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Why does democracy in Kenya fare better than in Zimbabwe?

A systematic comparison of elite cooperation*

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Abstract

Earlier scholarly work that has set out to understand the different trajectories of democratization in Kenya and Zimbabwe, has hypothesized that it is the role of political elites in these two countries that best explains why Kenya has been able to strengthen its democracy since the turn of the century while democracy levels have steadily declined in Zimbabwe during the same time period (Cheeseman & Tendi 2010, Cheeseman 2011, Mapuva 2010, Eaglestone 2013, Ikejiaku & Dauda 2011, Branch & Cheeseman 2008, Tamarkin 1978, Blair 2002, Compagnon 2011, Dorman 2001). Even so, this argument has not been tested by systematically comparing the role of political elites in Kenya and Zimbabwe while also excluding other possible factors. Having conducted a systematic comparison of the two cases in which a large number of structural and external variables that are theoretically held to influence democratization have been tested in an earlier chapter of the thesis (Saati 2015, forthcoming), this chapter is concerned with a systematic comparison of the role of political elites in Zimbabwe and Kenya. The results of the empirical investigation illustrate that the history of political elite cooperation as well as the distribution of political violence historically amongst political adversaries has strong explanatory value as to the different trajectories of democratization that the two countries have taken.

“This chapter will be included in my dissertation “Participatory constitution building processes and democracy” (tentative title). The overarching purpose of the thesis is to scrutinize the “participation-hypothesis”; an idea in the peacebuilding literature that suggests that public participation in constitution building will lead to higher levels of democracy subsequent the finalization of the process. The thesis, which is a two-step investigation, includes the entire population of “participatory constitution building processes” (twenty cases) in the first part of the study. The cases are firstly differentiated into a typology covering various forms of “participation” depending on how much influence participants have been allowed to exert on the constitutional document and if they have been allowed to vote on the document in its entirety. The typology includes categories: “false”, “symbolic”, “limited”, “consultative” and “substantial” participation. The empirical investigation of whether or not participation does lead to higher levels of democracy then ensues. In the second part of the dissertation, two cases that had very similar constitution building processes but with very different outcomes in terms of democracy levels are compared to each other along a considerable number of variables drawn from the democratization literature. This, in order to better understand what other factors besides participation in constitution building that the “participation-hypothesis” may need to take into consideration so that it can be reformulated/modified to better be able to achieve its aim. If interested, an overview of the table of contents for the dissertation is found in an appendix at the back of the paper.
CHAPTER 9

Why does democracy in Kenya fare better than in Zimbabwe?

A systematic comparison of elite cooperation

Having compared a considerable number of structural and external factors that are theoretically held to influence democratization in chapter 8, this chapter sets out to compare the role of political elites in Zimbabwe and Kenya. The chapter will be organized as such; following the theoretical proposition of Burton et al. (1992) and Burton & Higley (2001) that elite cohesion is vital for democratization which in turn depends on the history of cooperation between political leaders, and the history of violence in a country – this is where the comparison will start. After having compared the history of cooperation between political elites in Kenya and Zimbabwe respectively as well as the history of violence in these two countries we will be able to distinguish which one of the subtypes of united and disunited elites\(^1\) we are dealing with in each of the countries. We will then go on to discuss potential signs of elite transformations, from disunited to united elites, in both countries.

The history of elite cooperation – a comparison between Kenya and Zimbabwe

As brought to attention earlier when describing a historical overview of constitution making in Kenya, the political landscape of the country was for a long time dominated by one single political party. KANU established itself as the leading political party in the early 1960’s, won the first elections upon independence in 1963 and entrenched its supremacy further when Kenya became a de jure one-party state through the 1982 amendment of the constitution (Lumumba 2009: 16). However, prior to the 1982 amendment, Kenya’s political elite had a history of fairly cohesive cohabitation. Stretching back to the pre-colonial era there has been a tradition of Kenyan political elites working together. Kenya’s first political organization\(^2\) established in 1919, while still under British rule, was a pan-tribal political association in which the leadership was divided between members from Kikuyu, Luo, Kambe and the Luhya (Ajulu 2002). Post-colonial politics in Kenya have also been characterized by a remarkably high degree of elite cohesion. The de facto one-party state led by the first Kenyan president Jomo Kenyatta was, somewhat paradoxically, a relatively inclusive regime (Cheeseman 2011: 341).

From the onset of its governing, extending through the era of de jure one-party state, KANU has remained a multiethnic coalition. This is important to bear in mind due to the high level of ethnic heterogeneity that characterizes the Kenyan demography as brought to our attention in the previous chapter. The country hosts nearly 40 different ethnic groups of which five communities\(^3\) are the most populous, each of which constituting more than 10% of the total population (Hulterström 2004: 25, Ajulu 2002: 253). As pointed out by Hulterström (2004: 102-103) who has studied the ethnic make-up of the leadership in Kenyan political parties during the end of the 1990’s, KANU stands out from the rest of the parties as an affiliation with an ethnically representative leadership that manages to reflect the ethnic heterogeneity of the society as a whole.

During President Jomo Kenyatta’s rule, KANU precedence was maintained mainly via a high level of elite consensus in which a system was created to guarantee all ethnic groups a share of the “fruits of independence” in return for their respective communities allegiance to the dominant party (Cheeseman

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\(^1\) Note to reader: these subtypes have been presented in chapter 7 and are drawn from the scholarly contributions of Burton & Higley (2001)

\(^2\) The East African Association (EAA)

\(^3\) The Kikuyu (21%), Luhya (14%), Luo (12%), Kalenjin (12%) and Kamba (11%) of the total population
Although KANU became more exclusionary under the leadership of Daniel arap Moi from 1978 to the beginning of the 1990’s, in terms of becoming much more discriminatory towards party members and people in general that did not belong to the same ethnic group as Moi (the Kalenjin), the reemergence of multipartyism in 1991 made KANU as well as the other political parties acutely aware of the fact that the ethnic heterogeneity of the country would require them to moderate their policies as well as their rhetoric in order to appeal to a larger segment of the population than merely those that belonged to their own ethnic group.

By realizing that electoral victory was dependent on cooperation with political elites from other ethnic groups in order to in the second step reach out to an electorate that is more heterogeneous than only one’s own ethnic brethren’s, the Kenyan political landscape was overwhelmed by numerous political coalitions between the years 1992-2007. This upsurge of coalition building for nearly one and a half decade has turned most of the Kenyan political leaders into colleagues at one point or the other (Cheeseman 2011: 341). As stated by Mueller (2011: 104): “Kenyan political parties are barely distinguishable in terms of ideology, programs, platforms or organization. Many are no more than changing sets of ethnic coalitions.” To be sure, when having a look at the abundance of political parties in Kenya it soon becomes apparent that we are dealing with a wealth of multietnic coalitions that seem to be formed for the purpose of winning elections; and when not successful with this objective, they either entirely break down and disappear from the political landscape, reemerge in some other constellation or merge with one or several other political parties that also did not succeed in the elections and together with these create a new party. Let us just briefly look at past elections in Kenya to see how this tendency has played out.

In the running up to the 2002 presidential elections the National Alliance Party of Kenya (NAPK) joined forces with the Liberal Democratic Party (LPD) and together formed the National Alliance of Rainbow Coalition (NARC). NARC was successful in winning the elections and for the first time since independence KANU rule was broken and Mwai Kibaki from NARC was installed as president. The alliance only lasted for three years to then split up as a result of internal differences concerning the constitution making process. LDP left the government and joined forces with KANU (who had been its main rival in the 2002 elections) and together they formed the Orange Democratic Movement (ODM). Members of NARC who were still loyal to President Kibaki in turn created a new political party: NARC-Kenya which rendered the original NARC nothing but an empty shell. In 2007, just a few months prior to the presidential election, Kibaki announced that he would run for president in the newly formed coalition Party of National Unity (PNU) – KANU broke away from the main opposition party, the ODM and entered PNU together with a number of other political parties including the Kibaki loyal NARC-Kenya. Kibaki claimed victory in the 2007 elections; the ODM in turn suspected electoral manipulation and the violent inter-ethnic clashes that followed resulted in the death of 1,133 Kenyans (The Commission of Inquiry on Post Election violence 2008: 383). By the conciliation efforts of former General Secretary of the United Nations Kofi Annan, the leadership of both sides, Kibaki for the PNU and Raila Odinga for the ODM, agreed to form a power-sharing government under the “National Accord and Reconciliation Act” in 2008. It is interesting to observe that current Vice President as of 2013, William Ruto, was presidential candidate for the ODM in the 2007 elections and that current President as of 2013, Uhuru Kenyatta (son of first Kenyan president Jomo Kenyatta) as a member of KANU was included in PNU; thus, these two were on opposing sides in 2007 elections. In the running up to the 2013 presidential elections Kenyatta and Ruto announced that they would join forces in yet a new coalition named Jubilee Alliance. “We are uniting for the sake of the people of Kenya” said Kenyatta just months before the 2013 elections (BBC News 2012). The results of the 2013 elections revealed a victory for the Jubilee Alliance; in April 2013 Kenyatta was inaugurated as the fourth president of his country and Ruto was announced as his vice-president.

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4 From 2007 and onwards a number of legislative acts concerning political party formation and registration have been adopted resulting in the number of political parties decreasing considerably (for example “The Political Parties Act” from 2007, revised in 2009, and “The Political Parties Bill” from 2011).

5 In 2007, 160 political parties were registered. The number was reduced to 24 in 2012.
Whether or not this elite “musical chairs” as Cheeseman & Tendi (2010: 213) call it is desirable is a question that we will not focus on here, but what it tells us is that the members of the various political parties and alliance formations in Kenya have become accustomed to working together and have also created expectations as to during which circumstances cooperation works and when it does not. Hence, when it comes to a history of elite cooperation as a determinant for elite cohesion, Kenya fulfills this requirement – since independence a culture of cooperation, although primarily for the purpose of enhancing and securing the interests of one’s own ethnic group, between political elites has been established.

Turning to Zimbabwe, elite cohesion is by and large non-existent. Contrary to Kenya, Zimbabwe has never been a de jure one-party state but the forced merger of ZAPU into ZANU in 1987 turned the country into a de facto one-party state. Since 1980 ZANU (ZANU-PF after the merger) has governed Zimbabwe. While Kenyan President Jomo Kenyatta during his presidency, albeit for the main reason of safeguarding KANU supremacy, reached out to other political parties with different ethnic support bases than that of his own, Robert Mugabe has never followed this course of action. Quite the contrary.

The actions and strategies of Robert Mugabe and his ZANU-PF must be understood in light of the near complete party identification with the liberation struggle; and as winners of this struggle, the sense of responsibility to guarantee continued sovereignty. Mugabe himself has made it his duty to fend off opposition to ZANU-PF from the outside as well as within his own ranks – as of 1987 all opposition has been labeled as treason (Bratton & Masunungure 2011, Compagnon 2011:9). With ZAPU out of the way, ZANU-PF did not face any real political challenge until the turn of the century when the MDC headed by Morgan Tsvangirai entered the political stage of the country. ZANU-PF’s quest for complete authority disguised under the pretext of creating and upholding a socialist state has made it relentless when it comes to handling the MDC (Compagnon 2011: 8-9). Here, unlike in Kenya, there have not been any attempts to make the opposition work with the ruling party instead of against it, rather Robert Mugabe has opted for repression as an alternative to seeking common ground and consensus (Cheeseman & Tendi 2010: 215). Violent forms of suppression in the running up to, and in the aftermath of, the 2000, 2002, 2005 and 2008 elections bear witness to the techniques used in order to keep the opposition in a constant state of fear and will be further elaborated in the next section when dealing with the history of violence in the country (HRW 2008, HRW 2011).

As brought to attention in chapter 6, the violent turmoil following the 2008 presidential elections eventually resulted in a power-sharing agreement between ZANU-PF and the two MDC-formations (MDC-T and MDC-M) in September 2008. The agreement (the GPA) was brokered by the Southern African Development Community headed by South African President at that time, Thabo Mbeki, during his very last days in office. In the summer months prior to signing the agreement, the AU and the UN were also involved in facilitating the process per request of Tsvangirai. With assistance of these organizations a Memorandum of Understanding (MOU) was agreed upon in July 2008 at which point the three factions agreed to further negotiate the specific powers and composition of the Government of National Unity (GNU). With no history of cooperation whatsoever and with diametrically opposing views as to how power was exactly to be shared, Tsvangirai and Mugabe bickered about the role and power of the President vis-à-vis the Prime Minister. The rift between the two MDC formations also played well into Mugabe’s hands as he was able to capitalize on the huge mistrust of MDC-M towards MDC-T. Secret meetings in Parliament were held, in violation of the MOU, with the silent support of Mbeki and MDC-M at which point Mugabe tried to settle the balance of power by electing leaders to the body. He also went on, also in violation of the MOU, to select a number of provincial governors but made sure to save two seats for candidates of MDC-M in order to secure their support. In order to further widen the gap between the two MDC-formations Mugabe also declared his support for the MDC-M candidate as Speaker of the House of Assembly. Mugabe’s attempt to fully exclude MDC-T from the agreed upon tripartite power-sharing deal however proved unsuccessful when MDC-M MP’s went against their own party and voted for a MDC-T candidate as the Speaker of the House of Assembly (Compagnon 2011). With MDC-T strengthened, the negotiations continued and in the end finalized in
the GPA; a substantially comprehensive agreement covering matters concerning the restoration of economic stability, the writing of a new constitution, the land question, securing free political activity, and a number of other issues (GPA 2008). However, due to Mugabe’s enduring reluctance to enter any sort of agreement with the opposition at all, the new Cabinet was not sworn in until February 2009. The GPA also established that Robert Mugabe would continue holding the presidency, that a new post for a Prime Minister would be established and that this seat would be occupied by Tsvangirai and that two deputy Prime Ministers would be elected, one from MDC-T and the other from MDC-M. The seats of the Cabinet would also be shared between the three factions. Although the GPA stated that the members of the Cabinet were to take decisions by consensus (GPA 2008), there was nothing in the agreement that clearly stated how disagreements between the factions would be solved if consensus could not be reached other than that SADC would act as the overall guarantor of the agreement.

The five years of governing Zimbabwe under the GPA until the 2013 general and presidential elections did not vitalize elite cohesion, rather governing in the power-sharing constellation was cumbersome since much executive power remained in the hands of Mugabe including the entire security apparatus which since 2000 has been used against the opposition (Cheeseman & Tendi 2010: 220). Furthermore, as brought to attention by Human rights Watch (2013a), four years after the signing of the GPA there was very little progress in implementing many of the key aspects of the document, particularly in terms of addressing the culture of impunity and ending ongoing political violence. The organization also noted that ZANU-PF continued to block attempts by the MDC formations to amend existing laws in order to bring them in line with the writings of the GPA.

On June 13th 2013, Mugabe, in violation of the GPA, through a presidential decree announced that elections would be held on July 31st that same year. Even though Tsvangirai loudly and publically reacted to this decision and SADC expressed their concern (Smith 2013, Esbjörnsson 2013) general and presidential elections were carried out in accordance with the presidential decree; the first elections since the adoption of the new constitution earlier that same year. The election results showed that 89 year old Mugabe had won a seventh term in office, gaining 61 % of the votes against Prime Minister Tsvangirai who managed to gather 34 % (Zimbabwe Electoral Commission 2013). Tsvangirai called the elections a “huge farce” and the presidential poll as “null and void” (BBC News 2013a). The Zimbabwe Election Support Network (ZESN), the largest group of domestic electoral observers said that the vote was compromised, claiming that up to one million of the country’s 6,4 million qualified voters were prevented from casting their vote (BBC News 2013a). Election observers from the AU and from SADC nevertheless deemed the elections as free and peaceful (though refraining from calling it “fair”), and although acknowledging that some irregularities had occurred, considered these to be of non-relevance as far as the outcome of the vote was concerned. SADC Mission Head even stated that “in democracy we not only vote, not only campaign, but accept the hard facts, particularly the outcome” (BBC News 2013b). Mugabe was inaugurated as President on August 22nd 2013.

**Ideology versus ethnicity**

The foregoing portrayal of the history of elite cooperation in Kenya and Zimbabwe inevitably raises the question of “why?” why is there a history of elite cooperation in Kenya while there is no such history in Zimbabwe? Clearly this is a complex and multifaceted question. However, when it comes to the main conflict dimension in the political life of these two countries there is a difference between the two cases; the role of ideology versus ethnicity in politics.

One of the main differences between the Kenyan and the Zimbabwean case is the role of ethnicity in society and the extent to which ethnicity has been politicized. As already brought to attention above, political parties in Kenya appear to be marriages of necessity quickly followed by divorce and then remarriage with another partner/partners if not successful in elections. The ease with which new political parties are formed, even so late as a few months prior to elections, and the ease with which formerly opposing political elites form alliances together in time for the next elections strengthens the merit of
the observations made by Ajulu (2002), Mueller (2008, 2011) and Nasong’o (2001); that is, ideology plays near to no significance in Kenyan politics. The political game is rather perceived as a zero-sum ethnic battle in which the prize is the economic resources of the country. Since institutions have historically been, and still remain, weak, voting for a fellow ethnic member has become (or at least is perceived as such) the surest way to make certain that public goods to one’s own ethnic group are secured (Hulterström 2004). This is not to suggest that Kenyan’s never vote in accordance with policy interests, it would be an oversimplification to claim that ethnic identities alone determine individuals voting behavior (Bratton & Kimenyi 2008). Bratton & Kimenyi’s study (2008) however illustrate that even though Kenyan’s do not primarily identify themselves as being “Luo”, “Kalenjin”, “Kikuyu” etc., but rather identify themselves on the basis of their occupation and their social class, they to a much higher extent identify others in terms of their ethnic belonging. The survey conducted by Bratton & Kimenyi reveals that interethic trust is a commodity that is short in stock in the Kenyan society. There is a widespread belief among the Kenyan populace that their “co-nationals are prone to organize politically along exclusive ethnic lines and to govern in discriminatory fashion” (Bratton & Kimenyi 2008: 276). This explains why politics is considered a zero-sum game in Kenya – a member from the “wrong” ethnic group on the presidential post is viewed as detrimental for one’s own interests since the president is regarded as a personal distributor of various public goods (Mueller 2008). This in turn spurs politicians to take advantage of this sense of urgency among the people, forming and reforming alliances with each other on no clear programmatic platforms but rather on ethnic calculations as to which alliance formation is most likely to mobilize the largest portion of votes on election day (Mueller 2008). So, while ethnicity is the most salient dividing line in politics and to a very large extent driven by a “it’s-our-time-to-eat” logic, political leaders from various groups do not find any difficulties working with each other in various alliances for the sake of winning. Whether or not members of the electorate are rewarded in accordance with their perceptions is however a different matter. As brought to attention by Kasara (2007: 159), it is not at all certain that political leaders once elected extend patronage to members of their own ethnic group neither exclusively nor all of the time. It may even so happen that co-ethnics are, for example, taxed harder than non-co-ethnics (Kasara 2007) as political leaders can count on their fellow co-ethnics electoral support regardless. Moreover, from the individual who is placing the vote’s point of view, casting a vote on a co-ethnic presidential candidate can many times be a mere defensive strategy motivated by fear as to what might happen to one’s own ethnic group if a member from another ethnic group wins. According to Mueller (2008: 201), the voting pattern of the 2007 elections reveals this tendency quite well as the electorate to large extents voted against broad based ethnic coalitions rather than in favor of any one, while political alliance making in the running up to the elections was as much about which ethnic groups were not to acquire power and control the state’s resources as it was about which groups would.

Zimbabwe as opposed to Kenya was born out of a liberation war that lasted 1964-1979. During the last years of the liberation struggle, ZANU-PF adopted Marxism-Leninism as its official ideology and announced the year 1979 as the year of the “Gore Gukurahundi” (the year of the storm); a revolution that would wipe away the white settler minority, its supporters and finally the capitalist system, ushering in a new political and socio-economic order (Sithole & Makumbe 1997). As brought forward by Compagnon (211: 3), the belief that the Zimbabwean liberation war was a just and legitimate struggle turned the scholarship of the time somewhat blind as to the techniques that Mugabe was using in order to secure victory. Likewise, the autocratic tendencies that started to emerge in the beginning of the 1980’s were lost among the news of initial success in the social and economic spheres. However, such early achievements were soon reversed when inflation hit in 1983 (Compagnon 2011: 3). The insistence of holding on to a Marxist-Leninist rhetoric soon turned out to be nothing but an empty expression for the purpose of holding on to power. Likewise, the credibility of the ZANU-PF elite as some sort of champions of socialism was heavily questioned when individuals within the party started to accumulate capital among themselves (Compagnon 2011: 4-5, Sithole & Makumbe 1997).

As members of the winning side of the liberation war, ZANU-PF formed, and continues to form, the political discourse of Zimbabwe around an ideology of national liberation (Compagnon 2011: 2-3). In
the view of the ruling party, as liberators of British colonialism, political legitimacy to rule eternally is natural and uncontroversial (Bratton & Masunungure 2008: 43, Raftopoulos 2006, Compagnon 2011). To be sure, nationalism did have a unifying effect on the Zimbabwean population during the drawn-out liberation struggle but it also planted a seed for intolerance against political opposition which has continued ever since (Bratton & Masunungure 2008). The signs were already there during the war and in its immediate aftermath. The two nationalist formations, ZANU and ZAPU and their respective armed wings ZANLA and ZIPRA were not able to agree and unite during the course of the war against Ian Smith’s Rhodesian government, instead they operated separately and at times against each other. While there is broad scholarly agreement concerning the prominent status of ethnicity in Kenyan politics, (Cheeseman & Tendi 2010, Mueller 2008, Mueller 2011, Bratton & Kinenyi 2008, Ajulu 2002, Hulterström 2004) scholars who have devoted attention to understanding the political life of Zimbabwe are not in agreement when it comes to the role of ethnicity there. Moore (1990) for example argues that strife’s both between ZANU and ZAPU as well as among members of the separate factions where ideological in character and that the main conflict was between radicals and reformists not between the two main ethnic groups, the Shona (82 %) and the Ndebele (14%). Bratton & Masunungure (2008) appear to comply with this view but hold that the “struggle within the struggle” served to deepen an ethnic split between the two main ethnic groups as well as within them. Cheeseman & Tendi (2010) and Cameron & Dorman (2009) also contend that in contrast to Kenya, politics in Zimbabwe has revolved around issues of class and geography where the rural/urban divide has been the most salient. Compagnon (2011) on the other hand understands ethnic antagonism between the Shona and the Ndebele as the main factor that divided the liberation struggle and as the prime factor that has continued to divide politics in the country to this day; in the 1970’s at least, he argues, fighting between the leadership of ZANU and ZAPU was mainly a conflict between various political entrepreneurs; ideological differences were fairly non-existent albeit ZANU used Marxist-Leninist discourse for legitimizing purposes. The truth about the driving forces of Zimbabwean politics during the liberation war and the proceeding effects post-independence, likely lies somewhere in between these various interpretations. What is certain however is that the nationalist rhetoric and nationalist agenda is still on the table and is still being used by ZANU-PF.

Since independence ZANU-PF have been able to clutch on to power by continuously depicting an ongoing state of emergency in which the Zimbabwean nation is under the threat of domestic forces such as the internal opposition, white-farm land owners and local “sell outs” as well as external forces such as Western powers, imperialists, “imperialist stooges” and colonialists (Cheeseman & Tendi 2010: 215, Bracking 2005: 346, Bratton & Masunungure 2008: 43-46, Sachikonye 2011: 40-44). In the rhetoric used by the party, not only are ZANU-PF the only legitimate rulers of the country, but they are likewise the only ones competent enough to do it. The forcefulness and persuasiveness of this argument rendered the few opposition parties that emerged during the 1990’s irrelevant and unsuccessful in terms of challenging ZANU-PF hegemony. In addition, instead of focusing on political issues that needed to be addressed they bickered among and between themselves, much to the amusement of Mugabe and fellow ZANU PF members (Raftopoulos 2006). As earlier stated, it was not until the very end of the 1990’s that the political landscape of Zimbabwe dramatically altered by the formation of the MDC; a political party that was created in response to labor struggles, constitutional politics and human rights violations. The party was, and has continued to in its two formations, able to gather the support of the white commercial farming sector and from a broad array of Zimbabweans who have become increasingly disillusioned with the political and economic situation (Raftopoulos 2006). On a political platform based on ideas of economic reform, constitutionalism and political rights, the MDC have in all consecutive elections since 2000 challenged ZANU-PF by expanding the political discourse beyond nationalism and national liberation.

Undeniably, there is a difference between Kenya and Zimbabwe when it comes to the driving force in political life – whereas Kenyan politics is ethnicized, a nationalist ideology has a more noticeable role in Zimbabwean politics. Elite cooperation ought to, at least presumably, stand a better chance of working if ideological differences are either non-existent or at least not too huge. If political elites from different
political affiliations do not agree on the fundamental issue of how society best should be organized and how institutions ought to be designed, cooperation between them appears as a non-viable option. If one would on the other hand subtract ideology from the equation and consider a situation in which the grab for power takes prominence over all other matters, cooperation will appear a viable option if it actually helps one reach one’s aim. This could, at least partly, explain the history of elite cooperation in Kenya and the lack of the same in Zimbabwe.

This section of the chapter has shown that as far as the history of elite cooperation is concerned, the cases of Zimbabwe and Kenya reveal quite different trajectories. While such a history is present in Kenya, no such history exists in Zimbabwe. Even prior to independence, stretching through to present-day, political elite cooperation in Kenya has been fairly high. Although one should be hesitant to paint a false image of reality in which no intra-elite fighting and full cohesiveness is portrayed, one should also bring attention to the findings that have been described on the preceding pages as this can enhance our understanding about democratization in Kenya. Of course, this finding becomes even more noticeable when compared to the situation in Zimbabwe. This is not to say that the absence of elite cooperation in Zimbabwe is the sole explanatory factor that sheds light on why democracy has fared worse there than it has in Kenya, but it does contribute to increasing our knowledge about the potential importance of elite cooperation when it comes to democratization processes. In the next section of the chapter we will go on to compare the other factor that together with the history of elite cooperation is believed to determine elite cohesion and by extent democratization, namely the history of violence, in Kenya and Zimbabwe respectively.

The history of violence – a comparison between Kenya and Zimbabwe

This section of the chapter will commence with a depiction of the history of violence in Kenya. While the portrayal of the history of violence in Kenya will be chronologically structured along the governing period of Jomo Kenyatta, Daniel arap Moi, Mwai Kibaki and Uhuru Kenyatta the exposé of how the history of violence in Zimbabwe has evolved will be chronologically structured along the first decade of independence and then around the elections of 2000, 2002, 2005, 2008 and 2013, since there has not been any alternation of power in the country since independence and also because elections in Zimbabwe during the 2000’s have been accompanied by high levels of violence (Redress Trust 2004).

The history of political violence – Kenya

Much of the recent literature on political violence in Kenya is quite naturally focused on the events that unfolded after the 27-28 December 2007 presidential elections which left 300,000 people displaced and 1,133 dead (e.g. Anderson & Lochery 2008, Mueller 2011, Gibson & Long 2009, Dercon & Gutiérrez-Romero 2012, Cheeseman 2008). As Mueller (2011: 101) brings attention to, the events of 2007 caught many off guard since Kenya’s transition towards democracy was believed to be fairly secured after the peaceful elections in 2002 which was followed by the 2005 referendum on the constitution. Even though the government faced defeat in 2005 as the constitutional draft was rejected by the people, it did not contest its loss which was by many perceived as yet another step towards a full transition to democracy. One may however raise doubts as to how unexpected the occurrences of 2007 really were when taking into account the history of political violence in the country, particularly from the 1990’s and onwards. A few words concerning political violence while under colonial rule and during Jomo Kenyatta’s regime

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6 When referring to violence in this section, we are concerned with political violence. As thoroughly discussed by Mars (1975) and Hansen (2009), “political violence” is a notoriously difficult concept and scholarly agreement concerning its meaning is hard to achieve. The term has often been accused of being too all-encompassing to be useful at all, that it is simply too vague and not clearly distinct in comparison to other forms of violence (for example economic violence and social violence). This is not the place to get into a deep discussion about the concept as such, but a definition is warranted. Here “political violence” is defined by the help of Moser (2001) who describes political violence as “the commission of violent acts motivated by a desire, conscious or unconscious, to obtain or maintain political power” (Moser 2001:36). Hence, it is violent acts in the pursuit of attaining or maintaining power that is at the core of the concept, whether or not the perpetrator/s of such acts are successful in achieving their aim is irrelevant. Political violence include acts such as: political assassinations, armed conflict between political parties, rape and sexual abuse as a political act (Moser 2001:36).
(1963-1978) are however also warranted, mostly to acknowledge the difference as to how political violence has been exercised historically.

**Political violence during the colonial era and during Jomo Kenyatta’s rule**

Political violence has played out in different ways throughout Kenya's history. At the end of the 1880’s when the Sultan of Zanzibar granted the British East Africa Company (BEAC) concessional rights to the Kenyan coast, a Kikuyu leader was kidnapped and assassinated by the British after having torched a BEAC official’s house (Hansen 2009). Clashes between the indigenous population and the colonizers continued in response to the latter's domination over economic resources and political power. Violent means were used by both sides for the purpose of securing various political objectives, which became most evident during the Mau Mau rebellion which lasted 1952-1960. Although it would be incorrect to say that the coming of independence meant a complete abruption of political violence in Kenya, state sponsored violent acts on a systematic manner were not exercised during the Jomo Kenyatta regime.

During this period there were episodes in which state security forces were suspected of having been involved in the assassinations of oppositional politicians as well as politicians within Kenyatta’s own ranks, but most of the irregularities during Kenyatta’s era of rule were along the character of harassments, obstructing meetings of the opposition and other things of this nature. When Kenyatta passed away in 1978 and was succeeded by Daniel arap Moi, the extent and character of political violence in Kenya changed and took a turn for the worse. In the following section we will explore the reasons behind this fact, and also how political violence was exercised during Moi’s regime (1978-2002).

**Political violence under Daniel arap Moi**

The alternation of power on the presidential post had consequences in terms of repression and violent acts towards members of the opposition. There are a number of reasons that explain the turn of events. To begin with, the new president did not have the same resources at his disposal as Kenyatta once had (land to be distributed, jobs in the civil service sector, etc.); resources that he could reward supporters with (Mueller 2008). Secondly, Moi was exposed to an attempted coup d’état in 1982. The attempted coup was yet another effort by the Kikuyu elite to keep Moi, a member of the Kalejin ethnic group, away from power. Moi’s response to this failed effort was to amend the constitution in order to make KANU the only legally allowed political party. In conjunction with this maneuver of strangling the legal space for political opposition, his ruling style also dramatically changed. Arbitrary detentions without trial, torture and the labelling of opponents as dissenters became common practice from the beginning of the 1980’s which in turn spurred the opposition movement to even more forcefully demand democratization (The Commission of Inquiry on Post Election Violence 2008).

Over the years, the opposition were joined by civil society organizations requesting democratic reforms. At the same time international pressure on the Moi regime to reintroduce multipartyism in the beginning of the 1990’s eventually made the president, although reluctantly, strike the paragraph in the constitution declaring Kenya as a one-party state. However, this did not imply that the regime had any intent to actually relinquish power which it would have do to in the case of electoral defeat in the upcoming 1992 elections. With the aim of securing electoral victory, the regime started employing various strategies among which many were of violent character (Widner 1994, Hansen 2009, Brown 2004 The Commission of Inquiry on Post Election Violence 2008). Writing an article in 2001 on the human rights abuses under the presidency of Moi, Adarand & Munyae (2001) even suggest that some of the worst human rights abuses in the history of independent Kenya were conducted during the period 1989-1991. Even though he had conceded to international demands to introduce multipartyism, Moi accused oppositional politicians that welcomed the onset of pluralism for treason and on those grounds justified the need to put them behind bars and keep them there. The possibility of a fair trial was a rarity for opponents who were jailed solely because they were supporters of multiparty elections. Clergymen, solicitors, human rights supporters and others who were supporters of democratic reforms were also

Reports covering the 1992 elections revealed that influential individuals in the government had condoned and in some instances even organized and used violent gangs to frighten voters in oppositional districts (Human Rights Watch 1993, National Council of Churches of Kenya 1992, The Commission of Inquiry on Post Election violence 2008). Moreover, Moi called on his ethnic brethren’s, the so called “Kalenjin warriors” to murder and displace opposition voters from other ethnic groups, most of which belonged to the Luo, Luhya and Kikuyu groups (Mueller 2011: 103, Hansen 2009). The same strategy was employed in the 1997 elections. Despite the death and devastation caused by these methods in the 1992 and 1997 elections, no individual was ever tried and punished for these crimes (Hansen 2009, The Commission of Inquiry on Post Election violence 2008). As a result thereof a culture of impunity was also soon established. These violent mobs in turn provided fertile soil for other similar gangs to form which is exactly what has happened. As Mueller suggests (2011: 103), the use of extra state forces for the purpose of maintaining power, has had short term as well as long term implications. The short term effects; Moi managed to secure electoral victory in the 1992 and 1997 elections. The long term effects; violence in the pursuit of presidential and parliamentary power became institutionalized features of the political landscape, and the violent groups that were nourished and supported, indirectly or directly, by the hands of the Moi regime, became self-sufficient and proliferated into even more gangs reaching into the new millennium (the Commission of Inquiry on Post Election violence 2008: 21-28).

These violent mobs are not homogenous as far as their activities are concerned; some are engaged in various forms of coercion, others operate on a more ad-hoc basis, some appear to have connections to the police force and politicians and yet others appear to be ethnic militias as for example the Mungiki; a group composed of members from Kikuyu. This is a group that has made brutal methods such as beheadings, chopping of legs and other mafia-style murders on members of other ethnic groups its trademark. First establishing their organization in the Kenyan highlands, Mungiki have since the end of the 1990’s moved their shady business into Nairobi where they exert various means of coercion without the government being able to control its members (Gettleman 2007, McCrummen 2007, Childress 2008, Hansen 2009). In an interview in the Wall Street Journal a former member of the gang states that “the Mungiki are just like another government in Kenya”, and then adds, “I fear the Mungiki more than the government” (Childress 2008). This is quite interesting since neither Mungiki nor any of the other gangs that formed in the beginning of the 1990’s nor do any of their “spin-offs” aspire to topple the government in Nairobi, rather it appears that the use of violence is encouraged by economic gains. Even so, many of the activities undertaken by Mungiki are politically motivated. For instance, the gang directs many of its actions towards what it perceives as being political opponents to the Kikuyu. Furthermore, there appears to be good reasons to believe that the gang enjoys financial as well as moral support from Kenyan members of parliament (Hanson 2009: 4), which by extent has made it possible for politicians to utilize the gangs “services” during election campaigns and beyond. Because of fear and/or as a result of politicians once having supported these gangs, and perhaps some still continue to do so, there is no political leadership as to how to respond to the current state of affairs. Consequently, Mungiki and other gangs have been able to continue their everyday business as usual without much intrusion from government. Hence, what started off by President Moi as a way to maintain in power has transformed into a situation that in its very essence is detrimental to state authority; at times the government does not manage to control all of its territory and its prerogative as the sole authority of the use of force has also been undermined on several occasions by the violent acts of the gangs (The Commission of Inquiry on Post Election violence 2008: 21-28).
Political violence under Mwai Kibaki

Gangs and militias continued to multiply throughout President Moi’s rule whereby the institutionalization of extra-state violence entrenched further. This tendency persisted and grew stronger in the running up to the 2002 elections when NARC candidate Mwai Kibaki won the presidency. In time for this election, an even higher frequency of violent mobs were operable and employed for the purpose of securing various political interests than during Moi’s era of rule. Groups like the Mungiki but also other new gangs such as the Kamjesh, Jeshi la Mzee, Sungu Sungu and the Baghdad Boys entered the picture for the first time and established their presence only to be used again in the following 2007 elections when the employment of political violence culminated to unprecedented levels.

The character of the violent outbreak in the aftermath of the 2007 elections was distinguishable from earlier incidents of political violence that had occurred in Kenya in connection to elections since the reintroduction of multipartyism in the early 1990’s. Firstly, the violence was deadly on an unprecedented scale, 1,133 Kenyans lost their lives as a result of post-election violence. Secondly, the geographical spread of violent acts was near all-encompassing leaving a mere two provinces untouched by the turmoil. Thirdly, unlike earlier incidents of electoral violence most of the violence followed the elections rather than preceded it (The Commission of Inquiry on Post Election violence 2008: vii).

The actual day of the election ensued without any major incidents of violence. Observers even deemed the voting process as a well-organized event (Gibson & Long 2009). It was when the Electoral Commission of Kenya (ECK) delayed the announcement of who the winner of the presidency that unrest sparked throughout the country. When the ECK finally revealed the outcome and when doing so declaring PNU candidate Mwai Kibaki as winner, by a mere 2 % margin, supporters of ODM candidate Raila Odinga accused the electoral commission for having rigged the election. Within hours of the announcement, violent interethnic clashes started raging in the country. In parts of Nairobi, the Rift Valley, the coast and the western provinces members from primarily the Kikuyu were targeted because of their perceived support of Kibaki (a Kikuyu himself), whereas in other parts of Nairobi and in the central provinces of the country members of the Lou group were specifically targeted because of their perceived support of Odinga (a Lou himself). Violence continued for several weeks after which the “National Accord and Reconciliation Act” was brokered and the government of unity entered by the PNU and the OMD. The settlement also included the appointment of a number of commissions, one of which was the Commission of Inquiry on Post Election Violence (CIPEV) that was to investigating the facts and circumstances surrounding the 2007 election violence and the conduct of state security agencies in their handling of it. The Independent Review Commission was another commission that was to be installed. The purpose of this commission was to examine the 2007 elections from various perspectives. Although the extent and exact involvement of various Kenyan state agencies’ responsibilities in relation to the post-election violence still remains disputed (Hansen 2009), CIPEV point out that particularly the police remained passive bystanders either because they were unable or unwilling to halt the atrocities (Commission of Inquiry on Post Election Violence 2008). The pages of the final report of CIPEV are also filled with examples telling about members of the police force having used excessive use of violence and particularly so the use of firearms causing many of the total amount of causalities (Commission of Inquiry on Post Election Violence 2008: pp. 384). Perhaps equally alarming is another one of CIPEV’s findings which is worth quoting at length:

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7 The EU and the International Republican Institute write in their respective final election observation reports that the elections were indeed flawed and that irregularities occurred once the count of the votes started (see European Union (2008) ‘Final Report: General Elections 27 December 2007’ and International Republican Institute (2008) “Kenya’s 2007 presidential, parliamentary and local elections” 7. The Independent Review Commission, which was installed to examine the December 2007 elections from various perspectives, also described essential flaws in the counting process (Independent Review Commission).
“The Commission could find little or no evidence to indicate that the Government, either as an entity, or through individual politicians moved to prevent or ameliorate the tensions leading up to the elections. In fact there is strong evidence that indeed the actions of some senior duty bearers exacerbated tensions and violence through the misuse of executive power and authority”

(Commission of Inquiry on Post Election Violence 2008: 373)

After having scrutinized the individual entities in the Kenya Security Intelligence Machinery (KISM) and acknowledged that particularly the military and the National Security Intelligence Service (NSIS) had planned for the elections in terms of setting up preparedness plans and assuring service delivery on the ground, CIPEV goes on to state that:

“Weakness exposed by the very nature of the post-election violence however mitigated these positives. Key amongst these was the lack of leadership provided by the Cabinet Security Committee and its co-opted members. This committee is the highest level component of Kenya’s Security Intelligence Machinery yet the Commission could find no evidence that it operated at all let alone effectively in the lead up to and during the elections. It is expected that these senior members of the government would demonstrate leadership and decisiveness in addressing the issues they must have been aware of during the build up to the 2007 general elections. The Commission can only speculate that individual members were more concerned about their personal political situation during the campaigning and polling period”

(Commission of Inquiry on Post Election Violence 2008: 373)

CIPEV also in one of its concluding remarks points out that the institutionalization of violence that had been established during the 1990’s while under the Moi regime and the frequent use of violent mobs to reach political ends had provided political leaders in the running up to, and in the aftermath of, the 2007 elections favorable conditions to activate these gangs and new ones for their own purposes (Commission of Inquiry on Post Election violence 2008; xiii)

Political violence under Uhuru Kenyatta

After five years of governing the country through a PNU-ODM coalition, March 4th 2013 was announced as election day; the first elections since the violent polls of 2007 and also the first elections under the new constitution. Not surprisingly, many within and outside of Kenya worried that the 2013 elections would replicate the mayhem of 2007/2008 – the fear was even more heightened due to the near complete impunity for murders and rapes that were conducted in connection to the 2007 elections, leaving the perpetrators of such acts out there to commit similar crimes again. Some of these fears turned out to be legitimate causes of concern; in 2012 and in the early months of 2013, inter-communal fighting in parts of the country had claimed about 480 lives and left almost 120,000 people displaced (Human Rights Watch 2013b). Nevertheless, despite clashes before polling day, the 2013 elections turned out to be the most peaceful since the reintroduction of multipartyism in the early 1990’s (International Crisis Group 2013). As mentioned earlier, Uhuru Kenyatta and William Ruto through their newly formed Jubilee Alliance, were able to claim victory and although the results were contested by the main rivaling contender for the presidential post, former Prime Minister Raila Odinga (this time in yet a newly formed coalition, Coalition for Reforms and Democracy), the Supreme Court validated the results which were thereafter respected by the defeated parties.

A number of reasons contributed to making the 2013 elections an event not permeated with acts of political violence. To begin with, there was an overall consensus among the political elites and the population at large not to repeat the events of 2007/2008 (International Crisis Group 2013). Peace committees collaborated with the security and media sectors of the country to try and reduce tensions, international pressure to avoid a repeat of the 2007/2008 turmoil was pervasive and a vigorous and determined civil society was adamant in campaigning for a peaceful election; all of these initiatives helped move Kenya on path towards a non-violent election. However, it should also be mentioned that the vigor through which various stakeholders were intent on making it a peaceful event, open discussions on topics that could endanger the holding of non-violent elections were at the same time prohibited. Political candidates were for example ordered to abstain from talking about historically sensitive issues,
such as the land question, and the Kenyan media also changed its rhetoric and to some extent employed self-censorship (for example by not broadcasting demonstrations prior to and in the aftermath of the elections) (International Crisis Group 2013).

**Elite cooperation despite political violence, how come?**

Despite all political parties having suffered from the effects of political violence directed either towards their party members or their supporters since the reintroduction of multipartyism in late 1991, Kenyan political elites have still chosen to continue to cooperate with each other. The government of national unity that was formed as a response to the violent aftermath of the 2007 elections is a, perhaps extraordinary even, example of this continued cooperation. That current President as of March 2013, Uhuru Kenyatta, and his Vice President, William Ruto, were on opposing sides in that specific election but in time for the 2013 poll joined in a new coalition also demonstrates that collaboration is still being exercised among the political elites. Undeniably, the events that unfolded in late December 2007 and the ensuing months thereafter could very well had put a screaming halt to any future cooperation between members from the various political factions, yet this has not turned out to be the case. Nic Cheeseman (2011) argues that this fact can be explained by the high “distribution” of violence in Kenya; meaning that no single party has monopoly on victimhood, but rather that all parties have committed and maintain the ability to commit atrocities. When the distribution of violence is high, as it is in Kenya, elite cohesion and the willingness to cooperate is also high. The logic behind high distribution of violence leading to enhanced elite cohesion is rather straightforward; when all parties have been involved in committing atrocities, all parties will likely also have a shared interest in escaping prosecutions for past crimes which in turn encourages cooperation to ensure that such prosecutions do not occur (Cheeseman 2011: 342). On the other hand, where the distribution of violence is low, where one party is the enforcer of violence while the other party/parties have monopoly on victimhood, elite cohesion is also low as there is no incentive for the party/parties that are victims of atrocities to cooperate for the purpose of avoiding persecutions, rather the opposite. As will become clear in the next section of this chapter where we will devote attention to political violence in Zimbabwe, the distribution of violence is very much contrary to that in Kenya.

**The history of political violence – Zimbabwe**

Zimbabwe’s history of systematic state-sponsored violence is as long as its own existence. The extent and character of such violent acts, in addition, greatly surpass those in Kenya and have steadily increased since the turn of the century. Indeed, as noted by Compagnon (2011) and Sachikonye (2011), the magnitude of regime-induced violence has fluctuated during the course of the years since independence in 1980, but has nevertheless always been a fundamental part of Zimbabwean politics. The regime’s unwillingness to ensure that perpetrators of violence, the youth-militia, war-veterans, or just plain ZANU-PF supporters, be brought to justice has also been persistent, and hence a culture of impunity has been allowed to take root in the country (Human Rights Watch 2011).

**Political violence during the 1980’s - 1990’s**

A couple of years after independence President Mugabe launched the Gukurahundi campaign (1982-1984) in Matabeleland, the purpose of which was to wipe out the membership base of the sole oppositional party ZAPU so that its leadership would have no choice other than to either completely vanish from the political landscape or merge into ZANU. The second route was eventually “chosen”. The Gukurahundi campaign brought with it a reign of terror to the ZAPU stronghold, Matabeleland, involving extreme use of torture, systematic use of rape and the destruction of huts, crops and cattle by the Zimbabwe National Army 5th Brigade, the Central Intelligence Organization (CIO) and youth militia (Amnesty International 2000, Compagnon 2011). About 20,000 people lost their lives during this purge. Due to an amnesty that was declared in 1988, no one was ever prosecuted for these deaths nor for any of the other atrocities that were committed during the violent campaign (Amnesty International
2000, Cheeseman & Tendi 2010: 215, Compagnon 2011: 49, Sachikonye 2011). When considering the methods through which Mugabe made sure to eliminate ZAPU in the beginning of the 1980’s, and the extreme lengths he was ready to go to in order to accomplish his aim, it is clear that the pattern for how to tackle any form of opposition had already been established nearly 20 years before the MDC was formed (Compagnon 2011: 51).

To be expected, the memory of the Gukurahundi campaign is still very much alive in Matabeleland since most residents were affected in one way or the other. Moreover, the regime continues to make reference to the incidents that occurred during Gukurahundi in order to instill a sense of fear among the population especially when elections are soon approaching (Compagnon 2011: 50). For example, prior to the 1990 elections, official ranks within ZANU-PF stated that civil war would revisit Matabeleland if its residents would vote for any of the political parties in the oppositional camp (Compagnon 2011: 50). This type of outspoken as well as silently insinuated discourse mixed with manifest actions of violence characterized the style of rule during the first two decades of independence.

In the 1985 elections, what was left of the former ZAPU support base was the primary target of violence, while in the following 1990 elections violence was directed towards the opposition political party Zimbabwe unity Movement (ZUM) and in the 1995 elections it was directed at The Forum Party of Zimbabwe Forum (FPZ) ZUM and Zimbabwe African National Union – Ndonga (ZANU-Ndonga). Hence, whenever fearing that the opposition might challenge its power, ZANU-PF has turned to violent means in order to restore status quo. Judging by the pattern of violence since the 2000 elections, it is evident that the greater the opportunities for the opposition to actually gain power in Zimbabwe, the greater the oppression from the incumbent government. The rise of the MDC has simultaneously intensified election violence which the 2000 referendum on the constitution and the general elections of 2002, 2005 and 2008 bear evidence to (Human Rights Watch 2011, Sachikonye 2011).

**The 2000 referendum on the constitution and the 2000 general elections**

The first round of participatory constitution building in Zimbabwe lasted 1999-2000 and was finalized through a popular referendum in February 2000. As already stated in chapter 6, the draft was rejected by the Zimbabwean voters. This was the first time since independence that ZANU-PF was publically defeated, and the violent response that followed would tell that the regime was not pleased with the outcome. Seeing how the referendum preceded general elections in Zimbabwe with only a few months, Mugabe understood that the no-vote on the constitution was a victory not only to the NCA but also to the MDC, clearly signifying that the opposition would pose a real challenge in the election planned for the summer. In a report from 2000, Amnesty International writes that in the months following the constitutional referendum leading up to the parliamentary elections in June 2000 there is evidence that the government of Zimbabwe initiated, or complied with, serious human rights violations. The same report concludes that there appeared to be a deliberate and well thought-out plan of systematic human rights violations set out to terrorize supporters of the opposition (Amnesty International 2000). The report tells that supporters of the MDC were visited in their homes by ZANU-PF followers who accused them of joining a political party that wished to “give Zimbabwe back to the whites”, after which they were beaten for hours with machetes, batons and axe handles (Amnesty International, 2000). In another incident, a MDC candidate for the Kwe Kwe constituency barely escaped being torched when ZANU-PF supporters poured petrol over him (Amnesty International, 2000). Accounts of petrol bombs flying through windows of MDC followers, into cars of MDC supporters, abductions, beatings on hands, on backs, on the buttocks area, on the soles of feet, and killings are also found in the report - incidents in which the Zimbabwean police never interfered to help those who were exposed to violent acts. According to the testimonies of some of the victims, police officers had sometimes been as close as 50 meters away with clear sight as to what was going on, but still these law enforcers choose to watch rather than to intervene (Amnesty International 2000).

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8 The National Constitutional Assembly is a non-governmental Zimbabwean organization. The organization initiated the constitutional reform process that started in 1999 leading up to the defeat of the constitution in 2000.
Acts of political violence also occurred in the aftermath of the general elections in June, now in relation to the government led fast-track land reform program, the aim of which was to reallocate land from white commercial farmers to poor and middle-income landless people from the black community without compensation to the former. The reform officially started in July 2000 and lasted until 2003. ZANU-PF finding itself in a situation where it had actually been challenged for real for the very first time since independence, needed to take measures in order to assure future loyalty from various key actors. The war-veterans society being identified as such a key actor.

The Zimbabwean liberation struggle involved about 60,000 male and female guerilla fighters of which 20,000 were included in the national army after independence. The remaining 40,000 were given a small pension but not much additional assistance in order to help them return to a normal life after the war. Because of this, the War Veteran’s Association (WVA) came into existence towards the end of the 1980’s, bringing together former combatants from both ZANLA and ZIPRA to lobby for more government assistance. Although ZANU-PF negotiated with WVA, many of the pledges that the government made concerning economic dispensation were never fulfilled due to the spiraling economic situation in the country. Now, fast-forward to 2000 again, one understands that by carrying out the fast-track land reform program, the regime saw its chance to fulfill two objectives at the same time; the war-veterans belonging to the specific group that land was to be reallocated too, would be satisfied (and more importantly loyal to the regime) by acquiring arable land while at the same time, the white commercial farm owners, the majority of whom where MDC supporters, would pay for their support to the opposition by losing their livelihood. In some instances, these MDC supporters/white commercial farm owners, paid with a higher cost than merely losing their means of support; severe violence, and in some instances even death, accompanied these land appropriations which were for the most part carried out by the war-veterans together with youth militia, with support from the members from the Zimbabwe Defense Force (Compagnon 2011, Human Rights Watch 2002).

**The 2002 presidential elections**

The 2002 presidential elections were, just like the 2000 general elections, marred by violence. Reports on the elections by the Norwegian Resource Bank for Democracy and Human Rights (NORDEM) and the Commonwealth Observer Group, describe a deliberate and state-sponsored campaign of violence and intimidation directed towards the MDC and its supporters (Commonwealth Observer Group 2002, Vollan 2002). The report by Vollan on behalf of NORDEM (Vollan 2002) also describes incidents in which MDC supporters were at fault, but goes on to conclude that the absolute majority of violent acts were directed against the opposition party. The state security forces, especially the police and the CIO, were also found to act in a partisan manner. These actors failed to respond to, or investigate, reported violence, killings and torture directed towards MDC supporters. The police and the CIO also appeared to work in a manner that would suggest collaboration towards a common goal (Vollan 2002: 8).

A few weeks prior to the elections, a group of 1000 ZANU-PF youths ran through the central business district of Harare - in full view of Commonwealth election observers - armed with bats which were used to attack MDC offices and individuals that they suspected being MDC supporters (Commonwealth Observer Group 2002: 28). A couple of days after this particular incident, 200 youths attacked MDC offices in Kwe Kwe during a workshop arranged by South African election observers. None of the external observers were harmed but a number MDC officials were injured and hospitalized. Members from the Commonwealth Observer group also witnessed how MDC followers were attacked by ZANU-PF supporters when leaving a rally meeting just a few days before the elections. Throughout their stay in Zimbabwe, the observer mission reported to have encountered numerous victims of politically motivated violence with bruises and scars from ax-handles all over their bodies (Commonwealth Observer Group 2002: 28). The Commonwealth observer group were also confronted with several complaints concerning violent activities of what appeared as a paramilitary youth group trained by the Zimbabwean government under what was termed as a “National Youth Training Programme”. According to the observer group it seemed that in the running up to the 2002 elections, the youth militia
were the key actors of politically motivated violence, intimidations and kidnappings. These youngsters were most often spotted working during the dark hours of the night, dressed in uniforms, setting up roadblocks, harassing MDC followers and seizing national identity cards from people suspected of voting for the MDC so that they would not be able to cast their vote on election day (Commonwealth Observer Group 2002: 29).

The 2002 elections also became the platform on which the military of Zimbabwe became openly political for the first time. Two months preceding the poll, Commander of the Zimbabwe Defense Forces of that time, Vitalis Zvinavashe, stated: “We wish to make it very clear to all Zimbabwean citizens that the security organizations will only stand in support of those political leaders that will pursue Zimbabwean values, traditions and beliefs for thousands of lives lost in pursuit of Zimbabwe’s hard-won independence. We would therefore not accept, let alone support or salute anyone with a different agenda that threatens the very existence of our sovereignty, our country and our people” (CNN 2002). Zvinavashe also made it official that the military would only stand in support of a political leader who had war credentials from the independence struggle, hence effectively dismissing MDC leader Morgan Tsvangirai who lacked such qualifications (BBC News 2002).

The post-election period was likewise very violent with what appeared to be systematic and strategically planned retributive actions directed towards individuals who had voted for the MDC, with women and young girls being particularly targeted. Gang rapes and torture focused to the genital areas of women were committed by ZANU-PF militias, police and state-security forces as punishment for their support of the opposition. Girls, reportedly as young as twelve years old, were raped publically for the dual purpose of maximizing embarrassment and teaching the entire community a “lesson” as to what it would imply to side with the MDC (Compagnon 2011: 60-61).

The 2005 general elections

Although many commentators agree that the 2005 general elections were conducted in a more peaceful environment than the preceding 2000 and 2002 polls (Vollan 2005, SADC 2005, Andrews & Morgan 2005), one would still be wise not to be overly optimistic concerning the level of political violence surrounding the event. First of all, the government of Zimbabwe was not as generous in extending invitations to electoral observers from other countries this time around. The 2005 general elections were only to be observed, on sight, by friendly organizations and governments (Andrews & Morgan 2005). There were not any official observer teams from the EU, the U.S or the Commonwealth. Neither was the Electoral Institute of Southern Africa nor the Congress of South African Trade Unions (COSATU), the latter of which had been highly critical of Mugabe’s government, invited. COSATU members were even banned from taking part in other observer teams. The Southern African Development Community (SADC) on the other hand were extended an invitation by Mugabe to oversee the elections (Human Rights Watch 2005).

In SADC’s election observer report congratulations are extended to the people of Zimbabwe for the achievement of a “peaceful, credible, well-managed and transparent election” (SADC 2005). The report also states that SADC was impressed by the orderliness and patience of voters by the polling stations and that the voters were able to express their preference “peacefully, freely and unhindered” (SADC 2005). Although the organization reports that it received a few complaints from the oppositional party concerning intimidations, use of food as a political tool, unlawful arrests and other things of this nature, it was established that none of these occurrences compromised the will of the Zimbabwean people at large (SADC 2005). Human Rights Watch (2005) in another report from that same year raises a word of caution stating that: “it is imperative that SADC electoral observers and others do not assess whether the March 31 elections are free and fair only on the basis of observations of the final weeks of elections. They must also take into account the effects of the past five years of violence, recent reports of intimidation, continuing electoral irregularities and the use of restrictive legislation” (Human Rights Watch 2005). The Redress Trust (2005) also writes in a report that same year that the legacy of political
violence in Zimbabwe has scarred the country in such a fundamental way that what electoral observers may miss to see is the cumulative result of the previous year’s, resulting in widespread fear and a sense of hopelessness among the supporters of the oppositional party. International Crisis Group (2005) also in 2005 stated that by “any objective standard, the election was neither free nor fair”. The organization also goes on to discuss that it appears as if the Mugabe regime approached the 2005 elections with a dual agenda; the first of which was to make sure that the government could control the outcome of the result, and secondly to do it in a more sophisticated manner so that international observers would deem the elections fair (International Crisis Group 2005). Although polling day proceeded in a relatively more peaceful manner compared to the past two elections, “post-election witch-hunting” in the words of Sachikonye (2011: 19), nevertheless followed the day of the vote. The since before familiar retributive acts were yet again inflicted upon communities that had supported the MDC. Moreover, the police together with the army initiated Operation Murambatsvina (Operation Restore Order); a campaign supposedly intended to remove criminal elements and other “illegal structures” in the cities where, conveniently for the purpose of the operation, the main support base of the MDC lived. Operation Murambatsvina left about 700,000 people homeless and impoverished (Human Rights Watch 2008, Compagnon 2011:63). 2, 4 million people in total were effected in one way or the other including 500,000 children who were forced out of school or had their schooling interrupted (Compagnon 2011: 63).

While the Zimbabwean people were in the midst of recuperating from Operation Murambatsvina, the government enforced constitutional amendment no. 17 in August 2005. The amendment, among other things, served to reintroduce the Senate to the political system9. The official justification for this reintroduction was that while the old Senate was not founded on democratic principles since it entrenched reserved seats for the white minority population, the new Senate would enforce democratization in the country as the senators would be elected by universal suffrage through a first-past-the-post-system. Electoral fatigue following the general elections earlier that same year and the violent aftermath of it however resulted in minimal public interest for the elections – the voter turnout was only 19, 5% (Chiroro 2005). The reason for bringing attention to the Senate elections here is because although it did not seem to matter much to the Zimbabwean people, how to handle the elections caused a split in the MDC which resulted in the party breaking down into two separate factions. While the president of the party, Morgan Tsvangirai argued that the party should boycott the elections, MDC secretary general Welshman Ncube contended that the party should participate and was successful in convincing 26 MDC candidates to run for office. The inability of the MDC to form a united front became the deathblow to the party which disintegrated into MDC-T, headed by Tsvangirai, and MDC-M, headed by Ncube, (Chiroro 2005) to then be replaced by Arthur Mutambara in 2006.

The 2008 presidential, parliamentary and local council elections

The 2008 elections in Zimbabwe became historical in the sense that ZANU-PF, for the first time since independence in 1980, lost its majority in the National Assembly and Mugabe himself lost the first round of the presidential ballot. When the Zimbabwean Election Commission (ZEC), more than a month after election day, finally announced the result of the poll, it was clear that MDC-T presidential candidate, Morgan Tsvangirai, had won the first round, gaining 47.9 % of the votes compared to 43.2% for Mugabe. Since neither one of the candidates were able to gather an absolute majority of the votes, run-off elections were scheduled for June (EISA 2008, Human Rights Watch 2008).

The release of the election results threw ZANU-PF into chaos; although having suspected that the economic crisis of the country would turn the elections into a tough contest, the party did not suspect that the MDC would be able to garner as much support as they actually did in what had traditionally been ZANU-PF strongholds. The response of the party was furious, and the following state-sponsored brutality would far exceed prior levels of violence in connection to the 2000, 2002 and 2005 elections (International Crisis Group 2008, Human Rights Watch 2008; Solidarity Peace Trust 2008).

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9 When Zimbabwe gained independence in 1980, the Lancaster House constitution introduced a bicameral system of government. However, through constitutional amendment no. 9 in 1980, the Senate was abolished giving way for a single chamber.
Following the announcement of the election results, a new violent campaign was instigated; *Operation Makavhoterapapi* (Operation Where did You Put Your Vote?). The operation was coordinated under the authority and command of the government’s Joint Operation Command (JOC) (Human Rights Watch 2008, Solidarity Peace Trust 2008, Cheeseman & Tendi 2010: 218). Makavhoterapapi, mostly carried out during the night, targeted journalists, political activists, union leaders, polling agents, and foremost; MDC supporters, and involved beatings and torture. Teachers were also a particularly exposed group during the campaign, many of which were tortured and told that as civil servants they should neither spread “wrong” ideas nor hold a different political view than that of the government (Compagnon 2011: 60, Sachikonye 2011: 41, Solidarity Peace Trust 2008: 43). Operation Makavhoterapapi also to a large extent involved burning huts to the ground with the objective of disenfranchising MDC supporters from voting in the presidential run-off elections in June; if they would not be able to return to their registered addresses before the elections, they would not be allowed to cast their vote (Solidarity Peace Trust 2008, International Crisis Group 2008). As part of the operation, “base camps”, “military camps” and “war-veteran camps” were also established across the country in which MDC-supporters were gathered and then tortured by members from the CIO, war-veterans and ZANU-PF supporters, not seldom by mutilation (Human Rights Watch 2008, Solidarity Peace Trust 2008). So called “re-education” meetings were also a feature of the campaign, in which some of the worst acts of violence during Makavhoterapapi were reported. The national army played a crucial role in the organizing of these meetings, calling upon chiefs and headsmen in the villages to summon their people to attend. When all members of the village were assembled, suspected supporters of the MDC were tortured and beaten in front of the crowd after which all villagers were given a bullet to hold in their hand. With the bullet in their hand, a soldier would say:

“If you vote for the MDC in the presidential runoff election, you have seen the bullets, we have enough for each one of you, so beware”

(Human Rights Watch 2008: 35)

The nature and extent of violent acts directed towards supporters and members of the MDC, eventually made Tsvangirai decide to withdraw from the presidential run-off election. Five days prior to the poll, he made the announcement saying that he would no longer participate in “this violent, illegitimate sham of an election process” (The Guardian 2008). With Mugabe as the only active contender, victory was secured in the run-off on June 28th, and immediately thereafter he was inaugurated president. Two days later he attended the AU Summit in Egypt at which point the member states agreed that they could not ignore the controversies that had surrounded the 2008 elections and hence mandated Thabo Mbeki through SADC to mediate between ZANU-PF and the two MDC formations to solve the crisis. As mentioned earlier, these negotiations eventually resulted in the signing of the GPA in September and the entering of the inclusive government five months thereafter (Dzinesa & Zambara 2011).

**The 2013 referendum on the constitution and the 2013 presidential, parliamentary and local council elections**

The March 2013 referendum on the constitution proceeded without any major incidents of political violence, at least compared to the 2000, 2002, 2005 and 2008 elections. The fact that both MDC formations as well as ZANU-PF stood by the draft and supported a “yes-vote” likely explains the much lower frequency of violent acts compared to previous general and presidential elections as well as the previous referendum on the constitution in 2000. Nevertheless, as mentioned in chapter 6, not all stakeholders in the country supported the constitutional draft and there were consequently reported incidents of crack-downs towards civil society organizations who did not stand by the document (Vollan 2013), but by and large; the 2013 constitutional referendum was a peaceful event in which 94.5% of the Zimbabwean voters expressed their support for the new constitution (Vollan 2013, Darnolf 2013).

As mentioned earlier, following the referendum on the constitution in March, Mugabe declared that general, presidential and local council elections would be held in July that same year. Albeit the level of physical violence was reportedly low before and after the poll, there is still reason to believe that
retributive acts were directed towards MDC supporters in the post-election period, particularly those residing in the countryside where media coverage was very low (Moyo 2013). This observation is supported by the Zimbabwe Election Support Network (ZESN) in their publication covering the 2013 elections in which they report a number of human rights violations in the aftermath of the elections directed towards electoral observers and MDC supporters by ZANU-PF followers (Zimbabwe Election Support Network 2013).

ZESN (2013) also state that the severe nature of the post-election violence of 2008 may have had psychological impacts that has extended well beyond the events of that year and that continue to influence former victims of assault, hence making it necessary to not only narrowly focus on physical attacks albeit such attacks are easier to quantify in numbers (Zimbabwe Election Support Network 2013). Nevertheless, in comparison to the 2000, 2002, 2005 and particularly 2008 elections, voting day in March 2013 and election day in July 2013 were relatively more peaceful events than previous occasions of voting in the new century.

**Low distribution of violence, low level of elite cohesion**

The accounts of political violence in Zimbabwe that have been depicted on the foregoing pages paint a fairly gloom, and even more so, brutal, portrayal of the state of affairs. It appears evident that political violence has become an entrenched part of the political system of the country. Earlier in this chapter we devoted attention to the history of violence in Kenya and in stark contrast to how political violence has played out in that country we can see that the distribution of violence in Zimbabwe is, and has continuously since independence been, low. This means that, contrary to the Kenyan situation, violence in Zimbabwe is being committed to an overwhelming majority by one single party – in this case, ZANU-PF. By consequence this implies that victimhood is reserved for one single party as well – in this case, the MDC formations and their supporters. Considering that the distribution of violence is as low as it is, there is undeniably little, if any, incentive for the political elites of the oppositional camp to cooperate with the political elites in ZANU-PF. Undeniably it does not make sense for the MDC leadership to form alliances with or cooperate with the enforcers of violence in order to cover up and provide amnesties for state-security agents and party officials who have committed atrocities directed towards them and their supporters, rather the opposite. Clearly, the MDC leadership has a vested interest in making sure that human rights violations committed by ZANU-PF are acknowledged, brought out into the light and ultimately handled by the legal system. These diametrically opposing views on how to handle the issue of impunity, needless to say results in elite cohesion being very low in Zimbabwe. Furthermore, as brought to attention earlier, the two main political factions in Zimbabwe stand far apart from each other when it comes ideological platforms concerning how the country should be governed. Setting aside the extreme level of violence, the differing ideological viewpoints of ZANU-PF and the MDC formations would still be an obstacle that the political elites would have to solve in order for cooperation to occur.

**United or disunited elites?**

Up until now this chapter has devoted attention to studying the history of elite cooperation and the history of violence in Kenya and Zimbabwe respectively. Based on this knowledge we are now ready to discuss which political elite type we are dealing with in these two separate countries. Returning to the theoretical propositions that were raised in chapter 7, we might recall Burton & Higley’s (2001) discussion concerning united and disunited elites in which the former implies political elites that are able to reach agreement on important issues and that have developed codes of conduct which makes their interaction patterns fairly straightforward and predictable, while the latter implies political elites that are not able to agree on fundamental issues, that are disparate from each other and that do not communicate with each other, making their relationship and interaction patterns unpredictable.

The abovementioned depiction of the history of elite cooperation and political violence allows us to ascertain that on a principal level, the political elites of Kenya give the impression of being a united elite
while the political elites of Zimbabwe display strong tendencies of a disunited elite. As far as the specific subtypes of united and disunited elites are concerned, although we ought to keep in mind that these are ideal types and that actual political elites will not completely conform to these descriptions, there is a point in making use of these subtypes as they help us understand how the elites in these two countries have wandered from one subtype to the other depending on the interactions of the political elites. We may want to revisit Table 7:1 “Subtypes of united and disunited elites” from chapter 7

**Table 7:1. Subtypes of united and disunited elites**

<table>
<thead>
<tr>
<th>Integration</th>
<th>Differentiation</th>
<th>Subtype</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong</td>
<td>Wide</td>
<td>• Kenya since 2002?</td>
</tr>
<tr>
<td></td>
<td>Narrow</td>
<td>• Kenya under the leadership of Jomo Kenyatta</td>
</tr>
<tr>
<td>Weak</td>
<td>Wide</td>
<td>• Kenya under the leadership of Daniel arap Moi</td>
</tr>
<tr>
<td></td>
<td>Narrow</td>
<td>• Zimbabwe since independence in 1980</td>
</tr>
</tbody>
</table>

In the upper right corner of the table we find subtype “strong integration and narrow differentiation” which is one form of a united elite (although lesser so than “strong integration and wide differentiation”). Let us recall some of the characteristics of this specific subtype: elites belong to a single party which controls the state; elites are well integrated with each other but it is the top leaders in the party who are the central nodes of network; there is nearly no differentiation as far as organizational diversity is concerned; elites are united but it is an enforced form of unity. Kenya under the leadership of the first independence president, Jomo Kenyatta, may be an illustration of this specific subtype. As described earlier in this chapter, the political landscape of Kenya was for a long time dominated by one political party, KANU. The main rivaling party, KADU was merged into KANU in the early 1960’s which contributed to this dominance even further. The political elites during the Kenyatta regime were strongly integrated with each other, within the party, but even more importantly, the KANU leadership of this period were also integrated with the leadership of other political (and ethnic) affiliations. This, for the purpose of securing these political parties’ allegiance to KANU. This is a strong contrast to the manner through which elite cooperation played out during Daniel arap Moi’s era as president of Kenya. In fact, when studying the history of elite cooperation and the history of violence we see that from Kenyatta’s regime to that of Moi’s, the country travels in the subtype table from that of “strong integration and narrow differentiation” to the lower right corner; “weak integration and narrow differentiation” – a form of a disunited elite. We might want to evoke the features of this subtype as well: elite groups are gathered in two/three clearly separated and well-organized factions each of which opposes the other; elites do not engage in communication with each other, integration is thus non-existent; elites do not see eye to eye concerning the rules of the political game; power-struggles have a violent character; one faction usually dominates the coercive capacities of the state and uses these to cause harm to its opponents. As we can recall, by the time that Moi succeeded Kenyatta, the kind of resources necessary to maintain allegiance from other political parties was not available any longer. Furthermore, the attempted coup d’état in 1982 encouraged Moi to employ exclusionary politics vis-à-vis other political affiliations and by consequence pushing these further away from the KANU leadership, which severely diminished the extent of elite integration. Through the 1982 constitutional amendment declaring Kenya as a one-party state, political differentiation in effect ceased to exist while integration, as just mentioned, was abandoned.
In the same subtype group, “weak integration and narrow differentiation”, we can also locate Zimbabwe since independence in 1980. One almost wonders if Burton & Higley (2001) had the Zimbabwean case in mind when outlining this specific subtype of a disunited elite since the description of the ideal type conforms quite neatly to the Zimbabwean circumstance. The political elites are indeed gathered in a few number of separated and well organized factions that oppose each other. The part of being “well-organized” describes Zimbabwe after the formation of the MDC in 2000. As we can recall, oppositional political parties before the existence of MDC were either merged into ZANU-PF (as was the case with ZAPU) or “handled” after elections in the 1980’s and 1990’s, effectively deleting them from the political map. The oppositional parties that emerged during the 1990’s were so poorly organized that they posed no challenge at all to ZANU-PF hegemony. Since the coming into existence of the MDC and the following force with which the ruling party has attempted to abolish the party and subjugate its members and supporters, there is naturally limited communication between the political leadership of the two MDC formations and the Mugabe regime – rendering elite integration nonexistent. In accordance with the ideal type outline, excessive use of force is also used by a dominant party that is in control over the coercive capacities of the state apparatus and uses these against its opponents. Undeniably, the considerable number of accounts of political violence that have been described earlier in this chapter provide sufficient documentation of such state-sponsored violence being exercised against the opposition.

In the upper left corner of the table we find subtype “strong integration and wide differentiation” – which is the most united elite type of the four. In the box we find “Kenya since 2002?” the question mark indicating that political elite relationships, as they have evolved since KANU rule was broken in 2002, until present day do not entirely conform to this subtype. It is useful to reiterate the specifics of this subtype as well; elites have developed multiple networks of communication, signifying strong integration between many different political parties; elites agree concerning the rules of the political game; political elites view each other as legitimate players and the political game as a positive-sum bargaining exercise; elite cooperation flows from a voluntary basis. There are quite a few objections that can be raised as to the extent of elite integration and political party differentiation in Kenya even though one would perhaps, on the basis of the foregoing account of the history of elite cooperation, without much hesitance like to place the political leadership of the country as an example of this specific subtype in the table. It is true that there has been an eruption of political party formation in Kenya due to the reintroduction of multiparty elections in late 1991, yet whether or not there has since then been basic agreement between elite groups concerning the rules of the political game is debatable. Also, even though the upsurge of political activity would indicate that the political elites are differentiated in various political formations, some more socially and ethnically heterogenous than others, we should still remember that these political parties most often appear to be multiethnic alliances formed for the purpose of winning elections rather than for the purpose of formulating ideological platforms for future policies. We might want to recall the description of political party and alliance formations that preceded, particularly, the 2002 and 2007 Kenyan presidential elections from earlier in this chapter.

Political elites in this specific subtype are also envisioned to view each other as legitimate players and the political game as a positive-sum bargaining exercise, something that is not entirely the case in Kenya today either. It appears as if political elites from different political camps view each other as legitimate players when there is something to gain from working together, at which point alliances are formed. As mentioned earlier, politics is rather perceived as a zero-sum game than a positive-sum bargaining exercise where the most important thing is to make sure that a member from the “wrong” ethnic group does not end up on the presidential post. In fact, Kenya since 2002 is quite difficult to place into any of the proposed subtypes of a united/disunited elite albeit the “strong integration, wide differentiation” subtype appears to be the least inaccurate option. The political elite relationships in Kenya are actually quite puzzling, because even though there is a wide differentiation and fairly strong integration, elites are only integrated with each other to the extent that rational calculations persuade them that cooperation is the best option in order to advance ones own interests. This undeniably leads to what Cheeseman (2011) refers to as a “politics of collusion”, where unholy alliances form a natural part of
political life and where government appears to work effectively (and in some areas actually does) but is in reality dysfunctional. Kenya’s ability to complete the second round of constitution building successfully while at the same time failing to demobilize violent gangs in Nairobi and in the rest of the country is an example of this puzzling conundrum (Cheeseman 2011: 343-344).

**Signs of elite transformations?**

We might wish to revisit the theoretical insights provided by Burton et al. (1992) in chapter 7 regarding political elite transformations. According to their theoretical framework, political elite groups, one’s established tend to persist and so does the ruling techniques associated with that particular elite group. Status quo remains until a severe crisis comes along at which point there is a window of opportunity for elite transformations to occur. On the basis of foregoing descriptions in this chapter, we know that crisis’s of such severity have been a fact in both Kenya and Zimbabwe; in the former after the 2007 elections and in the latter after the 2008 elections. The theoretical propositions raised by Burton et al. (1992: 13) also suggest that elite transformation from a disunited to a united elite may take either one of two forms; through elite settlements or via elite convergence. What we are interested in here, is to learn if there are any tendencies towards elite transformations, via either one of these two routes, in these two separate countries.

To begin with, we can rather rapidly acknowledge that elite convergence has not played out in neither Kenya nor in Zimbabwe. From chapter 7, we evoke that elite convergence occurs when political elites from different factions realize that by forming broad electoral coalitions, they stand a good chance of mobilizing a substantial and consistent part of the electorate and by doing so being able to win elections not only once but *repeatedly*. Based on the preceding account of political party formation, and party-hopping, in Kenya one may instinctively believe that elite convergence is the case. However, we ought to bear in mind that although rational calculations appear to underpin much of coalition and alliance making in the country, there is no sign of such alliances and coalitions winning elections repeatedly. Rather the opposite. Even when coalitions win, as for example NARC did in 2002, they break down before the next round of general elections are due. In Zimbabwe, almost needless to say, there is no sign what so ever of any form of elite convergence. Here, we have not seen any alliance-making endeavors that include the main rivaling parties, ZANU-PF and either one of the two MDC-formations. When turning our eye to elite settlements on the other hand, the trajectories of both countries, at least at a first glance, indicate that there might possibly be some tendencies towards such elite settlements – yet the true nature of these settlements are difficult to determine since it has rather been efforts by international mediation that has impelled the parties to form elite settlements instead of initiatives from the parties themselves. Let us explore this further.

As has been mentioned earlier, in response to large scale political crisis’s both Kenya and Zimbabwe formed governments of national unity in 2008; in essence these were power-sharing arrangements in which ZANU-PF and the two MDC formations were included in the Zimbabwean case, and in which the ODM and the PNU were included in the Kenyan case. Now, according to our theoretical understanding we recall that elite settlements are envisioned to occur when conflicting elite groups unexpectedly sit down with the outspoken agenda of rearranging their relationship and attempt to find institutional mechanisms to achieve this aim. Historically, elite settlements have also been more likely to occur when various factions have experienced substantial losses during the crisis as this has spurred divided elites to seek compromise more so than during normal circumstances. Turning our attention to the two cases, we can conclude that the events that unfolded after the 2007 Kenyan and the 2008 Zimbabwean elections were sufficiently severe to prompt response. However, and also as a consequence of the severity of the atrocities committed, the parties were not able to negotiate settlements on their own. Instead, international mediation turned out to be necessary – SADC with lead mediator Thabo Mbeki for settling the dispute between ZANU-PF and the two MDC formations, and on behalf of the African Union’s Panel of Eminent African Persons, former secretary of the United Nations, Kofi Annan to mediate between the ODM and the PNU in Kenya. In both cases, a settlement between the political elites was eventually
formed in 2008; the “Global Political Agreement” in Zimbabwe and the “National Accord and Reconciliation Act” in Kenya. Yet, one may ponder the issue of whether or not these agreements reflect true elite settlements when not prompted and reached without outside interference. But then again, the willingness to enter into negotiations and to then also reach a final agreement can be construed as a signal to settle the dispute. Even so, it is the ability/willingness of the parties to respect the settlement with the rearranging of their relationships that tells to what extent, if at all, the parties are serious about doing just that; rearranging their relationship to then transform from a disunited to a united elite. On the basis of this, it would be wrongful to speak of an elite settlement in the Zimbabwean case since ZANU-PF on several accounts violated the MOU that preceded the GPA and moreover, during the five years of governing Zimbabwe under the GPA, was found guilty of breaching the agreement by not allowing the MDC formations to bring existing laws into accordance with the agreement. Here it is also important to recall the announcement made by the Zimbabwean Defense Force back in 2002; that the military of Zimbabwe would only stand in support of political leaders that had participated in the liberation struggle. Based on this declaration, any form of power-sharing arrangement between ZANU-PF and the MDC formation would undeniably be regarded as unacceptable and unworthy of respecting. The Kenyan military branch, on the other hand, has not had the same role as its counterpart in Zimbabwe; here the military has been excluded from the political realm – this might form part of the explanation as to why elite settlements, past and present, have been more commonplace there than in Zimbabwe. Albeit that the usage of violent mobs for political purposes has been employed in Kenya, it should be remembered that violent gangs do not form part of the national security apparatus, as opposed to the military branch, and that the use of such gangs has been employed not only by one Kenyan political party but many, again as opposed to the situation in Zimbabwe where the perpetrator is one (ZANU-PF) and the victim another (MDC). Following the theoretical proposition raised above, this circumstance also (somewhat paradoxically) favors Kenyan elite agreement – all sides have endured substantial losses during the crisis and hence, elite cooperation is more likely due to this very fact. Moreover, the history of elite cooperation in Kenya has already established a track record of bargaining and coexistence which appears to help Kenyan political elites to move further into elite settlements whereas such a history is not only absent in Zimbabwe but rather replaced by excessive use of violence used only by one single party against the other. The role of ethnicity versus ideology in politics also plays into all of this; elite cooperation is, undeniably hampered by the use of severe political violence in Zimbabwe but perhaps also because the two main factions stand far apart as far as their political ideologies are concerned. In Kenya on the other, all perpetrators of former acts of violence have a joined vested interest in collaboration in order to avoid prosecutions and in addition to this they are rather easily willing to collaborate with each other since ideological differences do not appear to factor in when new alliances are formed.

Undeniably, this raises some interesting questions; could it be that the high distribution of violence in Kenya is actually contributing to the engagement in elite settlements by the politicians in the country? Could it be that alliance formation is currently being formed as a response to the sordid past of nearly all political parties, making elite settlements a good alternative for avoiding possible prosecutions? If so, it would seem that the empirical findings of this chapter indicate that democratization in Kenya appears to have been instigated partially for the “wrong” reasons. Political elites are undeniably engaging in alliance making, bargaining and compromising, in turn driving them towards being a united elite. But on the other hand, which is not brought forward by democratization theories that focus on elite behaviors, the causal mechanisms that inspire/motivate the coming together in alliances appears to at least partly be the high distribution of violence. We see democratic progress but through patronage and through calculations as to how to avoid prosecution for past crimes. The *Jubilee Alliance* which brought together former adversaries William Ruto and Uhuru Kenyatta was formed in December 2012, just three months prior to the first general and presidential elections after the disputed events in 2007 and 11 months after the ICC ordered both of them to stand trial for crimes against humanity in connection to the 2007/2008 election violence. Hence, although there are elite settlements going on and although Kenya is showing progress in terms of democratization, it appears appropriate to ask if the underlying motivations that spur elite settlements are sustainable with a long perspective in mind. Undeniably,
unholy alliances for the dual purpose of securing one’s ethnic brethren’s interests and for making sure that one is able to dodge legitimate cause for prosecution provides a shaky ground for long term democratization.

**Table 9.1. Summary of results when comparing elite cooperation**

<table>
<thead>
<tr>
<th>Cases</th>
<th>Kenya</th>
<th>Zimbabwe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elite cohesion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• History of elite cooperation</td>
<td>Higher</td>
<td>By and large, non-existent</td>
</tr>
<tr>
<td>• History of violence</td>
<td>Higher</td>
<td>Absent</td>
</tr>
<tr>
<td>Lower</td>
<td></td>
<td>Higher</td>
</tr>
<tr>
<td>United/Disunited elites</td>
<td>Depends on time period; fairly united under Jomo Kenyatta, presumably even more united since 2002 up till present time (2013), disunited under Daniel arap Moi.</td>
<td>Disunited</td>
</tr>
<tr>
<td>Elite transformations</td>
<td>Signs of elite transformation through elite settlements</td>
<td>No real signs of elite transformations, neither through elite settlements nor via elite convergence</td>
</tr>
</tbody>
</table>
Bibliography


BBC News (a) (2013) ‘Zimbabwe election was huge farce – Morgan Tsvangirai’ 2013-08-01

BBC News (b) (2013) ‘Zimbabwe poll ‘free and peaceful’ says Obasanjo and SADC’ 2013-08-02


Global Political Agreement (2008)


Newsday (2013 b) ‘Political violence rocks Chitungwiza’ 2013-07-18


The Political Parties Act, 2009 (2007) (Kenya)

The Political Parties Bill, 2011 (Kenya)


Zimbabwe Electoral Commission (2013) Collation of returns from Provincial Centres


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