

Kenya and Zimbabwe: Democratic challenges and opportunities

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The world's attention has been riveted in 2008, by election crises in Africa, first Kenya, and now Zimbabwe. In both cases, challenges remain in converting electoral victory to political power. Can a victorious opposition come to power in the face of an obstinate incumbent? This question is particularly relevant when the incumbent regime controls the coercive apparatus of the state and the opposition only has the ballot in its corner. In the battle of the ballot vs. the bullet, can there ever be a fair match?

Historically the answer has been no. But new developments on the democratic front in Africa in the last decade have strengthened election support and monitoring by key regional bodies, the Southern African Development Community (SADC) and the African Union (AU). In 2004, SADC adopted 'Principles and Guidelines Governing Democratic Elections' aimed at 'enhancing the transparency and credibility of elections and democratic governance as well as ensuring the acceptance of election results by contesting parties'. The African Charter on Democracy, Elections and Governance adopted by the AU in 2007 to, among other things, 'promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of government', consolidated gains on the electoral front. These developments have strengthened the electoral process on the continent, creating the space for opposition parties to compete fairly. At a minimum, international supervision through these protocols compels sitting governments to desist from outright repression and undemocratic practices.

VIBRANT CIVIL SOCIETY

Another significant development on the African continent is the emergence of a vibrant independent civil society focused on democracy, human rights and social justice. In fact, the SADC and AU protocols would not count for much if not for civil society pressure on African leaders to abide. In both the Zimbabwean and Kenyan election crises, civil society played a key role in documenting, exposing and transmitting human rights violations. In addition, the advent of the Internet and other modern communication tools shrinks time and space, making it possible to build instant global people to people communication and solidarity links. Consequently, incidents that would blow away unnoticed in the past, now invoke global outrage.

WEAK NATIONAL DEMOCRATIC INSTITUTIONS

Both the cases of Kenya and Zimbabwe expose the weaknesses of national democratic institutions, particularly those mandated to oversee the conduct of elections. In Zimbabwe, the Zimbabwe Electoral Commission, like its Kenyan counterpart was

exposed as partisan in favor of the incumbent regime. In both countries the judiciary was no recourse as the judicial bench is routinely ‘staffed’ by government loyalists. A key challenge therefore is how to evolve robust democratic institutions as a lasting foundation for an enduring democracy and social stability. Key elements of a fully functioning democracy are an independent and impartial electoral commission, an independent judiciary, and a democratic constitution. Regrettably, these conditions don’t always hold in countries emerging from a colonial past.

Non-Partisan security forces are also critical elements of a democratic state where people choose their leaders freely. In Zimbabwe the army, the police and secret services merged seamlessly with the violent campaign machinery of the ruling Zimbabwe African National Unity Patriotic Front (Zanu-PF). In Kenya, the police stood in President Kibaki’s corner and brutally massacred hundreds of opposition activists in protests that followed the disputed election. The lessons of Kenya and Zimbabwe underscore the importance of professionalizing the army, police, prison services, and secret services so that the security forces are not party operatives. This is particularly daunting for countries like Zimbabwe, where former liberation movements are in power and their allied armed wings have been integrated into national security forces. There tends to be partisan loyalty amongst these ‘war veterans’, their allies, and affiliated parties.

INTERNATIONAL INTERVENTION

Both Zimbabwe and Kenya raise the question of the role of the international community in resolving internal conflict. Clearly, in circumstances of weak democratic institutions, a victorious opposition must rely on more than the ballot to secure power. In the case of Kenya, unlike Zimbabwe, the opposition used mass mobilization and threats of total economic paralysis to leverage its power and ultimately compel the sitting government towards a negotiated settlement.

In Kenya, the U.S., Britain, the AU and other players in the international community played a key role in brokering the power-sharing deal that stopped Kenya from plunging into the abyss of political chaos. While the political settlement in Kenya succeeded in stopping violence, the key question remains unanswered - how to ensure the unhindered transfer of power to the true winners of the election. The deal currently holding Kenya together is an inferior solution that will only be meaningful if immediate steps are taken to ensure that the will of the people is respected in the next election.

International mediation in Kenya was made easier as key players in the international community had access to and leverage with both sides of the crisis; and the local actors were not irreparably polarized. This is a key difference with Zimbabwe, where political polarization is acute and Western powers have no diplomatic access to Mugabe. Mugabe’s response to Britain’s ‘school yard’ isolationist diplomacy has been to throw his toys and act like he just does not care.

The role that the U.S. can play in Zimbabwe is undermined by the Bush Administration’s lack of international credibility, partly because of the discredited Iraq war; and outright

hypocrisy where the U.S. embraces favored dictators such as Ethiopia's Meles Zenawi and Pakistan's Musharraf while preaching democracy in Zimbabwe. These discrepancies make statements about democracy in Zimbabwe ring hollow and provoke questions about the real motives of U.S. foreign policy.

SADC and the AU, equipped with relatively new principles and protocols, are limited in their actions by the poor human rights record and electoral practices of many of the present leaders. The precedent already set by failure to take a firm stance against members such as Sudan for gross human rights abuses and Ethiopia and Nigeria for outright electoral fraud, limits the extent of what African leaders can do now. Mugabe is already exploiting this Achilles' heel and effectively paralyzing the AU by arguing that others have been allowed to get away with worse crimes. Thus, while there is a growing voice of 'concern' by African leaders, the response falls far short of the moral outrage conditions on the ground demand.

The 14-nation strong SADC is in the best position to influence developments in Zimbabwe. The region completely land locks Zimbabwe and as such wields a big economic muscle. But more importantly, SADC does have a history of direct intervention in trouble spots. In 1998 South Africa and Botswana sent troops to Lesotho as part of a SADC mission to crush a coup and 'restore democracy' following controversial elections in that country. In 1997, Mugabe, in a position then as SADC's Chairman of the Organ on Security and Defense, led Angola and Namibia in a military intervention in the Democratic Republic of Congo.

The key question is how to balance intervention by all the international players - SADC, AU, UN and Western powers. The UN's role is tough as it's original mandate involved conflicts between and not within nations. Western powers, particularly the U.S. and Britain, have thrust themselves forward ahead of all the other players in Zimbabwe in ways that are not always helpful given the region's colonial past and Western corporate interests. Unilateral actions by Western countries often compromise the position of democratic forces on the continent, as they face accusations of being Western puppets. African leaders in a new era of African renaissance do not want to appear to be taking orders from the West. This is not to say that the West has no role to play, international action must be directed through existing African institutions and the UN.

In countries like Zimbabwe and Kenya, bolstering African institutions and pressuring them to uphold their protocols on human rights, elections and good governance is the best path to democracy. A true solution to the current political crises in Zimbabwe and elsewhere on the continent is strengthening the ballot, and amplifying regional and continental peace making through the AU and SADC.

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