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# Ethnicity, Inequality and Economic Development in Sub-Saharan Africa: The Influence of Ethnicity in Political Mobilization and Resource Distribution: The Case of 2013 Presidential Elections in Kenya

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**Abstract**

This article examines the influence of ethnicity in political mobilization and resource distribution the case of 2013 presidential elections in Kenya. Politics of identity have long created incentives for political mobilization and resource distribution in ways that have direct and indirect correlation to economic development. The 2013 presidential elections in Kenya provide a useful platform to examine how identity politics continues to shape resource access and distribution with its attendant dynamics. The study uses both primary and secondary data to display the hypothesis that identity politics unfairly influences resource distribution in Kenya. A combination of Primordialism, Constructivism and Instrumentalism theory provide the lens of analysis. It concludes that ethnicity if not securitized, could eventually lead to inequality and weaken the fabric of economic development.

**Keywords:** Identity Politics, Resource Distribution, Political Mobilization, Primordialism, Constructivism, Instrumentalism

## 1. Introduction

Kenya is one of the most ethnically fragmented societies in Africa. Ethnicity a sense of culturally constructed group identity assumes social and cultural processes that define identity and interaction between and among ethnic groups. Politics of identity have been employed by political leaders/elites as a key variable to create incentives for political mobilization and resource distribution in ways that have direct and indirect correlation to economic development. The 2013 presidential elections in Kenya provide a useful platform on which to examine how identity politics continues to shape resource access and distribution with its attendant. The 2013 presidential elections saw the presidential candidate, Uhuru Kenyatta and his running mate, William Ruto facing criminal charges at the Hague-based International Criminal Court (ICC). They had been accused of bearing responsibility for the election violence of 2007 in Kenya.

In Kenya, ethnicity is often used as a key driver to trigger and escalate perennial ethnic tensions, electoral conflicts, and violence. Ethnic-based politics dates to the divide and rule-based policies by the colonial administration which led to ethnic and racial dualism in the structural architecture of politics in Kenya. The elites have used ethnic identity approach to ensure survival and reproduction in the contemporary political economy in Kenya.

Since independence in 1963, ethnicity has been a tool of political mobilization of groups sharing language, culture, and ancestry. During the provincial administration and the wake of devolved governance under the 2010 constitution, Kenyan regions have been balkanized politically along ethnic and tribal units. This was highly evident during 24-year regime of President Arap Moi.

The dominant political groups used an ethnic structural construct to control the centralized political powers, and violence was used to intimidate and influence other minority groups to join the dominant political groupings, like the Kikuyu during Jomo Kenyatta's leadership and later on the Kalenjin community under Moi regime. Evidently the manifestation of ethnicity has had a negative connotation because it sets groups against each other as they jostle to control and gain access to state power and is deployed as a tool for political mobilization which leads to polarization along tribal lines in Kenyan society as witnessed in the 2007 post-election violence.

Kenya, like many other countries of the world and Africa in particular has been facing major challenges in managing its elections, violent conflicts during election cycles. The country has always been left with a deep scar whenever there is an occurrence of electoral violence which creates ethnic polarization and poses a great threat to the stability of the nation state and its democratic processes. The Constitution of Kenya 2010 under *Article 10 (2) a, b and c:.*introduced devolved government and citizen participation as the most transformative aspect to promote Kenya's democratic processes (Government of Kenya, 2010). This aimed at seeking redress on the ingrained regional inequality, unemployment, and low growth by devolving political and financial responsibility to counties. It also intended to promote citizens right and responsibility to participate in local governance and decision-making processes in Kenya.

Hence, public participation in Kenya is part of a democratic process. The youth that represent a majority in the population of Kenya have been mobilized in previous elections to trigger and escalate electoral violence dating back to December 1991, when Parliament repealed Section 2(A) of the Kenya Constitution introducing the multiparty politics. The worst electoral violence occurred during 2007/2008 post-election violence that resulted in the deaths of 1200 people.

## 2. Objective of the study

The specific objective of the study is to;
1. To determine the extent to which politics of identity have long created incentives for political mobilization and resource distribution in ways that have correlation to economic development.
2. To provide a useful platform on which to critically examine how identity politics continues to shape resource access and distribution with its attendant dynamics with case study of the 2013 presidential elections in Kenya

## 3. Understanding the Context of Kenyan Electoral System and Ethnicity

The electoral process in Kenya is premised on a liberal democratic system of government where elections play a critical role in constituting and periodically renewing government. Oloo (2010) argued that elections in Kenya are the kernel of political accountability and a means of ensuring reciprocity between leaders and citizens. Although elections are not synonymous with democracy, they assist to achieve democratic principles mainly through the ballot. Hence, credibility of elections lies in the outcome of an electoral process which highly depends on how the process abides by the principle of 'procedural certainty and substantive uncertainty'. This indicates that the goal of elections should be to ensure a fair and transparent electoral process whose outcome reflects the will of Kenyan voters.

## 4. Theoretical Framework

This study adopts three more integrative explanatory models that build on the strengths of the different extant theories of ethnic conflict, the scholarly and policy that uses a multidimensional approach to explain the nature of ethnicity as a trigger and driver to ethnic politics. This study is based on three main fundamental theories including Primordialism, Constructivism and Instrumentalism that play a complimentary role to provide the lens of analysis of ethnic driven conflict during the 2013 presidential elections in Kenya.

Primordialists, postulates that ethnic group is a natural phenomenon that determine their personal identity and turn into a natural community. Ethnic conflicts fundamentally spring from differences in ethnic identities (Esteban, Laura, and Ray, 2012). Ethnic identity is assigned at birth, inherent in human nature, and passed on genealogically from generation to generation. Because ethnic differences under primordialism are ancestral, deep, and irreconcilable, ethnic conflicts arise inevitably from 'ancient hatreds' between ethnic groups and 'mutual fear' of domination, expulsion or even extinction (Geertz, 1963). Primordialists, emphasizes that ethnic differences in identities as fundamental source of inter-ethnic hatreds, fear, and conflicts.

Hence, primordialists argue that, ethnically heterogeneous states will unavoidably experience ethnic conflicts (Vanhanen, 1999). In reference to Kenyan political landscape, Okoth and Ogot (2008) who argued that the phenomenon of electoral and political conflicts in Africa has traditionally been explained in terms of inter-ethnic hatred have supported these sentiments. Ethnic identification is a result of inherent long standing and usually unchanging sets of alliance which is inevitable.

In principle, primordialism ideas are supported by constructivism theory which views ethnicity as the social and cultural aspects of the learning process based on differences in ethnic identities. These have undergone cognitive structural transformation, constructs hypotheses, and decisions advanced by generations and their groups such as political groups.

Instrumentalism implies the individual's identity and allegiance within a group for political or economic reasons. As a form of identity therefore, ethnicity is more a tool to pursue individual's economic, social and political interests. In Kenya, ethnic conflict emerges during elections when ethnic identities are politicized or manipulated to generate political and socio-economic advantages for individuals within an ethnic group at the cost of depriving or neglecting other entities. The Moi regime from 1978 to 2002 was organized around favouring the Rift Valley region generally and the Kalenjin community specifically.

Although this study is based on three main theories; Primordialism, Constructivism and Instrumentalism to offer explanation of ethnic and electoral conflicts in Kenya, neither can offer independent explanation on ethnic conflicts satisfactorily. This study outlines a model showing a possible interaction between core concepts of Primordialism, Constructivism and Instrumentalism.

According to the integrative model, informal and formal interpersonal interactions about grievances/frustration arising from the instrumentalization of ethnicity enhance ethnic cohesion whilst crystalizing primordial identities. Ethnic cohesion within dominated groups in turn induces a sense of insecurity and frustration among dominant political groups and motivating mass violence by the latter as the power-holding.

## 5. Kenyan Political Landscape

The use of Kenyan youth in political violence dates back to colonial era through 'divide and rule' policies where young people were mobilized by political actors to trigger and escalate inter-community conflict, the effects of which may still have importance for the prevalence of political violence. The colonial development policies such as the construction of a colonial state and land allocation led to sustained effects on inequality, land ownership, and regional differences.

Elections in Kenya, under universal adult suffrage, began with polls in May 1963 (under British rule) to decide who would lead Kenya into independence under a *de facto* one-party state, which led to banning opposition parties. This era led to the beginning of political rivalry and ethno-regional animosity as a result of historical grievances. Struggles for access to power seemingly ethnically oriented, between those perceived to be outside and those in the inner circle of government became the norm[1].

The government policies and practices during this era excluded youth from participating in development processes, thus denying a majority of the population the opportunity to play critical role in governance processes. This led to the country witnessing retrogressive political participation where politicians used ethnic identity to achieve political gains.

Oloo (2010) noted that after independence, ethnic politics was intensified by the formation of militia groups by the warlords to manage and control politics by exploiting vulnerabilities especially among the youth. This led to a shift in the role local communities in Kenya from being liberators to perpetrators of political violence and ethnic animosity. The elites have used ethnic based structures to mobilize, recruit and perpetuate structural violence to gain political support. This led to formation of ethnically based political parties with the aim of reclaiming political power and regain access to state resources which contributed to the formation of ethnic militia groups. This escalated with the introduction of Multi party political system leading to the formation of militia groups such as *Jeshi La Mzee* to harass political opponents using criminal gangs during electoral process in Kenya.

This trend spread over to the grass roots with ethnic orientations of groups in politics to trigger and escalate tension during election period. A number of reforms were introduced to curb such ethnic regional conflicts and tensions during electoral periods and promote the principles of good governance within a democratic space. It is included the introduction of multi-party governance intended to reduce political supremacy and divisive rivalry between ethnic groups for control of strategic resources in the country (Human Rights Watch, 1993). Other reforms targeted the use of elections as a democratic principle to ensure equity and equality in distribution of power and resources.

The introduction of multiparty politics in 1992 intensified political animosity and polarized the country along ethnic lines. This also witnessed scale up of ethnic tensions, elections malpractices, increased poverty levels, existing injustices and grievance on land and unemployment among others which made election violence persistent.

Kenya holds its general elections every five years as guided by a legal framework within the constitution 2010 that prescribes electoral laws and codes of conduct. This is intended to ensure free, fair and credible elections as enshrined in the in the Elections Act (No.24 of 2011), and, among other laws, codes of conduct and regulations set up by the Electoral Management Body (EMB)[2].

In addition, Kenya has signed and ratified international and regional treaties which provides standards on the conduct of democratic elections such as the Universal Declaration of Human Rights[3], the International Covenant on Civil and Political Rights[4], the Convention on the Elimination of All Forms of Discrimination Against Women[5] and the African Charter on Human and Peoples' Rights[6]. Furthermore, Kenya has agreed to, and endorsed, the African Union (AU) Principles Governing Democratic Elections in Africa and the UN Security Council on Peace and Security such and the African Union Agenda 2063.

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[1] Documenting Marginalization and rise of Militia groups in Kenya: (Eds.) Militia, Rebels and Islamic Militants: Human Insecurity and State Crisis in Africa , Pretoria, Institute of Security Studies, pp. 147-181, 2010.

[2] The Elections Act provides for the conduct of elections to the Office of the President, the National Assembly, the Senate, county governor and county assembly; to provide for the conduct of referenda; to provide for election dispute resolution and for such connected purposes, including offences and sanctions to candidates and political parties.

[3] Article 19–21.

[4] Article 19–25.

[5] Article, 7

[6] Articles, 13, 23 and 31

The constitution of Kenya has clear provisions to guide Independent Electoral and Boundaries Commission (IEBC) on the management of electoral process including preparations and conducting elections, declaration of election results and filing of election petitions challenging the conduct of election both at County and National level of government, and assumptions of office. Hence the international charters and election related laws in Kenya regulates the conduct and outcomes of elections with aims at ensuring the electoral management body (IEBC) delivers a free, fair, credible and peaceful elections.

The Constitution of Kenya 2010 under *Article 10 (2) a, b and c:.*introduced devolved government and citizen participation as the most transformative aspect to promote Kenya's democratic processes (Government of Kenya, 2010). This aimed to seek redress on the ingrained regional inequality, unemployment, and low growth by devolving political and financial responsibility to counties. It also aimed to promote citizens right and responsibility to participate in local governance and decision-making processes in Kenya. Hence, public participation in Kenya is part of a democratic process.

Democratic institutions support the existing legal process to solve electoral dispute in Kenya by aggrieved party, aspirants or party. Democratic institutions including the Independent Electoral Boundaries Commission, Political Parties Dispute Tribunal and the court system where applicable should resolve the disputes arising from party nominations and other electoral process jointly. Hence, youth and citizens should not be mobilized to contest election results or party wrangles. These democratic institutions are briefly discussed below;

First, Kenya's Independent Electoral and Boundaries Commission (IEBC) is an independent, non-partisan electoral management body in Kenya. The IEBC is the constitutional body charged with the mandate of managing Kenya's electoral process and has in place supplementary regulations on the registration of electors, election petitions and election procedures.

The March 4, 2013 general elections were conducted using a framework under the 2010 constitution and supervised by the Independent Electoral and Boundaries Commission (IEBC). There were multiagency and multi-stakeholders' approach to curb the possibilities of a repeat of the deeply flawed 2007/8 post-election conflict which left more than 1000 people dead and more than 600 000 internally displaced. The Interim Independent Electoral Commission (IEBC) had done commendable work in managing the by-elections resulting from the 2007 elections and the 2010 national referendum and successfully introduced new election technology, which was adopted during 2013 general election to support voter registration as the cornerstone of an electoral democracy. Hence, the Biometric Voter Registration (BVR) technology allowed for credible electoral process supported broad participation of all eligible voters, ensured inclusivity and ensured transparent voter registration and verification process. There is consensus that the IEBC largely met its obligations in establishing an accurate, inclusive and credible voter register, with 14. 3 million voters registered to vote in the 2013 elections.

Second, the Office of the Registrar of Political Parties (ORPP) is an office established under section 33 of the political parties Act of 2011with functions[7] to regulate political parties' activities.

Third, the Political Parties Liaison Committee (PPLC) established under section 38 of the political parties Act 2011 both at National and County levels of government. PPLC role is to provide a platform for dialogue between the Registrar of political parties, Commission and political parties. This committee can also perform other tasks prescribed by the registrar.

Fourth, is the Political Parties Disputes Tribunal (PPDT) is established under section 39 of the Political Parties Act of 2011. The PPDT is critical before elections to ensure that disputes arising internally as a result of party nominations are resolved. It has the same jurisdictional powers as other tribunals in Kenya Magistrates Courts (Lower Courts in Kenya) within the courts system. Once matters are held under the PPDT, contesting party to the dispute can file an appeal to the High Court. PPDT is a quasi-judicial body with the mandate of resolving disputes arising from political parties` activities. In addition to resolving disputes, the PPDT works closely with

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[7] Section 34 of the Political Parties Act

other stakeholders in the political process including IEBC, Registrar of Political Parties and Independent Liaison Committee to promote issue based politics and people – centered democracy in Kenya.

**6. Ethnic Politics during 2013 Presidential Elections in Kenya**

The enactment of the 2010 Constitution of Kenya laid the foundation for a complete overhaul of the Kenyan electoral framework. Based on Agenda IV of the 2008 National Accord proposals, The Office of Registrar of Political Parties (ORPP), National Police Service and Judiciary went through institutional reforms. Other reforms included among the reforms undertaken were the consolidation of all electoral management laws into one statute, and significant changes to the resolution of electoral disputes.

Also safeguarding the right to vote and to be elected in the Bill of Rights and other legal changes provided a framework for the March 2013 general elections, in which Kenyans cast votes for six elective positions including President, Governor, Senator, Member of National Assembly, Women Representative and Member of County Assembly (MCA).

The election actors acknowledged that the root causes of the 2007 electoral conflict were not fully resolved causing vulnerability for a possible violence outbreak due to high level of community animosity on the ground. Hence election actors championed the need to address agenda item 4 (four) of the Kenya National Dialogue and Reconciliation Process focused on addressing long-term issues and the root causes of political , ethnic, and gender-based violence during the 2013 elections.[8] The people Daily (2013) reported the regrouping of ethnically inclined militia groups in Kenya. Struggles to control Counties rekindled ethnic and sub ethnic identities as a result of failure to honor the terms of 2007 pact which led to major fallouts and contributed to the rise in tension for a possible violence during the 2013 presidential race. The campaigns sparked intra-ethnic rivalry and revived old inter-ethnic tensions between "indigenous" groups and "settlers" in various parts of the country.

This implies that March 4, 2013 presidential elections experienced tensions, which created the fear of a repeat of 2007/8 post-election violence. There was massive exodus witnessed by migrations of people back to their rural areas and relocations among residents in the various informal settlements to relocate to safer neighborhoods within the slums or to the rural areas. They relocated to territories assumed to be safer due to mass support from the ethnically aligned dominant political coalition especially CORD and the Jubilee as the main contenders. Hence, safety was informed or influenced by the availability of friends, relatives or kinsmen in the villages or the informal settlements. Hence fears of eruption of violence due to the bitter historic political rivalry from and among the allies of Kikuyu and Luo as the scenario between PNU and ODM during 2007 general elections.

**7. Cracks in Negotiated Democracy**

The negotiated democracy in Kenyan political arena by the elites has been used to create a majoritarian system and a mechanism to consolidate numbers, power brokering and sharing. This has created conflicts and tensions among competing interest through individuals, political parties and communities involved. Kivuva [9] acknowledged that 2013 elections was highly competitive and depicted high level of negotiations for power sharing among ethnically diverse and ethnically homogenous counties as well as the negotiations between elites (as the brokers of negotiated democracy) and the public.

The mobilization of party primaries in 2013 elections was highly based on sub-ethnic identities and evaluation of incumbent leaders' development record and inclusivity in access to County resources leading to power agreements among political parties. Many political parties such as Party of National Unity (PNU) and Orange Democratic Movement (ODM) and politicians dishonored political agreements of 2007 during 2013 elections

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[8] Wachira, G. Arendshorrst, T. and Charles, S. M. (2008) Citizen in Action: Making Peace in the Post –Election Crisis in Kenya – 2008 (Nairobi: Nairobi Peace Initiative – Africa and Litscher, J. `Kenya: The National Accord and Reconciliation Act 2008`, In Unpacking the Mystery of Mediation in Africa peace processes, Mediation Support Project (MSP) CSS and Swiss peace, 2008.

[9] Joshua Kivuva, in his Negotiated Democracy and its Place in Kenya's Devolved System of Government: An Examination of the 2013 General Elections maps the terrain of Kenyan politics in the wake of the devolved system of government

leading to cracks and tensions. The 2013 elections witnessed continued negotiations to form larger political coalitions and alliances at the national level, aimed mainly at winning the presidential vote.

Towards this end, existing political parties signed MoUs and other coalition documents. Uhuru Kenyatta's The National Alliance (TNA) and William Ruto's United Republican Party (URP) formed the Jubilee Alliance Party (JAP). Although not part of the formal MoU, Charity Ngilu's NARC also identified with the Jubilee Alliance. The second major alliance was formed by ODM, Ford-K and Wiper-Movement to form the Cord Coalition. These were the major coalitions that contested the 2013 presidential vote and dominated other contests for Governor, Senator, Women Representatives Members of Parliament (MPs) and MCA. The negotiations were spearheaded by either of the two broad national coalitions and took place in the multiethnic counties driven by the national objective of winning the presidential elections in 2013. This was known as "*the two-horse race*" between (ODM-Cord) presidential candidate and TNA candidate.

**8. Conclusion and Recommendations**

Ethnicity has been the salient force behind eruption of political tensions and violence. The 2013 presidential elections were highly contested and politically divided election based on the two main political rivals susceptible/ vulnerable to violent eruption (Conflict / violent situations witnessed in some parts of the country – opposition strong holds mainly). Although judiciary received 188 petitions and a presidential petition, National and international observers perceived the 2013 elections as peaceful and credible. They argued that the electoral process was free, fair and credible with contestation being on mode of transmission.

The Human Rights Watch (2014) contended that although the 2013 elections were relatively peaceful, and despite banning the criminal gangs in Kenya, ethnic politics still prevailed. The politicians continued to employ and use the criminal gangs to fuel ethnic political tensions and animosity. This paper contends that the various ethnic identities developed right from the establishment of the post-colonial state of Kenya with the dominant ethnic groups which hold key economic and political positions in Kenya breads apprehension and tension amongst ethnic groups, promotes unequal distribution of resources along ethnic lines and employ excessive executive powers for political patronage. Hence there is need to promote national identity based national values, institutions, and practices in Kenya during electoral process,

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