Review

The fallacy behind the role of civil society in transitional democracies: The case of Kenyan ethno-political conflicts

Mark Okowa

Political Sociology, Maseno University, Kenya.

The belief in the centrality of the role of civil society in democracy promotion should be re-evaluated especially in the context of transitional societies like Kenya. Contrary to the widely held view that Civil society is a platform for citizen engagement with government and other state and non state actors, there is reason to believe that civil society has become an avenue for simmering hatred and the promotion of divisive schemes by the political class. In Kenya just like many South eastern European countries, ethnic, cultural and other social differences have become major factors of political instability. Today every aspect of development plans, appointments to government or public offices and or opposition to any government plans and actions are interpreted in ethnic, cultural and or regional dimensions. Civil society institutions including the religious groups have taken sides in the political landscape with ideological support or opposition to the actions of the political class emanating from the same civil society albeit based on regional or ethnic affiliations. This is manifesting a bigger sociological problem than the salient issue of ethnicization of politics rendering civil society as part of the problem and in need of capacity building.

Key words: Civil society, democracy, ethno-political conflicts.

INTRODUCTION

The post-independence era in Africa has seen several cases of internal conflicts in many countries with varied reasons being fronted as possible causes. Furley, (1995: 3) attributes these conflicts to ethnicity challenges overlooked at the time of independence. However, ethno-political conflicts are not unilateral to Africa parse but rather a global problem particularly to transitional democracies. While disputing the assumption that ethnic violence erupts primarily as a result of the differences between varied ethnicities, prehistoric hatreds and or cultural feuds several centuries old, Lake and Rothchild (1996: 41) argue that extreme ethnic conflicts are most habitually caused by collective uncertainties for the future. As groups usually monolithic ethnicities begin to fear for their safety; precarious and difficult-to-resolve strategic predicaments arise that contain within them the potential for terrific violence. Usually such conditions are created consciously or unconsciously through propaganda

by the elites in society, through structured and unstructured institutions that form the civil society. Take for instance the 2004 Rwanda Genocide where the Hutus were made to believe that Tutsis intended to enslave them and so it was incumbent upon them to rise up in arms albeit in self-defence. The civil society and the media were used to spread hate messages within respective ethnicities. The result was genocide where near a million people were killed, majority being Tutsis.

In contemporary democratic systems, most ethnicity oriented groupings pursue their interests peacefully through established political channels (Newland, 1993: 161). This however, is as far as the systems are regarded as fair to the groups in question. When ethnic origin translates to access or otherwise of the socio-economic and political opportunities and by extension – national resources and other means of production, then an acute social uncertainty emerges. In such circumstances, ethnic identity is redefined mirroring a history of conflict and fear of what the future might bring. In Kenya, for decades there are particular positions that one could only get depending on his or her ethnic identity. For example, for ten years of former president Mwai Kibakis regime, the ministry of finance was always headed by a member of his ethnic group, Kikuyu and by extension, more than 50% of the employees in the ministry were Kikuyus sending messages of cronyism and favouritism within the state treasury.

The 2007 post election violence following the disputed presidential elections in Kenya surprised both the Kenyan people and the international community alike. This was in part a contrast to the popularly held view of Kenya as a *model of stability* in the turbulent Eastern African region that hosts Somalia widely regarded as failed state and the war ravaged Sudan (Now divided into Sudan and South Sudan), Uganda, Rwanda and Ethiopia. In a report to the US based Centre for Strategic and International Studies (CSIS), Barkan (2011) stated that the post-election violence challenged the conceited view of the international community that Kenya was not "a country to worry about". The perceived stolen presidential election results in December 2007 quickly transformed to a mass protest against Mwai Kibaki's government and his Kikuyu tribe. The retaliation by the police and the Kikuyu militia resulted to an all-out ethnic civil war pitting the incumbent president Kibaki's ethnic group against those that had coalesced to support the opposition candidate, Mr. Raila Odinga. The historical, deep rooted ethnic animosities erupted leaving the country on a steep – and thus on a free fall – to anarchy. What was even more conspicuous at the time was the missing voice of the civil society. Somehow, the vocal advocacy groups and institutions had been absorbed by the factional crisis in the country. The 2013 elections saw the enactment of a different script, yet one most Kenyans have experienced before.

The ethnic alliances were redrafted with Kikuyus and Kalenjins coming together to fight politically with the rest

of the country. The Civil Society was polarised, the media divided creating uncertainty and fear in the fragile country just smarting out of a contested election in 2007.

THE THEORY OF CIVIL SOCIETY

Civil society refers to an informal sphere of engagement that is real and active but unstructured by virtue of being independent from the establishments – governments and or the private sector. In established democracies, civil society is considered as an integral part of governance by virtue of being open and public spirited, thus able to keep the democratic system under check (Paris, 2004). However, unlike the private sector, civil society is regarded as objective and aims at common ground with features of integrative and collaborative action for and in the interest of the common good. As Barber (1995) puts it, civil society is "public without being coercive, voluntary without being private".

Pollock (2001) refers to civil society theory as the contemporary production of the ideological discussion that crafts a political rhetoric of "banal state nationalism". This in simple terms refers to the promotion of patriotism as opposed to distinctive nationalist ideologies which tend to enhance the promotion of identities based on shared attributes like religion, ethnicity and cultural practices up to and including the socio-economic and or political factors.

One major question that civil society theorists may have overlooked is whether public engagement in polarised societies still counts for a civil society. In such cases, ideally civil society is a mirror of the simmering division in government and or in the political arena. Newton (2009) states that Civil society theory provides that solid linkage of the public and governance organizations help to sustain community relations in a way that produces trust and collaboration between citizens and a high level of civic engagement and participation. However, the recent events in most transitional societies have rendered this view problematic. In Kenya for instance, the public engagement through the civil society is tricky since rather than propagate common citizen interest in governance, civil society has become a breeding ground for ethnic politicization that has led to social conflict and failures in enculturation of democracy (Weber, 2009). This is particularly a challenge to assumptions of the liberal peace thesis which views the independence of civil society as key to the development of democracy through conscious and structured engagements between the political class and the masses (Paris, 2004).

Civil society problem

In liberalizing societies – like Kenya and most other African states – the belief in the centrality of the role of

civil society in democracy promotion should be re-evaluated. A reflection on the EU enlargement framework – where civil society is taken to be problematic and equally in need of regulation – within the parameters of statebuilding for Southeastern Europe (Chandler 2010), governance reforms in Kenya and other transitional societies, especially in Africa should pursue that line. Given the conflictive nature of society in most of the Southeastern European societies, almost synonymous with the situation in Africa – where ethnic, cultural and other social differences are major factors of state instability – civil society is seen as part of the problem and in need of capacity building. Unfortunately in the case of Kenya, the problematic component of the civil society has not been taken into consideration by the many reforms aimed at managing the ethnic diversities in the country. In fact, it is also important to note that elections alone do not enhance integration if the divergent views within the civil society are not taken into consideration beforehand. As was the case with the US sanctioned elections in Bosnia in 1996 which was meant to put in place a democratic system through integration of the varied nationalistic polities, ethnic and other sectarian interests only led to separatist ideologies because of the already very much polarised civil society (Paris, 2004).

The politicians in Kenya have taken full advantage of the conflicts within the civil society itself to even further propagate ethnic politicization. Political salinity to ethnicity in Kenya can be associated to increased ethnic favouritism vis à vis marginalization within government which in turn have led to low inter-ethnic collaboration at the local level even outside political circles (Miguel, 2004 in Weber, 2009). In fact, the differences within the civil society in Kenya are so deeply entrenched that even the religious sector – often regarded as a voice of reason in the society – have equally been polarised. For instance, following the post-election violence after the 2007 disputed presidential election results, the religious community were caught in the middle of the conflict with religious groups aligned to the incumbent president championing *'peace'* while those aligned to the opposition candidate advocating for *'justice'* (Ashforth, 2009). This was particularly a symbolic attribute to the ideological diversity in the context of the political situation in Kenya, where the opposition was arguing that there could be no peace without a just result in an electoral process while the pro government group argued that there could only be justice in the courts of law in a peaceful environment – even though the Judiciary was under the influence of the executive.

As Weber (2009) argued, countries with a few large ethnic groups – or just two or three major dominant ethnic groups – are seen to be naturally endowed with support groups large enough to win a majority in elections through politics premised on the mobilization of ethnic identities, and thereby, ethnicity emerges as a salient political identity. Such ethnic consciousness becomes

pronounced even within the public and private sectors with corporations synonymous with the identities/ethnicities of the owners or those in senior positions. In Kenya it is a common argument in the political and social spheres to attribute the ethnicity of the major directors and managers of main parastatals with the identity of the president. In such situations, the competencies and or qualifications of the individuals become insignificant because it is seen that the political process yields pleasantries of such kinds – positions of power. In the process of crafting political alliances on ethnic lines, politicians make it public that the government positions would be shared between varied ethnicities in some ways, leading to further polarisation should honouring such promises prove problematic or are just be ignored as was the case with the (National Rainbow Coalition) NARC government in 2008.

Politicization of civil society

In spite of the fresh wave of popular democracies in the 1990s in Africa, there were few objective juries. The new proscriptive democracies habitually failed to bring liberty and prosperity to their people. In Kenya, freedom of expression, association and of the press have not played to strengthen democracy but have made it more problematic since ethnic and other sectarian consciousness have become more apparent. For most African countries, democracy often resulted in "hyper-nationalism and ethnic/identity conflict" (Zakaria 1997).

Marshall and Gurr (2003) affirms Zakaris' assertions by pointing out that the incidence of violent ethnic/identity conflict is much higher in democratizing or semi-democratic states than in either autocracies or consolidated democracies. These arguments are in line with the incidences of intra and inter-communal violence and/or discrimination that escalated in post socialist Africa – following the collapse of the Soviet Union in 1989. As much as these incidences were sometimes due in part to the militarization of African states that Cold War politics enabled, the emergence or resurgence of strong ethnic and religious differences that were formerly contained or camouflaged under socialism has raised questions on the ability of democratic regimes to manage ethnic tensions (Pitcher and Askew, 2006).

While referring to African ethnicities as a new part of complex responses to colonial modernity, Berman (2010: 2) argues that in the pre-colonial world the most remarkable characteristic of African identities and societies were their "fluidity and heterogeneity", a blend of communities, cultural and linguistic exchanges. He states further that both ethno-political movements and "territorial nationalism" in Africa are equally of recent historical origins majorly as responses to the colonial introduction of the institutions of modernity in the African state and market. So the post-colonial events in Africa

can very well be attributed to the failure by the leadership and the civil society in general to take into consideration the complexities of the contemporary state which is very much a contrast to the historical background of the African societal understanding. As Hume's Civil Society theory argues, the distinction between the interests of society and those of governments and their leaders must be the overarching basis for social harmony (Finlay, 2004: 380). However, in the context of the Kenyan society and indeed those of many other African societies, the interests of the governments are dictated by the ethnic identities of the leaders who in turn manipulate the interest of society, thus the problematic nature of the civil society in these polities and states.

Conclusion

The African nation-states same as other transition states are incomplete ventures since for a long time statehood have been regarded as legacies of the colonial regimes. Ethnic conflicts in post independent Africa have been as violent and ferocious as those in other parts of the world, remotely grounded on acts of atavism and historical identities. The democratic – albeit transitionary – regimes of the current African states have equally faced ethnic violence focused on protecting or gaining control of the state within a nation just as was the case in the cons-truction of European nation states. The democratization processes demonstrate the continuing reality of African nationalistic society both within for citizens struggling to reconstruct the impartial states within government and civil society, and externally for the international commu-nity with the consciousness of globalization (ibid).

The worrying correlation between democratization and ethnic violence, increasingly expressed in the bitter conflicts of autochthony, reveals the growing politicization of ethnicity at the expense of state centered citizenship in Kenya. The repeated efforts to rewrite national constitu-tions and the perennial quest for reforms in major state sectors like the judiciary, legislatures and Electoral bodies demonstrate the continuing political energy of nationalistic ideologies in the wider civil society where priority is given to ethnic relations thus compromising deeply the practicality of a participatory democracy. In view of these realities, it would be better for the reforms in Kenya to focus on the top-down approach as is the case with the EU system where the civil society is marginalized in the reform processes because of the simmering differences within it.

Conflict of Interest

The author has not declared any conflict of interests.

REFERENCES

Ashforth A (2009). Ethnic Violence and the Prospects for Democracy in the Aftermath of the 2007 Kenyan Elections; Duke University Press; doi: 10.1215/08992363-2008-018; Available online http://publicculture.dukejournals.org/content/21/1/9.short [Accessed on 17/08/2013]. Public Culture 2009 Volume 21, Number 1: 9-19

Barber B (1995). Rebuilding Civil Society Civic renewal movement; Electronic Publishing Group; A Symposium from The New Democrat, volume 7, number 2 March/April 1995; Available online http://www.cpn.org/parties/search.html [Accessed on 20/08/2013].

Barkan JD (2011). Kenya: Assesing Risks to Stability: A report of the CSIS Africa Program; Center for Strategic and international Studies; ISBN 978-0-89206-641-4; Available online http://csis.org/files/publication/110706_Barkan_Kenya_Web.pdf [Accessed on 11/08/2013]

Chandler D (2010). International Statebuilding: The Rise of Post-Liberal Governance; London and New York; Routledge, 2010; ISBN 978-0-415-42118-8

Finlay CJ (2004). Hume's Theory of Civil Society; October 2004. Available online http://ept.sagepub.com/content/3/4/369.abstract [Accessed on 26/07/2013] European J. Polit. Theory, 3:4369-4391.

Furley O (1995). Conflict in Africa; Tauris Academic Studies; New York; ISBN 1-85043-690-8.

Lake AD, Rothchild D (1996: 41). Containing Fear: The Origins and Management of Ethnic Conflict; (Article) Published by The MIT Press. International Security, 21(2):41-75

Marshall MG, Gurr TR (2003). A Global Survey of Armed Conflicts, Self-Determination Movements, and Democracy; Integrated Network for Societal Conflict Research (INSCR); University of Maryland, College Park, MD; Integrated Network for Societal Conflict Research; Available online http://www.hks.harvard.edu/fs/pnorris/Acrobat/stm103%20articles/cidcm%20Peace%20and%20Conflict%202003.pdf [Accessed on27/07/2013]

Newland K (1993). Ethnic Conflict and Refugees; in Michael E. Brown, ed., Ethnic Conflict and International Security; Princeton, N.J.: Princeton University Press; 1993, p. 161.

Newton K (2009). Trust, Social Capital, Civil Society, and Democracy; Available online http://www.lead.colmex.mx/docs/s4/02_sociedad%20civil%20y%20ONG/NEWTON_trust%20social%20capital%20civil%20society.pdf; Accessed on [09/07/2013] Int. Polit. Sci. Rev. (2001), 22(2):201–214.

Paris R (2004). At War's End: Building Peace after Civil Conflict; Cambridge: Cambridge University Press; ISBN-10 0-521-54197-2

Pitcher MA, Askew KM (2006). African Socialisms and Post socialisms; Available online http://www.questia.com/read/1G1-147874964/african-socialisms-and-postsocialisms [Accessed om 27/07/2013]. Academic journal article from Africa, 76:1.

Pollock G (2001) Civil Society Theory and Euro-Nationalism; Studies In Social & Political Thought; Issue 4; March 2001; Available online http://www.sussex.ac.uk/cspt/documents/issue4-3.pdf [Accessed on 27/07/2013]

Weber A (2009). The Causes of Politicization of Ethnicity: A Comparative Case Study of Kenya and Tanzania; Working paper No. 47; Center for Comparative and International Studies (CIS) and University of Zurich; Available online http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1643450; Accessed on [10/07/2013]

Zakaria F (1997). The Rise of Illiberal Democracy; Available online http://www.tfasinternational.org/iipes/academics/politicaleconomy2011/foreignaffairs2011.pdf [Accessed on 27/07/2013]. Foreign Affairs; 76(6):22-43.