

Power Sharing as Post-Elections Conflict Management Mechanism in Sub-Saharan Africa: A Comparative Analysis of Kenya and Zimbabwe

**By
Naila Salihu***



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* Naila Salihu is a Research and Training Officer with the Research Department of the Kofi Annan International Peacekeeping Training Center, (KAIPTC).

Introduction

Most African states were bequeathed with fragile forms of democratic governance and institutions when they gained independence in the early 1960s. The nature of nationalism that preceded African states' independence differed markedly: while countries such as Ghana and Nigeria attained independence through agitation and dialogue between nationalist leaders and the colonial authorities; others such as Algeria, Zimbabwe, Kenya, Namibia and South Africa did so after much blood-letting.¹ The thrilling expectations of liberation and prosperity that accompanied the region's independence, however, soon degenerated into political instability, dictatorships, and economic decline as African states were confronted with challenges of their troubled colonial inheritance, group and elite conflicts. The colonially reordered political landscape, modes of economic production, social relations and cleavages challenged governments and presaged the nature of policies adopted by governments to address them.² The earlier political leaders, in their attempt to unite the societies, promote socio-economic development and assert their legitimacy in the face of political upheavals and economic difficulties, opted for centralised states that afforded the exercise of greater political control.³ Aided by the Cold War real politic, and supported by the West or East, Africa's 'first wave' of multi-party democratic systems metamorphosed into authoritarian one-party regimes.⁴

Advocates of one-party rule often argued that Western multi-party democracy was alien to Africa, at independence it was pre-mature for multi-party democracy, as it would deepen Africa's ethnic divisions, divert the primary focus of the new states from nation-building and economic development, and that one-party state was necessary to unite the African state.⁵ Multi-party democracy was abolished, and opposition parties were either co-opted or outlawed.⁶ Not long after, African governments became increasingly dictatorial, violent and rampant abusers of human rights as the standard of living of Africans plummeted, and corruption, economic mismanagement abound. In the ensuing milieu, military interventions in politics became very frequent. The military frequently cited the spectre of tribalism, corruption, abuse of power, dictatorship, nepotism, economic mismanagement, human rights abuse, and politicization of national armies,

¹ Chazan, Naomi, Lewis, Peter, Mortimer, Robert, Rothchild, Donald and Stedman, S. John, *Politics and Society in Contemporary Africa*, Third Edition, (Boulder, Co: Lynne Rienner Publishers, 1999), p.6.

² Thompson, Alex, *An Introduction to African Politics*, Second Edition, (London: Routledge, 2004) pp.11-13.

³ See Keller, Edmund, "Africa in Transition: Facing the Challenges of Globalization", *Courting Africa*, Vol.29 (2), (Summer 2007), cited in Harvard International Review, <<http://www.harvardir.org/articles/print.php?article=1635>> (accessed on October 27, 2008).

⁴Ibid.

⁵ Thompson, (2004), op. cit, p. 231.

⁶ Ibid.

among others, as the reasons for their interventions.⁷ In most cases, the junta leaders promised quick transitions to multi-party democratic rule but often reneged on their promises.⁸ In the end, the military fared no better in politics, and soon became part and parcel of Africa's political and economic woes. Politics in Africa became dominated by neo-patrimonial regimes characterized by the personal rule of 'big men' based on systematic clientelism as a base of political support.⁹ Civil society organizations were either influenced and/or their leaders co-opted into governments. Voluntary associations that continued to maintain their independence from the state were either harassed or banned from existence.¹⁰ Countries such as Botswana and Mauritius, however, sustained multi-party politics. In the late 1970s and early 1980s, most African states were faced with serious governance and financial crises, secession, and state collapse.

At the end of the Cold War in the early 1990s, especially with the demise of the Soviet Union, the remaining superpower became increasingly disinterested in propping up autocratic rulers for political expediency. The scales began to tilt in favour of transition to multi-party democracy. Local agitations for a return to democratic rule which characterized demonstrations against African leaders in the wake of Africa's economic crises received a momentous boost from the West who concurred in attributing Africa's conflicts, economic and political crises to autocratic rule and bad policies. The international community, through the International Monetary Fund (IMF), and World Bank's Economic Recovery Programme (ERP) and Structural Adjustment Programme (SAP), made democratic governance a pre-condition for international development assistance. In the early 1990s, most African states made successful transitions to multi-party democratic rule with financial, logistical, and institutional support from the international community.¹¹ Despite instances of logistical difficulties and accusations of electoral malpractices, multiparty elections became the accepted mode for political change.¹²

Since the late 1990s, however, multi-party elections in Africa have been bedevilled by serious undemocratic practices such as fraudulent elections and electoral violence. In recent times, countries such as Sierra Leone, Nigeria, Kenya and Zimbabwe have witnessed serious electoral malpractices, and inter and intra-party violence. Even Ghana which is considered as a model of democracy in Africa has witnessed voter-registration

⁷ Chazan, et al, (1999), op. cit, p. 13.

⁸ Anene, John, N. "Military elites and democratization: Ghana and Nigeria" *Journal of Political and Military Sociology*, (Winter 2000).

⁹ Solt, Frederick, "Institutional Effects on Democratic Transitions: Neo-Patrimonial Regimes in Africa, 1989-1994", *Studies in Comparative International Development*, (Summer 2001), Vol.36, No.2. p. 83.

¹⁰ Ibid, p. 109.

¹¹ Chazan, et al, (1999), op. cit., p. 333.

¹² Ibid, p. 224.

malpractices, intra and inter-party violence. In the light of this, the concept of power-sharing has since emerged as one of the solutions to electoral disputes or violence in Africa. Power-sharing governments have since been installed in Kenya and Zimbabwe. Power-sharing as a conflict management tool is not new to Africa; there had been several attempts at power-sharing in different conflict areas in Africa such as Liberia, Rwanda, Democratic Republic of Congo, South Africa and Cote d'Ivoire. But the question is how effective and efficient is the model of power-sharing as a conflict management tool? How compatible is the concept of 'post-election' power-sharing with the tenets of free and fair democratic elections? Essentially, is the concept of power-sharing the way forward in contemporary Africa's democratic dispensation? Has democracy as conflict management mechanism failed to work in Africa? What are the benefits and challenges of power sharing in contested elections or post-elections violence management in Africa? This paper addresses the above issues by analysing the power sharing arrangements in Kenya and Zimbabwe.

The paper is divided into four sections; the first section locates the concept of power sharing within the theory of consociationalism. The second section analyzes the crisis that the continent continues to face in its attempt to consolidate democratic rule. The third section analyzes the dynamics of the Kenyan and Zimbabwean electoral crises, and the role of power-sharing as a model for conflict management by highlighting the advantages and disadvantages of such arrangements. In section four, the paper concludes with lessons drawn from Kenya and Zimbabwe and the implications for democracy and conflict management in Africa, generally. This paper argues that power sharing arrangements following disputed elections provide temporal measures to contain post elections violence. Long-term solutions to Africa's crisis of elections do not lie in power sharing arrangements. African politicians must endeavour to abide by the rules of democratic temperance and build strong and independent institutions to conduct credible elections, whose outcomes would be acceptable to all parties. The nature of political systems in Africa, especially 'winner takes all' need to be revisited in order to foster stable and peaceful democracies on the continent.

Theoretical Perspective of Power Sharing

A theoretical discussion of the concept of power-sharing is located within the framework of consociationalism. Arthur Lewis' work *Politics in West Africa* (1965) is one of the pioneering works on consociationalism. However, it was Arend Lijphart that amplified and popularized the theory of consociational power-sharing in his work, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands* (1968) and elaborated upon it in his later works. Consociationalism refers to the inclusion of representatives of minority groups in the institutions of government.¹³ Consociationalism is, however, used here in a broader sense of power-sharing to mean a wide range of constitutional engineering aimed at creating a broad based governing coalitions of all significant groups in a political system that provide influence to legitimate representatives of all segments of

¹³ Lijphart, Arend, *Democracy in Plural Societies: A Comparative Exploration*, (New Haven: Yale University Press, 1977).

society. Power-sharing democracy is often contrasted with ‘regular’ or majoritarian; winner-takes all democracy in which losers of elections would have to wait in ‘loyal’ opposition for a later chance to replace the government of the day.¹⁴ Lijphart argues that group divisions in any democracy should not be washed away, and that the success of democracy lies in inter-group cooperation in divided societies.¹⁵ Thus, the basis of democracy and inter-group cooperation in multi-ethnic societies is consociational power-sharing. He thus offer consociational democracy as a solution for states where traditional majoritarian democracy might not work due to deep ethnic, linguistic or religious cleavages. Lijphart further advocates for ‘consensus democracy’ as a modified version of consociational democracy as the ideal governance type for any state, and not just deeply divided ones.¹⁶

Power-sharing can be instituted at various levels of government such as the executive or the legislature. At the executive level, power-sharing can be achieved by either a pre-agreed formula, which defines group representation irrespective of the outcomes of elections, or by a formula which accord representation based on the performance of political parties in elections. With regards to the legislature, power can be shared either through a pre-determined electoral formula which assigns a specified number of seats to a particular group, or through electoral laws which ensures a wider representation in parliament or national assembly.¹⁷ However, it is important to emphasise that, the choice of any form of power sharing may depend on the nature of the society and the significant ethnic, religious, linguistic groups or simply armed factions.¹⁸ Especially, the nature of conflicts it generates and resources and mechanisms at its disposal to manage them. Rene Lemarchand notes that nowhere in the continent has consociationalism or power-sharing been fully institutionalized. And what is witnessed in Africa are more or less inclusive modes of co-optation, where factions to conflicts are given a fixed number of seats in government or legislature or both, ‘on the basis of varying standards of proportionality’ in a widely different political context.¹⁹

Consociationalism or power-sharing as a theoretical framework has come under various criticisms for its failure to deliver peace and stable democracies that its proponents such as Lijphart envisage. Ian Spears argues that, in terms of translating the theory of power-

¹⁴ Harris, P., and Reilly, B., *Democracy and Deep- Rooted Conflict: Options for Negotiators*, (Stockholm: International IDEA, 1998), p .139.

¹⁵ Lijphart, (1977), op. cit.

¹⁶ Lijphart, Arend, “Patterns of Democracy,” (New Haven: Yale University Press, 1999).

¹⁷ Papagianni, Katia, “Power Sharing: A Conflict Resolution Tool?” *African Mediators Retreat*, Center for Humanitarian Dialogue, (2007), pp. 25-26.

¹⁸ Ibid.

¹⁹ Lemarchand, Rene, “Consociationalism and Power Sharing in Africa: Rwanda, Burundi, and the Democratic Republic of the Congo”, *African Affairs*, 106; 422, (November 2006), pp.1-20.

sharing into reality, ‘such agreements are difficult to arrive at, even more difficult to implement and even when implemented, such agreements rarely stand the test of time’²⁰ Spears cites the example of Angola, Rwanda, Ethiopia, and Somalia, with the exception of South Africa, where power-sharing arrangements have not solved or even managed the intractable identity conflicts. Spears goes on to argue that Lijphart’s use of consociationalism to promote stable democracy in divided societies in Europe cannot be taken as a straight jacket approach to the African situation because the idea of establishing and maintaining elite co-operation is only likely in the case of a perceived external threat to a country especially in times of international crises. However, Africa’s security threats are mostly internal conflicts; as such it is often difficult to form political alliances or elite co-operation. In addition to the problems inherent in translating theory into practice, the theory is too simplistic in assuming that peace can be promoted by just giving certain groups in society a share in government without necessarily attempting to address the underlying causes of the grievances of such groups. The weaknesses of the theory as against reality would be highlighted as the effectiveness of power-sharing in managing post elections violence in Kenya and Zimbabwe is analyzed in a latter section of the paper.

The Crisis of Democratic Rule in Sub Saharan Africa, from the late 1990s

After more than two decades of political liberalization in Africa, most multiparty elections remain mired in major controversies. Recent developments in the region have led to the perception that elections have become mere political exercises for the sake of expediency on the part of incumbent regimes, since it guarantees the continued economic support of Africa’s development partners, and partly, as public relations stunt to prop up the image of the regimes internationally.²¹ Said Adejumobi contends that elections in Africa have become administrative rituals of standard signs of good conduct by African leaders to please the West on which Africa is both financially and politically dependent.²² Elections have abysmally fallen short of the tenets of free and fair democratic elections, thereby often engendering violence. The undemocratic elections have led some to question the appropriateness of multiparty democracy in Africa’s divided societies as countries such as Nigeria, Kenya, Sierra Leone, and Zimbabwe witnessed serious electoral irregularities, and elections-related violence.²³ The challenges notwithstanding, Douglas Anglin asserts that ‘in Africa, flawed elections may be preferable than no elections at all.’²⁴ For a continent whose history has been characterised by authoritarian

²⁰ See Spears, Ian, “Understanding Inclusive Peace Agreements in Africa: the Problem of Sharing of Power”, *Third World Quarterly*, Vol. 21, No. 1, (2000), pp. 105-118.

²¹ Adejumobi, Said, “Elections in Africa: A Fading Shadow of Democracy?” *International Political Science Review* (2000), Vol. 21, No. 1, p. 66.

²² Ibid.

²³ See Young, T., “Elections and Electoral Politics in Africa”, *Africa: Journal of International African Institute*, (1993), 63(3), pp.299-312; Chabal, Patrick, “Can Democracy Prevent Conflicts in Africa?” (2001)A paper presented at the Bergen Seminar on Development, Norway.

rule and military dictatorships, this argument sounds good but with time, Africa will need to move from procedural elections to substantive (addressing the needs of the people) democracy.

Electoral Malpractices and Electoral Violence

Timothy Sisk defines electoral violence as politically motivated violence in which actors resort to coercion as an instrument to advance their interest or achieve specific political ends through such actions as violence against people, property or the electoral process before, during or after elections.²⁵ Electoral violence can also be explained in terms of cultural and structural perspectives. From a cultural perspective, it presupposes the existence of a political culture of thuggery which generally predisposes actors to resort to violence and intimidation during political contests. A structural angle argues that, society and politics are organized in a manner that has the likelihood to generate conflict.²⁶ These two perspectives are reinforced by ethnic rivalries and mobilisation in politics in most African countries that have been volatile during elections.²⁷ Elections in themselves do not generate violence, however, in the case of Africa one can allude to the fragility of states and societies coupled with the deep seated ethno-religious rivalries, poor economic conditions that reduce electoral processes to avenues for settling differences.²⁸ Dissatisfied political leaders and/or their supporters often resort to violent protests, destruction of properties, injuring and at times killing perceived political opponents as means of expressing their dissatisfactions with the outcomes of electoral processes.²⁹ Interestingly, in countries where post-elections violence occur, the outcomes of elections are often considered to have been rigged or manipulated in favour of a political party or candidate, usually the incumbent party. This is exemplified in the cases of Kenya and Zimbabwe, which would be discussed further in this study.

Several factors have been advanced as possible triggers of electoral violence, in general, and post-elections violence, in particular. These include structural weakness in election management; the nature of the electoral system (that is, the winner-takes-all); abuse of incumbency (access to state resources, manipulation of electoral rules); identity politics;

²⁴ Anglin, Douglas, “ International Elections Monitoring: the African Experience, *African Affairs*,(1998), 97(389): 471-495

²⁵ Sisk, D., Timothy, “ Elections in Fragile States: Between Voice and Violence” (paper presented at the annual meeting of the International Studies Association, San Francisco, California, March 24-28, 2008), p.6.

²⁶ Friedrich Ebert Stiftung and Center for Conflict Research, “Political and Elections Violence in East Africa” Working Papers on Conflict Management No.2, (2001), p.1.

²⁷ Atuobi, M., Samuel, “Election-Related Violence in Africa”, *Conflict Trends*, Issue 1, (2008), p.11.

²⁸ For the purpose of this study our focus is limited to post election violence, which usually occurs after the announcements of the outcomes of disputed elections.

²⁹ Atuobi, (2008), op. cit., p.11.

security forces' intimidations and brutalities during elections; and deficiencies in election observation, monitoring and reporting.³⁰

The nature of the electoral systems in African countries equally poses a major problem to elections and political stability on the continent. Electoral systems define and structure the rules of the political game; they help determine who gets elected, how campaigns are conducted, the role of political parties, and most importantly, who governs. The choice of an electoral system can help engineer specific outcomes, such as encourage cooperation and accommodation in a divided society since the electoral formula translates votes into seats, and positions constitute an important element of every electoral system.³¹ This ranges from majority, to proportional representation, to mixed systems. In sub-Saharan Africa the majority system seems dominant. The nature of political contest in a country is, however, largely influenced by the type of electoral system. Politics often assumes an adversarial character given the prestige and high rewards at the disposal of winners; while losers 'lose' everything. Elections therefore become keen contests that one must win at all cost with the end justifying the means. Needless to say, contemporary elections are replete with malpractices and violence.

In most African countries, the electoral systems and the Election Management Bodies (EMBs) are weak structurally and lack the necessary resources, capacity, and independence to effectively organise and manage elections efficiently despite the fact that these bodies are critical to the integrity of elections. The EMBs ability to manage transparent and credible elections depends on their ability to carry out pre-elections duties such as registration of voters, training of polling assistants, educating voters, managing logistics on elections day, and collation of results, announcement of results, as well as settlement of electoral disputes without hindrances.³² The EMBs are often faced with challenges because they are appointed by governments and depend largely on governments for funding for their operations. They are perennially constrained in terms of capacity, logistics, and political influence to carry out their duties effectively. Some electoral commissioners have been made to resign during on-going elections, some have been forced to declare election results in favour of a losing candidate, and some have had to run for their dear lives before the elections were over, while others have declared results that they later confirm as not being the true reflection of the will of the electorates. After the 2007 Elections in Kenya, the Electoral Commissioner confessed afterwards that he was not sure President Kibaki actually won; even though he had declared him the winner. An estimated 1000 people lost their lives in the violence that ensued after that pronouncement.³³

³⁰ Ibid., p.12.

³¹International Institute for Democracy and Electoral Assistance, "Electoral System Design", <<http://www.idea.int/esd/>> (accessed on December 4, 2008).

³² Atuobi, (2008), op. cit., p. 12.

³³ Mbugua, Karanja, "Kenya's Crises: Elite and Factional Conflicts in Historical Context" *Conflict Trends*, Issue 1, (2008), p.4.

Ethnicity also plays a crucial role in African politics. Ethnicity is a broad concept, its main commonalities are culture, language, religion, heritage, history, and self-consciousness as a distinct group. Most African states have plural societies with deep ethnic or religious cleavages.³⁴ According to Claude Ake, there is nothing inherently conflictual in ethnic differences, they only lead to strife when they are politicised and manipulated by elites in their quest for power and political support.³⁵ Often, constitutional arrangements are put in place for political parties to have a national character, and where no ethnic/religion based political party are allowed. However, when it comes to political campaigns, politicians ignore the safeguards and mobilise support along ethnic and other sectional lines. As stated earlier, politicians are motivated to circumvent the ethics and rules of democratic temperance because the attainment of political power means control and distribution of national resources. As a result of pervasive poverty and a large part of an African's life being hinged on lineage and ethnic cultural practices, the electorates are often gullible and fall prey to their sectional political representatives for group expediency.³⁶ Adelaja Odukoya, observes that, as a result of the deep-seated societal cleavages, politics in Africa naturally engenders social exclusion and political marginalization, irresponsible and non-accountable government and 'illiberal' democracies, which promote irreconcilable conflicts and makes peace unattainable.³⁷ Marginalized groups may, and often, resort to violence to either protect their identity or seek changes to the *status quo*. Given the electoral crises, the concept of power-sharing has emerged as one of the best ways of managing post-elections conflicts. Recent cases of post elections violence in Kenya (December 2007) and Zimbabwe (March/June 2008), and the implementation of power-sharing arrangements serves as case studies.

The Dynamics of the Kenyan Situation

Since its return to multiparty democracy in 1992, Kenya has been regarded as a model of democracy and stability in a relatively unstable region of Eastern Africa. Kenya like most African countries is a multi-ethnic society. The country has more than 40 ethnic groups. These include; the Kikuyu 22%, Luhya 14%, Luo 13%, Kalenjin 12%, Kamba 11%, Kisii 6%, Meru 6%, other African 15%, non-African (Asian, European, and Arab) 1%.³⁸ The history of identity politics in Kenya dates back to the immediate post independent period when the first President Jomo Kenyatta adopted extreme tribal politics that resulted in the

³⁴ Erdmann, G., and Basedau, M., "Problems of Categorizing and Explaining Party Systems in Africa", German Institute for Global Area Studies, Working Paper No.40, (2007).

³⁵ Ake, Claude, "Rethinking African Democracy", *Journal of Democracy*, Vol. 2, No. 1(Winter 1991).

³⁶ Conflict In Africa, "Electoral Violence in Kenya", Comment posted January 3, 2008, <http://conflictinafrica.blogspot.com/2008/01/electoral-violence-in-kenya.html>, (accessed on October 30, 2008).

³⁷ Odukoya, Adelaja, "Democracy, Elections, Election Monitoring and Peace-Building in West Africa", *African Journal of International Affairs*, Vol. 10, Nos. 1&2, (2007), pp. 151.

³⁸ CIA, *World Fact book: Kenya* < <https://www.cia.gov/library/publications/the-world-factbook/print/ke.html>,> (accessed on December 10, 2008).

concentration of power and wealth in a clique, mostly his Kikuyu (Gikuyu) and their affiliated ethnic groups such as the Embu and the Meru.³⁹ By the end of Kenyatta's rule in 1978, most of the country's wealth and power were in the hands of the association, Gikuyu-Embu-Meru (GEMA), whose membership was mainly from these three tribes.⁴⁰ His successor Daniel Arab Moi followed a similar pattern of autocracy, and preponderantly catered for the needs of his Kalenjin ethnic group; to the marginalisation and chagrin of other groups such as the Luo, and the Luhya.⁴¹ The Luos in particular, feel having been systemically excluded from power through the machination of Kikuyu and Kalenjin political elites. They often allude to the assassination of Tom Mboya, a Luo and minister in Kenyatta's administration, whose death exacerbated ethnic tensions in the early days of independence. They also point to the refusal by both Kenyatta and his successor Arab Moi to allow Oginga Odinga, a Luo politician and father of Raila Odinga to contest one-party elections.⁴² Political manipulation of ethnicity has since been a tradition in Kenyan politics;⁴³ and deep-seated ethnic/tribal prejudices tend to override feelings of national identity. Elections tainted with bitter inter-ethnic rivalries, and violence has since become an integral part of Kenyan politics since independence.

Kenya returned to multi-party democracy and had its first Presidential and Parliamentary Elections in 1992. However, ethnic political violence continued unabated with the Kalenjin clashing with the Kikuyu with over 1,500 people losing their lives during the 1992 elections. A government inquiry into the violence revealed that Kenyan politicians were instrumental in exploiting existing ethnic grievances and fomenting violence. Again during the 1997 Elections, ethnic violence broke out in the Rift Valley, Western Kenya, Coastal Province and Eastern Kenya that claimed over 200 lives and displaced thousands. The 2002 elections that witnessed the landmark defeat of the Kenyan African National Union (KANU) that had ruled Kenya since independence by the opposition National Rainbow Coalition (NARC) was not devoid of violence.⁴⁴ Again, even after the victory of the coalition of opposition parties, ethnocentrism continued to be the main bane of Kenyan politics; and not long, the ruling coalition split along ethnic lines, and rebranded

³⁹ Bennet, C., and Rosberg, C., "The Kenyatta Election: Kenya 1960-61" (Oxford: Oxford University Press, 1961), p. 41.

⁴⁰ Prunier, Gerald, "Kenya: the roots of Crisis" *The Open Democracy*, (January 7, 2008), <http://www.david-kilgour.com/2008/Jan_11_2008_01.htm> (accessed on December 10, 2008).

⁴¹ Kimani, Peter, "A Past of Power More than Tribe in Kenya's Turmoil", (January 2, 2008), <http://www.opendemocracy.net/article/a_question_of_power_before_tribes> (accessed on December 10, 2008).

⁴² Oginga, Odinga, *Not Yet Uhuru*, (East African Educational Publishers, Nairobi, 1967) cited In, Branch, D., and Cheesman, N., "Democratization, Sequencing, and State Failure in Africa: Lessons from Kenya", *African Affairs*, Vol. 108, No. 430 (January 2009).

⁴³ See Kenya Human Rights Commission, "Warlord Democracy," (December 2002).

⁴⁴ University of Pennsylvania, African Studies Center, "Kenya: Political Violence, 06/11/02", <http://www.africa.upenn.edu/Urgent_Action/apic-061102.html> (accessed on March 25, 2009).

under different political parties to contest the 2007 presidential and parliamentary elections.

The December 27, 2007 election was contested by nine presidential candidates; but it was a straight fight between President Mwai Kibaki, a Kikuyu, of the Party of National Unity (PNU) and Raila Odinga, a Luo, of the Orange Democratic Movement (ODM). Based on the pattern of voting and results of the parliamentary elections, it appeared for the first time in the history of Kenya that Kenyans did vote along purely ethnic lines.⁴⁵ The leading opposition party, ODM, won 99 of the 210 parliamentary seats, while the incumbent party PNU garnered 43 with the rest going to the smaller parties. Although incidences of election irregularities were reported in some rural areas, the conduct of the elections was judged to be free and fair. However, with the initial results pointing to a significant lead for the ODM's Raila Odinga, the counting and collation of the presidential results were suspended only to be resumed on December 30, 2007 with the confirmation of the incumbent president, Mwai Kibaki, as winner. Both international and domestic elections observers declared that the presidential elections, especially the counting of votes and collation of results were deeply flawed.⁴⁶ The declaration of Kibaki as winner and his quick swearing into office at the presidential residence only confirmed the fear that the election might have been rigged. The turn of events were met with an outright rejection of the results by opposition leader Odinga who declared himself as the 'president of the people.'⁴⁷ The suspension of vote-counting and contested results led to violent protests in various parts of the country. Within hours of the announcement of the results, inter-ethnic violence erupted in different parts of Kenya, such as the Rift Valley, Nairobi, Kisumu, Eldoret, Mombasa, and Kiamba. According to Albin-Lackey of *Human Rights Watch*, the violence assumed an ethnic dimension. For instance in ODM strongholds, members of the Kikuyu tribe who were perceived to be supporters of the incumbent President Mwai Kibaki were attacked by members of the other ethnic groups.⁴⁸ Organised retaliatory attacks were also carried out by gangs of Kikuyu youth, mostly led by the outlawed Mungiki sect on the Luo, Luhya, Kalenjin and other groups perceived to be associated with the ODM.⁴⁹ The violence resulted in the loss of hundreds of lives and several others being internally displaced. Moreover, the excessive use of

⁴⁵ United States Institute of Peace, "On the Issues; Kenya", (January, 10, 2008), <http://www.usip.org/on-the_issues/kenya.html> (accessed on December 11, 2008).

⁴⁶ The EU Election Observation Mission, Kenya Report concluded that; the 2007 General Elections fell short of key international and regional standards for democratic elections.

⁴⁷ Modi, Renu, and Shekhawat, Seema, "The Kenyan Crisis: Post December 2007 Elections", Center for African Studies, University of Mumbai, Working Paper: No.1,(2008).

⁴⁸ Human Rights Watch, Testimony of Chris Albin-Lackey on Behalf of Human Rights Watch, Hearing, "The Immediate and Underlying Causes and Consequences of Flawed Democracy in Kenya.", United States Senate Committee on Foreign Relations, Subcommittee on African Affairs, (February 7, 2008), <<http://www.hrw.org/en/news/2008/02/06/hearing-immediate-and-underlying-causes-and-consequences-flawed-democracy-kenya>> (accessed on December 11, 2008).

⁴⁹ Bayne, Sarah, "Post-elections Violence in Kenya"(DFID: April 2008).

force by the police in dealing with post-election demonstrations resulted in a significant number of deaths from gunshot wounds.⁵⁰

The violence that engulfed Kenya in the aftermath of the 2007 elections has deep-seated historical underpinnings. According to Anthony Ong'ayo, an analysis of political crisis should go beyond ethnicity. Rather, emphasis should be placed on the interpenetration of historical and recent political developments whose origins can be traced in the early stages of state formation in Kenya. He argues that issues of ethnic composition, liberation, history, competitive and electoral politics are the underlying causes of the post-election violence.⁵¹ Similarly, Albin-Lackey of *Human Rights Watch* in his testimony on the post elections violence in Kenya before the US Congressional Committee was of the opinion that the violence that followed Kenya's disputed Presidential elections has deep rooted causes than disputed elections. He linked the underlying causes of the violence to longstanding issues of injustices related to land ownership, politicized ethnicity and political marginalization, lack of constitutional reforms, impunity for past episodes of violence; and other issues that successive governments have failed to address. Moreover, Modi Renu and Shekhawat Seema, of the Center for African Studies, University of Mumbai argue that the recent post election crises in Kenya was an explosion of mixed ethno-economic and colonial heritage grievances that continues to remain a stark reality in the country.⁵²

The magnitude of the 2007/2008 post-elections violence alarmed both Kenyans and the international community. After initial failures at mediation, the former UN Secretary-General, Mr. Kofi Annan, led an African Union backed mediation which resulted in the adoption of a power-sharing agreement or National Accord and Reconciliation Act 2008 between the government and opposition parties in late February 2008, after several weeks of negotiation. The agreement called on the two parties to help end the violence and improve the humanitarian situation; form a coalition or government of national unity; adopt a new constitution within a year that entrenches the act, establish a position of Prime Minister, for the opposition leader, Raila Odinga and two deputy prime ministers; and set up a truth and reconciliation commission to address past atrocities.⁵³ This agreement was unanimously approved by the Kenyan parliament on March 18, 2008 and the two parties agreed on a 40-member cabinet divided equally between the parties on April 13, 2008.⁵⁴ The negotiation and subsequent power-sharing agreement adopted in

⁵⁰ Ibid.

⁵¹ See Ong'ayo, O. Antony, "The Post-Election Violence in Kenya: An Overview of Underlying Factors" *Pambazuka News*, Issue 345, February 14, 2008, <<http://pambazuka.org/en/category/comment/46094>> (accessed on December 12, 2009).

⁵² For detailed analysis of the events leading to the 2007 Elections and the subsequent post-elections violence see Modi, Renu, and Shekhawat, Seema, "The Kenyan Crisis: Post December 2007 Elections", , Working Paper: No.1 Center for African Studies, University of Mumbai, (2008).

⁵³ See the National Accord and Reconciliation Act of 2008.

Kenya on the surface seemed to have helped end the post-elections violence and the humanitarian challenges, as Kofi Annan noted that ‘compromise was necessary for the survival of the country’ and that any attempt at a re-run of the elections would have led to further bloodshed.⁵⁵ Since the agreement was implemented, there has been little inter-communal violence and most of the internally displaced people have been able to return home.⁵⁶

The Zimbabwean Situation

Zimbabwe became independent in 1980 after a protracted liberation struggle against white minority rule. The political crisis in Zimbabwe dates back to Ian Smith’s Unilateral Declaration of Independence (UDI) of Southern Rhodesia from Britain and the imposition of white-minority supremacist rule in 1965. This act and the ensuing Black Nationalist resistance resulted in guerrilla warfare for independence. After years of much blood-letting, Britain brokered the Lancaster House Agreement in 1979 between the white minority government, Robert Mugabe’s Zimbabwe African National Union (ZANU) and Joshua Nkomo’s Zimbabwe African People’s Union (ZAPU).⁵⁷ The Agreement secured a ceasefire between parties, set out steps towards independence and guaranteed majority rule. Since independence, President Robert Mugabe and his ZANU-PF won all elections that were generally perceived to be flawed. However, violence and repression has been an integral part of politics in Zimbabwe. Especially from the late 1990s following the expiration of the time limit for the transfer of white-owned lands to the local people as provided for by the Lancaster House Agreement. The government started to implement a controversial land reform policy of forcible seizures of white-owned lands and redistributing such lands to mostly Shona ZANU-PF supporters (at the time the popularity of President Mugabe and his government was plummeting) as a way of addressing the imbalances of land ownership inherited from the days of colonial and white minority rule.⁵⁸

Zimbabwe is a multi-ethnic and race society with Africans (made up of the Shona 82%, Ndebele 14%, other 2%), mixed and Asian 1%, white less than 1%.⁵⁹ Muzondidya and

⁵⁴ Dagne, Ted, “Kenya: The December 2007 Elections and the Challenges Ahead”, Congressional Research Service Report, (September 17 2008), <<http://www.fas.org/sgp/crs/row/RL34378.PDF>> (Accessed on January 13, 2009).

⁵⁵ BBC News, February 28, 2008, <<http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/7268903.stm>> (accessed on October 21, 2008).

⁵⁶ Horowitz, Jeremy, “Power-Sharing in Kenya,” Prepared for presentation at the Workshop on Political Inclusion in Africa, American University, April 24-25, 2009, p. 2.

⁵⁷ International Crisis Group, “Conflict history: Zimbabwe” <http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=119>(accessed on January 19, 2009).

⁵⁸ BBC News, Land and politics, (Thursday, 20 February, 2003), http://news.bbc.co.uk/2/hi/in_depth/africa/2000/zimbabwe/default.stm (accessed on January 19, 2009).

Ndlovu-Gatsheni argue that whilst post-independence Zimbabwe since the days of the Gukurahundi war (1982-1986) has not experienced serious ethnic strife or political instability,⁶⁰ ethnicity remains one of the main challenges to the survival of the country. The ZANU-PF government tried to deal with ethnicity and maintain the unity of both the state and the party through repression of political opponents. For instance, the ZANU-PF government deployed both the army and a special militia unit, the Fifth Brigade or *Gukurahundi* (the rain that sweeps the chaff) to suppress the dissident groups in the regions of Matabeleland and Midlands.⁶¹ More than 20 000 civilians were killed by the government forces battling to contain the activities of a few armed political rebels.⁶² For Bjorn Lindgren, one of the serious consequences of the *Gukurahundi* atrocities is that it solidified the feeling of ‘Ndebeleness’ among the people of Matabeleland.⁶³ He noted that ‘people in Matabeleland accused Mugabe, his government and the “Shona” in general of killing the Ndebele’, because the Fifth Brigade unit was almost entirely Shona that justified its violence in political and ethnic terms.⁶⁴

Another critical issue relevant to the political crises in Zimbabwe is the inability of the political leaders, especially Mugabe and the ruling ZANU-PF, to move from the politics of national liberation towards the consolidation of democracy. Mugabe and his ZANU-PF continue to bring into play their national liberation war credentials for their legitimacy and accused the opposition leader of being a puppet of the western countries.⁶⁵ The government continues to employ dictatorship, repression, co-optation, and human rights abuses as means of holding on to power. This is further compounded by the issues of land reform per the Lancaster Agreement and the failure of the parties to that agreement, especially Britain, to honor their obligations. This has resulted in the forceful seizure of white-owned land, as stated earlier, by the ZANU-PF government that has attracted widespread condemnation especially, from Britain and the West, in general.

The elections in March 2008 were particularly marred by pre-election manipulation by the government of the ZANU-PF. Despite the skewed playing field and intimidation,

⁵⁹CIAWorldFactbook:Zimbabwe,<<https://www.cia.gov/library/publications/the-world-factbook/print/zi.html>> accessed on (January 5 2009).

⁶⁰ Muzondidya, James and Ndlovu-Gatsheni, Sabelo, “Echoing Silences’: Ethnicity in post Colonial Zimbabwe, 1980-2007” *African Journals Online*, Vol. 7, Issue 2, (2007), p. 275.

⁶¹ Ibid, p.276.

⁶² Ibid, p. 285.

⁶³ Björn, Lindgren, “The Green Bombers of Salisbury: Elections and Political Violence in Zimbabwe”, *Anthropology Today*, Vol. 19, No.2, (April 2003).

⁶⁴ Ibid.

⁶⁵ Gumedde, William, “Africa’s Version of Democracy is in deadly crises”, *Royal African Society*, <http://www.royalafricansociety.org/index2.php?option=com_content&task=viewed&id=459...> (accessed on October 15, 2008).

Zimbabweans clearly voted for a change of the *status quo*.⁶⁶ For the first time, ZANU-PF lost control of parliament to the opposition Movement for Democratic Change (MDC), which made unprecedented in-roads into rural areas. The outcome of the presidential election was vehemently disputed by the MDC's Morgan Tsvangirai, who claimed outright victory over President Mugabe. The Zimbabwe Electoral Commission withheld the results of the Presidential Elections for over a month, while ZANU-PF launched countrywide campaign of violence and intimidation against members of the opposition. On May 2, 2008, electoral officials finally announced the results; Tsvangirai had 47.9% against Mugabe's 43.2%, warranting a run-off which was held on June 27, 2008.⁶⁷ The opposition MDC boycotted the run-off elections because it believed a credible election was impossible due to the state-sponsored violence against the opposition and its sympathizers. Subsequently, the ruling ZANU-PF emerged victorious with about 90% of the votes cast. The MDC also questioned the independence of the Zimbabwe Electoral Commission (ZEC), and accused it of complicity with the ZANU-PF in rigging the elections.⁶⁸

In addition to the economic crises in Zimbabwe, the post elections political violence led to a further deterioration of the human rights and humanitarian situation in the country. The South African Development Community (SADC) initiative to resolve the political crises in the country culminated in the signing of the Global Political Agreement between the ruling ZANU-PF and the two MDC factions on September 15, 2008.⁶⁹ The Agreement makes provision for a power-sharing government in which President Mugabe remains the head of state, while opposition leaders Tsvangirai and Arthur Mutambara, leader of a faction of the MDC, take the positions of Prime Minister and deputy Prime Minister, respectively. However, the implementation of the agreement was stalled for several months due to disagreements among the parties over the allocation of key responsibilities between the offices of the president and that of the prime minister, as well as the allocation of essential ministerial positions such as Defence and Home Affairs. These ministries are considered strategic because they control the security agencies and the electoral management body. An intervention by SADC finally made it possible for the parties to resolve their differences, and paved the way for the coalition government that was inaugurated in February 2008.

Power- Sharing and Post-elections Conflict Management in Kenya and Zimbabwe

Conflict management is a generic term that refers to a wide range of mechanisms used for positive handling of conflicts.⁷⁰ The term is specifically used here to refer to the measures

⁶⁶ EISA, "Zimbabwe: 2008 Presidential run-off", < <http://www.eisa.org.za/WEP/zim2008runoff.htm>>, (accessed on January 20, 2009).

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Agreement between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the two factions of The Movement for Democratic Change, Harare, 11 September 2008.

used to limit, mitigate and contain violent conflicts. Power-sharing is one of such measures employed to manage violent conflicts such as post-election violence. The overall objective of power-sharing arrangements is to establish a more equitable balance of power which makes negotiation an attractive alternative to violence in order to promote stability and restore peace to a particular society. This kind of constitutional arrangement encourages the notion of elite cooperation through a grand coalition cabinet, sharing of executive power between the majority and opposition parties. The contemporary practice of power-sharing in Africa is exemplified in Kenya and Zimbabwe, where election results have been disputed and resulted in widespread violence. What are the implications of these arrangements in consolidating democracy and promoting peace in Africa?

The backgrounds to the political crises in Kenya and Zimbabwe that have resulted in the adoption of power-sharing arrangements are different and unique in their own terms. For instance, in Kenya, the two leading political parties PNU and ODM were former political allies in the National Rainbow Coalition, (NARC) of opposition parties that defeated the then ruling party, KANU in 2002. It is reported that there was an election-time pact between the opposition leaders Mwai Kibaki and Raila Odinga that the latter would be made the Prime Minister should his party throw its weight behind the former's party. However, the failure on the part of Kibaki to live up to the election-time promise resulted in the fall out of Odinga and his ODM from the NARC. In 2003, Kibaki revoked the agreement and started the politics of patronage.⁷¹ Odinga, in turn, considered the action of Kibaki as a betrayal and started his campaign for *majimbo*.⁷² Therefore, the power-sharing arrangement can be considered as an attempt by former elections-time partners to work together. On the other hand, Zimbabwe's power-sharing can be considered as an attempt at bringing together former bitter rivals given the bad blood that had existed between the ZANU-PF of Mugabe and the opposition MDC of Tsvangirai; the latter who had been continually arrested and charged with treason by the former.

Benefits of Power-Sharing in Kenya and Zimbabwe

The introduction of power sharing has the potential of preventing the escalation of identity based conflicts.⁷³ In the case of Kenya, the signing of the power-sharing agreement and its subsequent approval by the country's legislature and implementation

⁷⁰ Miall, H., Ramsbotham, O., and Woodhouse, T., *Contemporary Conflict Resolution*, (Cambridge: Polity Press, 1999), p. 21.

⁷¹ Modi, Renu, and Shekhawat, Seema, "The Kenyan Crisis: Post December 2007 Elections", Working Paper: No.1 Center for African Studies, University of Mumbai,(2008).

⁷² Majimboism calls for the devolution of power or federalism giving each ethnic group the free hand to develop its backyard. David Anderson provides a detailed analysis for Majimboism from the days of Colonialism and the post independence era his article, "Your in Struggle for Majimbo: Nationalism and the Party Politics of Decolonization in Kenya, 1955-64" *Journal of Contemporary History*, Vol. 40, No.3, (2005), pp.547-564.

⁷³ Sisk, D., Timothy, "Power Sharing Democracy: An Overview", In, Harris, P., and Reilly, B., *Democracy and Deep- Rooted Conflict: Options for Negotiator* (1998), p.139.

have contributed significantly in reducing the violence that engulfed the country after the elections. The question however is, what needs to be done to sustain the peace? Sisk argues that, power-sharing has conflict-mitigating effects especially when parties to the disputes arrive at such an agreement through a process of negotiation and reciprocity that all the ‘significant parties perceive as fair and just given their own changing interest and needs.’⁷⁴ Power-sharing governments as a post-election conflict management mechanism can serve as a viable alternative to violence following electoral disputes. For instance, in Kenya, the Coalition Government’s primary duty was to address the cause of the recurrent election violence in Kenya through the implementation of a coherent and far reaching reform agenda with the view of promoting a lasting peace in the country. The Kenyan Parliament has also passed a number of legislations to further the cause for peace in the country. These include the Constitution of Kenya Review Act that provides a road map for drawing a new constitution; the Truth, Justice and Reconciliation Act to set up a two-year commission to promote peace, justice, national unity, healing and reconciliation among Kenyans; and the Constitution of Kenya Amendment Act that will implement the electoral reforms recommended by the Independent Review Commission on the 2007 Elections (IREC).⁷⁵

In Zimbabwe the adoption of power-sharing led to a reduction of protests by the opposition parties and their supporters. It has also minimized government repression and the flagrant abuse of human rights by state security apparatuses. Power-sharing thus presents Zimbabweans with a rare chance to salvage the hitherto seemingly implacable socio-economic and political conflicts. It also presents a true national reconciliation following the abrasive relationship that existed between President Mugabe and the opposition parties. According to Fortune Zishiri, the new government of national unity marks an end to the liberation ethos that dominated the country’s politics for the better part of the last century. The composition of the coalition cabinet, with the likes of Roy Bennet, Eddie Cross, presents an opportunity for a true reconciliation between black nationalists and white supremacists that did not really happen at independence in 1980.⁷⁶ In an interview with the British Broadcasting Corporation, the Prime Minister Tsvangirai is reported to have said that “acrimony is over between him and President Mugabe, and that the new inclusive government is consolidated and ready to engage the world.”⁷⁷ From this pronouncement, Zimbabweans could perhaps hope for an end to the political tensions that has engulfed the country for decades. However, the country is still grappling with severe socio-economic and humanitarian crises, especially the outbreak of cholera, which has claimed hundreds of lives. There is also the urgent need to fix the dilapidated social infrastructures, and hyperinflation, as well as to lift the international sanctions

⁷⁴ Sisk, D. Timothy, “Power Sharing and International Mediation in Ethnic Conflicts”, (Washington DC: United States Institute for Peace Press, 1996), p. 6.

⁷⁵ Njururi, Blamuel, “Kenya: More speed, more speed, urges Annan”, *New African*, March 2009, pp.16-17.

⁷⁶ Cited in Mabasa, Sasa, “Zimbabwe: Thank God”, *New African*, March 2009, p. 28.

⁷⁷ BBC NEWS, “Tsvangirai: Mugabe acrimony over”, < <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/8083701.stm> > (accessed on June 5, 2009).

imposed on the country if the ordinary citizens are to benefit from the peace dividend.⁷⁸ Nevertheless, Mugabe and his ZANU-PF cronies continue to have a firm grip on power, and, perhaps, the acceptance of the power sharing deal is only a ploy to get out of the economic crises, and removal of international sanctions.

Challenges of Power Sharing in Kenya and Zimbabwe

Obviously, power-sharing arrangements do not address the underlying or deep rooted causes of conflicts; as such, they endanger peace and political stability in the long run. In the case of Kenya, even though a coalition government is in place, the underlying causes of the post-elections violence such as the issues of economic and political inequalities, ethnocentrism, ownership and distribution of resources such as land have not been adequately addressed. Ian Spears argues that power-sharing among political elites alone cannot help overcome all the deep seated animosities within a particular country.⁷⁹ The Kenyan power-sharing government has been described as coalition government of ‘elite majority’ rather a coalition of all significant (ethnic) groups.⁸⁰ This is due to the politicized nature of ethnicity in Kenya. “Minority groups’ were not considered in the negotiation and the signing of the power-sharing agreement. Politically and economically marginalized groups such as the Ogieks, Jemps, and Rendile were not represented in the process. Rather the process was dominated by political parties that dominant ethnic groups such as the Kikuyu, Kalenjin, and the Luos, identify with.⁸¹ Likewise in Zimbabwe, the ‘government of national unity,’ as it stands, superficially, may serve as a palliative solution to the country’s political crises, however, the deep-rooted sources of conflicts such as human rights abuses, land seizures, corruption, ethnocentrism, and dictatorship that are not addressed have the potential for future civil strife.⁸²

Philip Roeder and Donald Rothchild argue that power-sharing arrangements may serve a short term motive of giving weaker parties a participation in governance. However, it may conflict with the long term incentives of consolidating power and for that matter democracy in Africa.⁸³ Power-sharing arrangements have been criticised as not being an incentive for consolidating the tenets of democracy. Rather, such pacts provide elites with

⁷⁸ See The Zimbabwe Democracy and Economic Recovery Act of 2001 enacted by the United States Congress, Perspectives by Crush, I.K., “Impact of Sanctions downplayed in Zimbabwe crisis”, http://www.finalcall.com/artman/publish_5501.shtml > (accessed on February 8, 2009).

⁷⁹ See Spears, Ian, “Understanding Inclusive Peace Agreements in Africa: the Problem of Sharing of Power”, *Third World Quarterly*, Vol. 21, No. 1,(2000) p.116

⁸⁰ Ong’ayo, O., Anthony, “Kenya: A Closer Look at power sharing”, <<http://www.pambazuka.org/en/category/features/46928>> (accessed on January 12, 2009)

⁸¹ Ibid.

⁸² Rusere, Patience, “Latest Farm Invasions Reveal Fault Line in Unity Government” <<http://www.voanews.com/english/africa/2009-03-09-voa48.cfm> > (accessed on March 27, 2009)

⁸³ Roeder, G., P., and Rothchild, D., S., (Eds.) *Sustainable Peace: Power and Democracy after Civil Wars*, (New York: Cornell University Press, 2005), p. 29.

opportunities to share the spoils of conflicts rather than promoting good governance and respecting the choice of electorate.⁸⁴ In the case of Kenya and Zimbabwe, power-sharing may create an avenue for maladministration and irresponsibility as a vibrant opposition needed to keep the government in check is unavailable. For instance, the Kenyan parliament recently voted against the setting up of a tribunal to try people implicated in the post-election violence as recommended by the Waki Committee of Inquiry into the post-elections violence.⁸⁵ A clear case of collusion between the parties in the government to deny the victims of the violence justice; because members of both parties, as well as influential members of the society are implicated in promoting the post-election violence. Frustrated by the lack of progress on the part of the Kenyan authorities to establish a local judicial mechanism to deal with the perpetrators of the post-election violence, the chief mediator, Mr Kofi Annan, has submitted the list containing the names of the alleged instigators of the violence, along with several boxes of evidence collected during the official inquiry to the prosecutor of the International Criminal Court (ICC) for investigation and prosecution.⁸⁶ However, the ICC has only a limited capacity to investigate and try persons suspected of crimes against humanity, and Kenya has a duty to ensure effective prosecution at the national level to put an end to impunity for the perpetrators of these crimes.⁸⁷

Kenya is also faced with serious cases of corruption in government circles. A number of issues such as the “US \$10m maize scandal, \$95m oil rip-off, \$36m Grand Regency Hotel fraud, and a \$537m Kenyan Tourism Board swindle” are hanging around the neck of the coalition government.⁸⁸ Corruption especially in government circles cannot be addressed adequately under power-sharing arrangements as all parties are likely to be implicated and may most probably become a source of political instability. According to former Kenyan anti-corruption tsar, John Githongo, all the sides of the political divide ‘seem to have their snouts in the trough.’⁸⁹ Following intense pressure from civil society and Kenyans for the coalition government to sanction officials implicated in graft, some key government officials including the powerful finance minister, Amos Kimunya, have resigned from their posts to pave way for independent investigations into allegations of

⁸⁴ Ibid.

⁸⁵ BBC NEWS, “Kenyan MPs reject violence court” <<http://news.bbc.co.uk/go/fr/-/2/hi/africa/7886395.stm>> (accessed on February 12, 2009).

⁸⁶ Xan, Rice, (2009), “Kenyan Leaders fail to sanction tribunal to investigate post-election violence,” *The Guardian*, November 5, <<http://www.guardian.co.uk/world/2009/nov/05/Kenya-election-violence-tribunal>> (accessed on December 12, 2009).

⁸⁷ *allAfrica.com*, Kenya: Post-Election Violence Suspects Must Be Brought to Justice, (November 10, 2009), <<http://allafrica.com/stories/200911110316.html>> (accessed on December 14, 2009).

⁸⁸ See Kabukuru, Wanjohi, “Kenya’s Example”, *New African Magazine*, (March 2009), pp. 10-14

⁸⁹ BBC NEWS, “Has Kenya’s Power sharing worked?” <<http://www.bbc.co.uk/go/pr/fr/-/2/hi/africa/7921007.stm>> ,(accessed on Mach 5, 2009).

corruptions against them.⁹⁰ Corruption is considered as one of the “drivers” of state fragility, and the subsequent outbreak of violent conflict.⁹¹ According to Claire Vallings and Magüi Moreno-Torres, of the United Kingdom Department for International Development, the onset of corruption in any state is not a sudden onslaught but begins as a gradual challenge to institutional norms and the rule of law. If left unchecked, it becomes endemic in which case private interest (individual and group) competes with national interest. Where private interest dominates, the state is then weakened and is unable to perform its core functions; the state will then exhibit signs of fragility, with violent conflict as one of the possible symptoms.⁹²

Besides, it is doubtful whether the parties are really committed to sharing power or they were only forced into a marriage of convenience by the international community. For instance, barely a year into the power-sharing government in Kenya, the Prime Minister and his party held a crises meeting to voice out their dissatisfaction over the perceived marginalization of the party by President Kibaki.⁹³ The main problem that power-sharing arrangements have to transcend in Africa is the excessive powers reposed in the executive arm of government in a region where institutions and rule of law are weak. As such, the transition from a presidential to a parliamentary system as provided for by power-sharing governments pose a serious challenge. For instance, the ODM controls government since it won more seats in parliament, however, it complains of not being consulted by the President and his party, Party of National Unity (PNU), before taking major decisions, such as the signing of bills into law. Some of the new laws infringe upon fundamental human rights, for example, the power to control news broadcast, raid media houses, tap telephone lines on the grounds of national security. Again, the survival of the power-sharing government depends on the whims of individuals such as President Mwai Kibaki, Prime Minister Raila Odinga and the Vice President Kalonzo Musyoka’s continued cooperation and the tenets of good governance. A recent disagreement over the leadership of government business virtually paralysed the country’s parliament. Accordingly, the PNU argues that the position of the leader of government business is so crucial that to cede it to its coalition partner will be tantamount to surrendering the control of parliament; although the ODM has the majority of seats in parliament.⁹⁴

⁹⁰ Mustaq, Najum, “Kenya: Civil Society Victory Against Corruption,” *allAfrica.com*, <http://allafrica.com/stories/200807090005.html>, (accessed on June 21, 2010); Kebaso, George, “Corruption in Kenya as Top Minister are Implicated,” *Newstime Africa*, <<http://www.newsfrica.com/archives/10858>> (accessed on June 21, 2010).

⁹¹ Atuobi, M. Samuel, “Corruption and State Instability in West Africa: An Examination of Policy Options,” KAIPTC Occasional Paper No. 21, (Accra: Kofi Annan International Peace Keeping Training Center, December 2007), p.12.

⁹² Vallings C. and Moreno-Torres M., *Drivers of Fragility: What Makes States Fragile?* DFID/PRDE Working Paper No.7, (April 2005) p. 2.

⁹³ BBC NEWS, “Crises talks for Kenya Coalition” <<http://news.bbc.co.uk/go/fr/-/2/hi/africa/7811241>> (accessed on January, 5, 2009).

In Zimbabwe, most people are very pessimistic about the true intention of President Mugabe and his ZANU-PF to share power with their bitter rivals, the MDC. For many sceptics, the prolonged disagreement over how to share ministerial portfolios that stalled the formation of the government of national unity for several months after signing the agreement eloquently betrays Mugabe's hypocrisy. Although, the power-sharing agreement provides that, 'the President and Prime Minister will agree on the allocation of ministries', President Mugabe unilaterally allocated key ministries to the ZANU-PF, and left the MDC with 'non-strategic ministries.' He also appointed the Attorney General, Johannes Tomana, and the Central Bank Governor, Gideon Gono; and ignored calls by the opposition for the dismissal of the latter for incompetence and corruption. Mugabe also reappointed ZANU-PF members as provincial governors, including provinces in which the opposition MDC won in the March 2008 elections.⁹⁵ In addition to the blatant breach of the power-sharing agreement, several opposition supporters, civil society and human rights activists continued to be held in detention. The MDC nominee for the position of deputy agricultural minister, Roy Bennet, was arrested on terrorism charges few days to the inauguration of the coalition cabinet. This sequence of events was attempts by hardliners of the ZANU-PF to scuttle the new coalition government.

Furthermore, the current wave of power-sharing governments constitute a further drain on the resources of Kenya and Zimbabwe since it increases the cost of running rather large governments purposely designed to accommodate all parties. For instance, Kenya now has about 40 cabinet ministers, 52 assistant ministers, a president, prime minister, vice president and deputy prime ministers, in addition to 210 parliamentarians.⁹⁶ Zimbabwe is confronted with a similar challenge with about 31 cabinet ministers, a president, prime minister, vice president and two deputy prime ministers. If the huge salaries and other benefits that are paid to government officials, together with mismanagement of scant national resources in Africa are anything to go by, then Kenya and, especially Zimbabwe are probably heading for economic crises. The onus now lies upon the Joint Monitoring and Implementation Committee (JOMIC) constituted by the SADC facilitation team to ensure that factions abide by the terms of the agreements; but it is left to be seen how the JOMIC will fulfil its mandate when it is struggling to hold meetings due to the lack of money.⁹⁷ The possible challenge lies in the danger of diverting resources for socio-economic development into meeting the huge cost of running coalition governments. This may invariably lead to dissatisfaction among the larger restive population with the likelihood of eruption of civil strife.

⁹⁴ Gitau, W. and Kumba, S., "The Truth Behind Kibaki-Raila Feud", *Daily Nation*, (May 1, 2009).

⁹⁵ *Africa Confidential*, Vol. 50, No.3, (February 6, 2009).

⁹⁶ BBC NEWS, "Huge Cost of Kenyan Cabinet" <<http://news.bbc.co.uk/go/pr/-/2/hi/africa/7352261.stm>>(accessed on December 21, 2008).

⁹⁷ IRIN NEWS, "Zimbabwe: Oversight to power sharing deal under by funding shortage", <<http://www.irinnews.org/Report.aspx?ReportId=82997>> (accessed on February 20, 2009).

Conclusion

Most people are very pessimistic about the essence of power-sharing arrangements after disputed elections in Africa, and indeed the prospects of transcending the elite conflicts that necessitated the power-sharing agreements are rather bleak. Power-sharing arrangements may serve a short-term motive of containing conflicts through elite cooperation and compromise among parties, thereby promoting political and institutional stability following electoral disputes.⁹⁸ However, power-sharing arrangements have a number of challenges, which may serve as breeding grounds for future violence especially during or after subsequent elections. This paper argues that, the experiences of Kenya and Zimbabwe where power-sharing governments have been adopted as the best possible options to violence following fraudulent elections should however be considered as aberration to the norm, if African countries are really committed to consolidating democratic peace and stability. Power-sharing governments should only be considered as transitional measures and not the ultimate mechanisms to building stable democracies. Rather, African countries have to build strong and independent institutions to conduct credible elections, whose outcomes would be acceptable to all parties. States must also train and equip their security apparatus to maintain peace during elections. Incumbent governments must learn or be shamed into respecting the rules of democratic elections and relinquish power if the electorates vote for a change in government, rather than to hold and share power with otherwise winners of elections.

⁹⁸ Papagianni, Katia, "Power Sharing: A Conflict Resolution Tool?" *African Mediators Retreat*, Center for Humanitarian Dialogue, (2007), pp. 25-26.



About the author: Naila Salihu is a Research and Training Officer with the Research Department of the Kofi Annan International Peacekeeping Training Center, (KAIPTC).

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