying he would not yield to pressure to make concessions.
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The unity government has been met with continuous challenges. Tsvangarai and his MDC party stopped attending cabinet meetings in protest against the arrest of a senior official and Mugabe's refusal to implement a political pact in full. This was around October 2009. However the MDC has since returned to parliament.

The situation in Zimbabwe is slowly progressing. There are lessons that can be learnt from this situation. According to Moghalu (2008:35) first and foremost Mugabe only succumbed to a deal due to a combination of factors. The pressure that was placed on Mugabe by his fellow leaders in Southern Africa as well as Mugabe's loss of support among African leaders in the African Union (AU) and the dire economic situation of Zimbabwe.

After a year of the coalition government, some scholars do think that the government has made progress in some areas and some remain skeptic. According to VOA (10 February 2010) interview of Morgan Tsvangarai MDC leader a lot of progress has been made in the country. Progress on the economic front has been made given Zimbabwe's economic situation at the end of 2008. Tsvangarai acknowledged that the pace is slow on the democratisation front. The government staying together after many disputes is also an achievement. The unity government has managed to revitalize the public health system which had collapsed as well as reopen schools after endless strikes by teachers.

Steinberg (11 Feb 2010) agrees with the argument that the unity government in Zimbabwe has had some successes. He says the unity government is functioning and civil servants are back at work, being paid a small stipend. The Zim dollar has been shelved in favour of stable foreign currency and goods have returned to shops. Human rights activists continue to report a decline in abuses especially in urban settings. An ambitious yet pragmatic reconstruction programme was generally well-received by foreign donors and Bretton Woods Institutions.

This shows that there has been progress made by the Zimbabwean government despite most scholars and commentators stating that the progress has been minimal. Steinberg (11 February 2010) says that there four challenges ahead for the Zimbabwean government. Firstly parties must complete the remaining GPA, secondly the constitution must be reformed, and thirdly there must be preparations for new elections. Lastly top securocrats whose power and future are threatened by change must be brought to their heels.

Unlike Kenya's deal, the Zimbabwe deal was only a framework agreement which left several critical details unaddressed. Secondly power sharing reduces the risk of violence but does not address the underlying factors that create conflict in African democracies 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. Thirdly he says power sharing agreements in post election contexts are transitional arrangements but could also become permanent features of governance architecture (Moghalu 2008:38) lastly points to the issue of electoral commissions. He says without independent electoral commissions as organizers and umpires it is difficult to avoid electoral manipulations.

he points out that the fact that power sharing could be a permanent feature might not be suited to the African context and it runs a risk of being chosen as the first option. It is concerning because a lot of time scholars suggest that certain things are not suited to the African context but they fail to suggest what Africa needs. However if it is a necessary evil then it must be done for the sake of peace. Being an opponent to a ruling party that sees itself in power indefinitely is a continuous challenge. Opposition parties need to remain strong at all times.

3.3 Citizen participation and the electoral process

Democracy as a system was created for and by citizens hence it is supposed to enhance and support civil liberties at all costs. According to Sithole (1993:35) unless democracy is sustained by the inner strength of a given society, the democracy project is built on quicksand and may last as long as favourable conditions last. Democracy should find its sustainability from the inner strength of a society, not outside it. Similarly Kitschelt (2000:845) says democracy is the only political regime in which institutional rules of competition between candidates aspiring to exercise authority make rulers accountable and responsive to the political preference which is distributed among all competent citizens. In normative political theory this counts as a strong argument in favour of democracy. This point to citizens at the centre of democracy, unless they demand accountability, transparency and a strong practice of democratic values then governments will ignore their civil liberties.

Voters are often marred by various decisions that they have to make in order to choose who best represents them. More often than not voters are not well informed, they vote for a party if they are intimidated or get paid to do so. According to Kitschelt (2000:848) Voters do not know how their preference for a particular politician is likely to affect the ultimate outcomes of democracy decision making. Even elected legislators face cycling majorities and cannot know how to affect the policy outcome. Parties he says need to address this problem of social choice by working out a joint preference ranking supported by multiple politicians. Voters in turn, may then more clearly anticipate how their choice will affect binding, collective democratic outcomes of the policy making problems.

One cannot over emphasize the important role that is played by citizens in the electoral process. With information as a tool and understanding the impact of their decisions as citizens, they can understand how to participate more

effectively. According to Laakso and Cowen (1997:738) voters have been known to counter party irresponsibility by opting to conceal their own thoughts and actions. Some have been heard to say after elections in Africa: 'I willingly took money from Mr. [X] but deliberately voted against him'. It is difficult to disentangle the effects of manipulation from the feedback which follows when reactions are incorporated into governmental intentions themselves. One can see that electoral practices are sometimes changing due to socio-economic pressures.

This shows the clientist nature of the electoral process that voters often engage in across Africa. Kitschelt (2000:849) says resource-rich but vote poor constituencies provide politicians with money in exchange for material favours, dispensed by politicians when they are in empowered with public office. This exchange builds up practices of rent seeking and market distortion. Constituencies buy protection against market uncertainty. Vote-rich but resource poor constituencies receive selective material incentives before and after elections in exchange for surrendering their role. The material goods involved in the exchange range from gifts in kind and entertainment before elections.

Chazan (1982:170) notes that there are two types of participation that have been apparent in post independent Africa: formal and non-formal participation. The possibility of engaging in formal participatory politics has varied drastically from country to country and from time to time it is possible to demonstrate significant in formal and steady increments in non formal participatory effects. Non-formal ways of participation are an outgrowth of traditional forms of political association.

The term political participation has been highly contested. Some even call it civic engagement. There many movements that try hard to promote political participation of civilians across the world from Ukraine to Brazil. Chazan further says the term political participation has itself been defined in different ways by a

variety of observes. She says some have used political participation to mean political acts. Others have utilized the term in a general sense to mean action which is directed at influencing (controlling, changing, supporting or sharing in) policy making and /or execution in a political structure. One key analyst of participation in Africa she says has stated that “to become involved in politics is to participate”. For some the political act especially of voting constitutes the ultimate sign of political participation. According to a UNDP report (2002:1) development practitioners have focused traditionally on the resources and capacities that exist among state agencies, and potential for voluntary and collective action by citizens themselves has been relatively ignored. The report defines civic engagement as a process not an event that closely involves people in the economic, social, cultural and political processes that affect their lives. Chazan (1982:171) says political participation encompasses political structures and actions whose purpose is to influence and facilitate the influencing of political decisions through the involvement of citizens.

Kenya and Zimbabwe have active civil society organizations and yet participation from citizens is very limited . This can be due to citizens engaging politically only through party systems. Many times they are even afraid to declare political views in fear of violence and intimidation.Tiwana (2009) says citizens should be invited to actively participate in the constitution –making process. Their active involvement should also be sought in election monitoring by both government agencies and civil society when actual voting is carried out. He says there is a need for public information programmes to inform citizens about their civic rights. Information seems to be a great part of the problem. According to Kitschelt (2000:851) in representative democracy citizens do not choose issues but politicians in geographical districts. These representatives are charged with representing their constituencies over an uncertain range of issues. This enables voters to anticipate candidate positions on issues in which voters do not know the parties positions or in which parties do not have positions. Parties must signal to voters more fundamental principles for generating policy stances that would

apply to new and unforeseeable political issue conflicts. He says the second problem is that voters are information misers and typically lack the time and resources to review the candidates and parties' specific issue positions. Instead they are looking for simple and underlying principles according to which parties generate issue stances

Voters need to know that their voices are important and they can put pressure on governments to be accountable and responsible. There have been cases where voters were successful in letting their respective governments know that they are not happy. According to Laakso and Cowen (1997:732), voters could and did punish politicians they did not like, In Kenya, Tanzania, Nigeria and Sierra Leone, surprisingly large numbers of incumbents have been defeated by voters unhappy with their performance. Such results occur in both one-party states and in highly competitive systems.

There are various recommendations on how to get citizens to participate in the electoral process. Laakso and Cowen (1997:743) have their own set of recommendations. The first is the renewal of the right to organise and support political parties, including freedom of association, assembly, and expression of opinions not only in private but also in public (even 'to insult' figures of authority), and secondly above all freedom from arbitrary arrest, detention, and torture. These gains have been hard won and are generally popular. Yet, the extent of mass voter apathy, similarly relative and uneven, means that the second force of democratization, multi-party elections, may be nothing more than another form of manipulation by political elites, sometimes called an elective dictatorship. This it can reasonably be argued has been foisted upon reluctant incumbent parties, including freedom of association, assembly, and expression of opinions not only in private but also in public (even 'to insult' figures of authority), and above all freedom from arbitrary arrest, detention, and torture. These gains have been hard won and are generally popular. Yet, the extent of mass voter apathy, similarly

relative and uneven, means that the second force of democratization, multi-party elections, may be nothing more than another form of manipulation by political elites, sometimes called an elective dictatorship. This it can reasonably be argued has been foisted upon reluctant incumbent.

The UNDP report (2002:9) suggests a number of things as well. Firstly it says governments must include non-state actors in development initiatives as a potential source of enhancing ownership and participatory governance. Secondly the institutional framework for effective engagement requires access to relevant information. Thirdly expanding the participatory process to include marginalized groups can multiply their capacity to improve their own welfare. Fourthly capacity building for engagement can help citizens play an informed role in policy decisions and create political space. Lastly civic oversight is a reservoir of political, economic, cultural and moral resources to check the accountability and transparency of state institutions.

These are some of the things that citizens can embark on in order to have a strong hold over their own electoral process. Democracy cannot exist without an active and aware citizenry. Ultimately it is up to the people to decide what kind of society they would like to have and what kind of government they would like to rule.

3.4Conclusion

This chapter has highlighted the scope of difficulty in terms of elections and democracy. Some might perceive elections to be events that happen outside of democracy while others think that democratic elections should be conducted a certain way. Elections and democracy go hand in hand.

Looking at the first part which examined the past, present and future of elections, several things can be noted. Countries such as Kenya and Zimbabwe have continuously engaged in elections for a number of reasons. First to show how democratic they are and secondly to be perceived domestically and internationally as democratic and lastly for financial aid they had to show that they respected civil rights and democracy. Elections have to be free and fair, they have to adequately represent the voices of the citizens. Elections also do not easily translate into democracy. Both Kenya and Zimbabwe have used elections as an instrument to implement undemocratic behavior at one point or another. What this section showed us is that the elections in both countries were marred with irregularities and violence which often than not were strategies of the ruling parties. Generally elections and their significance cannot be taken lightly and need to be structured, monitored and observed. Citizens need to be involved from the beginning before the polling day.
Opposition parties have a hard task of breaking the mold in authoritarian countries. They are necessary for competitive elections to take place; they create a sense of balance and represent different views. Both countries still have a long way to go in this regard. Even with civil participation in the electoral process, education and information are necessary in order for civilians to engage consciously and effectively. Zimbabwe and Kenya politically and economically still have to make choices and decisions that are different to those made in the past, that show their commitment to their countries, their people and to democracy

Chapter 4
4. How fair are fair elections: electoral violence in Kenya

> "Our bloody elections are part of the tribute we pay for making a fetish of something we could have thrown away. Such a pattern of repetitive violence cannot be dismissed as merely circumstantial. The problem is systemic, systemic problems cannot be solved through improvisation. They require solutions that go back to institutional causes"
>
> **Ayi Kwei Armah, 2009**

Elections are an important way of determining how democratic a country is. Countries in Africa have embraced elections as a path towards democratic transitions. The role of elections has often been confused as a tool for aid; if a country holds elections the international community will view that country as democratic. One aspect of elections that has been difficult in Africa or particularly in Kenya is the concept of power transfer that ought to happen through elections. Many African countries resisted multiparty democracy and elections and opted for one party states and authoritarian regimes.

Amongst other electoral patterns, the issue of electoral violence has been an ongoing problem within Kenya. The electoral violence points to the issues whether elections that are marred by violence are free and fair. A few elections in Kenya have gone without the violence and disruption. There are a number of reasons for this violence such as ethnicity which is a major aspect in Kenya's political arena. Klopp and Kamungi (2008:12) say that though politicians fanned ethnic animosity this does not adequately explain the violence.

This chapter attempts to briefly look at electoral violence in Kenya. The chapter will look at who caused the electoral violence, citizens' response, the role of external actors in making sure the violence subsides and democracy is maintained and the causes of this electoral violence over time. The chapter looks at the 2007 elections where the violence went to extreme levels and caused concern world wide.

4.1 Issues of electoral violence in Kenya

The elections of December 2007 were the most disturbing elections in Kenya's political history. The violence that ensued after the elections results caused mixed reactions both domestically and internationally. According to Murithi (2009:1) the violence following the proclamation of the results of 2007 presidential elections in Kenya was one of the most violent and destructive period's in the country's history. According to Lafargue (2008:1) the widespread violence and turmoil that followed the December 2007 presidential elections will undoubtedly leave a mark on Kenyan politics for a long time. These elections destabilized Kenya as a nation and its people; a lot of people had doubts about the democracy that elections are theoretically meant to bring.

Many scholars have pinpointed many reasons why these elections produced this kind of violence. According to Calas (2008:171) the ethnicising of violence does not seem to be clear while the localization of violence in the country is more often as a result of land issues rather than direct ethnic antagonism. In contrast crime in urban areas has taken the form of unequivocal ethnicisation. Klopp and Kamungi (2008:13) state that the violence in Kenya may have been shocking but from a historical perspective it was less surprising. Kenya has been under repressive government since its colonial formation nearly half a century ago. Kenya has a parliament; the president's office has enormous concentrated power, including power over land allocations, a key resource in an economy reliant on agriculture and tourism.

This alludes to the fact that the poor and the marginalized were fed up of a system that did not enable them to empower themselves over long period of time. Many citizens thought that the December 2007 presidential elections will bring a change. Further more Klopp and Kamungi say that the historical misallocation of property through the executive branch helps explain the salience of land issues as a focus of presidential campaigns, especially in the Rift Valley and along the coast.

According to Zounmenou (2009) the were a number of causes of electoral violence in Kenya; the lack of KEC independence, the reluctance to accept legitimate political competition, the breakdown of conflict management mechanisms as well as ethnic manipulation. Other reasons he cites include the existence of youth militias, incitement and illiteracy. Klopp and Kamungi reiterate the kind of violence that existed. They (2008:12) say that politicians used ethnicity to mobilize votes and deliberately create divisions between the Kikuyu who largely voted for the PNU and the Luo and Kalenjin who voted largely for the ODM. Some local language radio stations made the situation worse by broadcasting inflammatory or hateful messages.

Maupeu (2008:201) says that the cause of the problem is neither tribalism nor politics but rather a long simmering history of glaring poverty and despair, which reached a boiling point with a generation of young Kenyans to whom basic opportunities were not given. (Maupeu 2008:210) further says that all analysts have stressed that electoral violence is a recurrent problem in Kenya's democratization process. It is intimately linked to land policies of the post colonial state particularly those of the first president Jomo Kenyatta.

Kenya's political landscape has always been marred by issues of inequality, marginalization and ethnic tensions. It is very unfortunate that the citizens continue to suffer at the hands of privileged elite. Using ethnicity as a driving point has certainly been a mistake that the presidents and parties continue to make. Democracy is not about race or ethnicity; it is about merging different views and allowing people to participate in the political space that has been created on an equal footing. The unfortunate effect of the political space that was inherited means that proceedings do not happen on an equal footing. According to Kwaja (2009:39) ethnicity in Kenya is tied in complex and contradictory ways to enduring legacies of uneven regional development. During colonial rule central Kenya, the homeland of the Kikuyu became the heartland of the settler economy,

while Nyanza, the Luo homeland languished as a labour reserve that furnished both unskilled and educated labour to the centers of colonial capitalism. Not surprisingly, the Kikuyu bore the brunt of capitalism and socialization and were in the vanguard of the nationalist struggles that led to the decolonization and they came to dominate the post colonial state and economy. This is the history Kenya has one that is encrypted with inequality it is then difficult of break free from this solid cycle.

Many scholars have defined electoral violence in various ways. Zounmenou (2009) defines electoral violence as any random or organized act or threat to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process. According to Maupeu (2008:196) electoral violence can be defined as any act or set of acts that harm or threaten to harm individuals or groups of people, to cause some damage to property: If the acts or the set of acts are aimed at or have the effect of manipulation on the choice of the election results. The damage can be physical, psychological or both. Electoral violence can occur before, during or after an election. Similarly Strauss and Taylor (2009:7-8) say ”that a study of electoral violence should acknowledge that neither violence nor electoral violence is a concept with a consistent social scientific definition. For some authors like Collier violence ranges from civil war to riots, to political strikes and assignations. The dependent variable for state failure (including violence) is a dummy variable for the formation of militias. The broadest level by violence or political violence we mean the deliberate use of harm or the threat of physical harm for a political purpose. Electoral violence refers to physical violence and coercive intimidation directly tied to an impending electoral contest or to an announced electoral result”.

One can say that as much as electoral violence cannot have a consistent definition, there is a common thread in the above definitions. The thread is an acknowledgement that electoral violence is harmful in one way or the other and

that electoral violence happens before, during and after the end of an electoral contest.

One other important thing to note is that electoral violence can be used as a tool to achieve various impacts. Strauss and Taylor (2009:8) say elections are always formal contests between incumbents and challengers, and thus they propose that incumbents and challengers will generally use violence for different reasons and in different circumstances. Incumbents more often than not employ violence to maintain power using the coercive means of the state, while challengers use violence to protest outcomes using non-state means.

Klopp and Kamungi (2008:12) say that Odinga has been the Member of Parliament for Langata, a division of the Kibera slum. He has a history of stirring up ethnic tensions as a part of his campaign strategy. They (2008:14) further say that another key legacy of violence can be traced back to the 1990s when multi party politics was reintroduced in December 1991. politicians in the then dominant KANU party whipped up ethnic hatred and displaced, disenfranchised members of rival communities as a means to hold on to power. Klopp and Kamungi (2008:15) say that violence on both sides of PNU and ODM remains a key issue and has altered the political landscape and thus options for a resolution for the disputed election.

The 2007 December elections changed the landscape in various ways; they highlighted ethnicity as an issue that has been common in Kenyan politics. This caused a split between citizens who ensued violence on ethnic terms and on socio-economic terms. The elections highlighted the need for both electoral reform and constitutional reform to make sure that electoral violence whether post or pre elections does not happen in Kenya.

4.2 Role of Civilians in the electoral violence

The role of civilians is double-edged, the one side points to civilians who take incentives such as money in order to instigate violence and cause turmoil for the opposition or ruling party and the other side shows a citizenry that has been displaced, that is becoming apathetic and that has lost many relatives and friends. This role is not an easy one in a country with a history of marginalization that is ranked according to ethnicity.

It seems as though the citizens had already decided who was going to be their next president. According to Calas (2008:178) the protest and general vote which was higher in urban centers played out in favour of the ODM. But as the elections came this did not become the case. The post election violence resulted in 1000 deaths and 300 000 people were displaced. It is evident that the violence of these elections affected citizens the most. Zounmenou (2009) acknowledges that citizens had a role in the electoral violence and they were among the major actors. He says some citizens engaged in direct acts of violence against supporters of other factions.

What must be realized is that citizens have a difficult role in the electoral process. They are often torn between incentives and doing the right thing. The previous chapter mentioned the clientist relationship that can happen between poor constituencies and the political parties. Kitschelt (2000:849) says resource-rich but vote poor constituencies provide politicians with money in exchange for material favours, dispensed by politicians when they are in empowered in public office. This exchange builds up practices of rent seeking and market distortion. Constituencies buy protection against market uncertainty. Vote-rich but resource poor constituencies receive selective material incentives before and after elections in exchange for surrendering their role. The material goods involved in the exchange range from gifts in kind and entertainment before elections. This is what happened in Kenya and this is the position that citizens find hard to resist.

In terms of the electoral violence, according to Dercon (2008:1) before the election, more than half the Kenyans were interviewed expressed fear of political violence. Only 16 percent of respondents stated that they were unconcerned about becoming a victim of violence of intimidation during elections. Kikuyus were significantly concerned with 66 percent stating that they always or often feared violence compared with 84 percent of the Luo respondents. Similarly supporters of Mwai Kibaki were worried about the violence than supporters of Raila Odinga.This is based on a sample of 1207 eligible voters who were interviewed in 76 of Kenya's 210 electoral constituencies.

The problem that affects citizens is the fact that they are not given enough information about the issues at hand and they are not given a chance or space for their voices to come through. According to Sisk (2008:3) when citizens are provided a direct voice in political life, society's trust of willingness to cooperate with the state in achieving development is strengthened. As such electoral processes are very much about the peaceful management of social conflict through public dialogue, vigorous debate and authoritative selection of leaders through electoral values. That is a good electoral process will allow society on its own to determine the nature of its similarities and differences.

The above allows participation to occur on a leveled scale. Citizens at the end of the day know what they need and require. Though diverse ethnically and in terms of religion it is up to them to determine as mentioned above the nature of their similarities and differences. Citizens have a huge task ahead of determining where loyalties lie in terms of achieving progress democratically. This means being able to resist incentives for voting a particular way or inciting violence. This also means taking a stance against electoral violence.

4.3 Role of External Mediators in maintaining democracy

In the wake of an election crisis in Kenya mediation proved to be very purposeful in preventing the violence. Many politicians in Kenya were reluctant to see external actors in their domestic space. According to Foumunyoh (2009:13) there is a growing realization that investment of time and human resources in mediation can avert conflict and a further deterioration of the overall political and economic wellbeing of a country. For example he says Kenya and Ghana experienced competition and close elections within a one year interval and present instructive case studies on the roles of both domestic and international actors. While the 2008 elections were peaceful in Ghana, the 2007 elections turned violent in Kenya. The difference between these two examples is that Ghana showed the possibilities of mediation internally to prevent increase in tensions and the failure of such prevention mediation in Kenya. Kenya was able to respond to international mediation.

According to Carment and James (2000:175) political leaders respond to international opportunities to promote their domestic interests, most explicitly the security and power of the ruling party elite. Leaders will use violence if it can secure or increase their share of power. This was certainly not the case in Kenya. Founmunyoh (2009:13) says in some cases it is difficult for domestic actors to intervene and resolve conflict because internal actors might drive their own interests and agenda.

Mediators in Kenya were brought in after the post election 2007 headed by Former secretary general Kofi Annan. According to Maathai (20 February 2008) other mediators included Archbishop Desmond Tutu, Tanzania's Benjamin Mkapa and the Chairman of the AU President John Kufuor of Ghana. These international and regional actors put pressure of the government to reform as well as helped avoid further violence. She further says that Kenyan politicians claimed that the representatives of the international community were meddling in the

internal affairs of the country. Mathaai(20 February 2008) says “it may be the nature of the politicians to trivialise the suffering of their own people and play politics with the lives of those they purport to lead but this is the 21st century and the international community will not sit back and watch this happen”.

After the power sharing deal the Kenyan government was slow to reform electorally and constitutionally. Okerafor (2009) says in response to what some are labeling reluctance of the unity government to proceed with reform the international community has decided to put on the pressure. For Instance the Hague-based ICC (international Criminal Court) reacted to the governments’ failure or unwillingness to set up an indigenous tribunal for those who committed and orchestrated the post violence. The ICC has promised to pursue the alledged perpetrators on its own.

He further says the US government had written to some 15 senior unidentified Kenyan political figures and warned them that if they do not take the reform seriously they will suffer consequences including travel bans and targeted financial sanctions. The US is concerned that if no real progress is made towards reform, the likelihood of another major crisis erupting in 2012 will be high. Mathaai (20 February 2008) says the mediators had to pressure the political leadership to appeal to their supporters to stop the violence and give dialogue a chance. The international community was putting pressure on Kenya partly because that is what is expected of the international community. It is a moral responsibility to intervene when life and human rights are threatened.

The Voice of America News (09 November 2009) says Kenyan minister Justice Mutula Kilonzo says if the US is interested in bringing reform President Barack Obama should give Kenya necessary financial aid to modernize the country’s electoral system. The Minister said if Kenya fails to come up with a new electoral system the 2007 post election violence would be a picnic. This evidence shows that the international and regional mediators have been instrumental in promoting

democracy. They have also been instrumental in making sure that the perpetrators of the post electoral violence are brought to book so that constitutional reform is achieved and human rights are upheld.

4.4 Conclusion

What this chapter has shown is that Kenya has a history of repressive government administrations. The post colonial structures still continues today. Kenya has a history of repression and ethnic issues that still exist today as well. The post-electoral violence of 2007 has left the citizens of Kenya more apathetic due to an electoral system that has failed to produce sustainable democracy.

The violence in Kenya has shown that democratization does not come easy and in many times authoritative governments have prevented the change to democracy. It ha also shown that in most cases violence is incited from the top down to the people due to various reasons. One of the main reasons is staying in power. As stated electoral violence can be used a tool for staying power.

The role that citizens had is a double-edged sword some of them causing the violence and others violently attacked. A democracy can never be practiced fully if the rights of the citizens are not met and they are not offered the protection that they deserve and many of them were killed and displaced. The external mediators achieved a lot through a power sharing agreement which served to keep the peace and their pressure on government forces government to listen and acknowledge the rights of the people.

Electoral violence can never be a solution to hearing the voices of different actors, it can never be a sustainable solution to be used by incumbents and challengers to state their positions as it far worse effects on the political climate of the country.

Chapter 5

5. How fair are fair elections: electoral violence in Zimbabwe

> "Our bloody elections are part of the tribute we pay for making a fetish of something we could have thrown away. Such a pattern of repetitive violence cannot be dismissed as merely circumstantial. The problem is systemic, systemic problems cannot be solved through improvisation. They require solutions that go back to institutional causes"
>
> **Ayi Kwei Armah, 2009**

Since independence, the political landscape in Zimbabwe has been in transition towards democracy. Zimbabwe intended to have a healthy economy, the education levels in the country were on a much higher scale than the rest of the continent. It was often described as the bread basket of Southern Africa. Zimbabwe also held regular elections and domestically and internationally remained acclaimed as a progressive African country.

The problem with Zimbabwe as with many other countries arose with the issue of transfering power. For many decades the country has known one president and problems over who is benefiting from the country's wealth will arise. According to Ajayeoba (2009:4) in Kenya and Zimbabwe, the incumbent running for re-election could face humiliation if he is defeated. This means that if Mugabe's party is defeated by the MDC this would humiliate ZANU PF. These are incumbents with direct and personal stakes in the election and its outcome. ZANU- PF which is the ruling party has been known to use violence as a way of staying in power. Similarly Straus and Taylor (2009:8) say that incumbents more often than not employ violence to maintain power.

The chapter aims to discuss electoral violence in Zimbabwe from the main actors to reasons why electoral violence occurs, discuss the roles of citizens and external actors in maintaining democracy. This chapter will focus on the 2008 elections similar to Kenya there was more international concern and focus considering Zimbabwe's continuous decline politically and democratically

5.1 Issues of electoral violence in Zimbabwe

The elections of December 2008 increased the crisis that has been going on in Zimbabwe since 2000. According to Pigou (2008:3) the violence that has prevailed in Zimbabwe since 2000 has a qualitatively different character to previous periods in that it is related both to elections and maintenance of political power through the ballot box by ZANU- PF. He says until the March 2008 elections, the employment of violence and intimidation by state security and intelligence agencies with the assistance of other surrogates and proxies enabled ZANU-PF to retain power through the ballot. This is the regrettable history that Zimbabwe has, as a country with a history of conflict the ruling party has continued with this technique to achieve its way. Kriger (2005:2) says organized violence and intimidation of the opposition albeit of varying intensity has been a recurrent strategy of the ruling party before, during and often after elections to punish constituencies that dared oppose it.

This is how the post-election violence of March 2008 ensued; ZANU PF could not accept defeat.Mugabe expected his party to win. In speeches prior to the March 29 poll, Mugabe made it clear that he regarded the elections as simply an opportunity to show fealty and obeisance to power, and then reap promised and consequent rewards. A vote for anyone other than the ruling party's candidates would be a "wasted" vote. Mugabe also stated on numerous occasions that power would "never, ever" be yielded to the MDC and Morgan Tsvangarai. Presidential candidate Morgan Tsvangarai garnered 47.9 percent of the approximate 2 500 000 votes cast against Mugabe's 43.2 a convincing win but it did not prevent a run off between these two front runners of four candidates. Matyzak (2008:2)

The statement that Mugabe made was true indeed these elections were not a handing over of power but some sort of statement which was announcing where

power will always reside. As stated, electoral violence can be used to maintain power.

According to Badza (2008:9) the actual first round voting day was peaceful and calm. Most polling stations opened and closed as scheduled. Most voters managed to cast their ballots as the queues were relatively short. The police assisted those who needed help. However some voters were turned away for a number of reasons that suggested a poor voter education campaign, one that had been handled exclusively by the ZEC. There were isolated reports of electoral violence. He (2008:10) further states that the opposition claimed that more than 50 of its supporters had been killed and over 40 000 people had been displaced. ZANU PF on their part claimed that its militants were targets of political violence which it held the MDC-T responsible. After the harmonized elections the Zimbabwe Association of Doctors for Human Rights reported that they had treated more than 200 victims of political violence. The battle lines were drawn a long time ago no one but ZANU PF was supposed to win these elections and clearly there was a lot of intimidation involved for supporters of the opposition.

Matyzak (2008:36) says the violence was believed to be coordinated by the Joint Operations Command which consists of chiefs, Mugabe and close advisors. The purpose of the violence was to intimidate and discourage people from voting for the MDC, prevent them from doing so by displacement and confiscation of essential National Identity Cards and to prevent MDC campaigning through the beating, abduction of MDC activists and officials. The violence was intended to be a display to the electorate of ZANU PF's power and that such power has been retained regardless of the result of the 29 March poll. Referring to the 1990 elections, Kriger (2005:19) says post election violence was present against the opposition. She says post- election violence against the opposition reflects badly on the capacity of a party's leadership to promote a civic political culture, the leaders were imposing a different political culture.

The major cause of electoral violence in Zimbabwe has been the ruling party ZANU-PF. It is clear to most that this party wants to remain in power. At some point according to Kriger (2005:22) senior party leaders, including President Mugabe used rhetoric at party campaign rallies to instill fear and anxiety in potential opponents. Mugabe emphasized the importance of unity and asserted that political parties brought conflict, quarrels and instability all of which had no place in Zimbabwe. According to Zounmenou (2009) the causes of electoral violence in Zimbabwe are slightly different than to those of Kenya. The lack of independence of the ZEC, the use of political power to disenfranchise opponents and selective use of law. Furthermore political repression, arbitrary creation of districts and constituencies, labeling of opponents and under funding of the electoral process hence diminished capacity to police it.

One of the solutions that can be presented forth for Zimbabwe at this point is to have fresh elections which will ensure a change of government is. Mugabe has been president of the nations since independence in 1980 and this cannot be healthy for a democracy. According to Armah (2009:32) the problem with state that experience electoral violence is systemic. He says systemic problems cannot be solved through improvisation. Where malfunctions are so serious as to cause regular massacres, it is the entire system that is ripe for replacement not just some defective part.

5.2 Role of Civilians in the electoral violence

It is rather unfortunate that the role of civilians in electoral violence does not change much whether it is Kenya or Zimbabwe. The role of citizens in this regard is still a double edged sword you have those from the ruling side who are mandated at a party level to cause violence and commotion and you have those from the opposition who receive the violence and are ultimately forced to retaliate. These citizens at some point will receive a reward or incentive for this act of goodness on the party's behalf.

One could say that it is apparent from the results of the 29th March poll that Zimbabweans in their majority wanted change. They wanted presidential candidate Morgan Tsvangarai to be president of Zimbabwe so that the country could be ushered into a new era. The number of people that voted across the years continues to rise. According to Pigou (2008:3) these human rights documentation show that levels of violence have been increasingly marked over the past three years with 2007 the worst year for human rights violations since 2000. The Zimbabwe Human Rights NGO forum for example reported nearly 9000 violations is 2007 as opposed to nearly 6000 in 2006. He says it appears that as Zimbabwe edges closer to political transition and the inevitable loss of power for ZANU-PF the levels of violence and intensity increase.

With this loss of power comes the unleashing of a wrath upon citizens. Police and security apparatus cease to protect citizens. The citizenry lives in fear and becomes silent for they cannot choose any other party. They face violence and further intimidation. As stated the before the only solution for Zimbabwe remains a total change of government and perhaps citizens' will gain a voice. At the moment citizens are apathetic towards this change and they have grown weary.

The problem that affects citizens is the fact that they are not given enough information about the issues at hand and they are not given a chance or space

for their voices to come through. According to Sisk (2008:3) when citizens are provided a direct voice in political life; society's trust of willingness to cooperate with the state in achieving development is strengthened. As such electoral processes are very much about the peaceful management of social conflict through public dialogue, vigorous debate and authoritative selection of leaders through electoral values. That is a good electoral process will allow society on its own to determine the nature of its similarities and differences.

As stated in chapter 3, there are various corrections that the government of Zimbabwe can do for their citizens. This is after a regime change and constitutional reform. The UNDP report (2002:9) suggests a number of things as well. Firstly it says governments must include non-state actors in development initiatives as a potential source of enhancing ownership and participatory governance. Secondly the institutional framework for effective engagement requires access to relevant information. Thirdly expanding the participatory process to include marginalized groups can multiply their capacity to improve their own welfare. Fourthly capacity building for engagement can help citizens play an informed role in policy decisions and create political space. Lastly civic oversight is a reservoir of political, economic, cultural and moral resources to check the accountability and transparency of state institutions.

There is more possibility for change in Kenya for the citizens than for Zimbabwe as it stands.This is due to the fact that the coalition agreement in Kenya has been met and adhered to by all parties concerned. One hopes that the efforts of Morgan Tsvangarai to bring democracy come to pass. The consequence of this not happening will cause Zimbabwe into further down spiral.

5.3 Role of External Mediators in maintaining democracy

The government of Zimbabwe has never taken kindly to external actors; even electoral observers have never been welcomed. President Robert Mugabe has been known to call international actors imperialists who want to decolonize Africa. According to Founmunyoh (2009:14) despite new norms and standards of democratic governance adopted by regional bodies such as the AU with its charter and the New partnership for African Development(NEPAD) and the African peer review mechanism(APRM), the Economic Community of West African States(ECOWAS) and the SADC, in countries such as Zimbabwe reject regional or international regimes.

The only solution why Mugabe engages in mediation talks was due to the fact that he wanted sanctions imposed by the international community to be removed. According to Carment and James (2000:175) political leaders respond to international opportunities to promote their domestic interests, most explicitly the security and power of the ruling party elite. However Zimbabwe agreed to the SADC as a regional actor to intervene. It becomes hard to effectively change a situation where a country pleads sovereignty half the time.

SADC had two mediation processes in Zimbabwe one before the 2008 elections and one after the elections in 2008. IDASA (2008:1) publicly proclaimed that the objective of the SADC-mandated mediation was to create the political conditions for holding of free and fair elections in Zimbabwe. The negotiations led to a series of changes to the constitutions, the electoral laws, the laws regulating freedom of assembly and the operation of the print and electronic media. The ruling party and the main opposition party agreed to these changes to the law.

IDASA says (2008:2) at the end of March 2007, the SADC gave former South African president Mbeki a mandate to facilitate negotiations between Zimbabwean government and the opposition MDC. The declared intention was

that these negotiations would result in such changes to the electoral and political terrain as were necessary to ensure elections held in 2008 could be considered by all free and fair. As noted from the way the 2008 elections went the above objectives were not achieved.

Badza (2008:10) argues that SADC has been actively involved in the Zimbabwean situation. He also says it may be held partly responsible for the post election situation that is prevailing in Zimbabwe. In response to what turned out to be an election crisis, the late Zambian president Levy Mwanawasa, as SADC chairperson convened an extraordinary summit meeting of heads of states and government on 12 April 2008 to consider the Zimbabwean issue. Mbeki and Mugabe did not see this summit as necessary and this showed the cracks and differences regarding the Zimbabwean issue in the regional body. Badza says the SADC insistence on quiet diplomacy is largely based on the perceived fear of political destabilization and the threat of war by spoilers, as well as distorted notions of Pan African solidarity was a traditional non-coercive approach to conflict. This approach of seeking some change without a regime change is premised on SADC's various state-centered protocols and treaties and especially articles 7 and 8 of the SADC mutual defence pact (2003) which stipulates the principles of sovereignty and non-interference.

This approach did not work and South Africa also tried quiet diplomacy as a technique. Eventually through more negotiations Mbeki was able to broker a power sharing deal between the MDC and the ruling party. This Global Political agreement (GPA) has not produced any real changes. According to the CNN (12 December 2009) Mugabe has said that the fragile power sharing government in his country was given a short life and he intents to reclaim control through new elections.

Wafawarova (2009) says the GPA is from suffering self-serving manipulation by politicians whose motivation is far from matters of good or effective governance,

it is diligently seeking to amass as much power as their greedy quest can allow. This shows that as much effort as can be put into Zimbabwe, the ruling party is not will to accept a time for change and a time putting things back into place nothing external actors try will succeed. Wafawarova (2009) says the idealistic side of the GPA is that politicians from all three parties in the inclusive government would come together for the good of the nation and that compromises that are in the interest of the nation should be made without any hesitation.

Perhaps scholars who were against the power sharing agreement are correct in saying that the peace it brings will be short lived. According to Armah (2009:33-34) power sharing without addressing the issue of resource scarcity, without expanding the local economy by developing value added industries and jobs, proposes to allocate the small percentage of local wealth to the ruling elite, not to one strong party but to two or three. Instead of 20 ministers, power-sharing proposes 40. Instead of one president, power sharing proposes a president and two or more vice-presidents. Armah says if we multiply this formula by 5, 10, 15 times we are staring at boundless chaos.Years down the line power sharing will cause such as waste of public funds that politicians will descend to wrestling over steadily decreasing piles of loot. Power sharing is a bugle call to greater electoral disasters for tomorrow.

No one knows when change is going to befall Zimbabwe but it certainly will not have much of a choice if it wants grow the country's economy again.
The situation may have not been altered completely by external actors but the unity government has succeeded in opening debate about democracy in Zimbabwe.

5.4 Conclusion

The chapter has highlighted a number of issues about post-electoral violence in Zimbabwe. Firstly it has shown that electoral violence has been a technique the ruling party has deployed for a number of elections in order to retain power. Secondly it highlighted the fact that citizens in Zimbabwe do not have much voice or choice to begin with. Living under an oppressive government makes them prone to unscrupulous decisions.

Thirdly what the chapter has highlighted is the fact that regime change cannot be envisioned unless the ruling party wishes to transfer the power. Fourthly external mediators either improve the situation or make it worse. Zimbabwe is not friendly to international actors so it opted for regional actors which may have helped the situation in the end but did a lot of damage along the way.

Just like the Kenyan case this chapter has shown that even for whatever reason electoral violence may be thought of as a useful technique; it worsens the country's political and economic climate. It also deligitimises the incumbent government and what they stand for both domestically and internationally. The likelihood of a change in Zimbabwe is very slim.

Chapter 6

6. Conclusion and recommendations

In concluding this research report, it is necessary to reflect on the research questions posed in this study.

The study looked at three main questions, the first reflected on democracy in Kenya and Zimbabwe, highlighting the challenges of democratization. The second question spoke to elections in Africa, particularly electoral violence in both mentioned countries. The third element talked about refers to external actors and the role they played in maintaining democracy.

Chapter two and three largely revealed that democracy is not an easy system. When looking at the democratization process in Africa one could say that it was marred by certain impediments. Firstly the study could not divorce the issue of the post- colonial state as an impediment. In many African countries including Kenya and Zimbabwe colonial structures still exist. Secondly, in many instances scholars struggle to define what democracy is supposed to mean. Most times democracy has been looked at in a western eye and is supposed to be the viable choice in Africa due to the fact that it worked for most western countries. It is important to note that even long standing democracies face problems.

Perhaps the recommendation here is for African head of states and African academics to have a discussion on what democracy is and institute a dialogue of learning from each other and other developing places that have achieved democracy.

Overall, this does not mean that the problem goes away in emerging democracies especially for those in Africa. The third obstacle is that democracy reflects a crisis in the African state itself, according to Clapham (1993:423). He says the obstacles in Africa lie as they have always in the absence or inadequacy of the social, political and economic conditions that help foster the sense of identity which is turn needed to make such accountability possible and thus to institutionalise democratic methods as a regular and respectful way of organizing political life. This is also due to that notion that the African state as we know it is an imported idea that has not been kept up they way it ought to.

There are certain aspects that are vital in making a democracy work effectively. The first recommendation would be to involve citizens because democracy cannot exist nor be exercised without them. One cannot really pin point how true the participation of citizens was in Kenya and Zimbabwe. Secondly in order for democracy to be legitimised it needs to guarantee its citizens all fundamental rights and civil liberties. At some point of the many transitions that both countries have had to go through, civil liberties have been assets that fell prey to the system. Thirdly a country that is declared democratic is transparent, accountable and responsible to the wide nation it serves. Lastly one could say that democracy needs to have solid institutions as well as independence institutions. Kenya and Zimbabwe represented political systems where there was no distinction between leader, political party and government and hence the governments' coffers could be the presidents' riches and the political party's resource pool.

Chapters four and five showed that elections are processes not events that need to be monitored even before the polling day. There is a relationship between elections and democracy that exists. Democracy means that the people can have the opportunity of accepting or refusing the men that want to rule. This is a part of the civil liberties mentioned above; citizens should have the right to choose according to what they perceive their needs to be. Most importantly countries such as Zimbabwe and Kenya are judged harshly during election periods.

Elections are used to symbolize how democratic a country is. A country that holds free and fair elections is a democratic country. Even though this might be the case one needs not be naïve in thinking that elections, whether free or not symbolize democracy. Many elections have been known to be conducted for show without real meaning to them. For example, many had their hopes pinned on the 2008 presidential elections in Zimbabwe. Again many assumed that the time for regime change had come in Zimbabwe especially when the election results announced Morgan Tsvangarai of the MDC as the winner. The possibility of the MDC winning the election was slim as the ruling party had already decided that power will never be given to the MDC. Indeed this came to pass hence the elections were just for show.

Zimbabwe and Kenya have had similar ailments when it comes to elections. Firstly elections have often been started on unequal footing. The incumbent governments have always carried more power and access than challengers. Secondly, in regard to opposition the governments of Kenya and Zimbabwe have been reluctant in accepting opposition parties as necessary tools of democracy. They were reluctant in accepting multi-party elections and preferred one party state system. Zimbabwe to some extent still prefers the one party state system. Thirdly both countries experience a vast level of electoral violence in their elections. The causes of this violence have been similar in some instances such as the lack of independence of their electoral commission. The difference has been that much of Kenya has been marred by the ethnic element which has been driven by both the opposition and the incumbent government.

However it seems that both countries have a history of violence. ZANU PF has mandated young militias to intimidate opposition supporters and the opposition itself has been forced to retaliate against violence. Kenya also has a history of electoral violence. Electoral violence can be traced back to the 1990s. When multi-party politics were reintroduced in December 1991 politicians in the then dominant KANU party whipped up ethnic hatred and displaced and

disenfranchised members of rival communities as a means of holding on to power.

The recommendations in relation to elections are; as mentioned before elections must be treated as process instead of an event that passes over a number of days. Secondly proper voter education is necessary so that citizens are aware of party positions and policies. Thirdly moving forward there is a need in both countries to thoroughly investigate the true causes of electoral violence. Both governments need to try and capture the voices of their people meaning trying to find out what the citizens need and want. Hold healthy debates so that democratic processes prevail.

The question of external actors coming in is a difficult one, which seems to have many sides to it. Firstly countries can always plead sovereignty according to international and regional laws. Zimbabwe has been known to be a country that doesn't accept international help easily due to its relationship with Britain. Secondly external help can mean the difference between getting the help a country needs and worsening the situation. Kenya and Ghana experienced competition and close elections within a one year interval and present instructive case studies on the roles of both domestic and international actors. While the 2008 elections were peaceful in Ghana, the 2007 elections turned violent in Kenya. The difference of these two examples is that Ghana showed the possibilities of mediation internally to prevent increase in tensions and the failure of such prevention mediation in Kenya. Kenya was able to respond to international mediation. Thirdly external actors may not know the local context and may assume a lot of situations, certain thing do not apply everywhere like power sharing for example. It may be carried from other contexts to the African contexts.
However external actors have played an important role in both countries. They were able to consolidate the power base between two parties. They were also able to prevent further violence. They were also able to highlight certain issues

that each country needs to face and that is being able to transfer power and being able to have peaceful elections.

Both countries have recently changed the face of what democracy is by opting for coalition governments. The recommendation for both countries would be a serious adjustment of political will. Political will can be defined as the demonstrated credible intent of political actors. This is when there is commitment from leaders and bureaucrats to undertake actions to achieve a set of objectives and to sustain the costs of those actions over time. Malena (2009:18). Perhaps the recommendation in Africa should be building of institutions so that power is decentralized. Perhaps ideally African elites will cede a bit to the citizens they are meant to represent. Then citizen participation will flourish, power will be decentralized, institutions will be strong ideally all checks and balances will be in place and then democracy will prevail. Perhaps people will simply learn to work together.

Generally only time will tell whether both countries will be successful in their next attempts of democracy. Secondly whether there will be a significant power shift in Zimbabwe, not only in the country itself but whether ZANU PF has a person fit enough, radical enough to fit into Mugabe's shoes that is if he doesn't run for president again. At this point one would say no actor is surprised by the actions that Mugabe takes. As for Kenya it will be interesting to see whether Mwai Kibaki allows Raila Odinga to have his chance at the presidency, after reneging from their 2002 agreement which forced Odinga to be the opposition. The 2007 election also saw the presidency being snatched from Odinga's hands and forced to share with Kibaki.

The issues of democracy, electoral violence and civil participation have shown that there are still many lessons to be learnt. Democracy is a system that needs to be revisited and scholars and academics need to hold more debates around this issue. Secondly citizens need to be engaged and they need to be involved in all processes. Thirdly Kenya and Zimbabwe owe a lot to external actors who assisted both countries in remaining peaceful after elections and plan a way forward through coalition governments. Fourthly electoral violence seems to be a symptom of deeper issues going on between the citizens and their respective governments. As mentioned before there is a need to consider the way elections will be conducted and handled before polling day. Both countries have managed to re-engage issues of democracy and that can be considered as a positive step.

7. Bibliography

Books

Bayart J.F 1993 *The State in Africa: politics of the belly* United States of America: Addison Wesley Longman Publishing

Breytenbach W 1996 *Democratisation in sub-Saharan Africa: Transitions, elections and prospects for consolidation* South Africa: Africa Institute of the African Institute

Malena C 2009 From Political Won't: Building Support to political will for Participatory Governance USA: Kumarian Press

Megill K.A 1970 *the New Democratic Theory* New York: the Free Press

Journals

Adejumobi S 2000 Elections in Africa: A fading shadow of democracy

Ajayeoba.A 2009 Avoiding Electoral Violence: a comparative view Actionaid International 22 Feb 2009

Ajulu 1998 Kenya's democratic experiment: 1997 elections Review of *African Political economy Vol 25 No 76*

Ajulu R 1993 The 1992 Kenya General Elections: A Preliminary Assessment Review of African Political Economy No. 56

Armah A.K 2009 African Elections, ending the violence *New African* February 2009

Badza S 2008 Zimbabwe's 2008 elections and their implications for Africa *African Security Review 17.4* Institute for Security Studies

Bogaards. M 2000 Crafting competitive systems: Electoral laws and Opposition in Africa *Democratisation* Vol 17 No.4

Bratton M and Van de Walle N 1994 NeoPatrimonial regimes and political transitions in Africa *World Politics* Vol. 46 No 4

Brown.S 2004 Theorising Kenya's protracted transition to Democracy *Journal of Contemporary African Studies Vol 22 No 3*

Bujra 2005 in Abdalla Bujra, Ed Democratic Transitions in Kenya: The struggle from liberal to social democracy *African Centre for Economic Growth*

Calas B 2008 From Rigging to Violence: Mapping of political regression IFRA(French Institute for Research in Africa)

Carment D 2000 Explaining Third party intervention in ethnic conflict: theory and evidence Nations and Nationalism Vol 6 No 2

Carment D and James P 2000 Explaining third party intervention in ethnic conflict: Theory and Evidence *Nations and Nationalism Vol No 2*

Chabal. P 1998 A few considerations on Democracy in *Africa International Affairs Vol 74 No.2*

Chazan. N 1982 The New Politics of Participation in Tropical Africa *Comparative Politics Vol 14 No.2*

Chu.Y,Chang.Y and Huang.M 2004 A Comparative survey on democracy, governance and development: Modernisation,Institutionalism,traditionalism and the development of democratic orientation in rural china Asia barometer project office.

Clapham.C 1993 Democratisation in Africa: Obstacles and Prospects *Third world quarterly Vol 14 No3*

Compagnon D 2000 Briefing: Zimbabwe: Life after ZANU PF *African Affairs 99*

Cowen M and Laakso L 1997 An overview of election Studies in Africa *The Journal of Modern African Studies Vol 35 No4*

Dagne. T 2009 Kenya:Current conditions and challenges ahead *Congressional Research Service*

Dercon S 2008 Ethnicity and Violence in the 2007 Elections in Kenya *Afrobarometer Briefing Paper No 48*

Deth JW 2001 Studying Political Participation: Towards a theory of everything? University of Mannheim

Elklit J 1999 electoral Institutional Change and Democratisation: you can lead a horse to water ,but you cant make it drink *Democratisation Vol 6 No 4*

Fayemi A.K 2009 Towards an African Theory of Democracy. Thought and Practices A Journal of Philosophical Association of Kenya. Premier issue New series Vol 1.1 No 1

Founmunyoh C 2009 background paper:mediating election related Conflicts *Centre for Human Dialogue*

Goldsmith A 2001 Donors,Dictators and Democrats in Africa *Journal of Modern Studies* Vol 39 No 3

Gordon D F 1981 Decolonisation and Development in Kenya and Zimbabwe: A comparative analysis *A Journal of Opinion* Vol 11 No3/4

Haggard S and Kaufman R.R 1997 The political economy of democratic transitions *Comparative Politics Vol 29 No.3*

IDASA 2008 Negotiations, Democratic space and Zimbabwe's 2008 elections 17 February 2008

International Political Review Vol 21 No 1

Joseph. R 1997 Democratisation in Africa after 1989: Comparative and Theoretical Perspectives *Comparative Politics Vol 29 No.3*

Khagram.S 1993 Democracy and Democratisation in Africa: A plea for Pragmatic Possibilism *Africa Today Vol 40 No.4*

Kitshelt H 2000 Linkages between citizens and Politicians in Democratic Politics Comparative Studies 33 No 845

Klopp J and Kamungi P 2008 Violence and Elections: Will Kenya collapse? World Policy Intstitute

Kriger N 2005 ZANU PF strategies in General elections, 1980-2000: Discourse and Coercion *African Affairs No 104*

Kwaja C 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 No.2*

Laakso L 2002 The politics of International Election Observation: The case of Zimbabwe in 200 *The Journal of Modern African studies Vol 40 No3*

Lafargue. J 2008 General Elections in Kenya 2007 *IFRA (French Institute for Research in Africa)*

LeBas A 2005 When do parties compete? Party formation and Conflict in Zimbabwe,Zambia and Kenya Nuffield College

Lehman H.P 1990 The politics of Adjustment in Kenya and Zimbabwe: The State as Intermediary *Studies in Comparative Development Fall Vol 25 No.3*

Levan C.A 2001 Inclusive governance in Africa's Democratising countries American University School of Internatonal Service prepared for the annual meetin of the American Political science association

Lindberg S. I 2006 The Suprising significance of African elections *Journal of Democracy* Vol 17 No.1

Maina K 2008 The crisis in Kenya: essay from keynote address at the fifth assembly of the world movement for democracy

Maina.K 1992 The future of Democracy in Kenya Africa Today Vol 39 No1/2

Makinda S M 1996 Democracy and Multi party politics in Africa *The Journal of Modern African studies* Vol 34 No 4

Matyzak D 2008 How to loose an election and stay in ower IDASA 20 June 2008

Maupeu H 2008 Revisiting Post election Violence *IFRA (french Institute for Research in Africa)*

Mcfaul 2005 Democracy promotion as a world value *Washington Quarterly Vol 28 No 1*

Moghalu K 2008 Electoral conflicts in Africa: is power sharing the new democracy *Conflict Trends*

Muigai.G 1993 Kenya's opposition and the crisis of governance *A journal of opinion Vol 21 No1/2*

Murithi T 2009 Kenya- A year after the crisis: The quest for Electoral Reform and Transitional Justice Institute for Security Studies Situation Report

Ndegwa .S 1997 Citizenship and Ethnicity:An examination of two transitions moments in Kenyan politics *The American Political Science Review Vol 91 No 3*

Ndegwa 1998 The incomplete transition: the constitutional and electoral context in Kenya *Africa Today Vol 45 No.2*

Ndengwa S 2003 Kenya: Third time Lucky? *Journal of Democracy Vol 14 No.3*

Osaghae E 1995 The study of political transitions in *Africa Review of African political economy Vol 22 No 64*

Oyugi W.O 1997 Ethnicity in the electoral process: The 1992 General Elections in Kenya *African Journal of Political Science Vol2 No 1*

Peter A.P 2003 Crime against humanity and the Zimbabwe transition IDASA

Pigou 2008 Defining Violence: political Violence or crimes against Humanity *IDASA*

Pitcher. A et al 2009 Rethinking Patrimonialism and Neo-Patrimonialism in Africa *African Studies Review* Vol 52 No 1

Raftopoulous B 1992 Beyond the house of hunger:Democratic Struggle in Zimbabwe *Review of African Political economy No 55*

Randall. V and Svasand.L 2002 Political Parties and Democratic consolidation in Africa *Democratisation Vol 9 issue 3*

Roessler G P 2005 Donor induced democratisation and the privatization of state violence in Kenya and Rwanda Comparative Politics Vol 37 No.2

Sachikonye L.M 1989 The debate on democracy in contemporary Zimbabwe *Review of African Political economy No 45/46*

Sachikonye L.M 1989 The debate on democracy in Contemporary Zimbabwe *Review of African Political Economy No45/46*

Sachikonye L.M 2002 Whither Zimbabwe? Crisis and Democratisation *Review of African Political Economy* Vol 29 No 91
Sachikonye.L 2009 Between authoritarianism and democratisation: The Challenges of a transition process in Zimbabwe Institute for Development Studies
Sen A 1999 Democracy as a universal value *Journal of Democracy Vol 10 No.3*
Sisk TD 2008 Elections in fragile states: Between Voice and Violence University of Denver Graduate school of International Studies
Sithole.M 1993 Is Zimbabwe poised on a liberal path? The state and the prospects of the parties *A journal of opinion Vol 21 No1/2*
Sklar R.L 1983 Democracy in *Africa African studies Review Vol 26 No.3*
Solidarity Peace Trust 2008 Desperately seeking sanity: what prospects for a new beginning
Strauss and Taylor 2009 Democratisation and Electoral Violence in Sub-Saharan Africa Department of Political Science University of Wisconsin
Tiwana M 2009 Civil society interview Civicus November 2009
Theobald .R 1982 Patrimonialism *World Politics* Vol 34 No.4
UNDP 2002 Essentials: UNDP Practice area Democratic governance synthesis of lessons learned Civic Engagement No 8 October 2002
United Nations High Commisioner report for Human Rights 2008 Report from OHCR fact finding mission to Kenya
Wanyade. P 2006 Electoral Politics and Election Outcomes in Kenya African Development Vol xxxi No. 3
Warren M 1992 Democratic Theory and Self- Transformation *The American Political Review Vol 86 No 1*
Warren M.1992 Democratic Theory and Self-transformation American *Political Science Vol 86 No 1*
Zounmenou D 2009 Research Quoloqium Elections and Violence in Africa: a critical analysis Institute for Security Studies 03 June 2009
2008

Articles

Banya N 2009 Mugabe refuses to budge over MDC cabinet boycott Web: http://www.reutersafrica.com Date accessed: 24 October 2009

BBCNews 1997 Special Report Kenya: A political history Web: http://news.bbc.co.uk/2/hi/special_report/for_christmas/_new_year/Kenyan_elections/41737.stm

Killian. B 2008 A framework paper: Participatory Democracy in Tanzania Web: http://www.redet.udsm.ac.tz Date accessed: 28 March 2008

Mathaai W 2008 The mediators are only doing what politicians failed to do Web: http://www.greenbeltmovement.org Date accesed: 20 February

No Author 2008 Zimbabwe global agreement Web: http://www.info.gov.za/zimbabwe/zzimbabwe_global_agreement_2080915.pdf Date accessed: 15 September 2008

Okerafor T 2009 Nigeria: Paralysis in Resolving Kenya's election violence Web: http://www.allafrica.com Date Accessed: 25 October 2009

Reuters Foundation 2009 Power –Sharing agreement in Kenya Web: http://www.alertnet.org/thenewsdesk/28225801

Steinberg.D 2010 Zimbabwe marks first year of Unity government Web: http://www.guardian.co.uk Date Accessed: 11 February 2010

VOA 2010 Zimbabwe's unity government marks shaky first year in power Web: http://www.voanews.com Date accessed: 10 February 2010

VOA 2009 Kenyan official wants US financial support for electoral reforms Web: http://www.voanews.com Date Accessed: 09 November 2009

Wafawarova R 2009 Zimbabwe: indulging Politics of the GPA Web: http://www.allafrica.com Date Accesed: 02 November 2009

8. Appendix 1: Zimbabwe Power Sharing Agreement

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

PREAMBLE

We, the Parties to this Agreement;

CONCERNED about the recent challenges that we have faced as a country and the multiple threats to the well-being of our people and, therefore, determined to resolve these permanently.

CONSIDERING our shared determination to uphold, defend and sustain Zimbabwe's sovereignty, independence, territorial integrity and national unity, as a respected member of the international community, a nation where all citizens respect and, therefore, enjoy equal protection of the law and have equal opportunity to compete and prosper in all spheres of life.

ACKNOWLEDGING the sacrifices made by thousands of Zimbabwe's gallant sons and daughters in the fight against colonialism and racial discrimination and determined to accept, cherish and recognise the significance of the Liberation Struggle as the foundation of our sovereign independence, freedoms and human rights.

DEDICATING ourselves to putting an end to the polarisation, divisions, conflict and intolerance that has characterised Zimbabwean politics and society in recent times.

COMMITTING ourselves to putting our people and our country first by arresting the fall in living standards and reversing the decline of our economy.

EMPHASISING our shared commitment to re-orient our attitudes towards respect for the Constitution and all national laws, the rule of law, observance of Zimbabwe's national institutions, symbols and national events.

RESPECTING the rights of all Zimbabweans regardless of political affiliation to benefit from and participate in all national programmes and events freely without let or hindrance.

RECOGNISING, accepting and acknowledging that the values of justice, fairness, openness, tolerance, equality, non-discrimination and respect of all persons without regard to race, class, gender, ethnicity, language, religion, political opinion, place of origin or birth are the bedrock of our democracy and good governance.

DETERMINED to build a society free of violence, fear, intimidation, hatred, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality.

RECOGNISING and accepting that the Land Question has been at the core of the contestation in Zimbabwe and acknowledging the centrality of issues relating to the rule of law, respect for human rights, democracy and governance.

COMMITTED to act in a manner that demonstrates loyalty to Zimbabwe, patriotism and commitment to Zimbabwe's national purpose, core values, interests and aspirations.

DETERMINED to act in a manner that demonstrates respect for the democratic

values of justice, fairness, openness, tolerance, equality, respect of all persons and human rights.

SUBMITTING ourselves to the mandate of the Extraordinary Summit of the Southern African Development Community (SADC) held in Dar-es-Salaam, United Republic of Tanzania, on 29th March 2007 and endorsed in Lusaka on 12th April 2008 and in the AU Summit held in Sharm El-Sheikh, Egypt from 30th June to 1 July 2008.

RECOGNISING the centrality and importance of African institutions in dealing with African problems, we agreed to seek solutions to our differences, challenges and problems through dialogue.

ACKNOWLEDGING that pursuant to the Dar-es-Salaam SADC resolution, the Parties negotiated and agreed on a draft Constitution, initialed by the Parties on 30 September 2007, and further agreed and co-sponsored the enactment of the Constitution of Zimbabwe Amendment Number 18 Act, amendments to the Electoral Act, the Zimbabwe Electoral Commission Act, Public Order and Security Act, Access to Information and Protection of Privacy Act and Broadcasting Services Act.

APPRECIATING the historical obligation and need to reach a solution that will allow us to put Zimbabwe first and give the people a genuine chance of rebuilding and reconstructing their livelihoods.

PURSUANT to the common desire of working together, the Parties agreed to and executed a Memorandum of Understanding on 21 July 2008, attached hereto as Annexure “A”.

NOW THEREFORE AGREE AS FOLLOWS:

ARTICLE I

DEFINITIONS

1. Definitions

The “Agreement” shall mean this written Agreement signed by the representatives of ZANU-PF and the MDC, in its two formations (“the Parties”) in fulfillment of the material mandate handed down by the SADC Extraordinary Summit on 29th March 2007 and endorsed by SADC in Lusaka, Zambia and adopted by the African Union Summit in Sharm El-Sheikh, Egypt.

The “Parties” shall mean ZANU-PF, the two MDC formations led by Morgan Tsvangirai and Arthur Mutambara respectively. The “Government” or “New Government” means the new Government to be set up in terms of this agreement.

ARTICLE II

DECLARATION OF COMMITMENT

2. Declaration of Commitment

The Parties hereby declare and agree to work together to create a genuine, viable, permanent, sustainable and nationally acceptable solution to the Zimbabwe situation and in particular to implement the following agreement with the aims of resolving once and for all the current political and economic situations and charting a new political direction for the country.

ARTICLE III

RESTORATION OF ECONOMIC STABILITY AND GROWTH

3. Economic recovery

3.1 The Parties agree:

(a) to give priority to the restoration of economic stability and growth in Zimbabwe. The Government will lead the process of developing and implementing an economic recovery strategy and plan. To that end, the parties are committed to working together on a full and comprehensive economic programme to resuscitate Zimbabwe’s economy, which will

urgently address the issues of production, food security, poverty and unemployment and the challenges of high inflation, interest rates and the exchange rate.

(b) to create conditions that would ensure that the 2008/2009 agricultural season is productive.

(c) to establish a National Economic Council, composed of representatives of the Parties and of the following sectors:

(i) Manufacturing

(ii) Agriculture

(iii) Mining

(iv) Tourism

(v) Commerce

(vi) Financial

(vii) Labour

(viii) Academia; and

(ix) Other relevant sectors

(d) that the terms of reference of the Council shall include giving advice to Government, formulating economic plans and programmes for approval by government and such other functions as are assigned to the Council by the Government.

(e) to endorse the SADC resolution on the economy.

ARTICLE IV

SANCTIONS AND MEASURES

4. Sanctions and Measures

4.1 Recognising and acknowledging that some sections of the international community have since 2000 imposed various sanctions and measures against Zimbabwe, which have included targeted sanctions.

4.2 The Parties note the present economic and political isolation of Zimbabwe by the United Kingdom, European Union, United States of America and other

sections of the International Community over and around issues of disputed elections, governance and differences over the land reform programme.

4.3 Noting and acknowledging the following sanctions and measures imposed on Zimbabwe:-

(a) enactment of the Zimbabwe Democracy and Economic Recovery Act by the United States of America Congress which outlaws Zimbabwe's right to access credit from International Financial Institutions in which the United States Government is represented or has a stake;

(b) suspension of Zimbabwe's voting and related rights, suspension of balance of payment support, declaration of ineligibility to borrow Fund resources and suspension of technical assistance to Zimbabwe by the International Monetary Fund;

(c) suspension of grants and infrastructural development support to Zimbabwe by The World Bank; and

(d) imposition of targeted travel bans against current Government and some business leaders.

4.4 Noting that this international isolation has over the years created a negative international perception of Zimbabwe and thereby resulting in the further isolation of the country by the non-availing of lines of credit to Zimbabwe by some sections of the international community.

4.5 Recognising the consequent contribution of this isolation to the further decline of the economy.

4.6 Desirous and committed to bringing to an end the fall in the standards of living of our people, the Parties hereby agree:-

(a) to endorse the SADC resolution on sanctions concerning Zimbabwe;

(b) that all forms of measures and sanctions against Zimbabwe be lifted in order to facilitate a sustainable solution to the challenges that are currently

facing Zimbabwe; and
(c) commit themselves to working together in re-engaging the international community with a view to bringing to an end the country's international isolation.

ARTICLE V
LAND QUESTION
5. Land Question
5.1 Recognising that colonial racist land ownership patterns established during the colonial conquest of Zimbabwe and largely maintained in the post independence period were not only unsustainable, but against the national interest, equity and justice.

5.2 Noting that in addition to the primary objective of the liberation struggle to winone man one vote democracy and justice, the land question, namely the need for the re-distribution of land to the majority indigenous people of Zimbabwe was at the core of the liberation struggle.

5.3 Accepting the inevitability and desirability of a comprehensive land reform programme in Zimbabwe that redresses the issues of historical imbalances and injustices in order to address the issues of equity, productivity, and justice.

5.4 While differing on the methodology of acquisition and redistribution the parties acknowledge that compulsory acquisition and redistribution of land has taken place under a land reform programme undertaken since 2000.

5.5 Accepting the irreversibility of the said land acquisitions and redistribution.

5.6 Noting that in the current Constitution of Zimbabwe and further in the Draft

Constitution agreed to by the parties the primary obligation of compensating former land owners for land acquired rests on the former colonial power.

5.7 Further recognising the need to ensure that all land is used productively in theinterests of all the people of Zimbabwe.

5.8 Recognising the need for women's access and control over land in their own right as equal citizens.

5.9 The Parties hereby agree to:
(a) conduct a comprehensive, transparent and non-partisan land audit, during the tenure of the Seventh Parliament of Zimbabwe, for the purpose of establishing accountability and eliminating multiple farm ownerships.
(b) ensure that all Zimbabweans who are eligible to be allocated land and who apply for it shall be considered for allocation of land irrespective of race, gender, religion, ethnicity or political affiliation;
(c) ensure security of tenure to all land holders.
(d) call upon the United Kingdom government to accept the primary responsibility to pay compensation for land acquired from former land owners for resettlement;
(e) work together to secure international support and finance for the land reform programme in terms of compensation for the former land owners and support for new farmers; and
(f) work together for the restoration of full productivity on all agricultural land.

ARTICLE VI

CONSTITUTION

6. Constitution

Acknowledging that it is the fundamental right and duty of the Zimbabwean people to make a constitution by themselves and for themselves;

Aware that the process of making this constitution must be owned and driven by the people and must be inclusive and democratic;

Recognising that the current Constitution of Zimbabwe made at the Lancaster House Conference, London (1979) was primarily to transfer power from the colonial authority to the people of Zimbabwe;

Acknowledging the draft Constitution that the Parties signed and agreed to in Kariba on the 30th of September 2007, annexed hereto as Annexure "B";

Determined to create conditions for our people to write a constitution for themselves; and

Mindful of the need to ensure that the new Constitution deepens our democratic values and principles and the protection of the equality of all citizens, particularly the enhancement of full citizenship and equality of women.

6.1 The Parties hereby agree:

(a) that they shall set up a Select Committee of Parliament composed of representatives of the Parties whose terms of reference shall be as follows:

(i) to set up such subcommittees chaired by a member of Parliament and composed of members of Parliament and representatives of Civil Society as may be necessary to assist the Select Committee in performing its mandate herein;

(ii) to hold such public hearings and such consultations as it may deem necessary in the process of public consultation over the making of a new constitution for Zimbabwe;

(iii) to convene an All Stakeholders Conference to consult stakeholders on their representation in the sub-committees referred to above and such related matters as may assist the committee in its work;

(iv) to table its draft Constitution to a 2nd All Stakeholders Conference; and

(v) to report to Parliament on its recommendations over the content of a New Constitution for Zimbabwe

(b) that the draft Constitution recommended by the Select Committee shall be submitted to a referendum;

(c) that, in implementing the above, the following time frames shall apply:

(i) the Select Committee shall be set up within two months of inception of a new government;

(ii) the convening of the first All Stakeholders Conference shall be within 3 months of the date of the appointment of the Select Committee;

(iii) the public consultation process shall be completed no later than 4 months of the date of the first All Stakeholders Conference;

(iv) the draft Constitution shall be tabled within 3 months of completion of the public consultation process to a second All Stakeholders Conference;

(v) the draft Constitution and the accompanying Report shall be tabled before Parliament within 1 month of the second All Stakeholders Conference;

(vi) the draft Constitution and the accompanying Report shall be debated in Parliament and the debate concluded within one month;

(vii) the draft Constitution emerging from Parliament shall be gazetted before the holding of a referendum;

(viii) a referendum on the new draft Constitution shall be held within 3 months of the conclusion of the debate;

(ix) in the event of the draft Constitution being approved in the referendum it shall be gazetted within 1 month of the date of the referendum; and

(x) the draft Constitution shall be introduced in Parliament no later than 1 month after the expiration of the period of 30 days from the date of its gazetting.

ARTICLE VII

PROMOTION OF EQUALITY, NATIONAL HEALING, COHESION AND UNITY

7. Equality, National Healing, Cohesion and Unity

7.1 The Parties hereby agree that the new Government:

a) will ensure equal treatment of all regardless of gender, race, ethnicity, place of origin and will work towards equal access to development for all;

b) will ensure equal and fair development of all regions of the country and in particular to correct historical imbalances in the development of regions;

c) shall give consideration to the setting up of a mechanism to properly advise on what measures might be necessary and practicable to achieve national healing, cohesion and unity in respect of victims of pre and post independence political conflicts; and

d) will strive to create an environment of tolerance and respect among Zimbabweans and that all citizens are treated with dignity and decency irrespective of age, gender, race, ethnicity, place of origin or political affiliation.

e) will formulate policies and put measures in place to attract the return and repatriation of all Zimbabweans in the Diaspora and in particular will work towards the return of all skilled personnel.

ARTICLE VIII

RESPECT FOR NATIONAL INSTITUTIONS AND EVENTS

8. Respect for National Institutions and Events

8.1 In the interests of forging a common vision for our country, the Parties hereby agree:-

(a) on the necessity of all Zimbabweans regardless of race, ethnicity, gender, political affiliation and religion to respect and observe Zimbabwe's national institutions, symbols, national programmes and events; and

(b) that all Zimbabweans regardless of race, ethnicity, gender, political affiliation and religion have the right to benefit from and participate in all national programmes and events without let or hindrance.

ARTICLE IX

EXTERNAL INTERFERENCE

9. External Interference

9.1 The Parties reaffirm the principle of the United Nations Charter on noninterference in the internal affairs of member countries.

9.2 The Parties hereby agree:-

(a) that the responsibility of effecting change of government in Zimbabwe vests exclusively on and is the sole prerogative of the people of Zimbabwe through peaceful, democratic and constitutional means;

(b) to reject any unlawful, violent, undemocratic and unconstitutional means of changing governments; and

(c) that no outsiders have a right to call or campaign for regime change in Zimbabwe.

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ARTICLE X

FREE POLITICAL ACTIVITY

10. Free political activity

Recognising that the right to canvass and freely mobilise for political support is the cornerstone of any multi-party democratic system, the Parties have agreed that there should be free political activity throughout Zimbabwe within the ambit of the law in which all political parties are able to propagate their views and canvass for support, free of harassment and intimidation.

ARTICLE XI

RULE OF LAW, RESPECT FOR THE CONSTITUTION AND OTHER LAWS

11. Rule of law, respect for the Constitution and other laws

11.1 The Parties hereby agree that it is the duty of all political parties and individuals

to:

(a) respect and uphold the Constitution and other laws of the land;

(b) adhere to the principles of the Rule of Law.

ARTICLE XII

FREEDOM OF ASSEMBLY AND ASSOCIATION

12. Freedoms of Assembly and Association

12.1 Recognising the importance of the freedoms of assembly and association in amulti-party democracy and noting that public meetings have to be conducted in a free, peaceful and democratic manner in accordance with the law, the Parties have agreed:-

(a) to work together in a manner which guarantees the full implementation and realisation of the right to freedom of association and assembly; and

(b) that the Government shall undertake training programmes, workshops and meetings for the police and other enforcement agencies directed at the appreciation of the right of freedom of assembly and association and the proper interpretation, understanding and application of the provisions of security legislation.

ARTICLE XIII

STATE ORGANS AND INSTITUTIONS

13. State organs and institutions

13.1 State organs and institutions do not belong to any political party and should be impartial in the discharge of their duties.

13.2 For the purposes of ensuring that all state organs and institutions perform their duties ethically and professionally in conformity with the principles and requirements of a multi-party democratic system in which all parties are treated equally, the Parties have agreed that the following steps be taken:-

(a) that there be inclusion in the training curriculum of members of the uniformed forces of the subjects on human rights, international humanitarian law and statute law so that there is greater understanding and full appreciation of their roles and duties in a multi-party democratic system;

(b) ensuring that all state organs and institutions strictly observe the principles of the Rule of Law and remain non-partisan and impartial;

(c) laws and regulations governing state organs and institutions are strictly adhered to and those violating them be penalised without fear or favour; and

(d) recruitment policies and practices be conducted in a manner that ensures that no political or other form of favouritism is practised.

ARTICLE XIV

TRADITIONAL LEADERS

14. Traditional Leaders

14.1 Recognising and acknowledging that traditional leaders are community leaders with equal responsibilities and obligations to all members of their communities regardless of age, gender, ethnicity, race, religion and political affiliation, the Parties hereby agree to:-

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(a) commit themselves to ensuring the political neutrality of traditional leaders; and

(b) call upon traditional leaders not to engage in partisan political activities at national level as well as in their communities.

ARTICLE XV

NATIONAL YOUTH TRAINING PROGRAMME

15. National Youth Training Programme

Recognising the desirability of a national youth training programme which inculcates the values of patriotism, discipline, tolerance, non-violence, openness, democracy, equality, justice and respect.

Determined to ensure that the National Youth Training Programme raises awareness of the HIV and AIDS pandemic, engenders a spirit of community service, skills development and a commitment to the development of Zimbabwe

15.1 The Parties hereby agree that:-

(a) all youths regardless of race, ethnicity, gender, religion and political affiliation are eligible to participate in national youth training programmes;

(b) the National Youth Training Programme must be run in a non-partisan

manner and shall not include partisan political material advancing the cause of any political party; and

(c) while recognising that youths undergoing training at national youth training centres have a right to hold political opinions, they shall not, during the period of their training, collectively and as part of a scheme of the training centre be used or deployed for partisan political work.

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ARTICLE XVI

HUMANITARIAN AND FOOD ASSISTANCE

16. Humanitarian and food assistance

16.1 In times of need, every Zimbabwean regardless of race, ethnicity, gender, political affiliation and religion is entitled to request and receive humanitarian and food assistance from the State.

16.2 It is the primary responsibility of the State to ensure that every Zimbabwean who needs humanitarian and food assistance receives it.

16.3 Non-Governmental Organisations involved in giving humanitarian and food assistance shall do so without discrimination on the grounds of race, ethnicity, gender, political affiliation and religion and in doing so, shall not promote or advance the interests of any political party or cause.

16.4 In this regard the Parties hereby agree:

(a) that in the fulfillment of its obligations above, the Government and all State Institutions and quasi State Institutions shall render humanitarian and food assistance without discrimination on the grounds of race, ethnicity, gender, political affiliation or religion;

(b) that humanitarian interventions rendered by Non-Governmental Organisations, shall be provided without discrimination on the grounds of race, ethnicity, gender, political affiliation and religion.

(c) that all displaced persons shall be entitled to humanitarian and food assistance to enable them to return and settle in their original homes and that social welfare organisations shall be allowed to render such assistance as might be required.

(d) that all NGO`s rendering humanitarian and food assistance must operate within the confines of the laws of Zimbabwe.

ARTICLE XVII

LEGISLATIVE AGENDA PRIORITIES

17. Legislative agenda

17.1 The Parties hereby agree that:

(a) the legislative agenda will be prioritized in order to reflect the letter and spirit of this agreement;

(b) the Government will discuss and agree on further legislative measures which may become necessary to implement the Government's agreed policies and in particular, with a view to entrenching democratic values and practices.

ARTICLE XVIII

SECURITY OF PERSONS AND PREVENTION OF VIOLENCE

18. Security of persons and prevention of violence

18.1 Noting the easy resort to violence by political parties, State actors, Non-State actors and others in order to resolve political differences and achieve political ends.

18.2 Gravely concerned by the displacement of scores of people after the election of March 29, 2008 as a result of politically motivated violence.

18.3 Recognising that violence dehumanises and engenders feelings of hatred and polarisation within the country.

18.4 Further recognising that violence undermines our collective independence as a people and our capacity to exercise our free will in making political choices.

18.5 The Parties hereby agree:

(a) to promote the values and practices of tolerance, respect, non-violence and dialogue as means of resolving political differences;

(b) to renounce and desist from the promotion and use of violence, under whatever name called, as a means of attaining political ends;

(c) that the Government shall apply the laws of the country fully and impartially in bringing all perpetrators of politically motivated violence to book;

(d) that all political parties, other organisations and their leaders shall commit themselves to do everything to stop and prevent all forms of political violence, including by non-State actors and shall consistently appeal to their members to desist from violence;
(e) to take all measures necessary to ensure that the structures and institutions they control are not engaged in the perpetration of violence.
(f) that all civil society organisations of whatever description whether affiliated to a political party or not shall not promote or advocate for or use violence or any other form of intimidation or coercion to canvass or mobilise for or oppose any political party or to achieve any political end;
(g) to work together to ensure the security of all persons and property;
(h) to work together to ensure the safety of any displaced persons, their safe return home and their enjoyment of the full protection of the law.
(i) to refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or unfairly undermine each other.
(j) that while having due regard to the Constitution of Zimbabwe and the principles of the rule of law, the prosecuting authorities will expedite the determination as to whether or not there is sufficient evidence to warrant the prosecution or keeping on remand of all persons accused of politically related offences arising out of or connected with the March and June 2008 elections.

ARTICLE XIX

FREEDOM OF EXPRESSION AND COMMUNICATION

19. Freedom of Expression and Communication

Recognising the importance of the right to freedom of expression and the role of the media in a multi-party democracy.

Noting that while the provisions of the Broadcasting Services Act permit the issuance of licences, no licences other than to the public broadcaster have been issued.

Aware of the emergence of foreign based radio stations broadcasting into Zimbabwe, some of which are funded by foreign governments.

Concerned that the failure to issue licences under the Broadcasting Services Act toalternative broadcasters might have given rise to external radio stations broadcasting into Zimbabwe.

Further concerned that foreign government funded external radio stations broadcasting into Zimbabwe are not in Zimbabwe's national interest.

Desirous of ensuring the opening up of the air waves and ensuring the operation of as many media houses as possible.

19.1 The Parties hereby agree:-

(a) that the government shall ensure the immediate processing by the appropriate authorities of all applications for re-registration and registration in terms of both the Broadcasting Services Act as well as the Access to Information and Protection of Privacy Act;

(b) all Zimbabwean nationals including those currently working for or running external radio stations be encouraged to make applications for broadcasting licences, in Zimbabwe, in terms of the law;

(c) that in recognition of the open media environment anticipated by this Agreement, the Parties hereby:-

(i) call upon the governments that are hosting and/or funding external radio stations broadcasting into Zimbabwe to cease such hosting and funding; and

(ii) encourage the Zimbabweans running or working for external radio stations broadcasting into Zimbabwe to return to Zimbabwe; and

(d) that steps be taken to ensure that the public media provides balanced and fair coverage to all political parties for their legitimate political activities.

(e) that the public and private media shall refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or that unfairly undermines political parties and other organisations. To this end, the inclusive government shall ensure that appropriate measures are taken to achieve this objective.

ARTICLE XX

FRAMEWORK FOR A NEW GOVERNMENT

20. Framework for a new Government

Acknowledging that we have an obligation to establish a framework of working together in an inclusive government;

Accepting that the formation of such a government will have to be approached with great sensitivity, flexibility and willingness to compromise;

Recognising that the formation of such a Government would demonstrate the respect of the Parties for the deeply-felt and immediate hopes and aspirations of the millions of our people.

Determined to carry out sustained work to create the conditions for returning our country to stability and prosperity;

Acknowledging the need for gender parity, particularly the need to appoint women to strategic Cabinet posts;

20.1 The Parties hereby agree that:

20.1.1 Executive Powers and Authority

The Executive Authority of the Inclusive Government shall vest in, and be shared among the President, the Prime Minister and the Cabinet, as provided for in this Constitution and legislation. The President of the Republic shall exercise executive authority subject to the Constitution and the law. The Prime Minister of the Republic shall exercise executive authority subject to the Constitution and the law. The Cabinet of the Republic shall exercise executive authority subject to the Constitution and the law.

In the exercise of executive authority, the President, Vice Presidents, the Prime Minister, the Deputy Prime Ministers, Ministers and Deputy Ministers must have regard to the principles and spirit underlying the formation of the Inclusive Government and accordingly act in a manner that seeks to promote cohesion both inside and outside government.

20.1.2 The Cabinet

(a) Shall have the responsibility to evaluate and adopt all government policies and the consequential programmes;

(b) Shall, subject to approval by Parliament, allocate the financial resources for the implementation of such policies and programmes;

(c) Shall have the responsibility to prepare and present to Parliament, all such legislation and other instruments as may be necessary to implement the policies and programmes of the National Executive;

(d) Shall, except where the Constitution requires ratification by Parliament, or action

by the President, approve all international agreements;

(e) Shall ensure that the state organs, including the Ministries and Departments, have sufficient financial and other resources and appropriate operational capacity to carry out their functions effectively; and

(f) Shall take decisions by consensus, and take collective responsibility for all Cabinet decisions, including those originally initiated individually by any member of Cabinet.

(g) The President and the Prime Minister will agree on the allocation of Ministries between them for the purpose of day-to-day supervision.

20.1.3 The President

(a) chairs Cabinet;

(b) exercises executive authority;

(c) shall exercise his/her powers subject to the provisions of the Constitution;

(d) can, subject to the Constitution, declare war and make peace;

(e) can, subject to the Constitution, proclaim and terminate martial law;

(f) confers honours and precedence**,** on the advice of Cabinet;

(g) Grants pardons, respites, substitutes less severe punishment and suspends or remits sentences, on the advice of Cabinet;

(h) Chairs the National Security Council;

(i) Formally appoints the Vice Presidents;

(j) Shall, pursuant to this Agreement, appoint the Prime Minister pending the enactment of the Constitution of Zimbabwe Amendment no.19 as agreed by the Parties;

(k) Formally appoints Deputy Prime Ministers, Ministers and Deputy Ministers in accordance with this agreement;

(l) After consultation with the Vice Presidents, the Prime Minister and the Deputy Prime Ministers, allocates Ministerial portfolios in accordance with this Agreement;

(m) accredits, receives and recognizes diplomatic agents and consular officers;

(n) appoints independent Constitutional Commissions in terms of the Constitution;

(o) appoints service/executive Commissions in terms of the Constitution and in consultation with the Prime Minister;

(p) in consultation with the Prime Minister, makes key appointments the President is required to make under and in terms of the Constitution or any Act of Parliament;

(q) may, acting in consultation with the Prime Minister, dissolve Parliament;

(r) must be kept fully informed by the Prime Minister on the general conduct of the government business and;

(s) shall be furnished with such information as he/she may request in respect of any particular matter relating to the government, and may advise the Prime Minister and Cabinet in this regard.

20.1.4 The Prime Minister

(a) chairs the Council of Ministers and is the Deputy Chairperson of Cabinet;

(b) exercises executive authority;

(c) shall oversee the formulation of government policies by the Cabinet;

(d) shall ensure that the policies so formulated are implemented by the entirety of government;

(e) shall ensure that the Ministers develop appropriate implementation plans to give effect to the policies decided by Cabinet: in this regard, the Ministers will

report to the Prime Minister on all issues relating to the implementation of such policies and plans;

(f) shall ensure that the legislation necessary to enable the government to carry out its functions is in place: in this regard, he/she shall have the responsibility to discharge the functions of the Leader of Government Business in Parliament;

(g) shall be a member of the National Security Council**;**

(h) may be assigned such additional functions as are necessary further to enhance the work of the Inclusive Government;

(i) shall, to ensure the effective execution of these tasks, be assisted by Deputy Prime Ministers; and

(j) shall report regularly to the President and Parliament.

20.1.5 Council of Ministers

To ensure that the Prime Minister properly discharges his responsibility to oversee the implementation of the work of government, there shall be a Council of Ministers consisting of all the Cabinet Ministers, chaired by the Prime Minister, whose functions shall be:

(a) to assess the implementation of Cabinet decisions;

(b) to assist the Prime Minister to attend to matters of coordination in the government;

(c) to enable the Prime Minister to receive briefings from the Cabinet Committees;

(d) to make progress reports to Cabinet on matters of implementation of Cabinet decisions;

(e) to receive and consider reports from the Committee responsible for the periodic review mechanism; and

(f) to make progress reports to Cabinet on matters related to the periodic review mechanism.

20.1.6 Composition of the Executive

(1) There shall be a President, which Office shall continue to be occupied by

President Robert Gabriel Mugabe.

(2) There shall be two (2) Vice Presidents, who will be nominated by the President and/or Zanu-PF.

(3) There shall be a Prime Minister, which Office shall be occupied by Mr Morgan Tsvangirai.

(4) There shall be two (2) Deputy Prime Ministers, one (1) from MDC-T and one (1) from the MDC-M.

(5) There shall be thirty-one (31) Ministers, with fifteen (15) nominated by ZANU PF, thirteen (13) by MDC-T and three (3) by MDC-M. Of the 31 Ministers, three (3) one each per Party, may be appointed from outside the members of Parliament. The three (3) Ministers so appointed shall become members of the House of Assembly and shall have the right to sit, speak and debate in Parliament, but shall not be entitled to vote.

(6) There shall be fifteen (15) Deputy Ministers, with (eight) 8 nominated by ZANU PF, six (6) by MDC-T and one (1) by MDC-M.

(7) Ministers and Deputy Ministers may be relieved of their duties only after consultation among the leaders of all the political parties participating in the Inclusive Government.

20.1.7 Senate

(a) The President shall, in his discretion, appoint five (5) persons to the existing positions of Presidential senatorial appointments.

(b) There shall be created an additional nine (9) appointed senatorial posts, which shall be filled by persons appointed by the President, of whom, 3 will be nominated by ZANU-PF, 3 by MDC-T and 3 by MDC-M.

20.1.8 Filling of vacancies

(a) In the event of any vacancy arising in respect of posts referred to in clauses 20.1.6 and 20.1.7(b) above, such vacancy shall be filled by a nominee of the Party which held that position prior to the vacancy arising.

ARTICLE XXI

ELECTORAL VACANCIES

21. Electoral Vacancies

Aware of the divisive and often times confrontational nature of elections and by elections;

Noting the need to allow this agreement to take root amongst the parties and people of Zimbabwe; and

Cognisant of the need to give our people some breathing space and a healing period;

21.1 The Parties hereby agree that for a period of 12 months from the date of signing of this agreement, should any electoral vacancy arise in respect of a local authority or parliamentary seat, for whatever reason, only the party holding that seat prior to the vacancy occurring shall be entitled to nominate and field a candidate to fill the seat subject to that party complying with the rules governing its internal democracy.

ARTICLE XXII

IMPLEMENTATION MECHANISMS

22. Implementation mechanisms

22.1 To ensure full and proper implementation of the letter and spirit of this Agreement, the Parties hereby constitute a Joint Monitoring and Implementation Committee ("JOMIC") to be composed of four senior members from ZANU-PF and four senior members from each of the two MDC Formations. Gender consideration must be taken into account in relation to the composition of JOMIC.

22.2 The committee shall be co-chaired by persons from the Parties.

22.3 The committee shall have the following functions:-

(a) to ensure the implementation in letter and spirit of this Agreement;

(b) to assess the implementation of this Agreement from time to time and consider steps which might need to be taken to ensure the speedy and full implementation of this Agreement in its entirety;

(c) to receive reports and complaints in respect of any issue related to the

implementation, enforcement and execution of this Agreement;
(d) to serve as catalyst in creating and promoting an atmosphere of mutual trust and understanding between the parties; and
(e) to promote continuing dialogue between the Parties.
22.4 JOMIC shall be the principal body dealing with the issues of compliance and monitoring of this Agreement and to that end, the Parties hereby undertake to channel all complaints, grievances, concerns and issues relating to compliance with this Agreement through JOMIC and to refrain from any conduct which might undermine the spirit of co-operation necessary for the fulfillment of this Agreement.
22.5 The new Government shall ensure that steps are taken to make the security forces conversant with the Constitution of Zimbabwe and other laws of Zimbabwe including laws relating to public order and security.
22.6 The implementation of this agreement shall be guaranteed and underwritten by the Facilitator, SADC and the AU.
22.7 The Parties and the new Government shall seek the support and assistance of SADC and the AU in mobilizing the international community to support the new Government's economic recovery plans and programmes together with the lifting of sanctions taken against Zimbabwe and some of its leaders.
22.8 The Parties agree that they shall cause Parliament to amend any legislation to the extent necessary to bring this agreement into full force.

ARTICLE XXIII

PERIODIC REVIEW MECHANISM

23. Periodic review mechanism

23.1 Having regard to the Objectives and Priorities of the New Government as set out in this Agreement, the Parties hereby agree that:
(a) they shall constitute a committee composed of 2 representatives each to review on an annual basis progress on the implementation and achievement of the priorities and objectives set out in this Agreement,

namely: Economic (restoration of economic stability and growth, sanctions, land question) Political (new constitution, promotion of equality, national healing and cohesion and unity, external interference, free political activity, rule of law, state organs and institutions, legislative agenda and priorities) Security (security of persons and prevention of violence) and Communication (media and external radio stations); and

(b) the committee shall make recommendations to the Parties and the new government on any matters relating to this Agreement, more particularly on measures and programmes that may be necessary to take and make to realise full implementation of this Agreement.

(c) this Agreement and the relationship agreed to hereunder will be reviewed at the conclusion of the constitution-making process.

23.2 The Parties will continually review the effectiveness and any other matter relating to the functioning of the Inclusive Government established by the Constitution in consultation with the Guarantors.

ARTICLE XXIV

INTERIM CONSTITUTIONAL AMENDMENTS

24. Interim Constitutional amendments

The Parties hereby agree:

24.1 that the constitutional amendments which are necessary for the implementation of this agreement shall be passed by parliament and assented to by the President as Constitution of Zimbabwe Amendment Act No 19. The Parties undertake to unconditionally support the enactment of the said Constitution of Zimbabwe Amendment No 19;

24.2 to include in Constitutional Amendment No19 the provisions contained in Chapters 4 and 13, and section 121 of the draft Constitution that the Parties executed at Kariba on 30 September 2007 (Kariba draft).

ARTICLE XXV

COMMENCEMENT

25. Commencement

This Agreement shall enter into force upon its signature by the Parties.

In **WITNESS WHEREOF** the Parties have signed this Agreement in the English language, in six identical copies, all texts being equally authentic:

30

DONE AT HARARE, ON THIS15TH DAY OF SEPTEMBER 2008

_____

ROBERT G MUGABE

PRESIDENT, ZANU-PF

_____

MORGAN R TSVANGIRAI

PRESIDENT, MDC

_____

ARTHUR G O MUTAMBARA

PRESIDENT, MDC

In **WITNESS THEREOF** the Facilitator:

_____

THABO MBEKI

SADC FACILITATOR

9. Appendix 2: Kenya power sharing agreement

ACTING TOGETHER FOR KENYA: AGREEMENT ON THE PRINCIPLES OF PARTNERSHIP OF THE COALITION GOVERNMENT

Preamble:

The crisis triggered by the 2007 disputed presidential election has brought to the surface deep-seated and long-standing divisions within Kenyan society. If left unaddressed, these divisions threaten the very existence of Kenya as a unified country. The Kenyan people are now looking to their leaders to ensure that their country will not be lost.

Given the current situation, neither side can realistically govern the country without the other. There must be real power-sharing to move the country forward and begin the healing and reconciliation process.

With this agreement, we are stepping forward together, as political leaders, to overcome the current crisis and to set the country on a new path. As partners in a coalition government, we commit ourselves to work together in good faith as true partners, through constant consultation and willingness to compromise.

This agreement is designed to create an environment conducive to such a partnership and to build mutual trust and confidence. It is not about creating positions that reward individuals. It seeks to enable Kenya's political leaders to look beyond partisan considerations with a view to promoting the greater interests of the nation as a whole. It provides the means to implement a coherent and far-reaching reform agenda, to address the fundamental root causes of recurrent conflict, and to create a better, more secure, more prosperous Kenya for all.

To resolve the political crisis, and in the spirit of coalition and partnership, we have agreed to enact the National Accord and Reconciliation Act 2008, whose

provisions have been agreed upon in their entirety by the parties hereto and a draft copy is appended hereto. Its key points are:

- There will be a Prime Minister of the Government of Kenya, with authority to coordinate and supervise the execution of the functions and affairs of the Government of Kenya.
- The Prime Minister will be an elected member of the National Assembly and the parliamentary leader of the largest party in the National Assembly, or of a coalition, if the largest party does not command a majority.
- Each member of the coalition shall nominate one person from the National Assembly to be appointed a Deputy Prime Minister.
- The Cabinet will consist of the President, the Vice-President, the Prime Minister, the two Deputy Prime Ministers and the other Ministers. The removal of any Minister of the coalition will be subject to consultation and concurrence in writing by the leaders.
- The Prime Minister and Deputy Prime Ministers can only be removed if the National Assembly passes a motion of no confidence with a majority vote.
- The composition of the coalition government will at all times take into account the principle of portfolio balance and will reflect their relative parliamentary strength.
- The coalition will be dissolved if the Tenth Parliament is dissolved; or if the parties agree in writing; or if one coalition partner withdraws from the coalition.
- The National Accord and Reconciliation Act shall be entrenched in the Constitution.

Having agreed on the critical issues above, we will now take this process to Parliament. It will be convened at the earliest moment to enact these agreements. This will be in the form of an Act of Parliament and the necessary amendment to the Constitution.

We believe by these steps we can together in the spirit of partnership bring peace and prosperity back to the people of Kenya who so richly deserve it.