



iiG Briefing Paper*

The 2007 Elections, Post-Conflict Recovery and Coalition Government in Kenya

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Kenya was left with deep scars by the violence that erupted in the aftermath of the disputed Presidential election of December 2007. In just a matter of weeks, Kenya was transformed from one of Africa's most stable democracies into chaos. More than a thousand people died in the post-electoral conflict and over a quarter of a million people were forced to flee their homes due to the unprecedented levels of violence.

On 28 February, Mwai Kibaki and Raila Odinga, the two main contending presidential candidates, agreed to form a coalition government putting their differences aside. Although much of the violence ceased with this agreement, the country was left wondering: What issues divided Kenyans so badly and how best to achieve the reconciliation and reconstruction of the country?

Some insights into these questions can be gained from the two nationally representative surveys that the Centre for the Study of African Economies (CSAE) conducted just before and after the 2007 elections. Below there is a summary of the key findings drawn from these surveys. These findings were recently discussed at a two-day workshop for Members of Parliament, representatives of civil society and academics held in Nairobi, Kenya on 16-17 September, 2008.

CSAE Pre- and Post-Electoral Surveys

Two weeks ahead of the elections the CSAE conducted a detailed survey of voter intentions, attitudes toward violence and socio-economic characteristics of Kenyans. The data are based on a nationally and regionally representative sample of 1,207 Kenyans aged 18 and over who were interviewed in 76 out of the 210 constituencies. A second survey, conducted in August 2008, revisited previous respondents to find out about their experiences in the aftermath of the election, their expectations from the new coalition government and whether their views had changed regarding trust among Kenyans, democracy, land conflict, decentralization, among other issues.

What Divided Kenyans?

According to the pre-election survey most respondents (96 percent) claimed they would cast their vote in the Presidential Elections. The voting intentions were divided, showing a virtual statistical tie between

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the leading candidates -Kibaki and Odinga-. At a first glance it appears that the Kenyan electorate was divided along ethnic lines. The three main presidential candidates, Kibaki (from Kikuyu origin), Odinga (from Luo origin) and Kalonzo (from Kamba origin) were overwhelmingly supported by the people from their own ethnic group. Some other ethnic groups supported specific candidates as well: the Kissi, Luhya and Kalenjin supported Odinga while the Meru and Embu supported primarily Kibaki. Hence, most of the surveyed population (80 percent) had an apparent intention to vote on ethnic lines.

However, a more in depth analysis reveals that Kenyans voting intentions were also influenced by grievances, economic and policy issues. Among these grievances are the perceptions that certain ethnic groups have been discriminated against by the government and that the economic growth that Kenya has recently enjoyed has not been shared equally across all groups. This partly explains why although the majority of respondents (60 percent) recognise the overall economic achievements of past Kibaki's administration, only a few (29 percent) felt that their living conditions actually improved during Kibaki's rule. It is then perhaps not surprising that Odinga found overwhelming support among the people who did not consider their living conditions to have improved during Kibaki's rule.

In addition to Kibaki's past record, the future governance structure of the country was another major issue that divided Kenyans ahead of the election. In particular, the electorate was deeply divided on how the constitution should be reformed and whether to adopt a Majimbo system (a federal type of arrangement). The pre-election survey reveals a strong correlation between how people voted in the 2005 Referendum and people's intention to vote in the 2007 Presidential elections. Among those who supported the referendum, a large majority (83 percent) intended to vote for Kibaki. In contrast, 82 percent of those who voted against the draft constitution stated that they would vote for Odinga or Kalonzo.

The pre-election survey also reveals that there was a deep confusion among voters of what Majimbo actually means. Among those who intended to vote for Odinga, the majority (75 percent) understood Majimbo as a policy whereby regions would take control of their own resources. In contrast, those who supported Kibaki had a very different understanding. Specifically, 16 percent of Kibaki's supporters believe that Majimbo meant that each tribe would have its own government, while 18 percent think that each province would be autonomous. Perhaps more worryingly, 37 percent of Kibaki's supporters believe that Majimbo would expropriate the land of those people living outside their homeland and force them to return to where they came from. The diverse perceptions of what Majimbo actually meant still persist today and it is a contributing factor to the mistrust across ethnic groups. This rather mistaken understanding of an important constitutional issue also suggests that people may vote for or against future proposed constitutions, not because of the merit or demerits of Majimbo per se but because of what they understand it to mean.

Generation and Class Divide

A more in depth statistical analysis also reveals a generation divide in the way Kenyans intended to vote. The voting intentions of the young were driven to a lesser extent by their ethnicity than the older generations. There is also evidence that the rich and the poor have a distinctive voting behaviour. Specifically, ethnicity played a more important role in shaping voting intentions of the rich than of the poor. In other words, the wealthier Kenyans are, the more likely it is that their voting intentions are shaped along ethnic lines. One possible explanation of this behaviour is that economic elites seek to maintain their status-quo by voting for people from their own ethnic group. This finding is worrisome: Having an electorate with frozen voting intentions on ethnic lines undermines the roles of government accountability and of free and fair elections. If tribalism becomes more prominent as countries become richer, this could have serious implications for the future of democracy in Kenya, and Africa more generally.

Pre- and Post-Electoral Violence

The CSAE pre- and post-election surveys also reveal the extent of electoral violence and provide some insights into the possible causes and consequences of violence.

The data show there was widespread violence before and after the elections. Electoral violence was reported in 80 percent of the surveyed constituencies. Roughly 50 percent of respondents were afraid that electoral violence would spread into their constituency before the elections, and this figure went up to 58 percent after the elections. Roughly 30 percent of respondents claimed that politicians in their areas had been openly advocating violence before the election. These figures remained practically unchanged after the elections.

Twenty eight percent of respondents report a specific personal impact after the elections, that is in terms of personal injury, being displaced from home, destruction of property, loss of jobs or earnings or having friends or relatives that died in the elections.

The majority of respondents (43 percent) think the election irregularities and a weak Electoral Commission were the main factors that triggered electoral violence. Of course this does not necessarily mean that the perceived election irregularities were the cause of violence, but it was one of the main detonators that fuelled the violence that escalated as a result of deeper issues that divide Kenyans. Only 10 percent of respondents believe that electoral violence was triggered by tribal conflict and roughly a third of respondents today do not have a clear understanding of what was the main trigger of electoral violence.

Long-Term Consequences of Violence

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 say that violence is justified. Those who were affected by violence are 20 percent more likely to favour actions outside the law and 40 percent are more likely to resort to violence.

The survey shows that Kenyans are divided on whether amnesty should be given to those who were involved in the outbreaks of violence. The percentage of respondents who agree amnesty should be given is roughly the same as the percentage of those who disagree amnesty should be granted (42 percent respondents). Victims are favouring more violence than before and at the same time they disagree with the idea of giving amnesty. So there is also a polarization of views. Victims of violence now tend to be pro-violence but also pro-retribution.

International evidence shows that countries that have a history of conflict tend to have more conflict in the future. In other words violence breeds violence. It is a slippery slope and a dangerous situation. Restoring the rule of law and making the necessary legislation to prevent future outbreaks of violence is one of the main challenges that the coalition government faces today. It is important to learn from other international experiences. If you give impunity now it comes back to bite you later. The problem does not go away because you agree to reconcile.

Democracy and Elections

The events that followed the disputed general elections of 2007 do not appear to have impacted Kenyan's support for democracy. Like before the elections, about 70 percent of respondents view democracy as the most preferable type of government. However, the perception that Kenya is a full democracy has changed. In December 2007, 20 percent of respondents believed that Kenya was a fully democratic country. By August 2008, that perception was shared by only 6 percent.

To elaborate on Kenyans' view on democracy respondents were asked about trust in elections. There is a statistically significant increase from 10 percent to close to 30 percent in respondents preferring other methods for choosing leaders. In other words, Kenyans have faith in democracy, but not in elections.

Trust in Institutions

Of course, democracy is not just about holding elections. Institutions are needed to sustain democracy. Therefore it is important to look at how much institutions are trusted and how they are regarded by Kenyans. The CSAE survey reveals that the Kenyan Electoral Commission (ECK) has lost its credibility. In general people lost trust in the ECK regardless of who they claimed to have voted for president in the elections of 2007.

President Kibaki has also lost trust since December 2007. This loss of trust came primarily among those who trusted him a lot who were those who claimed that they had voted for him in the 2007 election. Kibaki lost trust among ODM supporters as well, many moving their views from trusting him somewhat to not trusting him at all. Victims of violence also lost trust in the president, but this was not the main contributing factor for their changed perception about Kibaki.

At first glance these results might indicate that there is a generalised loss of trust in institutions. However, the levels of trust in the parliament increased by 10 percentage points. This might be partly due to the fact that new MPs have recently been appointed.

Then overall how are trust levels in institutions in Kenya? Despite the events that followed the 2007 disputed elections, Kenyans still have high regard for their institutions. For instance, the majority of people (70 percent) trust a lot or to some extent the president, the vice-president, the prime minister, the parliament and the coalition government.

Trust among Kenyans

Perhaps the most dramatic change in terms of trust refers to trust among Kenyans. Trust has significantly declined, especially across ethnic groups since the elections of 2007. Considering that pre-election the trust levels were not particularly high among groups (only 8 percent claiming they trust a lot people from other ethnic groups in December 2007), this drop in trust needs to be restored and mediated.

The post-electoral survey also reveals that the loss of trust across ethnic groups has had some deeper socio-economic consequences. Many socio-economic relationships are based on trust, and not simply on economic interests. A good example of this type of trust-based relationship are economic exchanges. Trust is an important substitute for formal contracts and higher trust societies have been shown to do much better economically as trust lowers the transactions costs of exchange. According to the CSAE survey, 33 percent of respondents claim that the extent to which respondents do business with people from other ethnic groups has worsened since the elections. In other words, the loss of trust among people has affected how Kenyans relate in general to their fellow citizens. For a country that seeks to attain middle income status by 2030, these low levels of trust signal a grim picture.

How Kenyans See Themselves?

In seeking to understand Kenya's social fabric, the CSAE surveys sought to understand how Kenyans' identify themselves. Of interest is whether the elections and post-election violence impacted how people identify themselves. In both surveys (before and after elections) respondents were asked: *We have spoken to many Kenyans and they have all described themselves in different ways. Some people describe themselves in terms of their language, ethnic group, race, religion or gender and others describe themselves in economic terms, such as working class, middle class or a farmer. Besides being Kenyan, which specific group do you feel you belong to first and foremost?*

In December 2007 few respondents (20 percent) answered that they identify in terms of their ethnicity, 37 percent of respondents insisted on identifying themselves first and foremost in nationalistic terms, that is as Kenyans. The rest of respondents, that is 43 percent, stated that they identify themselves on non-ethnic or nationalistic bases, notably those based on occupation (18 percent), social class (7 percent), gender (4 percent) and on religion (3 percent).

The survey conducted in August 2008 shows a statistically significant 10 percentage point increase in those who feel first and foremost Kenyans. Nonetheless, those who redefined their identity as Kenyans were those who had not previously identified in ethnic terms.

This might be an indication that there might be an introspection process going on among Kenyans. The importance of building this national identity as Amartya Sen argues, is that it has a constructive political and civil role. A national identity can combat the divisions created by having groups identified with one key trait -such as ethnicity- and embracing a broader, richer and more complex understanding of ourselves. This is in contrast to ethnic identity when this means politicised kinship as appears to be the case in Kenya. It is an overpowering identity informed by grievance. So once this ethnic identity is formed and adopted in this way it is difficult to change unless the source of the conflict is directly addressed.

However, one should be careful not to overplay ethnic tension. The events that followed the 2007 elections have irrefutably affected trust among Kenyans. But there are also fundamental grievances and inequalities that are shaping Kenyans's identities and forcing them to think how to deal with issues like corruption, land disputes, institutional reforms and the distribution of resources. These are the challenges and the responsibilities that the coalition government needs to address.

Expectation from the Coalition Government

The CSAE survey reveals that the great majority of Kenyans (70 percent) remain hopeful of the coalition government. For instance, most people (regardless of whom they claimed that they had voted for) think that the coalition government will perform the same or do a better job than the past administration of president Kibaki in terms of reforming the constitution, distributing resources, solving land conflicts and tackling government corruption.

Sixty percent of respondents think that the country's and their own economic conditions will be the same or better than under Kibaki's administration.

Tribalism/Ethnic Violence in the Future?

Opinions are divided in terms of whether the coalition government will combat tribalism in politics better than the previous Kibaki administration. On average 43 percent believe that tribalism in politics will be worse than under the previous administration, and 33 percent think that tribalism in politics will be reduced. The perception of tribalism in politics differs widely across ethnic groups.

Specifically, those groups that in the past indicated that they felt discriminated against by the previous administration such as the Luos and Luhyas now indicate that tribalism will be reduced by the new coalition government. This is perhaps because now they feel that power has been shared more equally across more ethnic groups, including theirs.

In contrast, the ethnic groups that did not feel discriminated against by the past administration, like the Kikuyus, now think that tribalism in politics will get worse, possibly because they fear that they will be less favoured by the coalition government.

Although views on the future of tribalism in politics are not too optimistic, most people believe that ethnic conflict will be reduced. In other words, the electorate may believe that the coalition government will deal with the grievances that divided Kenyans and that having a more inclusive government may give rise to fewer conflicts

Way Ahead

International experience has shown us the advantages and disadvantages of coalition governments. Advantages of coalition governments are that they bring political inclusion and power sharing. This inclusion builds consensus, cooperation and compromise in the electorate. Indeed the CSAE survey

reveals that the great majority of respondents (70 percent) are hopeful of the coalition government as they expect it to address the issues that divide Kenyans in the first place and to foster inclusion and to share power more equally across all groups.

However, it is important to recognize that this inclusion carries responsibilities that require stronger institutions such that this responsibility is enforced. This requires the strengthening of the electoral commission, the judiciary and other institutions that can sustain democracy and foster prosperity. Inclusion also requires trust in institutions and among fellow citizens. As the CSAE surveys reveal, trust among Kenyans has greatly deteriorated and there are signs that this is already affecting communities and socio-economic relationships.

International experiences have also shown the drawbacks of coalition governments. They tend to be weak, especially in post-conflict situations. Coalition governments tend not to make difficult decisions that will threaten the unity of the coalition. Hence the chances of addressing the causes of the conflict and the sharing of responsibility are very slim. In the African context, coalition governments have tended to become a substitute for democracy.

The events that followed the general elections of 2007 have left Kenyans with deep scars and affected views on trust, rule of law, attitudes toward violence, etc. but a fundamental desire for democracy remains strong. Nonetheless, it is clear that Kenya has today a number of identities, sub-cultures, each with their own priorities, visions and agendas. Further, Kenya lacks cohesion, and clarity in whether to pursue a common good. The problem is a serious one. But what lies at the heart of the problem? The problem consists is twofold. Kenyans have not agreed on a social contract –how to shape their constitution to provide unity. That is how to run the economy and politics, how to define their state and strengthen the institutions required to support the state and democracy. A second problem is the lack of a social covenant. A social covenant creates a society, a civil society that pursues the common good for the nation and addresses the roots of grievances and inequalities that divide Kenyans.

Kenya, like many other nations, today faces a serious question. How do we create a more cohesive society, a society where multi-culturalism can pursue a common good and thrive within a democratic environment? As the philosopher Jonathan Sacks argues, we know of three models of how to build a society. Only one of them is more conducive to building a national identity. Sacks explains in a metaphor that these models can be referred as: the “country house”, the “hotel” and “building a house together” models.

In the first model, we could think of society as a country house, one that welcomes guests. But since they are treated only as guests they never manage to own the house. We could think of this model as one single dominant culture, where newcomers if they want to be assimilated need to adapt. The second model, is one where society is understood not as a country house but as a hotel. In this type of society, you can turn up as long as you do not disturb other guests and pay your bills. That is the Rawlsian liberal model. You don't run politics by your vision of the common good. All you do is you offer the best public services for the least cost in taxation. This vision is economically efficient, but with the problem that it does not generate loyalties or a sense of belonging. It does not develop a national identity, a sense of common good or social solidarity.

The third model is not understood as a country house or as a hotel. Instead, society is understood as the home we build together. It is the home where we belong. It is a shared project. It is a society where the different sub-communities can strive and pursue a collective good. In this model, all share the responsibility of building the nation. Each person and family has the responsibility of pursuing the well-being of the nation, not of just a few. This task should be enhanced by the institutions, government public discourse and actions, placing the common goal of the nation above anything else. It seems that today some of the ethnic tension that prevails in Kenya was directly instigated by political actors and by public

discourse. Kenyans need to be aware of that and stop listening to the music that some politicians want to play.

So going back to the question: How can Kenya create a more cohesive society? Agreeing on the basic social contract –how to reform the constitution- is a task that the coalition government should steer towards. A second major task would be to build a social covenant. That would require an understanding of what divided Kenyans in the first place and addressing the old- and new-rivalries that deepened the crises. The big concern now is that there are more issues to address and fix now than there were to fix in December 2007. There is a long way ahead, and perhaps a bumpy one where national unity will have to overcome any political bickering that might result from discussing and moving forward the required reforms. However, Kenyans should aim to build a better Kenya out of this ordeal.

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Further Analysis on CSAE Surveys:

- Bratton, M. and Kimenyi, M. (2008) ‘Voting in Kenya: Putting Ethnicity in Perspective’, iiG working paper.
- Gutiérrez Romero, R., Kimenyi, M. and Dercon, S. (2008) ‘Is Tribalism a Normal Good? Evidence from the 2007 Kenyan Elections’, iiG working paper.
- Gutiérrez Romero, R. and Kimenyi, M. (2008) ‘Better the Devil You Know than the Saint You Don’t? Expectations and Voting Behaviour in the 2007 Kenyan Elections’, iiG working paper.
- Kimenyi, M. and Gutiérrez Romero, R. ‘Tribalism as a Minimax-Regret Strategy: Evidence from the 2007 Kenyan Elections’, iiG working paper.
- Kimenyi, M. and Gutiérrez Romero, R. (2008) ‘Identity, Grievance, and Economic Determinants of Voting in the 2007 Kenyan Elections’, iiG working paper.

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