

Full Length Research Paper

Do the people have faith in electoral democracy? Lessons from Kenyan 2007 presidential elections

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Accepted 06 January, 2009

This paper seeks to examine the concept of mandate protection, its challenges and impact in building and strengthening electoral democracy in Kenya. It is the contention of this paper that in situations where citizens' voice and choices are systematically negated communities have no alternative but to rise in resistance to protect the sanctity of their electoral mandates in a "non-violent" manner. It argues further that the conduct of controversial elections can reduce citizens' confidence in the electoral process and cast a shadow on the legitimacy of the electoral outcome as evident in the pervasive violence that was witnessed in Kenya after the 2007 elections. Mandate protection is essentially about the will of the people and it is a function of power relations. The balance of power in the polity determines how much space and access the people can have in the protection and defense of their interests. In the case of Kenya, violence as a viable option became inevitable in the power calculus as it relates to the balance of political power between the PNU and the ODM led by Mwai Kibaki and Raila Odinga respectively. In the final analysis of this paper we contend that the use of violence as part of a political bargaining process among other important instruments, when options become limited in confrontational politics is politically efficacious as a result of the power sharing agreement between the PNU and the ODM.

Key words: Elections, democracy, mandate protection, power sharing.

INTRODUCTION

The Kenyan elections of 27th December 2007 raised four sorts of questions. Would the electoral process be free, fair and transparent? Would the outcome be broadly accepted or rather strongly disputed? Why did one of East Africa's most stable and prosperous countries descend into political violence as fallout of a deeply flawed election? To what extent would ethnic and religious identities be manipulated and mobilized as a tool for determining electoral outcome? The above questions are concerned with whether or not the elections would advance, delay or even reverse democratic progress; whether it would weaken or strengthen governmental accountability; whether the development of civil society and its participation would be fostered or not. In our attempt to respond to these myriad of question we may have to critically examine the dynamics of the electoral process especially in the run up of the general elections and beyond.

In every plural society, there are some groups who believe they are marginalized or neglected by the political

establishment when it comes to participation in governance. Without genuine political competition, in which there is a realistic chance that power can change hands according to the will of the electorate, the fundamentals of electoral democracy is undermined. In this sense, in circumstances where electoral choice is flawed, their sense of exclusion increases and they become more confrontational in their approach to politics. There is no doubt that flawed elections threaten the political stability of a nation, but the successful effort to stage a credible election helps to restore confidence in the political system. A close look at the December elections reveals the persistence of formidable obstacles to democratic consolidation, which were premised on the manipulation and mobilization of citizens along ethnic fault lines. The pattern of ethno-regional voting was at least in part, a reflection of the political parties' decision to play the ethnic card. These were done in very disturbing ways, following the unprecedented wave of violence that characterised the aftermath of the elections.

This article examines the electoral process in Kenya from independence to date in terms of the consequence of ethnic politics on democratic consolidation in Kenya. It shows how ethnic cleavages and mobilisation were used as tools for mandate protection as well as seeking electoral mandates across ethnic fault-lines. The article further assesses the role of the elections management body and the judiciary in the run up to the 2007 Presidential elections and beyond, as well as demonstrates how the logics of political competition created incentives for the political class to emphasise different kinds of ethnic identities in Kenya's multiparty democracy. Above all, it makes some policy recommendations in terms of restoring faith in Kenya's electoral democracy.

An overview of Kenyan electoral process from independence

Ethnic nationalism is not entirely a new phenomenon in the politics of most states in Post-colonial Africa, especially in states that are heterogeneous in character. What is rather new is the nature and character of its resurgence as a result of the militant posture of ethnic groups consequently leading to armed conflicts of monumental proportions and consequences.

Kenya emerged from independence as a one party state with a dominant president, Jomo Kenyatta. Several factors are attributable to the consolidation of political power by Kenyatta. These include among other factors: his ability and capacity to captivate mass audiences as a nationalist leader; the political prudence and tactical competence' of Kenyatta in first declaring a republic in 1964 after KANU's election victory in the 1963 elections; Kenyatta centralized political power in the person and office of the President, a situation reinforced by the fact that the President of the country was also the head of the ruling party. The declaration of a republic in 1964 meant that Kenyatta was able to reduce the power promised to the regions, which he firmly believed would militate against the creation of a national identity (Mwaura, 1997). This further deepened the politics of denial and exclusion that characterized the electoral process in Kenya from independence to date (Oyugi, 1997).

Kenyan politics follows a trend quite common in Africa. The country started its independence with a hurriedly negotiated multi-party system between the nationalists and the departing imperial power that could not withstand the homogenizing imperatives of nationalism and the intoxicating and intolerant demands of *uhuru*-nation-building, development, and democratization. Before long, Kenya joined the African bandwagon towards the one-party state. It became a de facto one-party state as the pre-independence opposition party KADU folded voluntarily into the ruling KANU in 1964, while the post-independence radical Kenya People's Union founded in 1966 by former vice-president Oginga Odinga, the father

of the ODM leader, was violently suppressed.

At this juncture one is tempted to ask; how and when did ethnicity become such an important factor in Kenyan politics? In fact, from Independence in 1963 under the leadership of Kenyatta, ethnic maneuvering and mobilization has been an instrument for power politics in Kenya (Munene, 2003). PTZezela summed the above scenario this way;

"Ethnicity in Kenya is tied in complex and contradictory ways to the enduring legacies of uneven regional development. During colonial rule Central Kenya, the homeland of the Kikuyu, became the heartland of the settler economy, while Nyanza, the Luo homeland, languished as a labor reserve that furnished both unskilled and educated labor to the centers of colonial capitalism. Not surprisingly, the Kikuyu bore the brunt of colonial capitalist dispossession and socialization, and were in the vanguard of the nationalist struggles that led to decolonization and they came to dominate the post-colonial state and economy. Capitalist development and centralization of power reinforced domination of the Kenyan economy by the Central Province and the Kikuyu, a process that withstood the twenty-four year reign of President Moi, a Kalenjin from the Rift Valley, and was reinvigorated under President Kibaki's administration.

Central Province and Kikuyu dominance of Kenya's political economy bred resentment from other regions and ethnic groups. It fed into constitutional debates about presidential and political centralization of power, and the regional redistribution of resources that dominated Kenyan politics until 2005 when the draft constitution supported by the President and Parliament was rejected in a referendum. The ODM was born in the highly politicized maelstrom of the run up to the referendum (PTZezela's article titled "The 2007 Kenyan Elections: Holding a Nation Hostage to a Bankrupt Political Class" on December 31st 2007 at www.zezela.com).

The mobilization of ethnic identities as forms of political participation

A central feature of the post-colonial State and society in Kenya is its fragmentation along ethnic fault-lines. The consequences of the ethnicisation of power and politics in Kenya is the constriction of the political space, hardened ethnic suspicion, deepened mutual ethnic antagonisms and the reduction of politics to a zero-sum game (Jinadu, 2007a). The implication of the ethnicisation of power and electoral competition, as well as the challenge for the consolidation of electoral democracy and the future of the state as rightly observed by Jinadu (2007b) is that:

If the state is the hotly contested hegemonic electoral terrain, where ethnic conflict takes place and invariably assumes deadly dimensions, as evidenced in electoral

violence, we need to address the applied policy question of what modifications or alterations in the political and constitutional architecture of the state, including the administration of elections, are more appropriate than ones based on neo-liberal assumptions of possessive individualism to structure and direct ethnically-induced electoral violence to more manageable ends.

Politics in Kenya in the run up to the 2007 elections was no doubt influenced by ethnic concerns; voters, parties and policies were distinctly placed along ethnic cleavages. The incumbent, Mwai Kibaki, is Kikuyu and his main rival — who is the front-runner — Raila Odinga, is Luo. Thus, class is not the only reliable predictor of political loyalties and voting behavior even in the so-called developed countries. Far more powerful are the constructed identities of ethnicity or religion. In Kenya, ethnic identities have greater political salience than religious identities or class in determining who gets what, when and how. Elections in Kenya from 1992 to 2007 have shown how determined the political class is to cling to power not minding the cost implication to the political system (Young, 1999). Ethnic clashes are thus a product of manipulation from both sides of the political divide in order to settle scores of old hatred and rivalries.

Political acrimony across ethnic fault-lines in the run up to the 2007 elections and beyond was rooted and further influenced by deep-seated grievances, as well as economic and policy issues. The perception that certain ethnic groups have been discriminated against in terms of access to political power and equitable distribution of economic growth further heightened tension between the Kibaki led PNU supported by the Kikuyu and Odinga's ODM supported by the Luo (Romero et al., 2008). The reality of the situation with respect to the Kenyan political system reveals that the mobilization of ethnic identities, has brought negative forms of ethnicity to the forefront, to the extent that virtually everything came to be defined in terms of 'we' versus 'them' or the disruptive power of competing ethnicities (Olukoshi, 1999). The political parties and political class rely on this sort of mobilization as a vehicle for gaining legitimacy, to the extent that, it has become the most dominant negative feature of politics in Kenya. In fact, it is a great source of concern in terms of the future of democracy that rather than abating, this mobilization is a prominent platform for collective political bargain and mandate protection.

The extent politicians can go in mobilising ethnic identities was rightly capture thus;

Opposition leaders are right to challenge Kenya's rigged presidential poll, but they can't use it as an excuse for targeting ethnic groups...We have evidence that ODM politicians and local leaders actively fomented some post-election violence, and the authorities should investigate and make sure it stops now (Georgette Gagnon is the Acting Africa Director of Human Rights Watch, an American Non-Governmental Human Rights Organization).

As Diamond (1986) rightly observed too:

"In ethnically divided societies...elections...become not only the vehicle for protecting the general process of capitalist accumulation but also for promoting accumulation by one cultural section of the dominant class in competition with others. Thus, they become a major expression of ethnic conflict".

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Central Province and Kikuyu dominance of Kenya's political economy bred resentment from other regions and ethnic groups led by the Luo. It fed into constitutional debates about presidential and political centralization of power, and the regional redistribution of resources that dominated Kenyan politics until 2005 when the draft constitution supported by the President and Parliament was rejected in a referendum. The ODM was born in the highly politicized set up in the run up to the referendum. Indeed, the aftermath of the general elections in 2007 resulted in a protracted stalemate pitting Kibaki and his ruling party, the Party of National Union (PNU) coalition, against an increasingly cohesive opposition, the ODM led by Odinga. The controversy that surrounded the outcome of the elections in terms of who was the true winner of the elections was further compounded by the Chairperson of the Electoral Commission of Kenya who admitted that "he did "not know whether Mr. Kibaki won the elections" (This statement casted doubts about the credibility of the December 2007 elections in Kenya. International observers such as the European Union Electoral Mission expressed grave doubts about the legitimacy of the presidential elections).

In the last eight years, Kenya experienced advancement in democratic practice as well as economic growth. Worthy of note however is the fact that the marriage between democracy and development is yet to be realized or attained. The economic growth rates under President Kibaki resemble those in the early post-independence years under President Kenyatta. The difference is not only that neo-colonial capitalism of the Kenyatta era,

which had a nationalist face, has given way to contemporary neo-liberal capitalism, which has a neo-colonial soul, democracy has reconfigured old challenges and brought new ones that the society and state have yet to manage satisfactorily as amply demonstrated by the sordid events that unfolded in the aftermath of the elections.

The stalemate arising from the general elections might now be broken, but it is hard to predict whether it will give way to an increasingly intense struggle between Kibaki and his opponent - Odinga leading to wide-ranging negotiations. Negotiations, which were initiated by the former United Nations Secretary General, Kofi Anan and eventually led to a mutual acceptance by both parties, for the creation of the office of a Prime Minister under a power sharing agreement in order to accommodate Odinga and his legion of supporters.

Electoral violence and mandate protection: democracy at bay

All over Africa, the call and agitation for democracy has become loud and clear (Ake, 2001; Obi, 2008). Old political elites are being challenged, as shown in the case of Zimbabwe's Mugabe and Gaddafi's Libya to embrace liberal democracy as an ideal system of government. There is a serious call for accountability and new crop of alignments are being built, which demands for participation, social justice and transparency in concert with the underpinnings of democracy. No doubt democracy involves a commitment to a certain method of resolving conflicts as well as the adherence to constitutional provisions in terms of how leaders can either be elected or removed. As it was rightly observed about democracy;

"It is an institutional arrangement for arriving at political decisions in which individual acquire the power to decide by means of a competitive struggle for the people's votes" (Schumpeter, 1942)".

In his contribution, (Sartori, 1965) argued; "democracy can be seen as the power of the people and rule of the people".

The lessons to be drawn from the Kenyan experience with respect to electoral democracy during the 2007 elections is premised on the threat of the use of violence as a tool for bargaining among other important instruments. That is to say, violence was used to coerce, deter, intimidate or blackmail in socio-political bargaining. When options become limited in confrontational politics as evident in Kibaki and Odinga's Kenya, the threat of the use of violence (or even violence) in accommodating interests became politically efficacious. The reality of the situation is that violence as an instrument for protecting or reclaiming mandate became a viable option for the opposition ODM. The Kenyan elections can however be best understood against the background of events and issues that seemed to be in the forefront of the crisis of

politics of incumbency and that of opposition as represented by Kibaki on one hand and Odinga on another hand.

Prior to the 2007 elections, the level of intrigue and tension was so high. The general civil readiness and enthusiasm of the electorate was very clear on Election Day. It was under such a tensed atmosphere that figures already been collated, the results were announced in favor of the incumbent President, Kibaki as we shall see below.

In his analysis of electoral violence as a form of political participation, Anifowose (1982) gave a broad description of electoral violence as:

"The use of threat or physical act carried out by an individual or individuals within a political system against another individual or individuals and/or property with the intention to cause injury or death to persons and /or damage or destruction to property and whose objective, choice of target or victims, surrounding circumstances, implementation and effects have political significance, that is tend to modify the behaviour of others in the existing arrangement of power structure that have some consequences for the political system".

The Kenyan election, which was meant to be a step forward towards consolidating electoral democracy was not only perceived to be rigged in favour of the Kibaki led PNU, but also exceptionally violent, resulting in over 1000 election-related deaths and over a quarter of a million people were displaced as a result of the violence (Romero et al., 2008). The use of violence was informed by the fact that the politicians and electorates were divided along ethnic fault-lines. The two main Presidential candidates, Kibaki and Odinga were overwhelmingly supported by people from their own ethnic groups Kikuyu and Luo respectively. Beyond ethnicity, Romero et al. (2008) observed that election irregularities and a weak electoral commission were some of the factors that triggered electoral violence in Kenya. The Human Rights Watch investigation further revealed that;

"After Kenya's disputed elections, opposition party officials and local elders planned and organised ethnic-based violence in the Rift Valley. The attacks targeted mostly Kikuyu and Kisii people in and around the town of Eldoret ... Since December 27, 2007, clashes between members of the Kalenjin and Luya communities and their Kikuyu and Kisii neighbors in the Rift Valley have left more than 400 people dead and have displaced thousands more [In its report; "Kenya: opposition officials helped plan Rift valley violence", the Human Rights Watch was categorical on the fact that the post-elections violence were ethnically motivated by the opposition Orange Democratic Movement (ODM)]."

In terms of the consequences of violence on the electoral process in Kenya, the survey conducted by Romero et al. (2008) revealed that:

“The post-election survey gives an indication of the deep and long-term consequences that violence will have for Kenya. The outbreaks of violence significantly contributed to the deterioration of trust among Kenyans and of the rule of law. Today, one in four Kenyans says that violence is justified. Those who were affected by violence are 20% more likely to favour actions outside the law and 40% are more likely to resort to violence”.

Has the Kenyan government been able to penalise perpetrators of ethnic violence over the years? The HWR captured such problematic thus;

Kenya's record of impunity for past episodes of political violence, particularly during the 1992 and 1997 elections, has directly contributed to the current crisis. By failing to hold those most responsible for past abuses accountable, previous Kenyan governments sent the message that organizing or inciting political and ethnic violence carries no penalty (The HRW made this observation in its report – “Kenya: Justice key to securing lasting peace. The report highlighted the imperative and importance of a peace deal between the two rival factions led by Kibaki and Odinga).

The outcome of the elections is one that has elicited a near unanimous condemnation among important planks of civil society and the international community. Beyond the interest of the respective aggrieved candidates, the ultimate victims are those who lost their lives in the process of protecting their mandates as well as masses whose right to choose those who will represent them has been violently and fraudulently taken away.

The distortions in the 2007 elections

Relations between government and the opposition became highly acrimonious in the wake of the announcement and subsequent swearing in of Mwai Kibaki by the judiciary. Political society became polarized with the opposition and its supporters at one end, and the Kibaki led government at the other. As observed by the Human Rights Watch (HRW), the violence that followed was a result of incitements that primed communities for a violent reaction to the outcome of the elections (HRW, 2008).

The judiciary is supposed to be the last hope of the citizens in terms of seeking redress against electoral injustice as well as the arbitrariness of the elites. The relevance of this institution in a democracy is no doubt germane; its role as the institutional check on executive excesses and legislative arbitrariness is most germane for democratic consolidation. However, the credibility of the institution is under question from the people in terms of its ability and capacity to guarantee electoral justice as well as operate without executive interference. It was also observed that before the certificate declaring Kibaki winner was handed over to him by the Chairman of the Kenyan Electoral Commission (KEC), the Chief Justice

was already at the State House waiting to swear in Kibaki (Dagne, 2008).

On its part, the KEC that has the constitutional and legal responsibility for organizing the elections as widely perceived as lacking in dependence and failed to establish the credibility of the tallying process to the satisfaction of the political parties and candidates (See Statement by Alexander Graf Lambsdorff, Head Observer of the European Union on the 2007 Presidential Elections in Kenya). This had serious implication on the integrity of the KEC, an institution that is supposed to maintain a high degree of neutrality in the administration of elections. The challenge the Kenya people are faced with at this point in time, has to do with striking a balance between electoral justice on one hand and judicial independence on another hand. As Baker (1970) once observed;

“The degree to which judges believe they can decide and consistent with their own personal attitudes, values and conceptions of judicial role in opposition to what others, who have or are believed to have political or judicial power, think about or desire in like matters, and particularly when a decision adverse to the beliefs or desires of those with political or judicial power may bring some retribution on the judges personally on the power of the court”.

The election dispute in Kenya brought to question, the mandate and legitimacy of government institutions, particularly in opposition-dominated areas. The judiciary itself, which was supposed to be a neutral and impartial arbiter, appeared immediately so compromised that for the Odinga led Orange Democratic Movement (ODM) and its supporters, violence was perceived as the only option to resolving both the electoral dispute and other long-standing grievances in the political system. The inference we draw from this discourse is that if the body charged with the responsibility of administering elections had been honest, competent and non-partisan, and the judiciary was independent, we would have had a free, fair and credible elections devoid of violence in Kenya.

As it was aptly observed by the Commonwealth Observer Group in its report of the general elections:

“The events that unfolded since polling day have eroded the confidence of the people of Kenya. The manner in which the results were announced has raised suspicion and caused widespread mistrust. It is therefore our view that the elections process following the closing of the polls fell short of acceptable international standards. Furthermore, we were informed that these elections would, to a large extent, be overshadowed by ethnic considerations. Our analysis of elections results has corroborated that assertion (See statement by Alexander Graf Lambsdorff, Head Observer of the European Union on the 2007 Presidential Elections in Kenya)”.

While the elections demonstrated the patriotism of the electorates in terms of their general desire to protect their

mandates, it also showed how the political class, used ethnicity as a vehicle for mobilization in order to maintain their hegemony over the electorate and the control of the machineries of the state.

Can power sharing fortify electoral democracy in Kenya?

After intense mediation by a panel of eminent Africans led by the former United Nations Secretary General, Kofi Annan, a power sharing agreement was reached between the Kibaki government and the opposition party led by Odinga. The agreement, which calls for a new coalition government, was known as the National Accord and Reconciliation Act of 2008 and was unanimously passed by the Parliament (Dagne, 2008).

Kenyan main political parties agreed to share power, with the opposition leader, Mwai Kibaki retaining the Presidency while Odinga became the Prime Minister. Kibaki named a cabinet of 40 ministers and 50 assistant ministers under what was referred to as a “peace cabinet” (Onyango, 2008). Key provisions of the agreement are as follows;

- i.) There will be a Prime Minister of the Government of Kenya, with authority to coordinate and supervise the execution of the functions and affairs of the Government of Kenya.
- ii.) The Prime Minister will be an elected member of the National Assembly and the parliamentary leader of the largest party in the National Assembly, or a coalition, if the largest party does not command the majority.
- iii.) Each member of the coalition shall nominate one person from the National Assembly to be appointed a Deputy Prime Minister.
- iv.) The Cabinet shall consist of the President, the Vice President, the Prime Minister, the Deputy Prime Ministers and the other Ministers. The removal of any Minister of the coalition will be subject to consultation and concurrence in writing by the leaders.
- v.) The Prime Minister and Deputy Prime Ministers can only be removed if the National Assembly passes a motion of no confidence with a majority vote.
- vi.) The composition of the coalition government will at all time take into account the principle of portfolio balance and will reflect their relative parliamentary strength;
- vii.) The coalition will be dissolved if the Tenth Parliament is dissolved, or if the parties agree in writing, or if one coalition partner withdraws from the coalition.
- viii.) The National Accord and Reconciliation Act shall be entrenched in the Constitution (This remark was contained in the report of the Commonwealth Observer Group that observed the 27th December 2007, general elections in Kenya).

With the power sharing arrangement enshrined in the constitution of the country, it will no doubt reduce fear of

sectional domination that became a dominant feature of Kenya politics from independence, with a renewed hope and legitimacy of the leaders for the deepening of electoral democracy.

However, the power sharing arrangement under the coalition government is no panacea. Both parties have come from very expensive elections and they would like to re-group so as to arm themselves politically. As presently constituted, there is a sort of balance of power in the sense that while Kibaki controls executive power, Odinga on the other hand is in control of the legislature. Both sides of the political divide will want to exercise its own power and in the process political deadlocks are eminent in the future. The reality of the future is that both sides want exclusive control over Kenya and will work hard to expel the other from the power equation.

Preceding the signing of the power sharing agreement, there were two major options for the parties to consider; either to conduct another round of presidential elections or a power sharing arrangement. After several rounds of negotiations, a power sharing agreement was signed by the government and the opposition parties (Dagne, 2008).

In the absence of an opposition party due to the formation of the coalition government composed of the PNU, ODM and ODM-Kenya, there is a sense in which we must appreciate the deliberate drift into a one party state, a strange negation of one of the fundamental principles’ of multiparty democracy. Nevertheless, there still exist a strong civil society presence as well as other minor political parties in parliament. The extent to which such parties can go in influencing public policy and legislation in particular remains a daunting challenge.

In the final analysis, the future of multiparty democracy in Kenya is bleak as far as the present arrangement of power sharing is concerned. There is a need to appreciate the efficacy of opposition politics and the role of opposition parties as one of the fundamentals of democracy, which has been emasculated by the power sharing agreement between the PNU and ODM. The power sharing arrangement, which has to with a marriage of inconvenience is highly undemocratic. It negates the principle of government of the people, by the people and for the people. There is a sense in which political parties see violence as a strong currency for power struggle as against the rule of law and due process as mechanisms for seeking redress. Thus, parties have the option of resorting to violence as a credible’ alternative’ to accepting electoral defeat (Hoglund, 2006).

Towards a framework for restoring faith in electoral democracy

There is no doubt that the Kenyan political system should strive towards an electoral process that is credible and allows for citizens having confidence in the sanctity of their electoral mandates and ensuring that stakeholders (the state, politicians and the electorate) operate within

the confines of the law. This involves;

i.) The emergence of strong political parties: Political parties constitute the mechanism for democratic transition and power transfer. Such parties should be able to; out-live their founders, have a national outlook beyond the region or state of their leaders, the desire to exercise power as well as being able to garner significant popular support. The parties should seek to reinvent themselves as critical vehicles for the mobilisation of the people to attain development. The major issue here has to do with building and restoring internal party democracy. This is in view of the fact that if the parties can provide democratic leadership within, they can provide outside.

ii.) Credible and transparent electoral process: The interference of government in the electoral process to determine who gets what, when and how, which takes the form of injustice against opposition candidates and parties is very common. This takes the form of trumped up charges of corruption, ethnic and religious sentiments, the use of state power and resources to weaken and divide opposition parties and candidates, bribery, restrictions on opposition parties etc.

iii.) A strong and free press: The quality and availability of information is a key factor in power politics. An examination of the nature and character of politics in Africa shows that to a large extent, the state always stops at nothing in controlling speech and information, harassing and intimidating numerous individuals and organisations for challenging the government. A strong and uncontrolled press will no doubt produce an informed citizenry with civic consciousness.

iv.) Civility in governance: The political leadership in Kenya should be able to lead with a high sense of civility. They should be conscious of the fact that they are the mirror within which the state is viewed by the international community. The use of vulgarised languages is a negation of the principle of leadership by example.

v.) Putting the people first: democracy places strong emphasis on the value of inclusion and participation in the political system. In other words, rather than adopt an "I know it all" approach to governance, the leaders should see the people as partners in progress and above all, the starting point, means as well as end-point of governance.

vi.) The presence of a strong and organised civil society: The desire of the political class in Africa to deny their people the dividends of democracy as well as refusal to perform their primary responsibilities in terms of social provisioning is quite evident in their efforts to manipulate or exclude groups and organisations that wish to take part in the political process. Such groups and organisations are forced to apply and be registered before they operate under strict state supervision. The point must be made here that a strong Civil Society is a vehicle for questioning the social order in the spirit of constitutionalism, which the state is expected to practice.

vii.) Building and Restoring Political Legitimacy: This has to do with the belief in the rightfulness of the state and its

authority to issue command, so that the commands are obeyed not simply out of fear but because it has the moral authority to do so, which the people know they "ought to obey".

viii.) Strong political culture: The relationship between political culture and democratic governance can not be over-emphasised. Thus, democracy requires a willingness to accept government by consent as a means for resolving conflict in the political system as long as the rules of the game are observed by the politicians.

ix.) Elite consensus: Elite consensus is a necessary condition for the survival of democratic system of government. This is in view of the fact that democracy can best be sustained when elites (the political class) agree to the rules of the game rather than manipulating and mobilising the citizens through the politicisation of ethnic and religious identities.

x.) Genuine electoral reform: The credibility of the electoral process is a function of genuine electoral reform for the sustenance of democracy. In this light, deliberate effort and policies should be put in place to undertake a reform of the electoral laws so as to restore citizens' confidence in electoral democracy.

In the light of the above challenges, restoring faith in electoral democracy in Kenya will be facilitated by the institutionalization of a political system that stimulates mass participation and incorporate marginalized groups at all level of society. Such achievements notwithstanding, would mark a significant change in democratic governance.

Conclusion

The challenges facing democracy and democratic consolidation in Africa and Kenya in particular, are enormous. They include; entrenching constitutionalism, instituting structures for the effective management of ethnic and religious diversities, promoting sustainable development, nurturing effective and responsive leadership, empowering women, safeguarding human rights and the rule of law. Whereas, previously, development had been regarded as a precondition of democracy, now democracy is seen as a requisite for development. As evident in the Kenyan general elections, political parties (both the ruling and the opposition) were critical vehicles for the mobilization of ethnic interests and the use of violence for mandate protection.

The experience with Kenya in the light of the 2007 general elections buttresses the fact that mandate protection grew out of the struggle to protect the sanctity of the people's votes as well as the expansion of the democratic space in order to allow the citizens decide who governs the state through their votes. This has much to do with the relationship between the people's vote and electoral outcome. The people's right to elect or reject representatives should be sacrosanct, and their participa-

tion in the electoral process is a fundamental right.

The fact that the political and ruling class in Kenya, exercise excessive control of political power and above all, the coercive paraphernalia of the state confers on it some measure of leverage over the opposition, which in turn, constricts the possibility for the consolidation of electoral democracy, with devastating consequences for human security. In this sense, there is the high propensity among the political elites to invest in the goal of controlling state power using violence as a vehicle. The aftermath of the elections has no doubt affected the views of Kenyans about election as a mechanism for power transfer, rule of law, and trust in institutions of the state as well as the capacity of the people to protect their electoral mandates. Nevertheless, the way and manner the post-elections violence was resolved shows that among Kenyans, there is a fundamental and firm desire for democracy as the most credible form of government.

In all, the 2007 presidential elections in Kenya demonstrate that ethnicity and ethnic politics is a major force that influences the behaviour of the political class and the electorate alike. Where political power is at stake in confrontational politics, ethnic relations become conflictual. The elections also reinforced the fact that ethnicity and ethnic politics, which constitutes Kenya's coming anarchy (See the National Accord and Reconciliation Act of 2008. This Act was passed by the National Assembly and it became effective in March 2008 after the power sharing agreement was signed in late February 2008), if not managed effectively, is a key vehicle in the hands of the political class to mobilize ethnic passions in a bid to protect or project their sectional interests.

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