

Causal Factors of Election Violence in Africa

*A Comparative Analysis of Kenya's 2007 Elections and
Zimbabwe's 2008 Elections*

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Declaration

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Abstract

Africa has made tremendous progress over the past decades in its transition to democratic regimes. When evaluating the leverage such an enormous change has, and the haste Africa was in when making this change, the continent has been able to achieve a considerable amount of revision in their regimes.

One fundamental aspect of a democracy is competitive Presidential elections. This has however shown to be a problem in Africa as many cases of violent elections have been reported on, with Nigeria's 2011 elections being the latest example. The focus of this thesis is on the causal factors behind electoral violence in African democracies. More specifically, a comparative analysis of Kenya's 2007 Elections and Zimbabwe's 2008 elections is presented.

The five possible causal factors under analysis are 1) free and fair elections, 2) international assistance, 3) political/electoral systems and 4) socio-economic factors and 5) ethnicity.

Additionally, background information on the history of Kenya and Zimbabwe is presented.

The research is conducted around the framework of one of the foremost African scholars in the field, Gilbert Khadiagala. His typology suggests two angles 'In the first order of causes, electoral violence is the outcome of events and circumstances that emanate from broader political conflicts, particularly in societies that are beset by ethnic, communal and sectarian fissures. In the second category, electoral violence is a consequence of imperfect electoral rules; imperfections that allow some parties to manipulate elections through electoral fraud, vote buying, and rigging' (Khadiagala, 2010:17).

Next to this a discussion on Khadiagala's fourth wave of democracy is analysed which proves of major importance for Kenya and Zimbabwe to prevent election violence. Not only because of the fact that the contemporary form of their democracies clearly show major flaws, but also because a democracy has proved to encourage socio-economic development.

Firstly, the findings suggest that the people are fed up with stolen elections and they are demanding the free and fair conduct of elections. The use of violence is the means to express this 'demand'.

Furthermore, in both Kenya and Zimbabwe, the land occupation of colonizers caused the start of deep social cleavages and ethnic tensions. In Kenya it is concluded that the cause of violence was not purely the flawed election process, this was merely a trigger for underlying ethnic tensions. In Zimbabwe in turn, the violence was mainly sparked by President Mugabe's government who used extreme means to gain votes. The system was highly manipulated and due to weak institutions and electoral rules, President Mugabe was able to rig the elections.

The role of international assistance is discussed and proves to be of little influence towards election violence. In the case of Zimbabwe, no international observers were invited, in the case of Kenya, international observers were invited and present. In both cases violence broke out.

The establishment of a stronger socio-economic society proves vital for the development of a democracy. The connection between ethnic, social and economic differences to the electoral system recognizes that further deepening and strengthening of the democratic institutions needs to become a reality in order to conduct more peaceful elections. The elections are far from free and fair and as a result of weak democratic institutions the possibility of rigging is created. With the underlying ethnic tensions and broader political cleavages, Kenya and Zimbabwe proved prone to violence.

Opsomming

Wanneer daar in ag geneem word dat Afrika onder moeilike omstandighede en in 'n baie kort tydperk, beweeg het van meerderheid autokratiese state na demokrasieë, is dit regverdig om te argumenteer dat Afrika 'n kenmerkende vordering gemaak het in die laaste dekades om 'n demokratiese samenleving te berwerkstellig.

Helaas, n fundamentele aspek van n demokrasie is die beoefening van gereelde en kompetierend verkiesings. Oor die jare is daar bewys dat verkiesings n problematiese aspek van demokrasie is in meeste Afrika state, meerderheid van verkiesings in Afrika is geneig om uit te loop in konflik en geweld. Dus is die fokus van die studie op die faktore wat bydra tot konflik gedurende n verkiesings tydperk in jong Afrika demokrasieë. Meer spesifiek sal daar n vergelykende studie gedoen word van die 2007 verkiesing in Kenia en die 2008 verkiesing in Zimbabwe.

Die vyf faktore wat bydra tot konflik gedurende verkiesings is : 1) vry en regverdige verkiesings, 2) internasionale hulpvelening, 3) politiese en verkiesingsstelsels, 4) sosio-ekonomiese faktore, 5) etnisiteit, word elk bespreek. Ook word die agtergrond van beide die verkiesings in Zimbabwe en Kenia bespreek.

Die teoretiese aspekte van die studie is gebaseer op die werk van Gilbert Khadiagala, n hoogs ge-respekteerde kenner op die gebied. Sy teorie veronderstel dat konflik plaasvind as gevolg van politiek konflikte en etniese verskille. Tweedens, beweer hy dat verkiesingskonflik n produk is van foutiewe verkiesingsstelsels, veral waar een groep die ander groep kan manipuleer en waar bedrog moontlik is.

Langs dit is 'n bespreking oor Khadiagala se vierde golf van demokrasie ontleed en bewys dit van groot belang vir Kenia en Zimbabwe om verkiesings geweld te voorkom. Nie net as gevolg van die feit dat die demokrasieë duidelik groot foute toon nie, maar ook en meer belangrik, omdat 'n demokrasie sosio-ekonomiese ontwikkeling aanmoedig.

Daar word gevind dat meeste mense eenvoudig keelvol is met 'gesteelde' verkiesings en dat hulle begin aandring op vry en regverdige verkiesings en konflik en geweld is die enigste manier om hulle wense te verwesenlik.

Ook, in beide Kenia en Zimbabwe het kolonialiseerders 'n groot skeuring veroorsaak tussen verskillende etniese groepe in beide lande, wat vandag voortdurende etniese spanning veroorsaak. In Kenia blyk dit dat die etniese verskille was wat gelei het tot die verkiesingsgeweld in 2007 eerder as foutiewe verkiesingsstelsels. In Zimbabwe was dit verkiesingskorrupsie en President Robert Mugabe se oneerlike wyse van stemme werf wat gelei het tot konflik.

Dit is aangetoon dat die aanwesigheid van internasionale hulp min invloed het op verkiesings geweld. In die geval van Zimbabwe, is daar geen internasionale waarnemers genooi nie en in die geval van Kenia, is daar wel internasionale waarnemers is genooi en was hulle daadwerklik aanwesig. In beide gevalle het geweld uitgebreek.

Daar word gevind dat 'n sterke sosio-ekonomiese sameleving belangrik is vir demokratiese ontwikkeling van 'n land. Verder word daar geargumenteer dat sterk en onafhanklik politieke en demokratiese instansies bevorder moet word ten einde meer vreedsame verkiesings te hou. Tans in Afrika is verkiesings ver van vry en regverdig, gesamentlik met etniese spanning kan dit 'n plofbare situasie veroorsaak soos bewys in Kenia en Zimbabwe.

The establishment of a stronger socio-economic society proves vital for the development of a democracy. The connection between ethnic, social and economic differences to the electoral system recognizes that further deepening and strengthening of the democratic institutions needs to become a reality in order to conduct more peaceful elections. The elections are far from free and fair and as a result of weak democratic institutions the possibility of rigging is created. With the underlying ethnic tensions and broader political cleavages, Kenya and Zimbabwe proved prone to violence.

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Chapter One: Introduction

1. Introduction

Political violence in Africa is a highly researched topic. Academics, non-governmental organizations, international institutions, and so forth, have examined this phenomenon, which is vastly present throughout Africa. Electoral violence has, however, not received as much attention, even though since democratization in Africa, electoral violence has become the rule rather than the exception in many countries. The focus of this thesis will be on the causal factors behind the electoral violence in the cases of Kenya's 2007 presidential elections and Zimbabwe's 2008 presidential elections.

This first chapter will provide a structured, detailed and comprehensive overview of the main research question of this thesis. Additionally, it will elaborate on the subject and provide background information, to some extent, to clarify the research beforehand and provide the reader with an overview of the upcoming contents.

The outline will be as follows: the first section will outline the background and rationale of this study, after which in section two, the aim of the study will be presented. Section three provides a literature review and section four will elaborate on the identification and demarcation of the research question. Subsequently, section five will discuss the applied methodology. After this, the final section will present a conclusion, including a specification of the contents of the chapters presented throughout this thesis.

1.1 Research Question

Before commencing with the details of this research, the research question is first presented. The overall topic of this thesis is election violence in Africa; more specifically, however, the main research question is: *Why have presidential elections yielded so much violence in Africa in particular?* The causal factors of election-related violence will be researched by comparing Kenya and Zimbabwe; that is, the Kenya general elections of 2007, including both presidential and parliamentary elections, and the Zimbabwean presidential, parliamentary and Senate elections of 2008.

1.2 Background and Rationale

Africa has witnessed many conflicts, including conflicts rising from ethnicity, religion, race, and/or natural resources. Conflict arising from elections is unfortunately also a well-known source of violence. Over the past years elections have caused violence in Zimbabwe, Kenya, Ivory Coast, Togo and Gabon, just to name a few. Not to mention the outbreak of excessive violence in April 2011 after the Nigerian elections; the violence cost the lives of some 800 people and is reported to be the most violent in its history (Human Rights Watch, 2011). Deaths, hunger, disease and thousands of misplaced people are often the result of the violence and it is therefore crucial to examine what factors are involved in electoral violence in order to determine whether or not this could be prevented in the future. Additionally, aside from the harsh immediate consequences of election violence, in the long-run, elections promote democracy, peace and security, which all contribute to socio-economic development which is crucial for many African countries in order to establish healthy economies and/or the further development thereof. By determining the causal factors that promote electoral violence, this study serves as a base for further studies on how to possibly create circumstances for more peaceful elections, and improve democracies and electoral systems in order to conduct non-violent election processes.

The nature of this research will therefore be descriptive. Data will be gathered to become familiar with the basics, such as the history of the two respective countries and their current state of being. A set of factors will be presented and the sequence of these factors and their relation to electoral violence will be analysed. It will generate new ideas and explain both the elections from a comparative point of view. Additionally, this comparative research will be of a qualitative nature. The strength of the study lies in its contemporary character. Both elections are fairly recent and will therefore represent the current state of affairs in respect of political systems and elections.

1.3 Aim of the Study (Purpose)

The main aim of this study is to identify causal factors that have promoted election violence in the case of Kenya and Zimbabwe during the latest elections, but a reflection on previous elections and possible violence connected to these factors will also be highlighted. This is done in order to determine if these causal factors were time and context specific, or if they

have featured during the elections repeatedly. These particular factors will be further clarified throughout section four.

Secondly, many African countries have experienced numerous cases of political violence since their independence, and these cases have been researched extensively. The connection to electoral violence has, however, not received as much attention, even though it is a serious matter. The second aim of this study is therefore to contribute to the literature on election violence, and to clarify the concept of election violence and why it occurs in Africa.

1.4 Literature Review

The following section will present a literature review. Firstly, the literature on electoral and political violence will be presented; secondly, literature on the 2007/2008 Kenya electoral violence will be discussed, and thirdly the debate on election violence during the 2008 elections in Zimbabwe will be presented.

1.4.1 Electoral and Political Violence

Both Kenya and Zimbabwe are no strangers to political and electoral violence. Although the focus of this thesis is on electoral violence only, electoral violence and political violence are inherently connected, with political violence being the umbrella under which electoral violence shields itself (FES and CCR, 2001:16). In other words, political violence can be viewed as a much broader concept, with it not only containing electoral violence, but for example, violence and opposition against the ruling government regarding rising food or fuel prices as well. Electoral violence in turn aims at the electoral process, its level of legitimacy or even to oppose unreasonable and unfair treatment of opposing parties.

Gilbert M Khadiagala is one of the foremost African scholars on the topic of election violence. Khadiagala offers a suggestive typology of electoral violence: 'In the first order of causes, electoral violence is the outcome of events and circumstances that emanate from broader political conflicts, particularly in societies that are beset by ethnic, communal and sectarian fissures. In the second category, electoral violence is a consequence of imperfect electoral rules; imperfections that allow some parties to manipulate elections through electoral fraud, vote buying, and rigging' (Khadiagala, 2010:17). There thus exist two angles to election violence in Africa. This typology is considered of utmost importance for the subject at hand and will be extensively discussed throughout the thesis.

Electoral violence can be experienced coming from both the electorate as well as the government and/or running parties. From a government point of view, as Mwangi notes, 'its tool of trade is the intimidation and disempowerment of political opponents. Election violence takes place not just at election time, but in periods leading to elections, during the elections themselves, and in the period immediately following elections such as during the counting of ballots' (Mwangi, FES, 2001:16). The time of the announcement of the final results, and therewith the winner of the elections, is emphasized as one of the most vulnerable times for election violence to break out.

Basedau *et al.* (2007) indicate a clear relation between democratic transition and electoral violence. Huntington indicated already in 1968 that the gap between high levels of political participation and weak political institutions was a major source of political instability in the developing world. Both Kenya and Zimbabwe are not fully established democracies. African countries are characterized by their 'capabilities to design and implement coherent policies being limited and political power is personalised rather than embedded in political institutions' (Basedau *et al.*, 2007). They further emphasize that electoral violence can be initiated by the government, for example, by jailing opposition leaders or forcing the people to vote for their party by threatening them with violence, or by the people, for example, by protesting against the results. Furthermore, the timeframe of electoral violence, as indicated above, stretches from pre- to during to post-election periods.

Fischer adds to this that 'an electoral process is an alternative to violence as it is a means of achieving governance. It is when an electoral process is perceived as unfair, unresponsive, or corrupt, that its political legitimacy is compromised and stakeholders are motivated to go outside the established norms to achieve their objectives. Electoral conflict and violence become tactics in political competition' (Fischer, 2002:2). Additionally, Fischer argues that violence is not a result of an electoral process, it is rather the breakdown of an electoral process.

Höglund argues for a conceptualization of electoral violence as a specific sub-category of political violence, determined mainly by its timing and target. 'The enabling conditions and triggering factors can be identified in three main areas: 1) the nature of politics in conflict societies, 2) the nature of competitive elections, and 3) the incentives created by the electoral institutions' (Höglund, 2009:2).

In sum, professionals have been writing noticeably on political and electoral violence. For the purpose of this thesis, the above will be taken into account and a conceptualization of

electoral violence will be introduced in the second chapter of this thesis, also elaborating on scholars who represent African views.

1.4.2 Kenya

The 2007 general elections in Kenya have been widely researched and analyzed. The violence was horrific, leaving 1,500 Kenyans dead and some 300,000 displaced. President Emilio Mwai Kibaki was re-elected in the 2007 elections, although it was publicly confirmed by several international institutions that elections were not free and fair, but rigged and manipulated.

Before attempting to elaborate on the 2007-2008 elections, Anderson analyzed violence in Nairobi in 2002 and emphasizes the ethnic struggle between the Taliban and Mungiki (Anderson, 2002: 531). Additionally, he presents the, already then, increasing prevalence of vigilante groups in the city of Nairobi. These vigilante groups in turn represent a growth in criminal activities, especially extortion. The issue of ethnicity is ever present in everyday life in Kenya and it has been appointed as a reason for the outbreak of violence. However, in a survey done by the Waki Commission – which investigated the post-election violence in Kenya – Kenyans define themselves in terms of national identity and not in terms of ethnicity. Important to add though, is that the Commission found a steep decline in perceptions of tolerance between different ethnic groups (Rheault and Tortora, 2008).

Smith argues in her *Explaining violence after recent elections in Ethiopia and Kenya* that the violence is due to a lack of constitutional and institutional reform since the introduction of multi-party politics in the early 1990s. ‘Electoral procedures have heightened the stakes of politics and therefore led to significant and escalating political violence’ (Smith, 2009: 867). Cheeseman additionally highlights how fragile Africa's new multi-party systems may be when weak institutions, historical grievances, the normalization of violence, and a lack of elite consensus on the 'rules of the game', collide (Cheeseman, 2008). Roberts agrees with this by stating that the roots of the violence were in a weak national constitution. ‘This constitution has progressively lacked a healthy checks and balances system between the executive, legislative and judicial branches of government’ (Cheeseman, 2009: 2).

1.4.3 Zimbabwe

As in the case of Kenya, many articles have been written on the 2008 presidential elections in Zimbabwe. On 2 May 2008, election results indicated that, for the first time since independence, the ruling party had lost its majority in the National Assembly. Opposition leader, Morgan Tsvangirai, had gained more votes than President Robert Mugabe, but had not gained the 50 percent needed to avoid a run-off (CRS Report for Congress, 2008). In the following run-off, President Mugabe had a strong majority of the votes. Mugabe's initial loss was unacceptable to him and a wave of violent election campaigning, or rather election intimidation, towards the run-off elections followed.

In *When Elephants Fight*, Matlosa *et al.*, argue that in Zimbabwe 'national-level mechanisms for the prevention, management and resolution of violent election-related conflicts are weak and ineffective' (Matlosa *et al.*, 2010: 216). This is thus indicated as one of the factors which could have contributed to a more peaceful electoral process.

Additionally, suspicion of a partisan administration of the elections and buying of votes were widely discussed. Although President Mugabe let some international observers enter the country, such as the African Union, only those who would not be critical were allowed to observe. This in turn raises major concern that Africa's observer missions have become rubberstamps. In other words, these missions endorse elections which are clearly flawed. Furthermore, several international journalists were arrested and jailed for numerous weeks.

The Democratic Alliance (DA), a South African political party, although forbidden to observe, reports on malpractice of the government in the run up to the election. The cancellation of rallies organized by the opposition, and even proof of torture and physical abuse of opposition members, are two examples of an unfair electoral process (DA, 2008:4). These are all factors which could have contributed to the severe protests ending in electoral violence.

The Electoral Institute for Sustainable Democracy in Africa (EISA) reports that one of the major factors contributing to unrest and violence in Zimbabwe was the delay of the announcement of the election results; the results were only presented five weeks after election day (www.eisa.org). Additionally, unfair distribution of broadcasting minutes, meaning a biased media in favor of President Mugabe, was reported.

Lastly, Zimbabwe has a fierce ethnic background which in the past has caused major conflict situations. The Ndebele, Mashona and a white population are the main ethnicities. President Mugabe is Mashona and has attempted to oust and destroy the white population by

having their farms attacked. In turn, this caused a major drop in food production, and therewith poverty. The consequences thereof and the connection to election violence will be elaborated on in Chapter Four as it is considered a factor behind electoral violence in Zimbabwe.

1.5 Identification and Demarcation of the Research Question

As mentioned above, the main research question is: *Why have presidential elections yielded so much violence in Africa in particular?* The causal factors of election-related violence will be researched by comparing the sequence of events between the two case studies of Kenya and Zimbabwe. More specifically, the Kenyan presidential elections of 2007 and the Zimbabwean presidential elections of 2008 will be examined.

The Kenyan presidential elections were held on 27 December 2007. The Zimbabwean presidential elections, along with parliamentary elections, were held on 29 March 2008. As electoral violence is central, both pre- and post-election violence will be researched. The timeframe for both elections will be from three months prior to the respective elections to three months after the respective elections. This is crucial as, for example, speculations were made that the Kenyan electoral violence made the Zimbabweans nervous and on the edge prior to their elections.

Although the main research question entails the continent of Africa, it is acknowledged that no one country is representative of the whole continent. As the cases of Kenya and Zimbabwe show many similarities and elections were held only three months apart, these two countries demarcate the territories examined.

The main factors which will be examined have been chosen because of their strong relation to the research question and will mainly consist of: 1) free and fair elections, 2) political/electoral system, 3) international assistance, 4) socio-economic factors and 5) ethnicity. Supplementary to these factors, factors such as (colonial) history and independence, amongst others, will be taken into account. The main questions behind the choice of these factors are questions such as: Was or was there not international assistance present and what was its effect? What was the respective ethnic situation, and how did this affect the outbreak of violence? Was the perception of the elections by the people to have been free and fair? Although these are merely examples and many more are subject to discussion, these questions indicate the line of thought and will be discussed further throughout this thesis. The motivation to study these specific factors is mainly based on research on the topic which

proved the relevance of these factors, this is further elaborated on in the literature review. Additionally, the mixture of quite straightforward institutional factors – the first three – as well as the socio-economics and ethnicity which are more non-institutional factors, provide for a balanced research.

1.6 Methodology

As mentioned above, the nature of the research to be conducted is qualitative. The methods used to provide for a comprehensive analysis will be based on literature and will be descriptive. An historical overview of both countries will be provided, and existing data and literature will be discussed. The sources which will be studied range from books, to articles to up to date data retrieved from the World Wide Web. Khadiagala's line of thought will be central to this study.

Literature will be approached ranging from African politics, to local politics, from Zimbabwean literature to Kenyan literature, from the role of the international community to the role of the regional community and so forth. The causal factors of election violence in Africa will be researched by the comparative method as Kenya's 2007 elections and Zimbabwe's 2008 elections will be studied and compared. Additionally, a section will be dedicated to clarifying the main concepts behind the subject of this thesis.

1.7 Conclusion

Peace and conflict are central to this research, and more specifically, elections as a cause for unrest, violence and conflict in Africa. The fact that election violence is still so present in Africa is a worrying one and this thesis will therefore focus on the causal factors behind the violence.

Why have presidential elections yielded so much violence in Africa in particular? This is the research question addressed in this thesis and an outline of how this question is going to be addressed is presented below. The two chosen cases, as explained above, will be the 2007 Kenyan presidential elections and the 2008 Zimbabwean presidential elections. The selected case studies have experienced similar election periods, and it will be determined what contributed to the violence in either one.

The comparative character of the study will provide for an excellent base to discover causal factors of election-related violence, as well as potential similarities in the circumstances.

In order to provide for a structured and clear thesis, the following outline will be applied throughout this research.

Chapter One introduces the research topic and question. A general introduction is given, including the aim of the study, the background and rationale, and the demarcation of the research question is also presented. Additionally, a literature review discusses the main issues offered so far by academics and other professionals.

Chapter Two presents a conceptualization and the theoretical basis for this study. In the conceptualization, the main concepts will be highlighted and clarified in order to prevent confusion. When applicable, the concepts will also be contextualized.

Chapter Three will give an overview of the Kenyan 2007 presidential elections. This chapter will provide a discussion on the five causal factors appointed above in order to, in Chapter Five, analyse and compare the factors to Zimbabwe. Moreover, additional background information, such as historical factors and economic development, will be provided when necessary.

Chapter Four, in turn, will present the case of the Zimbabwean 2008 presidential elections, including the same aspects as in the case of Kenya.

Chapter Five offers the core analysis of this thesis. The discussed matters in the third and fourth chapters will be subject to a comparative analysis. In this chapter, similarities, differences, trends and so forth will be highlighted.

Chapter Six offers a conclusion in which the main findings are presented.

Chapter Two: Conceptualization and Theoretical Framework

2.1 Introduction

Before presenting the conceptualization and theoretical piece of this thesis, the following introduction regarding democracy is given. This is considered crucial to this thesis as, although democracy is not a causal factor of election violence, the transition to democracy has had an impact on the current state of affairs. Not only because of the difficulties which have been encountered during transition, but also the painfully slow process of it in Kenya and Zimbabwe. Therefore, in this section the term democracy will firstly be clarified; secondly, the transition of African countries to democracies will be highlighted, after which lastly, Khadiagala's argument on the fourth wave of democracy in Africa will be presented. Accordingly, this discussion on electoral democracy is included to establish a wide-ranging overview.

Democracy is a term with many different types and interpretations, but as Abraham Lincoln once stated, democracy is 'government of the people, by the people and for the people'. In other words, a democratic regime is considered to be 'rule of the people'. The term is, however, somewhat complicated as it leaves much room for interpretation. For example, who are the 'people' or what is 'rule'. Birch even concludes that 'we cannot arrive at an objective and precise definition of democracy' (Francis, 2008:150). It is additionally a collective term for a wide variety of regimes, such as liberal democracy, illiberal democracy, radical democracy, direct democracy and moderate democracy. One important feature of a democracy that is certainly part of the definition is that in order to actually be a democracy – aside from the type of democracy – the regime should be free and fair.

The concept of democracy is a highly contested one with many different meanings and approaches given to it. Democracy theory is in turn an extensively discussed theory. Rather than one theory though, Robert Dahl observes that there is no single theory of democracy, only theories. There is no single truth and in the case of Africa this is especially true, seeing the different levels of democracy; for example, the level of democracy in South Africa is more developed than in Uganda, although both countries call themselves democracies.

Theorists of democratization have further noted three phases in the process of turning authoritarian regimes into democratic regimes. These are 'a) the phase of liberalisation and 'political opening'; b) the transitional phase; and c) the phase of consolidation' (Souare *et al.*, 2008:6). Although the above phases might not represent clear-cut phases, they do represent

guidelines to measuring or analysing in which level of democratization a country finds itself. Democratization is not a process which can be fulfilled overnight. It is a change in mind-set, governance and lifestyle for not only the people of a country, but especially also for the governing authority. Here also lies the reason why, multiple times, state leaders have found ways to introduce a façade democracy whilst still holding onto their endless power and keeping to the rules of the game in the former authoritarian regime using their endless power. In Kenya, but especially Zimbabwe with Mugabe being in power for more than three decades, one could question whether or not a true democracy exists or that in both cases it indeed is more a façade democracy.

There exists a debate, however, whether it was the Western world that brought democracy to Africa or whether it already existed. Kabongo argues that democratic systems have functioned in Africa in the past (pre-colonialism) and are functioning in the present. After which he concludes that therefore democracy is not intrinsically alien to African people (Kabongo, 1986:35). Some scholars also argue that democracy is certainly prevalent in Africa, merely in a different form and standard to Western democracies. The African democracy is accordingly based on African democratic concepts, the so-called ‘village democracy’. Gebrewold identifies three problems with this; ‘first, this palaver democracy mainly consists of men; second, the political system during the palaver democratic system is different from the ‘modern’ state based political system; third, those who try to sell palaver democracy as the African way of democracy intend to prove to the Western world the ‘African democratic civilization’ and to disprove the Western superiority complex’ (Francis, 2008:150). One thing is clear; democracy – when and if implemented correctly – prevents violent outbreaks, as stated by Fischer and further highlighted below. Some African and non-African scholars have argued that Africa is not ripe for democracy because of all the violence surrounding the process.

In Odugo’s book *Democracy and Democratization in Africa: Toward the 21st Century* it becomes clear that even African students on democracy and African scholars are troubled by the democratization process and the analysis thereof. Herbst notes that, ‘Unfortunately, faced with regimes that are obviously more liberal than their authoritarian predecessors but that have profound flaws, such as too powerful militaries, elections that are not always free, and democratic "deficits" in the way they make laws, which make them problematic as full-fledged democracies, analysts have resorted to a bewildering array of adjectives and qualifiers to modify the meaning of democracy. For instance, ‘semi’, ‘quasi’, ‘real’, ‘popular’, ‘no party’, ‘participatory’, ‘limited’, ‘liberal’, ‘non-liberal’, ‘incomplete

metamorphic', 'ambiguous' and 'orientata' have all qualified democracy in just the titles of recent articles on African liberalization' (Herbst, 2001:358). Udogu in turn argues that the form of democracy in Africa is inherently different from the Westernized form of democracy and that Africa may be on its way to developing its own form of democracy. Mamdani complements this by stating that Africanists are 'akin to a person learning a foreign language who must translate every new word back into his/her mother tongue, in the process missing precisely what is new in the new experience' (Udogu in Herbst, 2001:358).

Related to the eventual establishment of a consolidated democracy is the level of successful electoral contestation. The registration of voters and parties, campaigning, voting and the declaration of the winner or winners are all processes that are to be regulated and adhered to. It is often contested that although Africa, in theory, is democratic, the transitional process in many countries is lacking the constitutional and electoral reforms in order to fully consolidate. As Khadiagala (2010:15) argues, 'since most of the democratic breakthroughs of the 1990's had been hastily organized few countries had precious time to institutionalize sound procedures for popular governance. Furthermore, although elections had become central instruments for political transformation less attention had been devoted to building sturdy rules and institutions that would promote organized and predictable competition' The electoral democracy's most significant feature clearly is the principle of elected individuals representing the people. The quantity versus the quality of the elected individuals is, however, a major debate. Zimbabwe, for example, is very precise with election dates; however, the quality of the elections is poor. Even though elections might thus take place on a regular basis, proper procedures and institutions to adhere to the regulations of a democratic system are often lacking. Proper constitutional reforms are vital to understanding the context of electoral violence, seeing the current state of affairs in Africa seems to portray democracies without liberal institutions. Relating back to the façade democracy, the quantity-quality debate is an interesting one. Zimbabwe, for example, is officially an electoral democracy. By holding elections on such a regular basis, it might seem as if the country indeed is a true democracy. The quality of these elections, however, indicates the low level of developed and true democratic regulations as they are highly suspect and compromised.

Having presented background information, the focus will now be on the possible fourth wave of democratisation in Africa. Further elaboration on electoral contestation will also be presented. Firstly, Huntington's three waves of democratization will be highlighted, after which, Khadiagala's work on a fourth wave will be discussed.

Samuel Huntington has studied and examined the transition to democracy of about 30 countries. He has additionally appointed three different waves in which these transitions happened. The first one took place from 1828 to 1926 and is considered to be a long one. This first wave occurred mainly in Europe where the monarchies switched to democracies. However, he also studies a reversal of it, between 1922 and 1942, when dictatorial regimes were dominant in Europe. The second wave took place from 1943 to 1962 and is considered a short wave. In this period Africa and Asia were decolonized; yet again a reversal was seen in the 1960s and 1970s. The third wave started in 1973.

'Five major factors have contributed significantly to the occurrence and the timing of the third-wave transitions to democracy: 1) The deepening legitimacy problems of authoritarian regimes in a world where democratic values were widely accepted, the consequent dependence of these regimes on successful performance, and their inability to maintain "performance legitimacy" due to economic (and sometimes military) failure, 2) The unprecedented global economic growth of the 1960s, which raised living standards, increased education, and greatly expanded the urban middle class in many countries, 3) A striking shift in the doctrine and activities of the Catholic Church, manifested in the Second Vatican Council of 1963-65 and the transformation of national Catholic churches from defenders of the status quo to opponents of authoritarianism, 4) Changes in the policies of external actors, most notably the European Community, the United States, and the Soviet Union, 5) "Snowballing," or the demonstration effect of transitions earlier in the third wave in stimulating and providing models for subsequent efforts at democratization'.

(Huntington, 1991:3)

Democracies thus improve economic growth, living standards, educational opportunities, and reduce violent acts. Put even stronger, democracies will not go to war with each other based on the proven liberal democratic peace. Africa started to experiment with democracy at the beginning of the 1990s. The third wave of democratization has resulted in mixed outcomes for Africa. On the one hand, elections did increase the number of democracies in Africa. Between 1989 and 1994, 38 African countries held competitive elections. Additionally, between 1995 and 1997, another 11 countries followed. However, on the other hand, these democracies emerged without fundamental alterations to the rules that supported pluralism and liberalism. Electoral violence in turn reflects this mixed legacy of the third wave (Khadiagala, 2010:13).

Even though this development seemed plausible at the time, in later years it showed its serious flaws. Many of the African democracies were pressured, both from external actors as well as internal actors, into the transformation process. 'Forced to adapt to the new order, regimes of every stripe latched onto elections, not as instruments of political change, but for the most part, as a means of postponing significant political reforms that would lead to genuine political competition (Khadiagala, 2010: 14). As mentioned, another negative consequence of this was that because of this pressure that many countries experienced to reform, not much time or attention was given to institutionalize sound procedures. In other words, procedures, firm rules, regulations to ensure a free and fair process and other crucial basic regulations for a democracy to function, were not implemented. No liberal institutions were erected.

Khadiagala further provides for two angles to look at Africa's election violence. On the one hand, he argues that the electoral violence at the different stages during the electoral process could be caused by profound divisions inherent in Africa's politics and socio-economic systems, or whether it, on the other hand, signals the transitional teething problems of building better electoral management systems.

A fourth wave of democratization is suggested by Khadiagala. Both in theory as in practice, proven by several cases of election violence, African democracies need to deepen, strengthen and legitimize their electoral process. Electoral violence constitutes a crucial contribution to the pressures that may be critical to the evolution of the creation of constitutional rules for future stability. The effects of election violence are on the forefront of a potential fourth wave of democratization of the continent because the people themselves start to demand fair elections. As the impact of election violence is becoming more and more visible and widespread to the people, the urgency for improving the democratic systems is underlined. Additionally, the aftermath of the Kenyan and Zimbabwean elections makes African voters more conscious, mindful and attentive towards their rights. The violence that erupted in these two African countries might not stop the governing authorities from controlling outcomes and rigging elections, but it is a clear signal that people are showing their grievances about stolen elections. Such a citizenry ties the hands of the elite and is one of the foundations of constructing legitimate institutions to control the electoral process. Furthermore, other African countries see the damages done in the case of rigged elections and lessons are learned. The avoidance of failed elections will be more plausible after having witnessed the great damage.

The fourth wave of democratization suggested by Khadiagala thus contends that although Africa is democratic, the system is not implemented fully, nor working properly. Africa is not 100 percent democratized, but needs further deepening and strengthening of its democracy in order to mitigate violence surrounding elections. The vital question accompanied by this statement is of course whether or not a democracy can truly be fully consolidated. During the 2000 elections in the United States of America it even showed that imperfect rules exist in full-blown democracies with solid constitutional frameworks. The state of Florida, however, managed to avoid electoral violence although it was evident that the electoral rules were manipulated, which proved the solidity of its institutions to manage the uncertainties surrounding an election. Furthermore, the state of Florida recognized the flaws in the system and launched significant reforms to change them.

With the above as an important overview of Africa's democratization process in mind, the following section of this chapter will now present a conceptualization. The main concepts which will be used will be clarified and put into context. These main concepts are electoral violence, free and fair elections, international assistance, political/electoral system, socio-economic factors, and ethnicity.

Secondly, after this, section two of this chapter presents the various strands of research, typologies and the classification used throughout this thesis.

2.2 Conceptualization

2.2.1 Electoral Violence

Electoral violence can be approached from two angles; from the people and from the governing authority. In other words, when referred to top-down violence, it is violence from the governing authority towards its opposition parties or its people, when referred to bottom-up on the other hand, it is the people violently protesting towards the governing authority.

Firstly, Khadiagala *et al.* state that 'electoral violence reflects the absence and/or the distortion of rules for orderly competition. In recent years in Africa, as elections have become the main legitimate means of power acquisition, the stakes have increased alongside the escalation of electoral violence' (Khadiagala, 2010:17).

From a top-down perspective, Egwu explains that 'the main purpose of electoral violence is to eliminate or neutralise opposition and to facilitate the commission of electoral fraud (Khadiagala, 2010: 94). It takes on different forms, examples of which are electoral violence

in the form of intimidation of voters – either physiological or physical – or the bullying of officials to persuade them to manipulate and falsify results.

From a bottom-up perspective it can be viewed as the people violently protesting against a rigged system, a false outcome or favouritism. The destroying of property is an example of violence used by the people when protesting against their governing authority.

The European Commission, the United Nations Development Program (UNDP) and International Institute for Democracy and Electoral Assistance (IDEA) define electoral related violence as ‘acts or threats of intimidation, or physical harm perpetrated to affect an electoral process or that arise in the context of electoral competition’ (Khadiagala, 2010:94).

An important aspect not to be forgotten is that an electoral process actually is an alternative to violence as it is a means of achieving governance. ‘It is when an electoral process is perceived as unfair, unresponsive or corrupt, that its political legitimacy is compromised and stakeholders are motivated to go outside the established norms to achieve their objectives (Fischer, 2002:2). Fischer then continues to define electoral violence ‘as any random or organized act or threat to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process’ (2002:4).

Sisk (2008:5-6), in his *Elections in Fragile States: Between Voice and Violence*, defines electoral violence as ‘acts or threats of coercion, intimidation, or physical harm perpetrated to affect an electoral process or that arises in the context of electoral competition. When perpetrated to affect an electoral process, violence may be employed to influence the *process* of elections – such as efforts to delay, disrupt, or derail a poll – and to influence the *outcomes*: the determining of winners in competitive races for political office or to secure approval or disapproval of referendum questions’.

For the purpose of this thesis, the definition used by the International Foundation for Election Systems’ Election Violence Education and Resolution (EVER) programme will be the leading conceptualization highlighted in this thesis: ‘Election violence is any random or organized act or threat to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process’ (UNDP, 2008:4). The outbreak of electoral violence is thus a broad concept with many factors of influence. One of these factors studied in this thesis is free and fair elections. The next section will elaborate on the concept of free and fair elections in order to fully comprehend this factor.

2.2.2 Free and Fair Elections

An election that is popularly seen as fraudulent – not free and fair – is more likely to attract post-election violence. Free and fair elections can only be conducted ‘using instruments that are accepted by the role players. Electoral systems must be regarded as above board and uncorrupted by any player, especially the incumbent’ (Khadiagala *et al.*, 2010:52). Another important note on the key components of a legitimate electoral process is made by Sisk (2008:16) who argues that it ‘is one that is free and fair in both political *and* administrative terms, that is inclusive of all elements of society through a well-considered law of citizenship and of voter registration, and that offers meaningful choices to the population.

In the report *Promoting Free and Fair elections*, Tlakula addresses the two concepts of free and fair separately. Firstly, he states that ‘for an election to be free, citizens must have the right and opportunity to choose. There must be freedom of assembly, association, movement and speech – for candidates, parties, voters, media, observers and others’ (2011:3). Secondly, ‘to be fair, an election must have honest voting and counting, administered without fraud or manipulation by impartial election authorities. Political parties and individuals must have reasonable opportunities to stand for election, and there must be prompt and just resolution of election-related disputes and grievances, before and after Election Day’ (2011:3). Closely related to this concept is the concept of international assistance which will now be discussed.

2.2.3 International Assistance

International assistance aims at international observers, meaning outside or foreign experts who are objective and neutral to overlook the election process. Whenever fraud is committed, corruption is noted or any other type of ‘unfairness’ is identified in the electoral process these observers will highlight this and report on this. In a way one can see international assistance as a means of mitigating the risk of election violence. The trouble with international assistance is that international observers are often not allowed into the country. Or if they are allowed in, they are only allowed limited access to election procedures, leaving space for rigging. Put even stronger, ‘in many cases the countries conducting elections do not even bother to invite international observers, who would in any case be unlikely to come, for fear of being seen as endorsing the elections’ (Elklit and Svensson, 1997:41). The down-side of the coin here is that, as mentioned above, it becomes more and more common that

observation missions that do enter the country merely act as a rubber stamp. This has an adverse and undesirable effect as the observer mission more or less endorses flawed elections.

The United Nations (UN) has demarcated three types of international assistance: technical assistance, election observation and other assessments, and organization or supervision of elections. The first, technical assistance, mainly ‘covers a wide range of short and long term expertise provided to national authorities in charge of administering elections in their country. Advice and support are provided in all sectors of electoral administration’ (UN, *Types of Assistance*, 2011). This type of assistance has positively developed over the past years and consists of assistance in the form of, for example, the review of electoral laws and regulations, electoral dispute resolution, voter registration and electoral administration and planning. The second type, election observation and other assessments, responds to requests for the United Nations to assess or even validate the integrity of an electoral process. ‘These mandates are rare. They can be an additional tool for national actors to overcome a confidence crisis in an electoral process, and provide interested UN organs with an assessment of the process for their future deliberations’ (UN, *Types of Assistance*, 2011). The third type, organization or supervision of elections, is very rare. In this case, the UN may be fully in charge of organizing elections of a member state. This type has been used in the past, but overall the UN has a supporting task and this would only be applied in highly insecure situations during transition periods (UN, *Types of Assistance*, 2011).

The assistance provided by the UN is crucial to the development of a solid political and electoral system. This in turn is beneficial to the well-being of the particular state, not only because its political institutions will be more solid, but also because ‘only when new legitimate political institutions have been established will the international presence be reduced’ (Höglund, 2009: 414). Transparency and accountability in political and electoral systems can influence the outbreak of violence. The next section will further highlight this.

2.2.4 Political and Electoral System

The political or electoral system will now be touched upon briefly. The electoral system design is central to understanding the prevalence of violence in some societies and among certain actors. For instance, ‘it has been argued that in systems where a small number of votes can make a big difference on the outcome of the election, such as first-past-the-post arrangements, violence is more likely to occur’ (Höglund, 2009:422).

Electoral systems define the rules of the game – how elections are won and lost. The system represents the basic parameters of the electoral law and the boundaries of representation and inclusion (in Africa this is often with reference to the different ethnic groups represented in the ruling authority). ‘Africa has a range of electoral models that include variations of the first-past-the-post (FPTP), proportional representation (PR) and mixed member proportionality (MMP) electoral systems, which provide different degrees of representation, accommodation and accountability’ (Khadiagala *et al.*, 2010:53). Competitive electoral systems are crucial as ‘ideally they allow for the peaceful transfer of power and make it possible to assign accountability to those who govern’ (Höglund, 2009:414). Chapters three and four will present which systems are applicable in the respective countries chosen for this study.

Connected to the development of political and electoral systems is the influence of socio-economic factors. The last conceptualization will elaborate on this factor and inform on which aspects are covered by this factor.

2.2.5 Socio-Economic Factors

Socio-economic factors, when referred to in this thesis, include factors such as unemployment rate, economic growth, Gross Domestic Product (GDP), social welfare system, health statistics, poverty, and poverty rate. These are merely examples; there are many factors involved. The purpose for clarifying the concept of socio-economic factors lies in the fact that these factors will be examined as part of their being a potential contributing factor to electoral violence. One example could be high unemployment rates due to malfunctioning of the ruling authority. People’s motivation to object to re-election of the current ruling authority through rigged elections could be highly triggered by bad socio-economic living conditions. This will be further examined when researching the cases of Kenya and Zimbabwe.

2.2.6 Ethnicity

Lastly, ethnicity will now be touched upon as it is a highly present factor in African society. An ethnic group can be perceived as a certain group of people who identify themselves with one another based on common heritage, culture, language, ideology and/or religion. The African continent counts numerous different ethnic groups and ethnicity is often a factor in

African politics due to minority and majority groups. When referring to ethnicity in Kenya and Zimbabwe, the respective chapters three and four will appoint which ethnic groups are under discussion. The effect of ethnicity on political contestation can, amongst others, be found in the threat of groups mobilizing along their ethnic background during elections. Another example would be the effect of favouritism of the ethnic background of the ruling president when discriminating against other ethnicities. Lastly, as an example, the outbreak of violence during elections connected to ethnicity often affects the most innocent. The citizens who endeavour the free election process vote for the man/woman who appeals the most to them, and might then become the victim of violence due to his or her ethnic background, completely loose from any political meaning.

Further clarification of additional concepts will be provided when and where applicable throughout the thesis.

2.3 Theoretical Framework

The preparatory part of this chapter introduced the connection between democratic development and peace. Put even stronger, elections have become part of the international peace-building strategy.

David C Rapoport and Leonard Weinberg wrote an article in 2000, *Elections and Violence, Terrorism and Political Violence*, in which they address the relationship between violence-producing and violence-reducing propensities of elections. Although they acknowledge that a comprehensive typology of elections is a task too heavy for their article, they do suggest some distinctions. ‘Three types are conspicuous: the election principle may be *rejected*; the principle may be valid but the *applicant* is not, as when citizens belong to different communities; and the most common and complex occurs when participants understand a particular instance to be *unfair*, but they do not explicitly reject the principle or system’ (Rapoport and Weinberg, 2000:34). The first type, rejection, can be understood as follows; some will never believe that competitive elections bring legitimacy. This can be seen in that ‘radical political parties often spend more time fighting each other on the streets than organizing for the polling booths’ (Rapoport and Weinberg, 2000:35). The purpose which competitive elections have is therewith completely put aside, as the elections are already negatively judged beforehand. Secondly, the principle of application rejected concerns social divisions. It is not so much about rejecting elections as such, the elections are accepted, it is more the principle of some groups having the feeling or belief that they do not belong to the

community. 'Elections in such contexts express existing antagonisms without resolving them, and may persuade some there is no point in maintaining the system' (Rapoport and Weinberg, 2000:35). As Rapoport and Weinberg further argue, it is often the case when elections are fought out along ethnic or religious lines, that this imposes unacceptable conditions on the losers. The differences in parties in Africa are wholly ethnic and no matter who wins, 'elections generally exacerbate and complicate social divisions further' (Rapoport and Weinberg, 2000:36). Lastly, unfairness is addressed by Rapoport and Weinberg; they argue that election violence most often occurs to bend the rules. This last one is connected to Khadiagala's approach. As mentioned above, Khadiagala offers a suggestive typology of electoral violence. 'In the first order of causes, electoral violence is the outcome of events and circumstances that emanate from broader political conflicts, particularly in societies that are beset by ethnic, communal and sectarian fissures. In the second category, electoral violence is a consequence of imperfect electoral rules; imperfections that allow some parties to manipulate elections through electoral fraud, vote buying, and rigging' (Khadiagala, 2010:17). Bending the rules, as Rapoport and Weinberg state, is not easily possible unless imperfect electoral rules are in place. Transparency of the electoral process, checks and balances, regulations regarding ballots and so forth are all subjects of the electoral process which contribute to the possibility of fraud. Khadiagala furthermore argues that no matter what, elections are always competitive events with uncertain outcomes. He then refers to Shaheen Mozaffar and Andrew Schedler who have characterized the paradox of transparency and uncertainty in terms of procedural certainty and substantive uncertainty:

'The close association between procedural legitimacy and substantive uncertainty poses the paradoxical challenge 'institutionalizing uncertainty'... The paradox is that uncertainty requires procedural certainty. It is this paradox that defined the central task of electoral governance: organizing electoral uncertainty by providing institutional certainty. Distinguishing between substantive and procedural uncertainty enables a more nuanced understanding of variations in political actors' risk aversion. Authoritarian and democratic actors, for instance, exhibit different attitudes towards uncertainty. While the former attempt to reduce the uncertainty of outcomes, the latter attempt to reduce the uncertainty of institutional rules' (Mozaffar and Schedler, 2002:12).

Khadiagala hereafter argues that institutions are the mediators of the two seemingly contradictory factors, bringing predictability and order to the competitive game. Electoral

violence, however, profoundly alters this, injecting a new element between transparent rule and uncertain outcomes. 'This is why, for the most part, electoral violence reflects the absence and/or the distortion of rules for orderly competition' (Khadiagala, 2010:17). Khadiagala arrives at his typology by asking the question whether the African electoral violence is caused by profound divisions inherent in Africa's politics and socio-economic systems or whether it signals the transitional teething problems.

Another angle of typology is introduced by Fischer who presents a more detailed one on election violence, with emphasis the different phases of the process. He proposes a five-phase typology. The first is an identity conflict, which occurs during the voter registration process. Certain types of people, such as refugees or other conflict-forced migrants, cannot (re)establish their officially recognized identities. The implication of this is marginalization of these groups and they remain outside of the political process and therewith potentially provoke conflict within the process. The second is campaign conflict, which will occur when rivals seek to interrupt or disturb the opponent's campaign through means such as voter intimidation or even through the use of violence by themselves to influence participation in the voting. 'As a survey of electoral events from 2001 will suggest, conflict among political rivals appears to have been the most common form of electoral conflict' (Fischer, 2002:10). Zimbabwe and the 2008 elections is an example of this. The third one is balloting conflict on election day itself. This will possibly occur when political rivalries are played out at the polling station. The fourth one is results conflict, which indicates dispute over election results, and mainly, the inability to resolve the dispute through judicial mechanisms in a fair and transparent manner. The fifth and last one is related to the electoral system and identified by Fischer as representation conflict. This can occur in cases when elections are organized as zero-sum events where the losing party is left out of participation in governance (Fischer, 2002:9-11).

Kristine Höglund, a profound academic in the field, classifies two strands of research regarding the term electoral violence. In her first approach she identifies electoral violence as 'a sub-set of activities in a larger political conflict' (Höglund, 2009:415). Electoral violence occurs especially as part of the trajectory of ethnic or communal violence in divided societies such as Kenya. Studies have further indicated that in these cases, violence tends to cluster around election times. In Höglund's second approach, 'electoral violence is seen as the ultimate kind of electoral fraud. Electoral fraud has been defined as clandestine efforts to shape election results and includes activities like ballot rigging, vote buying, and disruptions of the registration process' (Höglund, 2009:415).

With these classifications in mind, this thesis will focus on Khadiagala's typology. The five main factors subject to analysis are free and fair elections, political/electoral system, international assistance, socio-economic factors and ethnicity. Khadiagala classifies two mainstream electoral violence fields; in short, electoral violence as a result of broader political conflicts and electoral violence as a result of imperfect electoral rules. In addition to this, however, international assistance is under investigation, together with the three phases of election violence, pre-election, election day and post-election. This is reviewed in a separate classification as international assistance has proved to improve democratic institutions, or at least observe a free and fair process, which could contribute to the understanding of imperfect electoral rules and electoral violence. The reason behind why so much emphasis is placed on the different phases of the electoral process is because all three phases have in the past proved to be prone to election violence.

2.4 Conclusion

After having discussed Africa's history and present situation regarding democracy and elections, it is fair to conclude that research towards the causal factors behind election-related violence is of major importance. Although official democracies have been established over the years in Africa, the question raised by scholars, among others Khadiagala, is whether or not Africa is heading towards, or, is in need of a fourth wave of democratization. The current democracies need to either consolidate and further strengthen and deepen their institutions, or perhaps structure a more African democracy with slightly less Western influence and slightly more African influence. Either way, it is clear from past election violence breaking out, that citizens are fed up with stolen elections. The citizens are speaking up more often when their leaders go beyond the established norms to achieve their objective. Furthermore, it is concluded that researching the causal factors behind election violence will shed light on the main source of the violence, whether electoral violence is a result of broader political conflicts or more as a result of imperfect electoral rules.

Chapter Three: Kenya's 2007 Presidential Elections

3.1 Introduction

The following chapter will give an overview of the Kenyan 2007 presidential elections and the run up to the polls. It will provide a discussion on the five causal factors identified, in order to analyse the factors and compare them to Zimbabwe in Chapter Five. Moreover, additional background information regarding, for example, historical issues or economic development will be provided when necessary. It is a rather descriptive piece; it is needed however in order to fully comprehend the upcoming analysis.

3.2 Background Facts

Kenya is located in the east of Africa, with an extended coastline at its eastern side, but also bordering Tanzania, Uganda, South Sudan, Ethiopia and Somalia. Its geographical location is situated close to the Arabian Peninsula, which during the eighth century invited Arab and Persian settlers whom established themselves along the coast. Later, Nilotic and Bantu peoples moved into the region. Bantu people now comprise two-thirds of the Kenyan population. The Arab domination was interrupted by the arrival of the Portuguese in 1498, but it was not until mid-1800 when the British explorers arrived, that a true protectorate was in the making. In 1895, Britain's East Africa Protectorate was established, and in 1920, Kenya became an official British colony. The rule of the British settlers, some 30,000 strong, was direct and did not allow any African representatives in any form of governing authority. Additionally, land was taken away by the British settlers from ethnic groups such as the Kikuyu, Maasai and many more, who ended up with no land. In a few cases, the now landless, ethnic groups worked for the settlers, but were economically set back with no or little outlook on the prosperity they would have had if they had been able to continue farming on their land (Department of State, 2011).

In 1921, as a reaction to their exclusion, the Kikuyu people founded Kenya's first protest movement named the Young Kikuyu Association (Department of State, 2011). The movement was however quickly banned by the government and in 1924 the Kikuyu Central Association replaced it. It was not until 1944 that the British – under pressure – allowed a few

African representatives in the legislature. These were however appointed by the British and not elected.

In 1952, the Mau Mau insurgency placed Kenya in a state of emergency. The Mau Mau was mainly represented by the Kikuyu people and protested largely against British colonial rule, and land policies in particular. This war left tens of thousands of the Kikuyu people dead; only a few hundred British people died. The aim of the war was however partly achieved and as a result, African representation in the Kenyan legislature increased rapidly. In 1957, the first direct elections for Africans to the Legislative Council were held. Consequently, independence followed on 12 December 1963.

In 1963, Jomo Kenyatta, the head of the Kenya African National Union (KANU), became Kenya's first president. At that time there was still a minority party, Kenya African Democratic Party, which represented small ethnic groups; however, it dissolved itself in 1964 and joined KANU, leaving Kenya with a single-party state. Nonetheless, another attempt towards creating a multi-party state came from Jaramogi Oginga Odinga by erecting an opposition party called the Kenya People's Union (KPU). Shortly after its establishment, however, this party was banned, leaving KANU as Kenya's sole political party. The reason for the ban was that KPU leader Oginga Odinga was detained following an incident when 18 people died in Kisumu, where angry people threatened the life of Kenyatta. The consequence of the subsequent ban of the KPU was the creation of a single-party state and that KANU amended the constitution in a way that put the party 'above the law' (Rutten and Owuor, 2008:313). Already at this point, by this constitutional amendment, a real political democracy could not be established and Kenya's electoral contestation was hindered. From these facts it appears as if Kenya has a long and difficult history with electoral contestation and troubled elections is therefore not an entirely new phenomenon.

In 1978, President Kenyatta died and Daniel arap Moi became interim president. After being elected head of KANU, Moi became president in October 1978. During his single-party era which lasted up to 1992, President Moi targeted Kikuyu capital, closed Kikuyu-owned banks and built his Kalenjin power base (Rutten and Owuor, 2008:313). The ethnic background to election conflict will be further highlighted below, it is however crucial to note that ethnic conflict related to politics thus goes back decades in the Kenyan political history.

In 1982, protests against the political system broke out, and an unsuccessful attempt was made to overthrow the government. Shortly after, President Moi annulled the constitutional change and in 1992, Kenya's first multiparty elections were held. Moi remained president following the 1992 and 1997 elections, mainly due to divided opposition parties. However,

following the 1997 elections the first coalition government by KANU was formed as it only gained a majority if working together with a few minority parties.

Even though the ethnically divided opposition did not succeed in removing KANU from power in elections in 1992 and 1997 – which were marred by violence and fraud – these elections were viewed as having generally reflected the will of the Kenyan people (CIA, 2011). President Moi stepped down in December 2002 following the elections. The level of fraud in the 2002 elections was still present and not up to democratic standards, but saw major improvements with regard to their administration and competitiveness was observed (European Union, 2008).

In 2002, Kenya would experience the election of its third president. A coalition of opposition parties formed the National Rainbow Coalition (NARC) and in December 2002 the NARC candidate, Mwai Kibaki, was elected president. President Kibaki comes from a Kikuyu background and has served as a Member of Parliament since 1963. President Kibaki is still in office today.

The 2007 elections marked the tenth general elections since 1963, and the fourth general elections since the introduction of multiparty democracy in 1991. Further comments on the quantity versus the quality of the elections in Kenya will follow.

Table 1: Ethnic Groups in Kenya

Share of ethnic group in Kenya	%
Kikuyu	23
Luhya	14
Luo	13
Kalenjin	11
Kamba	11
Sub-total	72
Kisii	6
Meru	5
Mijikenda	4.8
Sub-total of three groups	16
Remaining other groups	11
Total	100
In order to appreciate the role of ethnic politics, it is important to understand the ethnic make-up of Kenya's population. A total of five ethnic groups make up over 70 percent of the population, but no single group comprises more than one quarter of all Kenyans.	

Source: www.undp.org

3.3 Free and Fair Elections

This section will examine the factor of free and fair elections and its possible contribution to the election violence. First of all, it is emphasized that already three months prior to the elections, political violence occurred in Kenya, causing the loss of some 600 lives (Kagwanja and Southall, 2008:262).

Kenya invited several international observers – which will be elaborated on further on in this chapter – who concluded in their final report that the certification of presidential candidates took place on 14 and 15 November 2007 without any troubles. The nomination process for the parliamentary and civic elections were, however, ‘seriously marred by irregularities, chaotic administration, interference by party headquarters in individual constituencies and violence in protest against the process and outcome by voters and unsuccessful aspirants and their supporters’ (European Union, 2008). With regards to the campaigning period prior to the elections, these were conducted in a fairly open and free environment. Nonetheless, the European Union (EU) observers concluded that ‘the campaigning atmosphere was also characterized by a strong ethno-political polarization between the two main contenders in the presidential election and their alliances, leading to a generally tense atmosphere in their respective regional stronghold towards the other side’ (European Union, 2008). These pre-election tensions are an important factor to keep in mind when it comes to the build-up to election violence. As the atmosphere surrounding the upcoming election day was already marked by ethno-polarization, it is even more crucial to consider if any outcome at all would have been accepted.

With regards to the free and fairness of the campaigning period, the Kenyan Commission for Human Rights (KNHCR) reported that the distribution of money and gifts was widely reported, which is against democratic principles. Furthermore, widespread abuse of state resources was also reported by the KNHCR. On a positive note, freedom of speech in the media was generally respected; regretfully on the other hand, on the announcement of the results for the presidential elections, neither journalists nor diplomats were allowed into the Kenyatta International Conference Centre (European Union, 2008). No real reason for the exclusion of diplomats and journalists has been given by the Kenyan government; however, it is clear that the government could keep full control when announcing the results without international journalists critically assessing the validity of the process.

The announcement that President Kibaki had won the fiercely contested elections came after a rather dubious and messy counting and tallying process, with delays and extensive perceptions of vote rigging.

The Kenya Domestic Observation Forum (KEDOF) elaborated on the electoral process, the counting of votes, the situation at polling stations and so forth, in a preliminary press statement and verdict of the 2007 Kenyan general elections.

In October 2007, KEDOF trained and appointed 13 Regional Coordinators covering all regions of the country. Later in the year they additionally trained and deployed 454 constituency observers to cover the 210 constituencies.

On election day the situation at most polling stations was reported calm, patient and peaceful. The counting of the votes was however dubious, including the, by law enforced, accompanying documents. First of all, Kenyan law prescribes that counting of the votes is to be done at the polling stations and that these results are recorded on statutory forms which are to be put up noticeably at the polling stations for all to see. This process further contains the signing of the statutory forms by both the Presiding Officers as the Party Agents. One of the signs of fraud was in these statutory forms because in many polling stations these forms, being 16A and 17A, were not countersigned by all Party Agents. Second of all, in some constituencies the Electoral Commission of Kenya (ECK) was unable to reach the Returning Officers (RO) (KEDOF, Press Statement, 2007). This was the case even though measures were taken by means of satellite telephones for remote areas and adequate airtime was provided for the cell phones. Third of all, Kenyan law prescribes for presidential elections that physical copies of the statutory declarations must be delivered by the Returning Officers. Even though returns from most constituencies were done within reasonable time, a delay from certain regions raises questions. Fourthly, questions were raised when results which were submitted irregularly, for example, photocopies of the statutory declaration, were still accepted. These photocopied declarations are highly vulnerable to fraud (KEDOF, Press Statement, 2007).

Concluding remarks by the ECK did admit to the possibility of fraud due to the above-mentioned factors, or at least that 'it raised questions'. However, the overall concluding paragraph states, 'In our view, considering the entire electoral process, the 2007 General Elections were credible as far as the voting and counting process is concerned. The electoral process lost credibility towards the end with regards to the tallying and announcement of presidential results' (KEDOF, Press Statement, 2007). In other words, the parliamentary elections more or less raised the overall legitimacy of the elections and the judgment of the

quality of the democratic process. The presidential election and its process has been credited little legitimacy.

The European Commission and its observers marked the following; ‘Serious inconsistencies and anomalies were identified in the results announced by the ECK. For example, in Molo and Kieni, there were significant differences between presidential election results reported by EU EOM observers at the constituency level and results announced by the ECK at national level’ (2008). Furthermore, they concluded that the ‘2007 General Elections have fallen short of key international and regional standards for democratic elections. Most significantly, they were marred by a lack of transparency in the processing and tallying of presidential results, which raises concerns about the accuracy of the final result of this election’ (2008).

Within minutes of the announcement of the results in which President Kibaki was re-elected, violence broke out. An important observation to be made regards the three different phases of the election process. In Kenya it is clear that in the run up to the election, people already experienced irregularities. The fact that the nomination process showed severe flaws, the wrongful distribution of money and gifts, and the usage of state resources are all pointers to the possibility of a rigged process and ultimately the outbreak of election violence. The fact that violence broke out immediately after the announcement of the results indicates the already established high level of tensions. Almost as if people were merely waiting to get the ‘go ahead’ when announcement was made. Further analysis will follow in Chapter Five after having presented all the sufficient facts, data and the other factors possibly involved.

3.4 Political and Electoral System

The 2007 general elections in Kenya consisted of elections for the president, 210 members of the National Assembly and 2,498 members of local authority. The elections are based on a simple majority, first-past-the-post system. The outcome of presidential elections is however determined, next to simple majority, by a 25 percent of the vote in at least five of Kenya’s eight provinces. Presidents are elected for a five-year term, with eligibility for a second term of five years. In the above mentioned certification of presidential candidates which took place in November 2007, nine candidates of nine different parties were approved to run in the 2007 elections.

Kenya’s democracy and/or political spheres are profoundly bound to several prominent international treaties. Elections in Kenya are governed by a patchwork of legislation that

includes the Constitution of Kenya, eight Acts of Parliament and seven pieces of subsidiary legislation. The International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of Discrimination Against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination and the African Charter on Human and Peoples' Rights, just to mention a few. Additionally, as a member of the African Union, Kenya has agreed and endorsed the Principles Governing Democratic Elections in Africa encompassed in a 2002 Declaration and welcomed and signed the African Charter on Democracy, Elections and Governance in 2007 (Khadiagala, 2010). The African Charter on Democracy, Elections and Governance 'seeks to entrench in the continent a political culture of change of power based on the holding of regular, free, fair and transparent election conducted by competent, independent and impartial national electoral bodies (Khadiagala, 2010:169). Although Kenya signed the Charter, as of February 2011, it is still not ratified. It seems as if this act could be seen as part of the aforementioned façade democracy. To put it bluntly, on paper Kenya has all the formalities and right reasons to act as a fully established democracy in case of elections, in practice, however, flaws appear at every stage of the election process.

When looking at Kenya's legal framework, however, some shortcomings and deficiencies are noted. Although the framework provides for a workable one, the exclusion of, for example, the system on how to resolve electoral disputes does not provide for a prompt and adequate response as complaints can only be handed in 28 days after the announcement of results. With a system containing more accurate regulations on complaints, the outbreak of such heavy violence as it did could perhaps have been avoided. Furthermore, the duration of the campaign period and the maximum registered number of voters per polling stations are not regulated, leaving much room for interpretation (European Union, 2008).

On the account of voter registration, Kenya performed reasonably, experiencing some obstacles, in particular with regards to double or multiple registrations of votes. The total number of voters in the 2007 elections was 14,296,180. In Kenya, under the Constitution anyone above the age of 18 and who has been residing in Kenya for a certain time period can register as a voter (Kriegler and Waki, 2009:18). Obstacles were experienced with the extremely low productivity of the system; the average number of voters registered per registration centre was about one per day during the 2007 registration period (Kriegler and Waki, 2009:18). The issuing of identity cards in particular was experienced as a severely slow and time consuming process. The limited resources and extremely bureaucratic organization of the Registrar of Persons led to delays. Moreover, in the report written by the

European Union, Muslim, Hindu and Maasai experienced exceptional difficulties in obtaining identity cards. This caused delays for members of these groups to register and was therewith hindered tremendously in their participation.

After the 2002 elections many recommendations were given by numerous experts, it seems however as if Kenya has not implemented these to the full extent. Even though the political/electoral system has a certain degree of coverage in law and the Constitution, too much space was still inherently present for 'human error'. The lack of clear cut rules, a proper voter registration system and, maybe most importantly, the adherence to the agreements set out in Kenya's signed treaties, leave room for reasons of conflict.

3.5 International Assistance

International assistance is one aspect which has the possibility of reducing the chances of rigging an electoral process. Also, it can assist in the formulation of rules, regulations, protocols and other aspects which could make the process as smooth as possible.

International assistance is almost always provided on request. Whenever a government invites delegates from, for example, the United Nations, it is a sign of good intentions. In many cases governments do not allow any form of international assistance, even in the form of journalists.

In Kenya, the government was fairly open to it and requested the United Nations Development Program (UNDP) to assist in the 2007 elections. The UNDP Kenya set up a program to strengthen the overall capacity of the Electoral Commission of Kenya and was supported by many donors such as Canada, Denmark, Finland, the Netherlands, Norway, Sweden, The European Union, the United Kingdom and the United States of America. The two main goals were to achieve an independent assessment of the elections as free and fair and an increase in voter turn-out (UNDP, *Media and Elections*, 2008).

The European Union Election Observation Mission (EU EOM) was also invited by the Kenyan government. They were present from the 14 November onwards. At first sight, this is a positive sign; however, in the evaluation report the EU EOM states, 'EOM observers were generally welcomed by voters, party agents and election officials at the polling stations. At the tallying centres, however, they encountered problems of access and information, particularly in Central Province. Transparency was not always maintained at a national level either. At ECK headquarters, the EU EOM electoral expert was forbidden entry into the

tallying room on various occasions, despite clear and public instructions from the ECK chairman that he be granted access' (European Union, 2008).

It is thus no guarantee that by inviting international observers, that the process is conducted free and fair. One could see it as a soothing of the population beforehand to prevent doubts. After the elections, however, which remains the most vital part, when announcing the results, no foreigners in any form – no journalists, diplomats or other 'outsiders' – were allowed to be present.

An analysis and comparison will follow in Chapter Five after having reviewed the case of Zimbabwe as well.

3.6 Socio-Economic Factors

This section will briefly touch upon the socio-economic factors and circumstances in Kenya. It is a rather factual piece; however, the presented data will provide crucial background information for the next section and for Chapter Five. It will mainly focus on economic development as the social aspects are in this case quite connected to ethnicity and the colonial background thereof, which is further discussed in the next section.

To start off with, some basic facts: Kenya's Gross Domestic Product (GDP) per capita is \$1,600; its unemployment rate is fluctuating around 40 percent with a labor force of about 17.9 million out of a total population of 41,070,934 (CIA, 2011); 85 percent of its people are literate and 7 percent of GDP is spent on educational purposes; 50 percent of the population lives below the poverty line; furthermore, 75 percent of Kenya's labor force works in the agricultural sector and 25 percent in industry and services (CIA, 2011). These statistics demonstrate little positive economic circumstances for the people living in Kenya. Corruption has played a major role in the slow-moving development of the economy. Additionally, the 1998 United States Embassy bombings in Nairobi and the financial crisis in 2007 had negative effects on the Kenyan economy, not to mention the election violence in early 2008.

Kenya has known great economic development though. When NARC came to power in 2003 many of the promises made were kept. In Kibaki's first term a stunning success in economic recovery was witnessed with the creation of 500,000 jobs per year, improved public services, and appropriate attempts at ending corruption by erecting the proper legal and institutional framework to combat it. As a result, the economic recovery as growth rose from a yearly 3.4 percent in 2003 to a yearly 7 percent in 2007 (Kagwanja and Southall,

2009:264). Furthermore, this government delivered on the promised free primary education for all children, it reduced deficit spending and attracted foreign investment.

However, these remarkable positive developments were overshadowed by equally negative political scandals in the form of corrupt activities. Although the government had erected the legal and institutional framework to combat corruption, its record of actually prosecuting and convicting persons involved in corruption was miserable. Furthermore, the top leaders of the government and opposition who were involved in the Goldenberg scandal remained untouched and went free. The Goldenberg scandal involved US\$800 million rip off from the Moi era involving government rebates for fake diamonds. Additionally, the government created a huge scandal of its own; the Anglo leasing scandal. This involved officers who were engaged in security contracts with official payoffs (Kagwanja and Southall, 2009:264). These two are merely examples to indicate the level and significance of corruption in Kenya; unfortunately, there are many more examples which can be given.

Meanwhile, the election in 2007 took place against a backdrop of dramatic population growth which deepened poverty, widened inequality and because of the demographic changes youth underemployment was more and more becoming a reality. In fact, at independence in 1963, Kenya's population was 8.5 million; in 2008 this was 38 million. In addition to this, Kenya's landscape is for over 80 percent parched land, meaning that over 75 percent of the population is concentrated in the high potential agricultural belt north west of the capital, Nairobi, up to the Ugandan border. As indicated above, 75 percent of the Kenyan workforce is involved in agricultural business, meaning a scarcity of land with such an exploding population resulting in competition amongst the 42 different ethnic groups became an extra concern. Increasing stress was thus experienced due to these demographics and underemployment issues in the run up to the 2007 elections. 'Confronted with acute poverty, inequalities and unemployment in the context of ethnic polarization and the resurgence of ethno-nationalism, Kenya's fragmented power elite resorted to populism and manipulation of genuine economic grievances and disaffection to win the vote of the poor' (Kagwanja and Southall, 2009:265).

President Kibaki's party, backed by the Kikuyu, trusted that the delivered economic performance in his first years – even though the economic growth had stopped and Kenya's economy and people were suffering – would be enough reason and motivation for the people to let him stay in power and therefore used the slogan 'Kibaki Aendele', meaning Let Kibaki Continue. Odinga's party, however, campaigned with the desire for change and emphasized change for everyone, and not just one ethnic group. This is where the slogan 'forty-one-

against-one' comes from. It was as if the Kibaki government and the Kikuyu appeared as one, against the remaining 41 other ethnic groups. In a speech in September 2007 Odinga stated that his party, the Orange Democratic Movement (ODM), seeks to end Kenya's 'economic apartheid' under which one black group, the Kikuyu, had all the privileges (Kagwanja and Southall, 2009:265). This formed the basis of ethnic populism.

The following section will further discuss the factor of ethnicity in the Kenyan election violence.

3.7 Ethnicity

Solomon Dersso states in his *The 2007 Post-election Crisis in Kenya as a Crisis of State Institutions* that the vote rigging was merely a triggering factor in the outbreak of the violence. He concludes that other factors played a more vital role. 'The most important ones include the legacy of colonial rule, unequal patterns of control of political power and distribution of resources among members of different communities as well as the question of ownership and land' (Dersso, 2008:21).

The electoral violence in 2007-2008 was certainly not the first clash in the history of Kenya and it is therefore argued that the violent conflict was the result of deep-rooted historical ethnic tensions. In 1992 the Maasai heavily clashed with Kikuyu immigrants and in 1997 in Likoni in the Mombasa district Coastal youths attacked non-indigenous residents, leaving approximately 100 dead and 100,000 misplaced (Kagwanja and Southall, 2009:269).

This chapter will further examine the colonial period, with an emphasis on conflict over land, ethnicity and politics. The European settlers who arrived in Kenya had as their foremost goal to cultivate the fertile highlands and/or to keep livestock in the Rift Valley. This was naturally bound to clash with the people who already established a living and who were engaged in farming in these areas. The Kikuyu especially occupied the area north of Nairobi, which had the most value for the settlers due to its fertility. 'Between 1903 and 1906 approximately 60,000 acres of Kikuyu territory in the Kiambu-Lumuru district were alienated to settlers' (Sorrenson, 1968:180). Maasai also suffered huge land losses, together with the Tugen (a small subgroup of the Kalenjin), and numerous other minor ethnic groups. Even though protests were made by the ethnic groups, they lost in court due to technicalities and since then the present process and trouble around land loss started.

The newly established European farms took their chance of hiring the former landowners as a means of cheap labour. Estimates are that in 1930 some 100,000 Kikuyu lived outside on

European farms, while some 500,000 stayed inside the Kikuyu Reserve. It was only in 1960 that the government finally ended the original reservation of the 'White Highlands' for farming by Europeans only.

At the same time, the relation between the Kikuyu and Kalenjin/Maasai became more and more troubled. The Kikuyu started the 'Land Freedom Army' and received massive support. In 1961 Oginga Odinga addressed a large crowd where they vowed 'never to buy land in the white highlands that was rightfully theirs' (Rutten and Owuor, 2008:310). Kenyatta, on the other hand, stated that land should be purchased so that property rights would be respected. This statement, however, found little support from the Africans, as, for example, in the 1990s two European farms came up for sale in the areas claimed by the Nandi, they wanted these farms for nothing. Also, in 2004 the Maasai demanded the return of the ranches in Laikipia which were still owned by well-off foreigners and Kenyans. The land-related struggle started to grow and become more intense.

Ethnic divisions were thus already present at that time surrounding land issues. Tribal interests were based upon land and therewith their economic interest. The land question was the fundamental division. Political activity started to rise surrounding the land issue, and groups and parties were formed in order to stand up for their land, which every group claimed as rightfully theirs. KANU, which was mainly a Kikuyu-Luo body, saw the rising of the Maasai United Front (MUF), who together with several other small groups such as the Kalenjin Political Association, the Somali National Association, and the Luhya-based Kenyan African Peoples Party, linked up with KADU.

In the meanwhile, independence was around the corner and the land issue was probably the single most explosive issue on the independence agenda. 'The area of most controversy was the Rift Valley...the communities that felt the most threatened by the possible influx of landless Kikuyu peasants into the Rift Valley under a KANU government tended to support the federalist policies of KADU' (Muigai, 1995:166-167). Many land claims followed, by many different ethnic groups. Almost none were adhered to. The last year before independence saw many groups settling illegally in the Nakuru area as less than 10 percent of the applications for land were awarded (Rutten and Owuor, 2008:312).

The post-colonial period can be best divided into four eras; The Kenyatta era from 1963-1978, the Moi single party era from 1978-1992, the Moi multi-party era from 1992-2002 and the Kibaki era from 2002 until present. Interesting to note regarding these four eras is that first of all, as mentioned, the single-party system era was manipulatively established. Second of all, the switch back to the multi-party system era occurred under severe pressure from

violent protests. This could be interpreted as yet another façade created by the elite to secure legitimacy for their continued rule. Consequently, a halt, or at least a delay, in the development of the Kenyan democratic system.

Starting with Kenyatta, throughout the 1960s and 1970s the government bought land back from the white farmers using money from the British government and this land was subdivided for occupation by landless, unemployed and progressive farmers. However, the majority of land was distributed to the hands of the wealthy. Ogot states that ‘over half of the settler lands were transferred almost intact by sale to wealthy Africans...a new land policy based on class, instead of race, was being established in Kenya’ (1996:64). Rutten and Owuor quote an anonymous person in 1982 saying:

‘It would be a misreading of the situation to see the deep divisions among our people as a ‘natural’ outcome of endemic ‘tribalism’. Instead, our power-hungry leaders stirred up and used tribal sentiment when they found it convenient to do so. Their aim was to divert attention from the real dynamics at work in the country – the emergence of a rapacious bunch of mercenaries whose own class interest transcended ethnic bounds’.

(Rutten and Owuor, 2008:313)

Throughout the 1970s, or rather throughout Kenyatta’s era, the transfer of farmland, the grabbing of both urban and rural public land by influential individuals continued.

The Moi single-party era unfortunately did not provide for much change, except for the fact that now the Kalenjin was favoured instead of the Kikuyu. It became Kalenjin ethnic nationalism instead of Kenyatta’s Kikuyu nationalism. More and more clashes and violence were reported, again surrounding the land issue. In October 1993, a group of over 500 people attacked the village of Enoosupukia in Northern Narok, occupied by Kikuyu immigrants who had bought the land after 1960. The attackers, dressed as Maasai, killed about 20 people, burned houses and shops, and as a result thereof, some 30,000 people fled the area. This is merely an example, as many more ethnically based conflicts arose.

The 1997 election also saw violence. The ethnic and land based violence can clearly be made out from the following statement made by the Human Rights Watch:

‘The perpetrators of the coast attacks were largely disgruntled local young men whose hostility toward non-indigenous residents of the region led them to support a divisive ethnic agenda that also served the ruling party’s political aspirations. Their goal was to drive away

members of the ethnic groups originating from inland Kenya – the ‘up-country’ population – in order to gain access to jobs, land and educational opportunities...The raiders’ own principal aim was to regain their ancestral land, while ruling party politicians supported them with a view of retaining and winning electoral seats’ (Human Rights Watch, 2011).

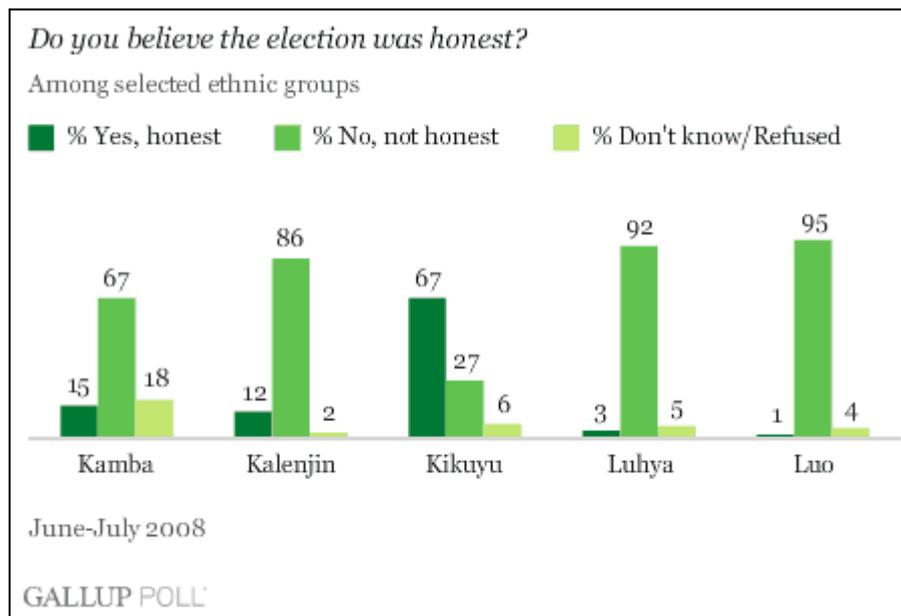
Between 1991 and 1998 it was investigated that some 6,000 people died as a result of politically motivated ethnic clashes. No investigation, prosecution or conviction was initiated after the publication of these findings.

Uhuru Kenyatta was nominated as KANU’s presidential candidate, which caused a split; a large group defected to the National Alliance Rainbow Coalition (NARC) and the 40-year reign of the KANU had come to an end. Kibaki was celebrated as Kenya’s new president. Kenyans were optimistic and hopeful for free education, more jobs, less corruption and so forth. The post 2002 election period was consequently dominantly peaceful.

The one goal of the 2002 united opposition was to remove President Moi. Odinga’s declaration of Kibaki Tosha, meaning Kibaki is fit to be president, paved the way for his presidency and even for a short while convinced Kenyans that they could be united regardless of ethnicity or background. Unfortunately, however, the split in the opposition team came during the referendum on a new constitution in 2005. Odinga referred to it as a Kikuyu constitution and led the ‘no’ campaign; whereas Kibaki led the ‘yes’ team. Odinga’s team won the referendum but was sacked by Kibaki soon thereafter, which more or less meant the birth of the Orange Democratic Party (ODP) and the Party of National Unity (PNU), the two major parties in the 2007 election. Another division was additionally made by the anti-Kikuyu groups pronouncing the slogan of ‘the Presidency Kikuyu versus all others’ throughout the whole country; as mentioned above, the forty-one-against-one.

This split was therewith immediately hand-in-hand with an ethnic split. Although a slight nuance is in place. The PNU is dominated not only by Kikuyu but also Embu and Meru, originating from the central and eastern provinces. ODM is dominated by the Luo, Luhya and Kalenjin originating from Nyanza, western province, but also groups from the coast in the north eastern province.

Table 2 below indicates accurately that the thoughts on the elections are strongly affected by the ethnic background. The Kikuyu, clearly, found the elections to be honest; the Luo not at all. These major differences cannot be judged as a coincidence but purely represent the harsh ethnic troubled reality Kenya’s politics is dealing with.

Table 2: Poll: Do you believe the election was honest?

(Source: Rheault and Tatora, 2008)

Having discussed the ethnical background, the information will be further used and applied in Chapter Five when the comparative analysis to Zimbabwe is presented.

3.8 Conclusion

The former British colony of Kenya has been independent since 1963. Since then it has known three presidents, currently with President Kibaki as head of state.

The 2007 presidential elections were manipulated and rigged. Although the campaigning period was fairly free and fair, the period was characterized by ethno-political polarization. The Kenyan government was relatively open for international assistance and observers and invited several nations and institutions. It also employed a domestic observation commission, KEDOF. The observing parties, however, ran into some difficulties of not gaining access to certain important parts of the election and no external group was invited or welcome at the announcement of the results. KEDOF reported dubious circumstances regarding the counting of votes and concludes that the overall electoral process was credible up until the counting of votes. The EU was a bit tougher in its conclusion: 'the 2007 General Elections have fallen short of key international and regional standards for democratic elections. Most significantly, they were marred by a lack of transparency in the processing and tallying of presidential results, which raises concerns about the accuracy of the final result of this election' (2008).

Although Kenya has subjected parts of its political and electoral behaviour and regulations to a number of (international) treaties, the actual institutional implementation and integration has shown to be lacking somewhat. Kenya's electoral contestation has not been smooth and is not fully completed. There is still much room for fraud and little is set up for the prevention of conflict surrounding the elections, let alone the resolution of conflict. The deepening and widening of Kenya's democracy is still a process to be attended to in order to further consolidate its democracy.

With reference to Kenya's socio-economic conditions, corruption tends to be the vital crunch in the country. Although President Kibaki in his first term accomplished economic recovery, free primary education and created 500,000 jobs, corruption downgraded this to a high extent. The Goldenberg scandal and the Anglo leasing scandal are merely two examples of how corrupt Kenya's elite really are. No one was prosecuted, nor convicted. Economic stability often goes hand-in-hand with political stability and vice-versa. Economic growth often realises in stable societies, without political stability there is little chance for major improvement in the welfare of the Kenyan people. Related to this is the last factor discussed, although perhaps the most vital one, that of ethnicity.

Ethnicity has proven to play a major role in the electoral violence surrounding the 2007 elections. More accurately, it is the historical developments with regards to economic prosperity and ethnic groups. Favouritism has been a well-known phenomenon in Kenya, and Kenya's 42 different ethnic groups have not had equal opportunities. The roots are found in the colonial era, and it is therefore a deep-rooted complex political conflict.

The weight of the factors will be analysed further in Chapter Five.

Chapter Four: Zimbabwe's 2008 Presidential Elections

4.1 Introduction

As the previous chapter with Kenya, this chapter will provide an overview of the Zimbabwean 2008 elections, the run up to the polls and the months following them. It will elaborate on the five factors under discussion as well as additional information when and where applicable. First the section on background facts will be presented, second free and fair elections, third political-electoral system, international assistance, fifth socio-economic factors, and lastly, the factor of ethnicity.

4.2 Background Facts

Zimbabwe is located in the south of Sub-Sahara Africa and borders Mozambique, Zambia, Botswana and South Africa. Two major Bantu groups reside in Zimbabwe, these being the Mashona who represent about 75 percent of the population, and the Matabele who make up 20 percent of the population. Additionally, Zimbabwe has about one per cent white inhabitants and about one per cent mixed and Asian (CIA, 2011).

As with Kenya, the Portuguese arrived in the 16th century, but the land remained mostly untouched until around 300 years later when explorers, missionaries and traders arrived. The British Cecil Rhodes was one of the settlers who arrived towards the end of the 19th century and has played an important role in the history of Zimbabwe. Prior to the name Zimbabwe, the country was even named Rhodesia after him, under the British South Africa Company's administration. In 1888 Cecil Rhodes gained a concession for mineral rights from local chiefs and later that year Southern and Northern Rhodesia – the two areas which now mostly form Zimbabwe – were proclaimed a British sphere of influence. In 1890 the capital, Harare, (then called Salisbury) was established (State Department, 2011).

In 1923, Southern Rhodesia's white settlers were given the choice of being incorporated in the Union of South Africa or becoming a separate entity within the British Empire. They chose the British Empire and Southern Rhodesia was therewith annexed later that year by the United Kingdom. Consequently, the European settlers started to more and concentrate more on developing Rhodesia's rich mineral resources, as well as the major agricultural potential of the country. Clearly this led to a phenomenon all too well familiar in Africa, the settlers

demanded more land, and in 1934, this led to the passage of the first of a series of land apportionment that reserved certain areas of land of the Europeans.

In 1953, in an effort to pool resources and markets, Southern Rhodesia joined Northern Rhodesia and Nyasaland under the Central African Federation. Economically this was highly beneficial and the country flourished at this level; however, the African population objected to this. They feared that it would become impossible to achieve self-government with the federal structure dominated by the white southern Rhodesians. Again in the case of Zimbabwe, Africans were not participating in the political arena, as this was solely done by the British. The severity of the protests against the federation led to the annulment thereof in 1963 and Northern Rhodesia and Nyasaland became independent states of Zambia and Malawi (Department of State, 2011). The European electorate in Rhodesia, however, showed little interest in adhering to the demands of more African political participation. Ian Smith became prime minister, replacing Winston Field in 1964.

Prime Minister Ian Smith aimed for independence and the United Kingdom was willing to grant it, but not before the authorities at Salisbury had showed their intention to move toward majority rule. Prime Minister Smith had little intentions to do so and after lengthy negotiations with the British government without any success, he issued a Unilateral Declaration of Independence (UDI) from the United Kingdom. The British Government did not recognize this, nor did the United Nations. The British government went even further when it imposed sanctions on Rhodesia and called upon United Nations member states to do the same. In 1966, the United Nations followed and, for the first time, imposed mandatory economic sanctions on Rhodesia. This meant that Rhodesia's primary exports were placed on the selective sanctions list as well as several primary goods which were imported to Rhodesia. Throughout the 1970s, extensive negotiations took place between Smith's government and the British authorities. The Rhodesian economy started to break down due to the sanctions, and people became more and more disgruntled and started uprisings against the regime led by Prime Minister Smith. In 1976, as a result of a combination of the embargo-related economic hardships, the pressure of heavy guerrilla activity, independence and majority rule in the neighbouring former Portuguese territories, and a United Kingdom–United States diplomatic initiative, the Smith government agreed, in principle, to majority rule. Additionally, the Smith government agreed to a meeting in Geneva with black nationalist leaders to negotiate a final settlement for the conflict. Unfortunately this meeting failed, mainly due to Smith's unwillingness. Another attempt was made in September 1977

when a detailed Anglo-American plan was put forward with proposals for majority rule, neutrally administered with pre-independence elections, a democratic constitution and the formation of an integrated army. This settlement was signed in March 1978 and the end of the independence war, which had cost about 20,000 lives since 1972, seemed to be in sight (Crisis Group, 2011).

However, it would still take extensive time before independence was reached. Only two years later did Margaret Thatcher's conservative government, after three months of severe bargaining, meeting and talks, grant independence on 18 April 1980, with Robert Mugabe as prime minister of the now-named Zimbabwe. The Zimbabwe African National Union's (ZANU) Robert Mugabe came to power through elections with a majority of 57 out of 80 seats. It has to be mentioned though that Zimbabwe African Peoples Union (ZAPU) played a major role during the struggle for independence. Unfortunately, under violent pressure, this party dissolved; this will be further highlighted below. The Rhodesian Front (RF), consisting mainly of whites, won all the 20 seats reserved for whites. When Robert Mugabe came into power he was the most famous African president, and expectations for reform were high. In his speech he gave at Zimbabwe's independence in April 1980 was magnanimous. Calling for reconciliation and rejecting revenge, he said: 'The wrong of the past must now stand forgiven and forgotten. If we ever look to the past, let us do so for the lesson the past has taught us, namely that oppression and racism are inequalities that must never find scope in our political and social system. It could never be a correct justification that because the whites oppresses us yesterday when they had power, the blacks must oppress them today because they have power' (Dowden, 2009:135).

Since Robert Mugabe came to power he has not left office. He became president in 1987 and is the only ruler that Zimbabwe has known since independence. Further discussion will follow in section 4.3. In this section a brief overview of the recent political and economic history of Zimbabwe will be presented in which the political and electoral system is incorporated.

4.3 Free and Fair Elections

Widespread consent exists around the fact that the 2008 presidential elections in Zimbabwe were rigged and not free and fair. The Electoral Institute for the Sustainability of Democracy in Africa, although not invited by the Zimbabwean government and therewith with limits, observed the elections. In its report, *EISA Election Observer Mission Report Zimbabwe*, the

organization concludes that the immediate run up to the elections, in other words, the campaigning period, was relatively free and fair. The campaign period was ‘generally characterized by freedom of assembly, freedom of association, freedom of movement and freedom of speech which could generally be exercised without undue hindrance’ (EISA, 2008:52). Voters were, for example, for the first time in a decade, allowed to wear t-shirts displaying their political party preference. However, there were incidents of violence and intimidation in the run up to the election and two vital remarks are in place. Firstly, the level of tolerance was very low. Several stakeholders have pointed out that Zimbabwe African National Union – Patriotic Front (ZANU-PF) agents forced community members to close their shops and markets to compulsory attend rallies. Furthermore, the so-called Chipangano, meaning young ZANU-PF activists gangs, have been reported to attack opposition supporters. Secondly, although the immediate period to the run up is considered fairly free and fair, in 2007 many incidents occurred. Headlines such as ‘Mugabe’s opponents forced to eat election posters’ in the Guardian, and ‘Tsvangirai: vote Mugabe to stay alive’ were seen in Zimbabwe. As well as after the elections as the Daily Mail reports ‘Mugabe sends out heavy mob to intimidate voters as party announces runoff election’. The South African political party, the Democratic Alliance (DA), although also uninvited to observe, reported in its post-election report that evidence was brought to the DA that opposition meetings and rallies were cancelled last minute by the police. The DA further reported that it was given extensive documentary proof of torture and physical abuse of opposition members and supporters (DA, 2008: 4).

At the rather open campaigning environment just before the elections international observers had entered the country, so the ‘relative free and fair’ environment can be viewed as a manipulative maneuver by President Mugabe. Also because another form of obvious intentions to rig the elections arose, with Mugabe making statements such as ‘there will never be regime change here...never’ and ‘The MDC will never be allowed to rule this country... Only God who appointed me, will remove me’ (EISA, 2008:53). The freeness and fairness of the immediate run up to the elections is thus a dubious one with many indications towards a forthcoming rigged electoral process.

The use of state resources to win votes is considered against free and fair democratic regulations. In Zimbabwe, it is reported that President Mugabe excessively used state resources and used the media to cover this. There was virtually unrestrained use of public media for ZANU-PF and its election campaign. ‘The president of Zimbabwe and contender in the presidential race made multiple donations such as buses, motor vehicles, generators,

television sets, food aid and agricultural equipment to communities and organisations across the country. The programme was funded by the Reserve Bank of Zimbabwe' (EISA, 2008:65). The DA further reported in its post-election report, 'Any environment for a free and fair election must be accompanied by equitable access to the media for all parties and individuals contesting the polls. From the onset of the campaign there was gross media bias in favour of the ruling party. The Media Monitoring Project in Zimbabwe (MMPZ) reported that in the first week of campaigning ZBC, Zimbabwe's public broadcaster, dedicated 37 minutes of news bulletin to ZANU-PF coverage while all opposition candidates shared a paltry four minutes amongst themselves' (DA, 2008:5). This clearly indicates the unfairness of distribution of airtime in favour of the governing party.

Turning now to the election day itself, there are certainly questionable events regarding the freeness and fairness of the process. Nonetheless, first of all, the conditions during the casting of votes were plausible. The number of polling stations was in order, and the condition of them and the election materials were sufficiently supplied for. However, in numerous cases, voters were turned away to other wards or constituencies. Secondly, election observation was ambiguous; only countries friendly to the Zimbabwean government were invited and there were only two accreditation centers; one in Harare and one in Bulawayo. Thirdly, there was an issue with the postal votes. Postal votes are votes meant for security forces, diplomats out of the country and some civil servants who would be on duty on election day. Eight thousand people applied for these postal votes; however, some 600,000 postal ballots were printed. This leaves much room for the possibility of fraud. The biggest problems regarding the freeness and fairness of the process, started when the announcement of the results was heavily delayed. Only a staggering five weeks after election day were results were made public. Major unrest was the result of the delay, and EISA reports on the development of the following worrying trends:

'The long period of awaiting the results saw a range of trends regarding the presidential result emerging. These included:

- *It was understood that the ZANU-PF Politburo was briefed on Friday 4 April 2008 (six days after the election and with regard to the result of the presidential election) that Tsvangirai had won 47.7%, compared with 43.4% for Mugabe and the remainder for Simba Makoni. Another report suggested that by 2 April ZANU-PF had completed its projection and arrived at 43% for Mugabe and 48.3% for Tsvangirai.*
- *The MDC's initial projection indicated that the opposition party had only won a simple majority. Later on, MDC projected an absolute majority. Its own calculation of presidential race results came to the conclusion that Tsvangirai had won 50.2% of the vote (against 43.8% for Mugabe). Yet, many reports confirmed that the party had little certainty that this*

result was reliable. It had confirmed to various sources that it would be prepared to enter the presidential run-off race (also to the South African embassy in Zimbabwe).

- *The Independent Results Centre (IRC, 2008), based on a complete PVT, forecast 50.3% for Tsvangirai (although its percentages excluded the results of one constituency and the percentage vote won by presidential candidate Towungana).*

- *The ZESN vote projection, based on a sample of constituencies, received much publicity. However, ZESN responses at a Harare media and observer briefing of 1 April 2008 (2008b) revealed sampling flaws in that their universe of sampling was based on the officially announced polling stations and did (could) not take account of the last-minute proliferation of polling stations'. (www.eisa.org)*

It was clear that many speculations were made before the announcement. On 2 May, results were announced with 47.9 percent of votes in favor of Tsvangirai and 43.2 percent of votes for President Mugabe. A run-off was warranted. The question arises immediately, if President Mugabe rigged the elections, why did he not immediately make himself the winner, preventing a run-off. The answer to this question may be difficult to grasp and understand, but one thing was for sure, President Mugabe was going to make sure he would win the run-off elections. ZANU-PF launched a nationwide campaign of violence and intimidation. The Crisis Group reported that over 2,000 people were detained and 200,000 misplaced (2008). The run-off elections were to be far from free and fair.

The most remarkable aspect which confirms the unfair process is the fact that Morgan Tsvangirai withdrew from the run-off elections. He was arrested five times during the month of June and in his announcement to withdrawal stated, 'In my considered view, the conditions presently obtaining throughout the country make it virtually impossible for a proper election envisaged in both the Constitution of Zimbabwe and the Electoral Act [Chapter 2.13] to take place. This being the case, the election scheduled for Friday 27th June 2008 cannot be an election as provided for by our law and accordingly, it will be a nullity if it were to be proceeded with' (www.eisa.org). Additionally, he stated in his letter:

'What has been going on in this country immediately after the elections held on the 29th March 2008 is a clear testimony that the elections scheduled for the 27th June 2008 cannot be held efficiently, freely, fairly, transparently and in accordance with the law. On the 21st May 2008, after having noted the sad events that were happening, I instructed my Legal Practitioners Dube Manikai & Hwacha to write a letter to you setting out in detail various concerns which were an impediment to the holding of a free and fair election' (www.eisa.org)

As a result, the second round of elections was won by President Mugabe by 90,22 percent of the votes. This clearly is a dubious result and outcome.

4.4 Political and Electoral System

Before commencing with the discussion on the current political and electoral system, a brief section will firstly be devoted to the political changes since 1980. After independence both government and leadership personnel changed. The Lancaster Independence constitution placed restrictions on socio-economic redistribution as well as major constitutional change before 1990. However, the combination of new political leaders and the old system proved insufficient to the prevention of conflict. The new Zimbabwe was left with the inheritance of the structures of the colony. 'The post-1980 state under the ZANU-PF did not break with either the tradition of nationalist authoritarianism and violence or the methods and techniques of past colonial settler oppression' (EISA, 2008:2).

Although ZANU-PF won the 1980 elections with great majority support, there remained a 20 percent support for the rivalling party, PF-ZAPU. In a strange way, namely through the use of force, there was an attempt to create national unity between 1980 and 1987. ZANU-PF more or less gave PF-ZAPU the 'choice' to dissolve or merge; the latter was the case in 1987. The conflict in Matabeleland provinces, where the majority of the 20 percent Ndebele supporters resided, was therewith resolved, but all the power now lay in the hands of ZANU-PF.

The regularity of elections since 1980 has been very plausible; however, all elections have been flawed. And even though there were restrictions on constitutional changes, plenty were made throughout the 1980s. One of which, in 1987, entailed the replacement of ceremonial Presidency by Executive Presidency. Provisional rights were further made for eight seats of provincial governors, ten chiefs and 12 presidential nominees in the House of Assembly (EISA, 2008). With regards to party politics, a number of opposition forces fragmented into parties such as the Zimbabwe Unity Movement (ZUM), the Democratic Party (DP) and the Forum Party (FP). However, these opposition parties proved weak against the ZANU-PF which was using state resources for campaigning and other undemocratic means.

Throughout the 2000s, elections were more and more marked with extreme violence and the true start of contemporary politics in Zimbabwe was made. ZANU-PF drafted a constitution and a referendum was organized. President Mugabe clearly led the 'yes' campaign, whereas Tsvangirai's Movement for Democratic Change (MDC) led the 'no' campaign. It was rejected by 54.3 percent of votes against 45.7 percent.

Table 3: The 2000 Constitutional Referendum per Province

Province	No Vote	Yes Vote	Total
Harare	218,298	73,410	291,708
Bulawayo	90,422	27,737	118,159
Mashonaland Central	43,385	96,661	140,046
Mashonaland East	39,930	60,354	100,284
Mashonaland West	53,328	75,251	128,597
Manicaland	67,787	38,993	106,780
Masvingo	49,658	61,927	111,585
Midlands	70,572	91,587	162,159
Matabeleland North	31,224	26,413	57,637
Matabeleland South	31,759	33,606	65,365
NATIONAL	696,363	585,939	1,282,302
Vote proportions	45.69%	54.31%	100%

Source: <http://www.eisa.org.za/PDF/zimomr08.pdf>

From that moment on especially, ZANU-PF's position was threatened and more extreme measures to guarantee re-election were taken. Among others, the so-called war veterans and youth militia were deployed throughout the country, intimidating, abusing, and using violence to ensure votes. The March 2002 presidential elections, despite suspicions of being rigged, consolidated presidential power in the face of a strong opposition vote. It was one of the most oppressive elections of the decade, and showed that ZANU-PF had for the time being thwarted the opposition assault of the beginning of the 2000s (EISA, 2008). In 2002, it came to a point that Zimbabwe was suspended from the Commonwealth of Nations due to human rights abuses during the land redistribution as well as tampering with elections. As a consequence, in 2003, Zimbabwe withdrew its membership from the Commonwealth. More importantly, and with a major impact, was the launch of 'Operation Murambatsvina'. With little to no warning, the government of Zimbabwe launched this operation intended to clean up cities. A report by the United Nations focussing on Operation Murambatsvina quotes:

"Popularly referred to as "Operation Tsunami" because of its speed and ferocity it resulted in the destruction of homes, business premises and vending sites. It is estimated that some 700,000 people in cities across the country have lost either their homes, their source of livelihood or both. Indirectly, a further 2.4 million people have been affected in varying degrees. Hundreds of thousands of women, men and children were made homeless, without access to food, water and sanitation, or health care. Education for thousands of school age children has been disrupted. Many of the sick, including those with HIV and AIDS, no longer

have access to care. The vast majority of those directly and indirectly affected are the poor and disadvantaged segments of the population. They are, today, deeper in poverty, deprivation and destitution, and have been rendered more vulnerable”
(United Nations, Tibaijuka, 2005:7)

The most significant aspect about this, regarding the topic of this thesis, is that this operation was launched during a time of persistent budget deficits, critical food and fuel shortages and triple-digit inflation. The operation drew a lot of international attention; donors withdrew and the country's crisis grew bigger and bigger.

As the dangerous violence continued to ravage the country, the economy dropped, and in 2007, the Southern Africa Development Community (SADC) initiated a mediation to stop the political violence. The mediation was mainly initiated because of numerous highly violent attacks on the opposition. The primary goal of the mediation, led by former South African president, Thabo Mbeki, was to establish conditions conducive to the holding of free and fair elections in 2008. Additionally, the goal was to ensure that whatever outcome the election presented, this would be accepted and respected. Towards the end of 2007 some progress seemed to be made, and a series of amendments to the country's constitutional and legal framework were proposed. Although the process was slow, it secured modest achievements, 'including amendments to the Electoral Act, the Zimbabwe Electoral Commission Act, the Public Order and Security Act, the Access to Information and Protection of Privacy Act and the broadcasting Services Act' (Matlosa, 2008:211). These reform measures led to the amendment of the Constitution to give effect to the changes. However, in the midst of the negotiations ZANU-PF called an election in March 2008. The two MDC factions protested the announcement of the election date before a constitutional review process had taken place, while ZANU-PF insisted the elections would go ahead, leading to a deadlock in the negotiations (Matlosa, 2008:211). The forthcoming major election violence is a black page in the history of Zimbabwe.

Although rather straightforward and factual, the following elaboration on Zimbabwe's electoral system is in place in order to fully comprehend the political agenda. When looking at Zimbabwe's current electoral system, although not often adhered to, it is important to briefly touch upon the first observation regarding the amendments of the Constitution. The Constitution of Zimbabwe was amended in 1981, 1983, 1985, 1987, 1989, 1990, 1992, 1995, 1996, 2000, 2002, 2005 and 2007, leading to a total of 12 times. Constitutional amendment number 18, for example, provides for significant changes in Zimbabwe's electoral dispensation. 'The amendment set out the framework to harmonize presidential and

parliamentary elections, to reduce the presidential term of office from 6 years to 5, to increase the number of seats in the House of Assembly and in the Senate, to empower parliament to serve as an electoral college should the office of president become vacant for any reason, and to empower the Zimbabwe Electoral Commission (ZEC) to delimit parliamentary and local constituencies' (US Department of State, 2011). The question remains of course, whether these amendments are made in order to keep up appearances, or to truly build on a better democracy. The House of Assembly counts 210 single-member plurality constituencies, the Senate 60 single-member plurality seats (six in each province), 16 elected by chiefs, two each from the eight non-metropolitan provinces and the President is elected by universal adult franchise, with absolute majority required. The election period is every five years. The electoral institute is the ZEC and on paper its duties are to demarcate the boundaries of the constituencies; the preparation of and conducting of elections and preparations; it directs voter registration; is responsible for voter education and ensures that the elections are conducted efficiently, freely, fairly, transparently and in accordance with the law. Voter registration is voluntary and continuous, voters must present identity cards and proof of residence and are issued with registration certificates. Campaigning is done subject to code of conduct, laid down in law, but with no penalties attached to violations. The announcement of results is done by the presiding officer, and a copy of the results is to be posted outside the polling station. Lastly, monitoring is done by persons accredited by the ZEC, subject to code of conduct.

4.5 International Assistance

As mentioned above, international observers are on invite by the host government only. Only then, certain monitoring privileges are granted. The Zimbabwean government invited certain countries to observe; however, only countries that were friendly to the Zimbabwean regime. Therewith, all members of the SADC, but not its Parliamentary Forum, was invited, as these were not guaranteed to be friendly to the Zimbabwean regime; and they would probably be highly critical. Additionally, a selection of other African countries, a selection of Eurasian countries and a selection of Latin American countries were invited to observe and monitor. In the end, only South Africa did indeed go to Zimbabwe. Among the countries that were excluded from observation were the European Union and all member states, the United States of America and the Commonwealth. From these listings it is clear to interpret that indeed the

critical, highly democratized countries were excluded. See Table 4 for further specification. This gives reason to suspicion. For the run-off election, the same list applied.

Table 4: International Election Observers to the 2008 Harmonized Elections

Uninvited Delegations	Invited to send observers	Not invited but present
International and regional organisations	African Union (AU), the Pan African Parliament (PAP), SADC secretariat, SADC – Electoral Commissions Forum (SADC-ECF), the Common Market for Eastern and Southern Africa (COMESA), the Non-Aligned Movement (NUM), Africa, Caribbean and the Pacific (ACP), Association of South East Asian Nations (ASEAN), East African Community, Economic Community of West Africa States (ECOWAS), Economic Community of Central African States (ECCAS), East African Community (EAC), Caribbean Community (CARICOM), Inter-Governmental Authority on Development (IGAD) and MAGHREB Union, Community of Lusophone Countries (CPLP).	European Union (EU), and SADC Parliamentary Forum (SADC-PF)
Countries, including all Southern African Development Community Members	SADC: Angola, Botswana, DRC, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia; Rest of Africa: Algeria, Egypt, Ethiopia, Ghana, Kenya, Libya, Nigeria, Senegal, Sudan, Uganda; Eurasia: China, India, Indonesia, Iran, Malaysia, Russia; Latin America: Brazil, Jamaica, Nicaragua, Venezuela	Japan, Australia, Norway, United States of America, United Kingdom (US and British embassies accredited in Harare sent teams throughout the country as election ‘witnesses’)
Non-governmental organisations	December 12 Movement	Electoral Institute of Southern Africa (EISA)
Political parties and trade unions	African National Congress (South Africa), Chama Chama Mapinduzi (Tanzania) & FRELIMO (Mozambique)	Congress of South African Trade Unions (COSATU), Southern African Trade Union Co-ordination Council (SATUCC) and Young Communist League (South Africa)

Source: <http://www.eisa.org.za/PDF/zimomr08.pdf>

Zimbabwe's own Election Commission (ZEC) is by law responsible for the accreditation of observers. Even though international observers were hardly welcome, the role of the domestic ZEC could still prove vital. The vital aspect clearly would be the legitimacy of this commission. EISA reports, 'In practice, the Ministry of Justice exercises sole authority over the invitation and accreditation of local observers; and the Ministry of Foreign Affairs has the power to invite international observers. The ZEC rubberstamps the invitations from the two ministries. These processes, along with the Ministry of Justice's delayed accreditation of approximately 8,000 domestic observers, were 'selective, discriminatory and shrouded in a cloud of secrecy' (EISA, 2008c: 3).

The Zimbabwe Election Support Network (ZESN) is a legally established citizen rights group. It is widely respected and in compliance with the country's electoral laws, code of conduct and international principles for election observation (www.zesn.org.zw). Members of the organization have been arbitrarily detained and questioned by police as well as police searching their offices.

In sum, no legitimate monitoring or observations were made in the 2008 Zimbabwean elections. The minimal transparency of the process is a major indicator of a lack of a democracy and the opportunity for rigging is widely present.

4.6 Socio-Economic Factors

Zimbabwe was once a country with huge economic potential. Its rich soil attracted many settlers, firstly for natural resources and secondly for agricultural businesses. Many settlers established farms which became prosperous businesses. At independence a few thousand white farmers still occupied around 15.5 million hectares of land. This large-scale farming contributed to 40 percent of export earnings and 90 percent of food on local markets (Crisis Group, 2004:32). Zimbabwe's economy was functioning well, with high potential; Zimbabwe's economy in 2011, however, is a catastrophe.

Before elaborating on how Zimbabwe's economy became what it is, first some facts about the current situation: Zimbabwe has approximately 12,000,000 inhabitants; the HIV/Aids prevalence rate is 14.3 percent; HIV/Aids deaths are estimated to be around 83,000 yearly; GDP per capita is US\$500, and a shocking 95 percent of the population is unemployed; 68 percent of the population lives below the poverty line and Zimbabwe's public debt is at 149 percent of GDP. The main agricultural products can be found in corn, cotton, tobacco, wheat, coffee, sugarcane, peanuts, sheep, goats and pigs. Zimbabwe exports around US\$2.5 billion

and imports around US\$ 4.000 billion (CIA, 2011). The Zimbabwean official currency is the United States Dollar. In sum, Zimbabwe is struggling.

What happened? The main explanatory factor for the poor economy is a political land reform policy initiated by President Mugabe since the 1980s. It can practically be divided into two periods: one from 1980 – 2000, where the principle of willing buyer, willing seller was applied with financial backing from Great Britain, and the second, President Mugabe's harsh fast-track reform plan.

The first period was marked by farmers who were willing to sell their farms, and the government who was willing to buy them. The need for reform came mostly from a need for a more equal distribution of the land. As a donor official notes, 'there was never a shortage of land in this country. There was a need to deal with the equity issue, and much of the land was underutilized' (Crisis Group, 2004:33). As it indeed turned out later in a survey, more than 3.8 million hectares of land in 18 commercial farming areas were identified as underutilized based on three criteria: population density per square kilometer, planted area as percentage area of total area and hectares per head of cattle. 'Thus from the start the government had substantial land available for purchase and redistribution – almost one third of the amount necessary to resettle its goal of 162,000 families (Crisis Group, 2004:33). The government set ambitious targets and speeded up the process. However, these targets turned out to be too ambitious and were not accomplished. Furthermore, the program and strategic thinking was not set out in the plans. There was no structure or well established guidelines on how to proceed after purchasing the land. Although Zimbabwe received financial aid from Great Britain, the real costs lay in the unforeseen, and therewith never recognized training of peasants to become farmers. 'More costly and more complicated was turning landless peasants into successful farmers, which required technical training, extension services and reliable infrastructure (e.g. roads, schools, and health clinics)' (Crisis Group, 2004:33). Production of food consequently fell. Until today, banks are reluctant to extend loans to new farmers as they have no skills to work the farm. Many of the once-flourishing farms now remain unused and are in heavy decay.

In 1992, the Land Acquisition Act was enacted with its purpose of speeding up the land reform process. The Act had several implications, among others, the limitation of farm size, and the government was now allowed to forcibly buy land against a fair compensation. The 'fair compensation' was to be provided for by Zimbabwe's former rulers, the United Kingdom. Not only land which was underutilized, but full-blown well-working farms were now targeted by the government. The violence was immense; many white farmers left

Zimbabwe in fear for their lives as many farms were attacked. Meanwhile, political and economic crises succeeded one another. The details are horrifying and go on and on, but without going into too much detail, land reform under President Mugabe might just be the major political issue responsible for much of Zimbabwe's trouble.

A few farmers who were backing ZANU-PF were spared and were still farming. It is estimated that about 300 to 400 farmers out of the once 4,500 have remained on their farms since the fast-track land reform in 2000, even though often having to give up huge parts of their land. As a consequence, food production was basically non-existent and Zimbabwe was facing a food shortage.

Relating back to the possible connection to electoral violence, a few remarks are in place. In 1998 – among numerous other examples – rising food prices sparked off major riots in Harare. The police used teargas to disperse the masses and officials were quick to point fingers at the farmers. However, the financial crisis and plummeting exchange rates due to malfunctioning of the government and mismanagement of the economy were the most obvious driving forces behind the inflation. The protests also marked the first time the Zimbabwean army was mobilized since independence. President Mugabe's governance brought the whole Zimbabwean economy to collapse. In August 2001, the World Food Program (WFP) even placed Zimbabwe under the status of an 'exceptional food emergency'. 'In November 2001, the WFP announced plans to begin large-scale food deliveries, even as the government made it illegal for more than 1,000 farmers to tend their fields and gave them three months to leave' (Crisis Group, 2004:100). Furthermore, the land reform was excessively used by President Mugabe to gain votes. As he claimed to have initiated the land claims and land occupations to return it to its 'original rightful Zimbabwean' owners, President Mugabe's slogan during the campaigning period was 'Defending Our Land and Sovereignty' (Ansell, 2008:1). Additionally, post-election, on the 25 April, whilst addressing a trade fair Mugabe stated, 'Let the colonists know this is the final solution. The land reform programme under which thousands of Zimbabweans were allocated land taken from the white minority is the final solution to the land question and will never be reversed . . . We are simply claiming our birth right, defending our hard won sovereignty . . . Better all those who shake and quiver at every word of our colonial masters please know Zimbabwe will never be for sale . . . and will never be a colony again' (Ansell, 2008:3). This harsh statement indicates President Mugabe's intention to use his land reform act to secure votes. Lastly, it will be interesting to observe the effect during the upcoming elections of the new Indigenization and Economic Empowerment Law implemented by President Mugabe. This Law forces white

business executives in Zimbabwe ‘to ensure that blacks have a 51% controlling interest in their companies within the next five years’ (Sapa, 2010). Although it is a widely criticized plan, analysts predict a complete withdrawal of business; it seems as if it is part of President Mugabe’s attempt to win votes.

In sum, Zimbabwe’s political landscape has witnessed many deaths, many abuses, and much violence, and has caused millions of Zimbabweans to flee the country to neighboring states. The situation is severe, and a report written for the United States Congress on the matter even reports that the call for protests against the 2008 rigged election on the day of the announcement by the opposition was unsuccessful because of the low turnout. People were intimidated, afraid and stayed at home; or as some analysts have concluded, many Zimbabweans did not join the protests as they could not miss a day of work and therewith a day of wage (CRS Report for Congress, 2008).

4.7 Ethnicity

Zimbabwe has two major ethnic groups; firstly, Shona which represents some 75 percent of the country’s population, and secondly, Ndebele, which represents some 20 percent of the population. The remaining population consists of mixed, Asian and white minorities.

There have been two major ethnic clashes in the history of Zimbabwe. Both of them have been discussed in the foregoing chapters. First it is important to mention that President Mugabe is Shona. His ZANU-PF is a Shona party. His former competition, ZAPU, was primarily Ndebele. The first act of political violence against an ethnic group was during the brutal conflict in Matabeleland, homeland of the Ndebele ethnic group. Mugabe ordered the fearsome North Korean-trained Fifth Brigade into Matabeleland where it looted, raped and murdered. ‘The death toll may have reached some 25,000 people in a devastating campaign known as the Gukurahundi, meaning the wind that blows the chaff away after the harvest’ (Dowden, 2009:140). Mugabe intended to crush the Ndebele who represented the gap between his 57 out of 80-seat majority in the 1980 election. As mentioned, as a result, ZAPU and ZANU merged in the name of national unity, but in effect ZAPU disappeared. The Shona-led ZANU became the sole party and only those Ndebele who submitted to its rule were allowed a public role. Many supporters of ZAPU were tortured and imprisoned.

Secondly, the brutal removal of the white farmers by President Mugabe in the name of more equal land distribution for its indigenous people is regarded as a racial issue. President Mugabe clearly wanted the white farmers to give up everything they owned and leave the

country. The British government was held responsible by President Mugabe to compensate the farmers; if they would not do it there would be none. It was a brutal campaign with little nuance and tactics. The whites were to go, 'and then we'll see' almost seemed to be President Mugabe's motto. The secret police would march into farmlands, kill animals, destroy crops and burn buildings. One of the farm owners stated, 'I would not have minded so much if my own farmworkers had taken over the farm. At least they know how to run it' (Dowden, 2009:149). However, those who were directed to take over the farm barely knew how to be subsistence farmers.

A discriminatory land policy caused the majority of white farmers to flee the country. President Mugabe got his way; the question remains how well he had thought about the devastating economic consequences this would have on his Zimbabwe.

4.8 Conclusion

Zimbabwe gained independence in 1980 after troublesome, long and difficult negotiations with Britain. President Mugabe was elected and has ruled the country ever since. His political choices have been one of the most discussed in the world. Although all his elections have been conducted as scheduled, none of them have been free or fair. During the 2008 elections, intimidation and violence targeting the opposition were present from day to day. This form of electoral violence dominates in Zimbabwean history. Aside from this, unfair distribution of broadcasting time and the prevention of opposition rallies form part of President Mugabe's path of choice. The heavy delay of the elections was the main reason for suspicion. It is made clear that Zimbabwe's political regulations and institutions have little value. President Mugabe does as he pleases and there is little to no democratic transparency. The legitimacy of the process is therewith easily questioned and the fact that President Mugabe is very reluctant to international observers is another indication of poor democratic governance.

The roots of Zimbabwe's violence may very well lie in President Mugabe's rule. He started the ethnic war on the Ndebele, and he started the land reform policies which lie at the very heart of Zimbabwe's devastated economy. His speech given at independence has been nothing but thin air. The words spoken, 'the wrong of the past must now stand forgiven and forgotten. If we ever look to the past, let us do so for the lesson the past has taught us, namely that oppression and racism are inequalities that must never find scope in our political and social system. It could never be a correct justification that because the whites oppresses us yesterday when they had power, the blacks must oppress them today because they have

power' (Dowden, 2009:135), might just indicate the exact opposite of President Mugabe's intentions from the start.

Chapter Five: Comparative Analysis

5.1 Introduction

This chapter will present the core of this study, namely the analysis of the factors discussed in the previous chapters and its possible causality. Before commencing with the main analysis, the sequence of events surrounding the resolution of the electoral violence in Kenya and Zimbabwe will now be presented. This is incorporated in this thesis as it sheds additional light on where the violence stemmed from. After this, a discussion on the comparative analysis is presented.

5.2 Conflict Resolution

The end result of the elections in both Kenya and Zimbabwe to bring an end to the violence was the creation of a power-sharing arrangement. Table 5 below highlights the new formation of the two governments. In the case of Zimbabwe, President Mugabe from the ZANU-PF positioned members of the MDC in the Cabinet, and in Kenya, President Kibaki positioned his main opposition party, the ODM, in the Cabinet. In both cases, the main opposition party was thus incorporated into the Cabinet which soothed the population and brought an end to the continuing violence.

Table 5: Zimbabwe and Kenya Cabinet

Zimbabwe	Kenya
President Mugabe	President Kibaki (PNU)
Two Vice-Presidents (both from ZANU-PF)	Vice President (ODM)
Prime Minister Morgan Tsvangirai	Prime Minister (Odinga from ODM)
2 Deputy Ministers (Arthur Mutambara and a member of MDC-Tsvangirai)	2 Deputy Prime Ministers
31 Ministers (15 from ZANU-PF, 13 from MDC-Tsvangirai and 3 from MDC-Mutambara)	37 Ministers

(Source: Shale, 2009:89)

There are mixed opinions on the fruitfulness of power-sharing agreements as governing form; it is, however, often regarded as a, at least for a short time, mechanism for the resolution of post-election conflict. Shale regards it as a negative trend in his contribution *Power Sharing as a Mechanism for Managing Conflicts in Africa: A Cure or a Curse?* and states, ‘a disturbing trend in recent years has been that politicians have adopted an alternative, non-

electoral approach, capturing power through negotiated power-sharing deals disguised as mechanisms for peace and political stability' (2009:81).

Both the cases of Kenya and Zimbabwe somewhat illustrate this. In Kenya, the presidential candidate, Kibaki, who by all indications clearly had lost the elections, held onto his position as president through a negotiated settlement which established a new position of prime minister to accommodate his rival, Odinga, and his supporters. The newly formed government was to represent national unity, especially aimed at unity amongst the conflicting ethnic groups.

In the case of Zimbabwe, the same is true, albeit in a slightly different form. President Mugabe also manipulated the elections and rigged himself into staying in power, but when the opposition and the violence became too harsh, he faced a legitimacy crisis and gave in to pressures to talk to the opposition about power-sharing. Again in this case, national unity was to be represented through the creation of the positions of prime minister and deputy prime minister employed by opposition members. In Zimbabwe, two positions were created to accommodate the opposition, as the MDC was split into the Tsvangirai faction and the Mutambara faction. In a way, it can thus be argued that these agreements were to serve in the best interest of the political elites. Through this agreement the legitimacy crisis of President Mugabe was reduced as Zimbabweans in a way got what they voted for. Meanwhile, the consequences for the sustainability of democratic governance through these power-sharing agreements are extensive as they further empower the already powerful elites and further disempower the people. The other side of the coin is closely related to Arend Lijphardt's popularized consociational theory which argues that power-sharing is a necessary condition for the survival of democracy in divided societies. Lijphardt believed that 'in a plural society characterized by sharp religious, ideological, linguistic, regional, cultural, racial and ethnic cleavages the political process is often marred by hostilities and anxieties, hence the need to thwart the dangers that surround such a political process' (Shale, 2009:84). As discussed in the foregoing chapters, both Kenya and Zimbabwe have an extensive history in social and ethnic cleavages. However, both countries have also proven to be facing serious flaws in the legitimacy of the electoral systems and the production of democratic institutions. Aside from the validity of Lijphardt's theory, a legitimate political and electoral system is still a pre-condition for the proper functioning of a democracy, regardless of a possible divided and unequal society.

Keeping the above in mind, the five factors will now be further analysed and compared between Kenya and Zimbabwe.

5.3 Causal Factors: Backgrounds Facts

The first similarity between Kenya and Zimbabwe in this comparison is that both Kenya and Zimbabwe are former British colonies. The relationship in this regard between the two countries is mainly related to the legacy of unequal land distribution which was left by the British colonial rule. Additionally, the lack of involvement of Africans in national politics during the colonial time was the case in both Kenya and Zimbabwe and left its scars.

In both Kenya and Zimbabwe, the most fertile land was 'given' to the white settlers. Not only did this have major implications for the economic prosperity for the Africans, it also created tensions between the different ethnic groups.

Starting off the analysis of this thesis with regards to the colonial legacy, the consequences for electoral violence are multiple, but in sum and related, land, economic marginalization and ethnic marginalization. In Kenya, many ethnic groups suffered from land-loss, especially the Kikuyu, Luo, Kalenjin and Maasai. In Zimbabwe, this was mainly the Ndebele in Matabeleland. The consequences have been fierce; among the most important are economic stagnation and tensions between the groups. Aside from the factor of ethnicity in the current election violence, throughout the years, many clashes in Kenya and Zimbabwe have taken place between different ethnic groups. The colonial legacy is herewith the first causal factor which is identified. The implications will further be discussed along the lines of the discussion per factor.

5.4 Causal Factors: Free and Fair Elections

First of all, free and fair elections will be examined. It is widely recognized that the elections in Kenya and Zimbabwe were both rigged. During the campaigning period in Kenya it is reported that state resources for funding of the Kibaki campaign were widely used, as well as money for the distribution of gifts. In Zimbabwe, this was exactly the same, but in addition, President Mugabe received considerably more broadcasting time than his opposition, Tsvangirai. A difference between the two countries during the campaigning period lies in freedom of speech. In Kenya this was fairly respected, although a strong ethno-political polarization between the two main contenders was widely present. This also led to several ethnic clashes in this period. In Zimbabwe, relative freedom in basic aspects such as the freedom of wearing the t-shirt of one's party preference was tolerated; however, the police hindered many opposition rallies, attacks by the Chipangano at the opposition were widely

reported and in some instances people were forced to attend President Mugabe's rallies. One thing which therefore stands out in this case is that in Zimbabwe, the campaigning period was, to a much higher level, influenced top-down through intimidation and therewith attempting to influence the choice of vote on election day. In Kenya, however, the campaigning period was more coloured by tensions amongst the population and different ethnic groups themselves without too much intimidation from the top.

Election day itself was marked by high levels of malfunctioning democratic institutions in both countries. Kenya did invite international observers; Zimbabwe did not, but EISA did go anyway, and in both elections conclusions were drawn by the different observers that there was a strong lack of transparency. In Kenya, this was mainly highlighted by the non-signing of the statutory forms by all Party Agents and the dubious circumstances under which these were delivered, namely copies. Also, the inability of the ECK to reach or get in touch with the Returning Officers, even though sufficient means were provided to reach them, are signs of rigging. In Zimbabwe, seeing the fact that only Zimbabwe-friendly observers were invited, and hardly anyone of these actually came, the legitimacy of the events on election day are questioned. Additionally, the postal votes raise considerable questions. The fact that Zimbabwe printed around 600,000 postal ballot papers, whilst only having around 8,000 Zimbabweans abroad, is dubious. Lastly, in both cases the announcements of the result were heavily delayed. In Kenya, minutes after the announcement of the winner, heavy violence broke out. A delay in counting votes is one of the first signs of a rigged election.

The failure of the Kenyan and Zimbabwean governments to legitimize their elections caused suspicion, opposition and protests. Further implementation of democratic governance will provide for the electoral environment in which they conduct non-violent elections, or at least enhancing the chances of non-violent elections, are present. As the example of the Florida case has indicated, with proper democratic regulations, violence is the last means to be called upon by the people when experiencing doubtful results.

5.5 Causal Factors: Political and Electoral System

Second of all, heavily connected and subject to more in-depth analysis, is the political and electoral system in both countries. It has been discussed that in Kenya and Zimbabwe the electoral system and the legal framework are lacking in legitimacy. In the case of Kenya for example, no regulations exist surrounding the length of the campaigning period and there is no maximum for registered voters per polling station. Additionally, and to this thesis of high

importance, Kenya's regulations regarding the resolution of electoral disputes are inadequate as complaints can only be handed in 28 days after the announcement of results. In the case of Zimbabwe, the level of transparency was even worse, which indicates an even lower level of democracy. Zimbabwe's legal framework is relatively in place; however, as mentioned, the rules and regulations are hardly adhered to.

These deficiencies in both democracies are evaluated as one of the major causal factors for election violence. As Khadiagala's theory on the fourth wave of democracy indicated above describes, African democracies need to deepen, strengthen and legitimize their electoral process. Although electoral processes might be only one instrument of democracy, it is the basis of a democracy. When people are able to freely participate in public life, participate in the political arena, and choose their leaders through a free and fair process, they feel less urge to make their voices heard through violence.

As previously discussed, Africa's democratization process was a hasty one and no proper attention was given to the integration and consolidation – if at all possible – during the transition period towards a democracy of its institutions and democratic legislature. The conducting of elections seems to have replaced the democratic spirit and African leaders have interpreted the holding of elections now and then as sufficient in order for their country to count as a democracy, i.e. the aforementioned quantity-quality debate. However, democracy is much more than just the ritual of voting and elections. Democracy 'is the plurality of opinions, freedom of expression, multi-party political system, political competition, free and universal multi-party elections, fundamental and human rights, rule of law and accountability of the rulers which constitute democracy' (Gebrewold: in Francis, 2008:149). According to Thomson, the constituent elements that are considered to be the most important for democratization are 'a credible opposition, a strong civil society, strong economies, separation of state and ruling party, regime change through democratic elections, addressing the challenges of ethnic mobilization, dealing with the threat of the military, establishing political culture, shared political ideas, attitudes and belief that underlie a society' (Fischer, 2008:149). Few of these aspects, if any, can be found in either Kenya or in Zimbabwe. Paul Collier, in his *Wars, Guns and Votes. Democracy in Dangerous Places*, refers to these African democracies not as a democracy, but as *democracy* (2010:15). He explains himself by arguing that a democracy 'does not merely have competitive elections, it also has rules of conduct for these elections: cheating gets punished. A proper democracy also has checks and balances that limit the power of a government once elected: it cannot crush the defeated' (2010:15). In Zimbabwe, the case of the attempt to crush the opposition was clearly present.

Kenya and Zimbabwe differ slightly in that respect as Kenya has seen three presidents since independence, whereas Zimbabwe has had only President Mugabe. President Mugabe clearly has an addiction to power and he exercises this by conducting harsh and cruel regime. There is no room for institutions, democratic consolidation or any form of legitimacy for otherwise he understands very well, he might not be re-elected. Another resemblance between the two countries is found in the delay; although in Zimbabwe a greater delay than in Kenya, the announcement of the results was done later than the law prescribes.

There is a structural relationship between the inadequate functioning of political and electoral systems and violence surrounding them. Uncertainties, doubts about the trustworthiness of the system, the unknown and the feeling of injustice done by the governing elite towards the citizens are features which are hardly present in proper democracies. When and if these features and feelings are experienced, it will not be because the population is cheated upon, but the democratic vote of the people.

5.6 Causal Factors: International Assistance

Thirdly, the factor of international assistance is to be discussed. At first sight it seems to have little relation to the electoral violence. This conclusion can be drawn from the fact that Kenya did invite observers who were present extensively throughout the electoral process, whilst Zimbabwe was heavily opposed to this and did not invite any international observers. In both Kenya and Zimbabwe, however, violent conflict broke out. International assistance and observation contribute to free and fair elections, which in turn contributes to peace and security. More importantly, as mentioned, there are several forms of international assistance, not least one which assists in all aspects of the election. In other words, long-standing democracies, with experience in what is right and what is wrong in an electoral process, are sent to assist in the whole process. For countries in transition, or put more mildly, countries that have not yet established a full democracy, this should be welcomed and embraced. The fact that Zimbabwe did not invite any international entities, predicts something about President Mugabe's intentions. President Mugabe had no intentions to comply with the set rules and regulations surrounding a free and fair election. He is one of the longest serving leaders on the African continent, and nothing points towards the direction that he is willing to give up his position. Taken that President Mugabe is so reluctant to invite international observers, and therewith reluctant to learn about and improve democratic governance, is reason for Zimbabweans to mistrust their political spheres and leader.

In Kenya, the government did invite international entities to observe. At some of the most crucial moments of the election, however, they were not allowed to observe. Additionally, Kenya's political players seem to pretend to believe in democratic governance by the signing of several international treaties; in reality, however, the leaders bent the rules in a way which suited them. They have bent the rules in such a way that will get the right person in the right place.

The different arenas around international assistance in Kenya and Zimbabwe show the perspective of two sides; one in which international observers were invited, against the other one in which the choice of international observers might just as well be regarded as none. In both cases violence broke out. It is crucial in order for international assistance to be efficient, that the people in charge of the electoral process truly want the assistance and truly want to learn and improve, instead of pretentious acts. The 'scary' aspect for the governing elite when allowing international observers or receiving assistance is that they will then truly be held accountable for the choices they have made during their rule. The outcome of the elections will be the choice of the people, the people who every day deal with bad socio-economic living conditions. It seems as if many African leaders are not ready to face that yet.

5.7 Causal Factors: Socio-Economic Factors

The socio-economic factor is the fourth factor of analysis. Although there are considerable differences in the socio-economic situations in Kenya and Zimbabwe – in the better for Kenya – both countries are struggling with poverty, unemployment and disease. In the case of Kenya, the poverty, inequalities and unemployment in the context of ethnic polarisation led presidential candidates and parties to populism and manipulation of the genuine economic grievances to win the vote of the poor. As mentioned earlier, Kibaki campaigned under the slogan 'Let Kibaki Continue', whereas the ODM campaigned under the motto of change. Although Kibaki did deliver on certain economic promises and improvements, corruption still overshadowed this. Certainly in a democracy there is no room for corruption.

In Zimbabwe, on the other hand, it has been the conduct of President Mugabe, and President Mugabe only, which has devastated the Zimbabwean economy. This has been widely recognized by its people and even to such an extent that it is estimated that due to the economic and social circumstance in Zimbabwe around 3 million people have fled to South Africa alone. The major distinction to Kenya, however, can be found in the fact that although people protested, it was mainly President Mugabe's wave of political violence against his

own people. The fact that the outcome of the elections with a 47.9 percent of votes for Tsvangirai against a 43.2 percent of votes for President Mugabe, caused a run-off which sparked the violence. The similarity between Kenya and Zimbabwe lay in the fact that both countries' population voted for a new president, partly due to the miserable living conditions and with hope for better economic governance. This was especially made clear in the case of Kenya where Odinga in his acceptance speech as president for the ODM stated he wanted to end the 'economic apartheid'.

Socio-economic development is of vital importance to establish a democracy to its fullest ability. In a study done by Barrington Moore, an American sociologist, democracy is underpinned by 'competition in ideas, vistas and voices at the social, economic and political levels, permitting regular changes in leadership, meaningful choices in the marketplace and freedoms that enshrine a whole array of individual and social rights' (Khadiagala: in Mbeki, 2011:189). His message further was that democracies are in fact built on 'middle classes embedded in systems of property ownership (bourgeois) that dominate the social and economic spaces and influence political decisions in most industrialized economies' (2011:189). Scholars have argued that it is indeed impossible to build a democracy on the backs of large peasantries who are often isolated from each other through limited infrastructure, cultural difference and regional differentiations. In other words, no bourgeois, no democracy (Khadiagala, in Mbeki, 2011:189).

Additionally, education is an important factor for democracy and violence. For one, it has been proven that educated women are less prone to have big families. This might be an odd argument at first; however, when considering the struggle many African countries face with regards to overpopulation, the logic is evident. Overpopulation unmistakably means scarcity of resources such as land. The conflict over land has been demonstrated to play a vital role in the electoral conflict in both Kenya and Zimbabwe. Furthermore, in a study done by the London School of Economics, the relation between a democracy and education is discussed. The relation between education and democracy is mutual. On the one hand, democratic regimes and their leaders are more triggered to provide for the basic need of education as they need the support of the people. On the other hand, educated people are more likely to actually support the political system of a democracy (Stasavage, 2005). Additionally, educated people are far less likely to turn to violence to make their voices heard.

In Kenya and Zimbabwe, the socio-economic circumstances have thus had several influences on the electoral violence. For one, the longing for a new leader with new opportunities for a better life in an education, employment, medical care and so forth

perspective. Second, the fact that many people in Kenya and Zimbabwe suffer from a lack of education results in violence as their only means of acting out.

5.8 Causal Factors: Ethnicity

The fifth and last factor subject to analysis is ethnicity. As discussed, both Kenya and Zimbabwe have struggled for decades with this societal aspect in numerous ways.

The difference between Kenya and Zimbabwe which is on the forefront is that Kenya's ethnic society consists of numerous more ethnic groups than in Zimbabwe. Kenya knows 42 ethnic groups; Zimbabwe on the other hand only two major groups, the Mashona and Ndebele. In Kenya, as discussed, no single ethnic group forms more than one quarter of all Kenyans. In Zimbabwe, in contrast, the Mashona consists of 75 percent of the Zimbabwean population, whereas the Ndebele consists of 20 percent of all Zimbabweans. Kenya's colonial legacy with regards to the white settlers has had a great influence on ethnic conflicts. In Zimbabwe, the colonial legacy of white settlers is no different, albeit in contemporary Zimbabwe, it is still very present.

In Zimbabwe, President Mugabe is the only president since independence; he is Shona. In Kenya, however, the powers have shifted somewhat between the different ethnic groups. See Table 6 for specifications.

Table 6: Kenya Elections and Multi-Ethnic Party Coalitions, 1963 – 2007

President	Election	Party and Main Ethnic Coalitions	Impact on Democracy/Stability
Jomo Kenyatta	1963 1969 1974	KANU (Kikuyu and Luo (Kikuyu, Kalenjin)	Victory, Relative stability Authoritarianism, Relative Stability
Daniel arap Moi	1979 1983 1988 1992 1997	KANU (Kalenjin, Kikuyu, Luhya) KANU (Kalenjin) KANU KANU (KAMUTUSA) KANU (KAMUTUSA)	Legitimacy and Relative Stability Authoritarianism and Resistance Post-election violence and Instability Election Violence and Instability
Mwai Kibaki	2002 2007	NARC (Kikuyu, Luo, Luhya) PNU (Kikuyu/Embu Meru, Luhya (Bukusu), Kisii)	Victory over KANU and post-election stability Post-election violence and instability

(Source: Kagwanja and Southall, 2009:259)

The difference can thus be found in the number of ethnic groups and the numbers in members of the different ethnic groups. The similarities between Kenya and Zimbabwe on ethnic electoral violence are however more prominent.

As mentioned, colonizers in both the case of Kenya as Zimbabwe took the most fertile land, which caused the loss of land, business and home for numerous Africans. This in turn caused tensions and conflict between ethnic groups who were disowned of their land, in search of new fertile land.

The electoral violence in 2007-2008 was certainly not the first clash in the history of Kenya and it is therefore argued that the violent conflict was the result of deep-rooted historical ethnic tensions. In 1992, the Maasai heavily clashed with Kikuyu immigrants and in 1997 in Likoni, in the Mombasa district, Coastal youths attacked non-indigenous residents, leaving approximately 100 dead and 100,000 misplaced (Kagwanja and Southall, 2009:269).

In Zimbabwe, the ethnic situation is somewhat different. First of all, Zimbabwe has two larger ethnic groups with no real violent past. Second of all, the true ethnic conflict lay between the white and African populations. In Kenya, clearly there also were white settlers; however, the percentage of white settlers – farmers – which remained in Zimbabwe, and who actually hardly can be called settlers as they simply were born into the next generation in Zimbabwe, is much higher than in Kenya. In Kenya, there never was a policy to ‘remove’ the remaining white settlers. President Mugabe’s Land-reform Act however, which for a large part is responsible for the economic crisis, was directly aimed at whites. Nevertheless, two cases of ethnic ‘cleansing’ – to put it bluntly – are recorded in Zimbabwe’s history. As mentioned, the first is the Matabeleland Massacres, or as it is better known, *Gukurahundi*, aimed at alleged dissidents and supporters of the then-called ZAPU, Mugabe’s main opposition party at the time. Secondly, the brutal Land Reform Act against the whites. Additionally, although not purely ethnical, the latest political violence stems from an operation called *Mavhoterapapi*, meaning ‘who did you vote for’.

Ethnicity is in many cases, and certainly the case of Kenya and Zimbabwe, an underlying factor for electoral violence. In Kenya it even turned into ethnic party politics. It is widely known that every ethnic group wants to be represented in government; not only because of loyalty, but prominently out of the fact that many African democracies still adhere to the concept of favouritism. The president’s ethnic group has more than once been proven to receive preferential treatments with highly economic benefits. Part of the ethnic clashes stem from the fact that members of the same ethnic group as the man in power were often unethically given or allowed to use land at the expense of other ethnic groups. The main

victims or profiteers, whichever one applies, have been the Kikuyu, Maasai, Luo and Kalenjins. The main ethnic groups involved in the post-election violence were the Kikuyu, Luo and Kalenjin.

The 'art' of African politics is therefore in many cases formulaic in the sense that once in power 'the success or failure of the incumbent president, and indeed the legitimacy and stability of their governments, have largely been measured against their ability to cultivate and maintain the support of a broad, multi-ethnic group' (Kagwanja and Southall, 2009:267). In the case of Zimbabwe, it seems as if President Mugabe is suffering from a severe addiction to his power combined with grievances towards the white population. The 2000 referendum for constitutional change introduced by President Mugabe was voted against. Not only did this mean a great loss of popular support for President Mugabe, it had a double effect as the 'no campaign' led by the opposition was largely funded and partly organized by whites, his old enemies. The sequence of violence was directly aimed at this. As the funding came from the whites who gained their wealth from farming, they were the target and President Mugabe would go as far as devastating the economy to destroy the people who had dared to oppose him. He aimed at the source of their political power: money. In other words, he sent his 'war-veterans' and plundered, beat, burned, and killed farmers and their farms. Where exactly the hate for whites stems from is unclear. Zimbabwe has acres and acres of highly fertile land; this could have been appointed to the Africans. It has therefore been unnecessary to re-claim highly successful farms. Dowden describes President Mugabe's opposition to the West as complicated and a combination for the longing of belonging to the British civilization and being an Africa. Dowden writes, 'Mugabe has not gone mad. Nor was he always bad. He is a complicated schizophrenic man, driven both by respect for the Western mentality for logic and order and a passionate sense of injustice and rejection by whites'

(Dowden, 2009:145-146). In any case, in 2000, President Mugabe added clauses to the newly drafted constitution allowing the government to seize land without compensation. The Zimbabwean economy as a consequence collapsed bit by bit. The harsh economic circumstances drove out millions of Zimbabweans and accelerated the hope and wish for a new leader. President Mugabe, as he has stated on numerous occasions, is highly unlikely to surrender through losing in elections, or through anything for that matter.

Ethnicity is a structural cause of violence, especially, but not only, during elections in Africa. The cases of Kenya and Zimbabwe, albeit in a slightly different form, have proven the seriousness of deeply rooted, historically created, negative feelings and tensions between

ethnic groups. The fact that favouritism is high on the agenda of the governing elite also creates a fragile and explosive situation.

5.9 Causal Factors: Further Analysis

So far this thesis has mainly focused on Kenya and Zimbabwe and the causal factors of violence. However, another subject a bit more below the surface is regarding the *African* struggle with elections in particular. It is highly acknowledged that no country in Africa represents the whole continent. Kenya and Zimbabwe on their own are different countries, let alone comparing Libya to South Africa, or finding similarities between Angola and Egypt. One thing is a common feature; the majority of Africa gained independence in the 1960s and the transition to democracies in Africa started in the 1990s. One further fact is that African elections are generally characterized by violence. There are exceptions to the rule; however, recent elections actually indicate a resurgence of violence surrounding elections. The most recent one in Nigeria has proven the volatility of African societies. Table 7 presents an extensive overview of numerous African countries that held elections and Leonard studied the possible attributes to an election which could reduce election-related violence.

Table 7: Evidence of Electoral Process Attributes that help to Reduce Election-Related Violence

	Attribute	Confirming evidence: Present with Positive impact	Confirming evidence: Absent with negative impact	Other supporting evidence	Disconfirming evidence
1	'Free and Fair' elections	Namibia Burundi Ghana South Africa	Kenya 2007 Nigeria 2007		<i>Absent but no violence:</i> Mozambique 2005 Rwanda 2008 <i>Present but some violence:</i> Sierra- Leone 2007
2	Long term international assistance and pressure on electoral processes	Burundi DRC Liberia Mozambique	Zimbabwe 2008	Collier 2007, 2009 Lindberg 2006, 2009 Leonard & Straus 2003	<i>Present but violence:</i> Kenya 2007 Nigeria 2007
3	Cooperation with international electoral support missions	Sierra Leone 2007 DRC 2007 Ghana 2006	Kenya 2007 Nigeria 2007 Zimbabwe		

		Liberia 2005	2008		
4	Independence in the electoral management body (EMB)	Botswana 2006 DRC 2007	Kenya 2007		
5	Independent and fair delimitation of constituency boundaries	Mozambique 2005	DRC 2007 Kenya 2007 Nigeria 2007 mixed		
6	Independent, speedy and substantively just adjudication of electoral disputes	DRC		Leonard 2009	
7	Comprehensive and non-fraudulent voter registration	DRC 2007		Reilly 2001	
8	Effective Monitoring and regulation of the media to prevent incitement	Sierra Leone 2007	Kenya 2007		
9	Monitoring of political party activity to dissuade incitement to violence and mediate non-electoral disputes	Sierra Leone 2007	Nigeria 2007 Zimbabwe 2008		
10	Non-partisan and effective policing of the voting process and the integrity of the ballot	Ghana 2005 Sierra Leone 2007	Nigeria 2007 Zimbabwe 2008		
11	Local pre-election peace committees	Ghana 2005	Kenya 2007		
12	An electoral system that is resilient to polling station fraud		Kenya 2007 Nigeria 2007 Sierra Leone 2007	Molino 2006	
13	An electoral system that gives minority groups 'fair' representation				
14	Non-partisan armed forces	Kenya 2007 Liberia 2005 Sierra Leone 2007	DRC 2007	Collier 2007	Botswana Lindberg 2006, 2009

15	Pre-election disarming of combatant groups seeking political power	Sierra Leone 2002,2007 Liberia 2005	DRC 2007 Angola		
16	Assurance that the loser will have a fair chance to contest again	Mozambique	Angola Sudan		
17	Protection into the future of the rights of minorities and losers	Burundi 2005			

Source: Leonard, in Matlosa et al, 2009:46-47

This study clarifies certain aspects about election violence in numerous African countries. Aside from the cases of Kenya and Zimbabwe, it highlights that Namibia, Burundi, Ghana and South Africa kept peace as they conducted free and fair elections. International assistance deemed positive outcomes in the cases of Burundi, Democratic Republic of the Congo (DRC), Liberia and Mozambique. Furthermore, independence of the electoral management body proved beneficial in Botswana and DRC and proved to have a negative impact where absent, such as in Kenya. Also, the assurance that losers will have a fair chance to contest again proved important in Mozambique, Angola and Sudan. Lastly, effective monitoring and regulation of the media to prevent incitement proved crucial in Sierra Leone and Kenya.

The above illustrates that electoral violence occurs throughout the continent. Kenya and Zimbabwe, also showing in the above table, share similarities in the factors causing election violence. The colonial legacy seems to have been a great contributor to contemporary conflict; not only because of the ethnic tensions this created over land, but also due to the poor political states the colonizers left the respective countries at independence. The transition to democracies has not been successfully implemented, causing a lack of legitimacy and transparency. Additionally, socio-economic circumstances in both Kenya and Zimbabwe are underdeveloped, which in turn is troublesome for the development of democracy. The following concluding chapter will further elaborate on this.

Chapter Six: Conclusion

Election-related violence is increasingly common in the 21st century, as are democratic regimes. Over the past 15 or so years, Africa has been engaged in building its democratic institutions and progress has been made. Nonetheless, the last several years have demonstrated the harsh consequences that the failure of democratic processes can have. The brutal violence during the 2011 elections in Nigeria is the latest example of the tremendous impact that poorly conducted elections can have on a society. Even though elections form only a part of a democratic regime, they are one of the fundamentals of a democracy.

This thesis has researched the possible causal factors behind election violence through examining and comparing Kenya's 2007 presidential and parliamentary elections and Zimbabwe's 2008 presidential and parliamentary elections. The specific research question is *Why have presidential elections yielded so much violence in Africa in particular?* Five specific factors were pointed out as guidelines to conduct the research: 1) free and fair elections, 2) political/electoral system, 3) international assistance, 4) socio-economic factors, and 5) ethnicity. The main aim was to find out if there are causal factors behind election-related violence.

A typology was presented with Khadiagala's framework as a basis, that being electoral violence as a result of broader political conflicts and electoral violence as a result of imperfect electoral rules. Two additional features were classified; that being the timing or pre-election, election day and post-election violence, and the influence of international assistance. This conclusion will now discuss which one of these two classifications weighed the most, and which one of these were featured more prominently as causal factors in election violence.

First it is specifically mentioned that the 21st century election violence is heavy, partly due to the realization of the people that countries are being deprived of free and fair elections. It is not argued that this is a sole factor contributing to the violence, it is merely emphasized that in contemporary Africa, it seems as if people are fed up with stolen elections and they are demanding the free and fair conduct of elections. This is most likely related to the overall higher level of educated people than 20 years ago, but also the media and international knowledge plays a major role in the critical judgment of the people.

Second, when evaluating the history of Kenya and Zimbabwe, a few similarities are noted which find relation to the respective election violence. Both countries are former British colonies and both countries suffer from the, then established, land distribution. The white

settlers took the most fertile land from the indigenous people. The consequence was two-fold. Firstly, the people whose land was taken severely slowed down in development. They had to start over again somewhere else, with possibly less fertile land. Secondly, as they had to move on, they clashed with other people who had established their own farms and communities on other land. Deeper social cleavages had thus already started to develop.

Another legacy of the colonial rule is the little involvement that the indigenous people were allowed in political affairs. Directly related to electoral violence here, is the fact that before independence the people hardly knew or hardly had any experience in governing a country. This had been done 'for them' for decades. Not only was a new system introduced, the lack of knowledge on governing has also caused flaws in the system.

The first causal factor discussed was free and fair elections. In both Kenya and Zimbabwe the elections were not free and fair. Both in Kenya and in Zimbabwe, suspicious activity was noticed in all three phases of the election. The pre-election period was marked by unfair distribution of broadcasting time in Zimbabwe and the use of state resources in Kenya. One difference which must be noted is the freedom of speech. This was highly more tolerated in Kenya than in Zimbabwe. Zimbabwe's pre-election climate was way more violent than Kenya's. Although Kenya had not presented a transparent campaigning period and there are doubts on the freeness and fairness, violence was kept to a minimum. In Zimbabwe on the other hand, the intimidation by the ruling party towards both the voters as well as the opposition party of Morgan Tsvangirai was extremely high. On election day itself, both countries were marked by serious flaws in the system, but no true violence occurred during the casting of votes. The post-election period, however, was heavily violent. In Zimbabwe, the heavy delay of five weeks before announcing the results indicates serious rigging. Nevertheless, the difference to Kenya is, in Zimbabwe a run-off was announced and from that moment on the government initiated heavily violent campaigns to still win the run-off. The consequence was the withdrawal of opposition leader Morgan Tsvangirai as he witnessed the violence. This was thus more a top-down sequence of violence. In Kenya, the case is different. Minutes after the announcement of results, extreme violence broke out with specific ethnic groups as actors and targets. The only conclusion which can be drawn here is that Kenya's violence was not completely aimed at flawed elections; the elections were merely a triggering factor for underlying broader ethnic and political conflict. The conclusion regarding Zimbabwe is somewhat more complicated as the violence mainly came from the government. It is difficult to classify into one of the two categories this thesis has suggested

as it seems as if President Mugabe struggles with deep historical and political issues mostly regarding 'his' land. The Zimbabwean people became the victim of imperfect electoral rules as 47.9 percent of Zimbabweans voted for Morgan Tsvangirai in the first round, after which President Mugabe announced run-off elections. The withdrawal of Morgan Tsvangirai due to uncontrollable governmental violence provided President Mugabe a staggering 90.22 percent win in the run-off elections. There is no arguing with these raw statistics; they indicate the flaws of the Zimbabwean system.

Directly connected to this is the factor of political and electoral systems. In theory, both systems are fully accepted democratic systems and have full competency of proper functioning. In reality, both systems have shown severe flaws and the legal frameworks are lacking in legitimacy. In Kenya for example the length of the campaigning period is not regulated; in Zimbabwe the level of transparency is low. Most importantly maybe, the fact that neither Kenya nor Zimbabwe have implemented clear and functioning regulations to possible conflict resolution when/if election-related violence is likely to break out. This is considered a major causal factor for both Zimbabwe and Kenya. Fischer's statement is accurate in this case as he says, 'an electoral process is an alternative to violence as it is a means of achieving governance. It is when an electoral process is perceived as unfair, unresponsive, or corrupt, that its political legitimacy is compromised and stakeholders are motivated to go outside the established norms to achieve their objectives. Electoral conflict and violence become tactics in political competition. Violence is not a result of an electoral process, it is rather the breakdown of an electoral process (Fischer, 2002:2).

Khadiagala's fourth wave of democratization in Africa is once again repeated here. The further strengthening, legitimizing and deepening of the African democratic institutions and systems are needed in order to further prevent electoral violence. The fact that both in Kenya and in Zimbabwe the systems show these errors and flaws, and the fact that both countries experienced heavy violence, connects the two and concluded is that this factor most certainly is a causal one.

Through the use of international assistance, African countries could further strengthen their systems. Whether international assistance is a factor of electoral violence, or rather a preventative factor, is now discussed. In the case of Zimbabwe, international assistance was highly limited. In the case of Kenya it was present, although with a few limitations; the observers overall got insight into most of the process. The fact that both countries

experienced violence leaves to conclude that this is not a causal factor of election violence. If anything, this factor could only be embraced by countries to strengthen their democracy. However, as most African leaders hang on to their power, and especially because of fear of change and losing, keep away from any form of assistance. It is as Smith argues, ‘violence is due to a lack of constitutional and institutional reform since the introduction of multiparty politics in the early 1990s. Electoral procedures have heightened the stakes of politics and therefore led to significant and escalating political violence (Smith, 2009:867). Exactly due to these heightened stakes of politics, the leading authority would rather keep out the international community then take up their advice and risk losing their position. So even though international assistance could only strengthen democracies leading to more free and fair elections without violence, the presence at the time of elections still seems to have little influence on the outbreak of violence.

Regarding the socio-economic conditions and its relation to electoral violence, the following remarks are in place. It is, again, hard to determine whether or not it is a causal factor behind election-related violence as this factor might not explicitly relate to elections. Poverty, a lack of education and diseases are, for example, all factors that are related to government policy making. It has been discussed that both Kenya and Zimbabwe suffer from poor socio-economic circumstances. In Zimbabwe this can directly be linked to President Mugabe’s poor land distribution act. In Kenya, efforts have been made with a certain level of success; however, it is also discussed that the country’s leaders are engaged in corrupt businesses. The obvious relation between socio-economic circumstances and election-related violence can be found in the ‘choice’ by the people for a new leader with the hope of improving living conditions. A new government will implement fresh and new policies to improve the country’s status and in that sense, when the current president is re-elected, people might express their disappointment through violence. This is a vicious circle as the analysis has indicated, a true democracy – which in turn is less prone to violence – can only be further consolidated when a middle class is established. Before concluding remarks will be made, ethnicity will be discussed as these factors turn out to be highly interlinked.

This link is predominantly found when looking at the colonial history and the accompanying ethnic marginalization. As discussed, the economic development of the indigenous people of both Kenya and Zimbabwe stagnated considerably with the arrival of the colonizers. Additionally, ethnic clashes occurred over land as they were expelled from their own land

and went in a search of new land. The Kenyan ethnic composition is highly different from Zimbabwe, with Kenya having many more different ethnicities. It is fair to conclude that much of the underlying factors behind the electoral violence in Kenya were related to ethnic rivalry.

In Zimbabwe, on the other hand, with only two major ethnic groups, the ethnic conflict was less the issue as this, to put it bluntly, was already dealt with during the so-called Gukurahundi. If any racial issues exist, it is more and more obvious that it is President Mugabe's discontent towards the white population in Zimbabwe. Clearly, it has played a role in Zimbabwe, but it was not as dominantly present as in Kenya. Remarkable in Kenya is that it was not necessarily just the population itself which felt these conflictive feelings towards each other, it was largely 'fed' by the leaders of the country. As Rutten and Owuor quote an anonymous Kenyan 'It would be a misreading of the situation to see the deep divisions among our people as a 'natural' outcome of endemic 'tribalism'. Instead, our power-hungry leaders stirred up and used tribal sentiment when they found it convenient to do so' (Rutten and Owuor, 2008:313). Both socio-economic factors and ethnicity are considered causal factors to election violence. It is a clear part of the first classification being that it is a part of broader political conflicts.

Having evaluated the factors, the first and second categories of the typology seem utterly related. 'In the first order of causes, electoral violence is the outcome of events and circumstances that emanate from broader political conflicts, particularly in societies that are beset by ethnic, communal and sectarian fissures. In the second category, electoral violence is a consequence of imperfect electoral rules; imperfections that allow some parties to manipulate elections through electoral fraud, vote buying and rigging' (Khadiagala, 2010:17).

The heavy burdens history has put on Kenyans and Zimbabweans are recalled during the times of elections. As seen in Kenya, 95 percent of Luo – Odinga's ethnic background – did not think of the elections as free and fair. However, 67 percent of Kikuyu judged them to be honest. With opinions this strong and this far apart, it is clear that the factors behind the extreme violence in Kenya were a mix between ethnic marginalization and a flawed electoral system.

Zimbabwe's legacy of colonialism and the cruel land-reforms show the broad political conflict of the country. Additionally, the fact that an almost 50-50 division of the votes cast turned into a 90.22 percent win for President Mugabe indicates severe flaws in the electoral system.

Africa's potential to establish solid and peaceful democracies is enormous. With explosions such as Kenya and Zimbabwe's violence, and more recently, Nigeria's extreme election violence, doubt is presented as to whether or not Africa can ever get there. However, Africa's transition process has been a hasty one and an enforced one. More attention needs to be given to the rules and regulations of a democracy. The connection between social and economic differences to the electoral system recognizes that further deepening and strengthening of the democratic institutions needs to become a reality. Even though a democracy may not unite all different people, it will provide for a climate in which everybody can live together peacefully.

7. Bibliography

7.1 Books

Abbink, J. & Hesselning, G. 2000. *Election Observation and Democratization in Africa*. St. Martin's Press, INC. New York.

Basedau, M., Erdmann, G. and Mehler, A. 2007. *Votes, Money and Violence. Political Parties and Elections in Sub-Saharan Africa*. Nordiska Afrikainstitutet, Sweden. University of Kwazulu-Natal Press, South Africa.

Berg-Schlosser, D. 1990. *Political Stability and Development: A Comparative Analysis of Kenya, Tanzania and Uganda*.

Collier, P. 2011. *Conflict, Political Accountability and Aid*. Taylor and Francis Group.

Collier, P. 2009. *Wars, Guns, and Votes: Democracy in Dangerous Places*. New York: HarperCollins Publishers.

Cowen, M. & Laakso, L. 2002. *Multi-Party Elections in Africa*. Palgrave: New York.

Dowden, R. 2009. *Africa. Altered States, Ordinary Miracles*. London: Portobello Books

Francis, D.J. 2008. *Peace and Conflict in Africa*. New York: Zed Books.

Friedrich Ebert Stiftung and Centre for Conflict research. 2001. *Political and Electoral Violence in East Africa*. Nairobi.

Gifford, P. 2009. *Christianity, Politics, and Public Life in Kenya*. Columbia: Columbia University Press.

Huntington, S. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Oklahoma: University of Oklahoma Press.

Kabongo, I. 1986. *Democracy in Africa: hopes and prospects*. In D. Ronen: *Democracy and Pluralism in Africa*. Boulder.

Matlosa, K., Khadiagala, G. & Shale, V. 2010. *When Elephants Fight*. EISA Johannesburg.

Mbeki, M. 2001. *Advocates for Change. How to Overcome Africa's Challenges*. Picador Africa: Johannesburg

Muigai, G. 1995. Ethnicity and the Renewal of Competitive Politics in Kenya. In *Ethnic Conflict and Democratization in Africa*. Atlanta: African Studies Association.

Murunga, G.R. *Kenya: The Struggle for Democracy. Africa in the New Millennium*

Njogu, K. *Healing the Wound. Personal Narratives about the 2007 Post-Election Violence in Kenya*.

Ogot, B. 1996. The Decisive Years 1956-63. In *Decolonization and Independence in Kenya 1940-93*. Nairobi: East African Educational Publishers.

7.2 Articles

Anderson, D.M. 2002. Vigilantes, violence and the politics of public order in Kenya. *African Affairs*. Volume 101. Issue 405. pp. 531-555.

Asiimwe, A. 2011. Museveni in full charge...for now? *NewAfrican*. Volume 45. Issue 505. P. 32.

Cheeseman, N. 2008. The Kenyan Elections of 2007: An Introduction. *Journal of Eastern African Studies*. Volume 2, Issue 2. pp 166 – 184.

Cheeseman, N. & Branch, D. 2008. Democratization, sequencing, and state failure in Africa: lessons from Kenya. *African Affairs*. Volume 108. Issue 430. pp 1-26.

- Dersso, S.A. 2008. The 2007 Post-election Crisis in Kenya as a Crisis of State Institutions. *African Renaissance*. Volume 5. Issue 3&4. pp. 21-31.
- Elklit, J. & Svensson, P. 1997. What Makes Elections Free and Fair? *Journal of Democracy*. Volume 8. Issue 3. pp. 32-46
- European Union. 2008. Election Observation Mission, Preliminary Statement. *Doubts about the Credibility of the Presidential Results Hamper Kenya's Democratic Progress*. Nairobi.
- Herbst, J. 2001. *Review: Political Liberalization in Africa after Ten Years*. *Comparative Politics*. Volume 33. Issue 3.
- Höglund, K. 2009. Electoral Violence in Conflict-Ridden Societies: Concepts, Causes, and Consequences. *Terrorism and Political Violence*. Volume 21. pp. 412-427
- Kagwanja, P. & Southall, R. 2009. Kenya's Uncertain Democracy: The Electoral Crisis of 2008. *Journal of Contemporary African Studies*. Volume 27. Issue 3.
- Mozaffar, S. & Schedler, A. 2002. *In When Elephants Fight, Preventing and Resolving Election Related Conflicts in Africa*. 2009. pp. 16-17.
- Rapoport, D.C. & Weinberg, L. 2000. *The Democratic Experience and Political Violence*. Routledge.
- Rutten, M. & Owuor, S. 2008. Weapons of Mass Destruction : Land, Ethnicity and the 2007 Elections in Kenya. *Journal of Contemporary African Studies*. Volume 27. Issue 3.
- Sisk, T.D. 2008. *Elections in fragile states: Between Voice and Violence*. Paper prepared for the International studies Association Annual Meeting, San Francisco, California, March 24-28, 2008.
- Smith, L. 2009. Explaining violence after recent elections in Ethiopia and Kenya. *Democratization*. Volume 16. Issue 5. pp 867 – 897

Sorrenson, M. 1968. *Origins of European Settlement in Kenya*. Nairobi: Oxford University Press.

Souaré, I. K. 2008. Electoral Violence and Post-Electoral Arrangements in Africa. *African Renaissance*. Volume 5 Issue 3 & 4.

7.3 Internet Sources

Ansell, A.E. 2008. *Operation 'Final Solution' in Post-Election Zimbabwe*. Retrieved from the World Wide Web on 14-10-2011: <http://concernedafricascholars.org/bulletin/79/ansell/>

Central Intelligence Agency. 2011. *The World Factbook. Kenya*. Retrieved from the World Wide Web on 21-07-2011: https://www.cia.gov/library/publications/the-world-factbook/geos/countrytemplate_ke.html

Central Intelligence Agency. 2011. *The World Factbook. Zimbabwe*. Retrieved from the World Wide Web on 29-07-2011: <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html>

Democratic Alliance. 2008. *Minority Report on the 2008 Zimbabwe Elections*. Retrieved from the World Wide Web on 28-07-2011:
http://www.da.org.za/docs/661/ZimMinority%20Report_document.pdf

Fischer, J. 2002. *IFES White Paper: Electoral Conflict and Violence*. Retrieved from the World Wide Web on 19-04-2011:
<http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan019255.pdf>

Mwagiru, M. Friedrich Ebert Stiftung & Centre for Conflict Research. 2001. *Political and Electoral Violence in East Africa*. Retrieved from the World Wide Web on 20-04-2011:
<http://library.fes.de/pdf-files/bueros/kenia/01398.pdf>

Human Rights Watch. 2011. *Nigeria: Post-Election Violence Killed 800*. Retrieved from the World Wide Web on 13-09-2011: <http://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800>

International Crisis Group. 2004. *Blood and Soil. Land, Politics and Conflict Prevention in Zimbabwe and South Africa*. Retrieved from the World Wide Web on 28-07-2011: http://www.crisisgroup.org/en/regions/africa/southern-africa/~media/Files/africa/southern-africa/Blood%20and%20Soil/contents_foreword_and_executive_summary.ashx

International Crisis Group. 2011. *Zimbabwe Conflict History*. Retrieved from the World Wide Web on 30-07-2011: <http://www.crisisgroup.org/en/key-issues/research-resources/conflict-histories/zimbabwe.aspx>

KEDOF. 2007. *Preliminary Press Statement and Verdict of 2007 Kenya's General Elections*. Retrieved from the World Wide Web on 28-06-2011: <http://kenyastockholm.files.wordpress.com/2008/01/kedof-statement-31-12-07.pdf>

Kriegler & Waki. 2009. *Kriegler and Waki Reports on 2007 Elections*. Retrieved from the World Wide Web on 15-07-2011: http://www.kas.de/wf/doc/kas_16094-1522-1-30.pdf?090428105013

McGreal, C. 2008. The Guardian. *Tsvangirai: Vote Mugabe to Stay Alive*. Retrieved from the World Wide Web on 29-07-2011: www.guardian.co.uk/world/2008/jun/27/zimbabwe1

MiningMX. Sapa Reporter. 2010. *Zimbabwe lays out 51% ownership Law*. Retrieved from the World Wide Web on 14-10-2011: <http://www.miningmx.com/news/markets/Zimbabwe-lays-out-51pct-ownership-law.htm>

Ploch, L. 2008. *Zimbabwe: 2008 Elections and Implications for U.S. Policy*. Retrieved from the World Wide Web on 02-07-2011: <http://fpc.state.gov/documents/organization/106142.pdf>

Rhenault, M., & Tortora, B. 2008. *Kenyans Put National Identity Before Ethnicity*. Retrieved from the World Wide Web on 20-04-2011: <http://www.gallup.com/poll/113035/kenyans-put-national-identity-before-ethnicity.aspx>

Roberts, M. 2009. *Conflict Analysis of the 2007 Post-election Violence in Kenya*. Retrieved from the World Wide Web on 20-04-2011: http://www.ndpmetrics.com/papers/Kenya_Conflict_2007.pdf

Stasavage, D. 2005. *Democracy and Education*. Retrieved from the World Wide Web on 01-08-2011: <http://www.dfid.gov.uk/r4d/PDF/Outputs/IDS/Education4-democracy.pdf>

Tlakula, P. 2011. Promoting Free and Fair Elections. Retrieved from the World Wide Web on 26-07-2011: www.elections.org.za/content/WorkArea/DownloadAsset.aspx?id=1828

Tran, M. 2008. The Guardian. *Mugabe's opponents 'forced to eat election posters'*. Retrieved from the World Wide Web on 28-07-2011:
<http://www.guardian.co.uk/world/2008/mar/26/zimbabwe1>

Tsvangirai, M. 2008. *Presidential Run-Off Election Scheduled for the 27th June 2008*. Retrieved from the World Wide Web on 27-07-2011:
<http://www.eisa.org.za/PDF/zimmt200806.pdf>

United Nations. 2011. *Department of Political Affairs. Types of Assistance*. Retrieved from the World Wide Web on 027-07-2011:
http://www.un.org/wcm/content/site/undpa/main/issues/elections/types_of_assistance

United Nations. Tibaijuka, A.K. 2005. *Report of the Fact-Finding Mission to Zimbabwe to assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlements Issues in Zimbabwe*. Retrieved from the World Wide Web on 14-10-2011:
<http://ww2.unhabitat.org/documents/ZimbabweReport.pdf>

United Nations Development Programme. 2008. *Elections and Conflict Prevention. A Guide to Analysis, Planning and Programming*. Retrieved from the world wide web on 05-08-2011:
http://www.undp.org/publications/Elections_and_Conflict_Prevention.pdf

United Nations Development Programme. 2008. *Media and Elections in Kenya*. Retrieved from the World Wide Web on 17-07-2011:
<http://mirror.undp.org/kenya/mediaandelections.htm>

United States Department of State. 2011. *Background Note: Zimbabwe*. Retrieved from the World Wide Web on 30-07-2011: <http://www.state.gov/r/pa/ei/bgn/5479.htm>

Williams, D. 2008. *Mugabe Sends Out Heavy Mob to Intimidate Voters as Party Announces Run-Off Elections*. Retrieved from the World Wide Web on 29-07-2011:

<http://www.dailymail.co.uk/news/article-556489/Mugabe-sends-heavy-mob-intimidate-voters-party-announces-runoff-election.html#ixzz1UQdqSTVm>

Zimbabwe Election Support Network. *Promoting Democratic Elections in Zimbabwe*.

Retrieved from the World Wide Web on 28-07-2011: <http://www.zesn.org.zw/>