Ethnicity as a *Kamaliza* (exterminator) Politics? Democratization or Demonization in Kenya?

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Abstract

Ethnicity is negatively nuanced regarding democratization in Africa. Multiple ethnicities appear to negate the democratization process. This paper complements and enhances the debate on ethnicity in Africa following the works of Ajulu (2002), Karega-Munene (2003), and Berman (2004). In argument for ethnicities role in de-democratization, some scholars look at the outcome of the divide instead of the underlying causal factors. This paper endeavors to contribute on the positive effects of ethnicities in the democratization process. Ethnicity as hypothesized categorizes clusters of people in similar cultures and way of life. Politicians seeking stakes in governments can use the differences in ethnicities to catapult themselves to government. Pitting ethnic group(s) against each other leads to political divides and the subsequent demonization of ethnicity in democratization. Karega-Munene poses four questions, first, whether Kenya can have a government that escapes accusations of nepotism and tribalism. Second, if it is possible given that Kenyans identify with ethnic affiliations first, third… "is ethnicity necessarily bad?" And finally, given that there is strength in diversity why can't Kenyans not harness that strength instead of using it divisively? The paper adds to the debates of some these questions. In essence, ethnicity in the democratization process can bring forth unrepresented groups in societies hence the formulation of social movements and political parties to gain socio-political space in governance. Demonizing ethnicities creates related conflicts but unveils injustices which leads to a search for justice hence a democratization process.

Key Words*: Ethnicity, Kenya-elections, Democracy, Party-politics, Political-Mobilization.*

Introduction

The confidence in group identification has outcomes despite their objectivity (Weber, 1996, p. 35). Therefore, political groupings do decipher identity implications. The subjective beliefs that result from ethnicities are formed through shared customs, physical features, shared historicities like in colonization or migration; the subjective belief becomes pertinent in the consolidation of groups (Weber, 1996).

Africa bears unique categorization owing to the belief and propagation of ethnic groupings in political communities. The belief is not bad. However, the manipulation of ethnicities by political leaders creates divisive politics. In the absence of taking leadership towards amalgamation of ethnicities via policies, negative politicization of 'otherness' becomes the norm. The counter action leads to a demand for a ban of separatist politics especially formation of political parties whose main grounding factor is ethnicity (Coleman & Roseberg, 1970, p. 690).

In some African countries, the introduction of multipartyism in the early 1990s saw key leaders opposing it in fear of ethnic strife. President Moi of Kenya argued against multiparty to seemingly protect social cohesion in the country. But he was protecting his reign in power. In Zambia, Kenneth Kaunda argued that multiparty politics would bring 'chaos, bloodshed and death,' (Ake, 1993). Also, President Paul Biya of Cameroon defended single party politics by arguing that it 'ensured 'a united Cameroon devoid of ethnic, linguistic, and religious cleavages'. (Ake 1993, p.5). The fears expressed by these Presidents was that political divide would fall along ethnic lines creating strife that would lead to bloodshed. With the benefit of hindsight, the fears came to fruition in the 1990s after the introduction of multiparty politics. Kenya, Somalia, Ethiopia, Uganda, Central African Republic, Nigeria, Mali, Cote D'Ivoire, Senegal, Mozambique, Angola among many other Sub-Sahara African countries faced these challenges. What is not clear is whether ethnicity is a cause or a symptom of issues that need addressing despite multiparty politics.

Evidently, political homogeneity does not always lead to political cohesion and neither does political heterogeneity (Somjee, 1979). The question is, how should transfer of loyalties from local allegiances to national leadership occur? It is in the latter that we find democratization while its undoing leads to de-democratization. All answers seem to rely on leadership. The abuse of

ethnicities by leadership is not new, since its manipulation enables one to gain support for national position for selfish reasons (Soyinka- Airewele, 2001; Rabushka and Shepsle, 1972; Ajulu, 2002; Munene, 2003; Karega-Munene, 2003). Ethnicity is harmful where negative constructed differences seek enlargement of a groups' political space to monopolize power, resources, and displace others (Ihonbere, 2001).

The argument follows that, ethnicity can lead to democratization. Democratization is a continual responsiveness of a government to all its citizens' needs (Dahl, 1971, p. 8). This infers a regime receptive and reactive to the essentials of all its citizens irrespective of their voting power. Political representation means leaders stand a lesser chance in creating ethnic-divisive politics. Additionally, ethnicity does provide political categories as one of the platforms for increased participation in the election process. Arguably, ethnicity promotes expanded participation and opposition hence high levels of inclusivity and consolidation of a democratic process (Dahl, 1971).

Ethnicity was a key contributor to transition to democracies in Africa in the 1990's and in Kenya specifically. Ethnicity was among the factors that led to the counter of President Moi's autocratic closed hegemonic regime. Moi served the needs of a few elites at the expense of the masses. Ethnicities resulted in the widening and deepening of governmental institutions to include 'others' hence leading to the creation of the 2010 constitution, a process that contributes towards consolidating Kenya's democracy. This is in line with Weber's argument for rationalization and institutionalization of bureaucracies that are impersonal in nature (Weber, 2005).

Background of the Study

Kenya's political parties and (un)democratization process can be traced to the pre-independence period. The colonial government banned nationwide political parties with only district levels being allowed to have competitive politics until 1960 (Carey, 2009). In 1961 an election took place under the colonial government where two parties were involved: Kenya African National Union (KANU) and the Kenyan African Democratic Union (KADU). But the short timeframe between lifting a ban on nationwide political parties and the 1961 elections meant that KANU and KADU had elements of local districts, as well as regional personality-ethnic elements to aggregate the representation and interests of the citizens. Carey (2009) argues that ethnicity and patronage

played a big role in establishing nationwide political parties at the onset of independence in Kenya (p. 58).

Prior to Kenya attaining independence from Britain on December 12th, 1963; it was a 'multi-party' colony with the executive powers vested on the Queen where the Governor General carried out the mandate of the Queen. The Governor General relied on the Prime Minister's advice and the cabinet (Gertzel, 1970, p. 125). To avoid centralization of power, the pre-independence Constitution had the senate and the House of Representatives. The former's mandate was to act as a check and balance for both the executive and the House of representative. The other provision of the constitution was regional governments which also had power to make legislative decisions, thus decentralization also known as the *Majimbo* constitution.

In 1960 when some elites formed KADU party it had the colonial endorsement. KADU was started by prominent leaders like Ronald Ngala, Daniel Arap Moi and Masinde Muliro who reportedly represented Mijikenda, Kalenjin, and Luhya ethnicities respectively (Munene, 2003). KADU broadly represented the ethnicities of Kalenjin, Maasai, Turkana and Samburu (KAMATUSA), as well as the British settlers against KANU's controlling power mainly in the ethnic groups of Kikuyu's and Luo's while Kenya's independence was imminent. Whereas KANU geared for centralization, KADU spearheaded for decentralization through federalism famously referred as *Majimboism*. In 1962 Paul Ngei from the Akamba ethnic group formed the African Peoples Party (APP) following a fall-out with Jomo Kenyatta of KANU. Ngei was Kenyatta's jail-mate during the Mau Mau war (Munene, 2003, p. 7). In 1964, Kenya became a Republic and shortly afterwards KADU and APP dissolved. This led to the absorption of KADU and APP leadership in KANU government. The resultant was constitutional re-arrangements that concentrated power in the executive. Kenya became a *de facto* one-party state creating a personal rule regime (Roseberg and Jackson 1982). Ajulu (2002) observes that Kenya's political independence period had little experience with multi-party politics from independence in 1963 where the experimental one took place, to the "little general elections" of 1966.

The Jomo Kenyatta's regime based its allegiances on ethnic and kinship links after taking over from the colonial powers (Wambua, 2017; Iraki, 2010). The regime created a ruling ethnic oligarchy propagating socio-economic inequalities. This hindered the formation of trans-ethnic

community interests. The deprivation during the colonial legacy meant the independence political leadership in Kenya concentrated in building social bases of power and calculated how to acquire and maintain political power.

Kenyatta embarked on consolidating ethnic communities hence the motto of Harambee (let us haul together). The colonial era had divided ethnicities aiming at co-optation of those deemed functional while sidelining/marginalizing non-strategic groups. It created divided societies with unhealthy ethnic competition. In post-colonial regimes the division formed a basis for undermining a socially cohesive state. Collective responsibility was fragmented leading to pervasive forms of ethnic hegemony

The culmination of ethnic hegemony occurred following Kenyatta's centralization of power and destruction of those in his path (Odhiambo, 2004). Kanyinga (1998) argues that Jomo Kenyatta's regime begun well in 1964 only to embark in Kenyanization of the economy which morphed to ethnicization. Hence the people coined the Swahili term *Kamaliza* (exterminator) to refer to Jomo Kenyatta's extermination of his challengers (Kanyinga, 1998, p. 50). It seems the demise of Pio Gama Pinto, Tom Mboya, and Josiah Mwangi (JM) Kariuki met the *Kamaliza* end (Kanyinga, 1998). The fate of Argwins Kodhek on January 29th, 1969, and Ronald Ngala on December 12th,1972, via freak road accidents remain a mystery and anyone's guess. Karega-Munene (2003) observes that "polarization of our ethnic politics occurred in 1969 with the assassination of Tom Mboya and the proscription of the Kenya People's Union and detention of its leadership. These events introduced the politics of ethnic intrigue and hatred into Kenya," (pp. 19-20). Since J.M. Kariuki (a kikuyu) assassination of March 1975 occurred under Jomo Kenyatta, it provided a 'temporary relief because the Kenyatta regime had "eaten" one of their own (Karega-Munene, 2003, p. 20). It shows how deeply engraved ethnic hatred is in Kenya, due to its polarization. The absence of constitutional provisions to guard against presidential abuse of absolute power paved way for such occurrences. Kenyatta accommodated the 'trustworthy' mostly, from his ethnic group, the Kikuyus and 'point men' from other ethnic groups like Oginga Odinga and Daniel Arap Moi from the Luo and Kalenjin ethnic groups to safeguard his regime and legacy.

The Moi regime begun in 1978 after the death of Kenyatta. His initial effort was directed towards 'de-consolidation' of power from the Kikuyu ethnic hegemony created by his predecessor (Oyugi,

1994). The dismantling of a kikuyu economic association called the Kikuyu, Embu, and Meru Association (GEMA) was the first step. It was due to an allegation that GEMA had taken part in an attempt to change the constitution to prevent Moi from ascending to the presidency upon Kenyatta's death (Oyugi, 1994). To this end, a resolution was passed outlawing all ethnic associations. This was carried out at a conference held at the Kenya Institute of Administration in July 1980. Moi's regime broke down and demobilized GEMA's economic might and influence (Oyugi, 1994, pp. 22-23).

Similarly, Moi embarked on centralizing power to himself. Apparently, … "George Anyona, who with Oginga Odinga had intended to form a political party in 1982 that triggered the constitutional amendment outlawing other parties, was arrested, and prosecuted on sedition charges, inter alia for intending to form the Kenya National Congress," (Muigai, 1993). Therefore, Moi turned Kenya into a _de jure_ one -party state in 1982 (Munene, 2003). He pre-empted the formation of opposition political parties especially from key point men. Two decades into Moi's reign, he empowered elites from his ethnic group and co-opted point men from other ethnic groups like his predecessor Kenyatta in a bid to consolidate power to KANU and 'simulate' legitimacy. Ultimately the 'New KANU' formed on March 18th, 2002, had Moi as the chairman, Raila Odinga as the Secretary General, in addition to four Vice Chairmen namely, Uhuru Kenyatta, Musalia Mudavadi, Kalonzo Musyoka, and Katana Ngala. The Vice Chairmen were point men from Kikuyu, Luhya, Akamba and Giriama ethnicities respectively. These leaders represented their own interests and not their ethnic groups'.

Ethnicity in Democratization or De-democratization?

The paper argues that ethnicity is a tool for political mobilization hence democratization as opposed to de-democratization often depicted via associated conflicts. It argues that ethnic differences do not lead to conflicts and de-democratization. But ethnicity can be a tool for democratization through institutionalization of inclusive governance in the electoral processes for a holistic protection in the societies. Ethnicity can counter negative frameworks. It can lead to an all-inclusive process, through providing a platform for competitive elections, massive participation, political mobilization based on policies and institutionalization of the same hence democratization process. Some scholars argue that "ethnicity is an elite phenomenon. It is elites

who instrumentalize ethnicity for political and economic ends over the benefits of modernity," (Shilaho, 2022). Arguably, democratization is not a question of elites mobilizing negative ethnicity but more of belonging which then is about inclusive governance.

In Kenya ethnicity has led to democratization process despite ethnic ignited conflicts. It aided in the transition to a democracy, decentralization of institutions and power, hence empowering the masses. Ethnicity in Kenya has also led to the creation of a representative parliament hence inclusivity thus a countercheck from a 'tyranny of numbers' leading to representative voices in the legislation process.

Theoretical Premise

The paper triangulates within the premises of Utilitarianism, Justice, and constructivist theories. Utilitarianism has its roots in the classical but was later used by Jeremy Bentham and John Stuart Mill in the promotion of lower classes interests which were overshadowed by the upper class in the British legislation in the eighteenth and nineteenth century. Bentham and Mill viewed decision making as an incorporation of all affected by a given action. Bentham's caption that each counted for one and none had the over-arching advantage of having a tally of more than one, is based on the notion that all beings with feelings deserve equal treatment. Utilitarian theory anchors on morality and legalism and religion. Therefore, what is good for one person must not have negative impact overall. Something is good if overall it is considerate of others. Bentham argues for the greater happiness seeing all pleasures as equal.

However, Mill separated moral and intellectual happiness as higher to the rest. Both Mill and Bentham spearheaded for consideration of the pursuit for happiness and its impact on the others. Happiness could qualify as good if all others did not pay the price by their unhappiness.

Utilitarianism calls for thoughtful actions and its effects on the rest. The desired course of action is one which has the superior net utility when gauged against alternative causes of action. The tenets of Utilitarianism include first, actions are deemed right if their outcome is happiness, and bad, if their outcomes is unhappiness. Second, humans through intuition know what is right and

wrong. Third, do to others as one would want done to self. And finally, to be impartial without seeking personal gains against others.

Utilitarianism curves space for multi-ethnic existences hence multiparty politics. Ideally, each ethnic group should strive for representation without necessarily placing any in a negative space. Ethnicity can be a tool for representation without the constructed hegemonic suppression of minority groups.

In the Theory of Justice, Rawls (1971) looks at justice as a fair treatment of people through creation of institutions that are representative of all. The organization and inherent divisions of a society informs justice. In propounding the *veil of ignorance*, it observes that, if a person is to select a position in the society which a person knows nothing about its arrangements, would choose one which is fair to all owing to the veil of ignorance as to where he/she might end up (Rawls, 1971). Therefore, should the person be placed in the worst position in the system, they stand to undertake duties within fair surroundings. Noteworthy, a rational person intending to create a cooperation that entails equality and independence would not know what position or place they could end up in. The assumption is a lack of predestination for all in a society, since all stand a chance to occupy any position based on equality and independence within the system (Rawls, 1971). Justice is espoused as superior to utilitarianism because it is not affected by the differences in the intuition of individuals which varies from one person to another. Justice is fair.

The tenets of Justice theory include first, everyone should have equal rights like broad freedoms enjoyed by any other considered to have extensive rights. Second, inequalities should be organized to fit anybody's' advantage hence giving a chance to the worst person within to be better off. The crux of Justice theory is that there should be equal liberties, economic distribution and responsibilities and agreements that leads to a just society. In the case of a societal organization forming a social contract, a people within will agree to a contract embedded in justice. Justice forms the basis of goodness which is informed by a rationality leading to a creation of a stable society.

The third framework is the Constructivism theory by Onuf & Klink, (1989). Other variations of constructivism include the works of Wendt, (1992) which indicate how identities are constructed to secure state interests. States with similar identities see each other as allies while the opposing ones are viewed as enemies. Literature shows that issues emanating from perception/ misperceptions can emerge through constructed notions of a particular subject or issue area.

Is ethnicity a product of human construction? In consolidating a group various strand such as 'speech act' and socio-cultural traditions are intertwined with politics when forming parties and membership making an individual to mentally internalize their belongingness or otherness in each society. Constructivism emphasizes the instability and changeability of identities in solidifying pursuit of a group's welfare (Gross, 1996, 58). Ethnic blocs create slogans, symbols, and ideologies to bring a group of people under their influence to amass support. For example, the Sengwer community has found it difficult to rigidify their identity in Kenya. Over the years the Sengwer had patchy recognition. They were told to either identify with the Ndorobo or Ogiek. "The ethnic labels Ogiek and Ndorobo are used interchangeably, and are generally associated with forest dwelling, hunter-gatherer communities, who traditionally did not keep cattle, and who are commonly believed to be indigenous to the area" (Lynch, 2007). Over the years the Sengwer have been identified with neibouring communities of the Marakwet, pokot, and Elgeyo. Lynch (2007) argues that when Sengwer are recognized at all, they are largely associated with the greater Kalenjin community as a sub-group of the Marakwet. It is not surprising then to see that in 2005 the Sengwer were removed from the forest due to the fear that they were environmental hazards due to felling of trees. Deeper politics show ethnic infusion as a result of contestations over land especially since the 1990s when the Sengwer clamor for land. Therefore from a tag of poor cowless people to ouster from land yet recognized as hunters and gatherers leaves a lot of questions on ethnic identity de/constructions. The theory of ethnicity thrives in societies with diverse languages, cultural practices, and norms. The dangers lie where such differences are conjured for divisive politics viewing others as enemies (Ajulu, 2002).

Assumptions of Constructivism theory includes first, individuals are driven to act in a manner that is controlled by power vested in the existence of ideas, identity, and constructed norms within a

society. Secondly, existing norms lead to changeability of individual sovereignty which is affected by decision making. Thirdly, societal norms shape the interests of the actors, hence reliance on the select few in making decisions (Wendt, 1999). The way a society constructs ethnicities is detrimental to its' democratization process. Tanzania coined *Ujamaa* (socialism) and avoided falling into ethnic-based conflicts as opposed to Kenya which has struggled with social cohesion due to negative ethnic divisions since independence.

A Review of the Literature

The nexus between ethnicity and democratization is complex. Ethnicity in its common usage is "groups of people sharing common consciousness based on language, culture, or common ancestral heritage. Historically this has not always constituted negative connotation or identification," (Ajulu, 2002, p. 252). However, when ethnicity is linked to (de)democratization in Africa, the immediate connotation is; a divided society prime for conflict. The ethnic differences portray 'otherness 'as the enemy. 'Their' existence is averred as 'our threat.' Paradoxically, it is the pursuit to conquer the 'evilness' of ethnicity that propagates its 'evil.' Arguably, addressing the underlying causes in ethnic driven conflicts would exorcise the negative connotation in ethnicity. Political leadership has over time enhanced ethnic differences to harvest political power. Hence the notion that ethnicity is not good in African democracies (Berman, 2004). The idea of negative ethnicity is not bad because positives exist due to their counterbalances. But, when negative ethnicity becomes the core of a society's affair, through decimating positive ethnicity then we have a problem.

Secondly, ethnicity is heavily linked to contradictions of citizenship (Pamir, 1997). The concept of allegiance to a local group works contra to patriotism in most African states. As a member of an ethnic group, one contributes and views social goods as belonging to the immediate local group. The applicability of being good, fair, and just is limited within the sub-state groupings context. The dilemma sets in when these goods are desired by members outside the group.

Additionally, citizens, blame poor allegiance to the state on colonial boundaries. People refer to the colonial borders as artificial because they fail to demarcate states as per the ethnicities in a geographic region (Behr, 2018; Berman, 2004). Arguably, this denies the state an opportunity to

unify leading to competitive scuffle for public goods distribution. The denial of such goods to those considered as outsiders/lesser citizens and un-deserving forms the basis of exclusion. The process of democratization is hampered by the 'divisive/intrusive' boundaries that predestines African states to conflict instead of operating under justice and fairness through equal treatment of all within a nation-state. In Nigeria, the struggle by the Yoruba people in 1990s, and the Movement for the Sovereign State of Biafra (MOSSOB) in the Southeast displayed a struggle for justice and equal management (Metumara, 2010, Omeje, 2005).

The question of imagined communities or groups comes into play when ethnicity is evoked. The emergence of violent conflict in Rwanda where economic programs, introduction of multipartyism and politicization of identities led to the genocide. The missing and contributory factor in the Rwandese 1994 genocide is the physical manifestation of features among the Rwandese that arguably were used to distribute public goods to the 'citizens' while denying the same to the 'lesser citizens' hence hierarchical categorization of ethnicities with similarly notions of injustices. Therefore, does homogeneity always follow peaceful co-existence and vice versa? The democratization of the US and Western Europe necessitates a closer examination of ethnicity as a basis for democratization or de-democratization.

The emergence of structural models depicts that ethnicity can co-exist where social classes do not follow ethnic ranks. Weber uses "Caste structure" to show hierarchical order and ethnic coexistences. Horowitz (1985) shows that horizontal ethnic groups would take a vertical order in a caste system. The vertical nature predestines groups into super and subordinate classes ethnic groups (Horowitz, 1985, p. 24). The creation of social classes with hierarchical organization coincides with frequency and intensity of conflicts (Horowitz, 1985, p.22). It means that where ethnic groups are ordered in a class structure vertically, such a society is likely to have fervent conflicts. In some case the hierarchical classes maybe perceived and not necessarily lived reality on the ground. Here the perception that certain ethic groups have access to a government and the privileges inherent could create a ranked society. The idea of marginalized societies in a state illustrates the example of perceived ethnic classes. The causal factor of classist conflicts is belongingness in a society based on one's ethnic group. The process of democratization indicates

that, each should have equal rights and a chance to occupy a position in the system without acting in a manner that favors one and puts another in a disadvantageous position (Rawls, 1971).

Ake (2000) argues that western democracy is of little importance to Africans (Ake, 2000). It concentrates on a political class competition for power while ignoring the context and content within Africa. Furthermore, it is not an end but rather a means for power for the elites despite the masses desire to have it as a means for socio-economic liberation and democratic takeover (Ake, 2000). The participation in democracy through periodic elections ends in minimalist democracy, while dis- empowering the masses with the focus on competition among minority elites (Schumpeter, 1975, p. 285, pp. 289-296). The implication can be dual; ethnicity gives leeway for elites to manipulate masses to acquire their sovereignty, which Murunga (2011) refers to as 'fractious…but predatory elites,' while the masses use ethnicity to establish the presence of the excluded groups/classes. This paper pursues the second point and further adds that, in manipulating the masses for votes, the masses do get a chance too to manipulate the elites to meet their needs. Ethnicity provides the first step on the ladder to democratization which cannot be reversed.

The literature on democratization depicts problems where there is some inclusivity and exclusivity of groups. Some states in Africa have shrewd leaders, who use their ethnic dominance to maintain a majoritarian electoral system that assures power retention for themselves through their ethnic groupings. The outcome is post-election conflicts as in the case of Kenya 1992, 1997, 2007 (Mueller 2008; Hansen, 2009; Murunga ,2011). Zimbabwe, Nigeria, Sierra Leone, Cote d'Ivoire, Mali among others have faced challenges following multi-party elections. Is ethnicity the cause or a symptom of the underlying problems? The latter seems true, because, without grievances of exclusion from power, participation in governance and access to citizen rights, there would be hardly a basis for ethnic-based conflicts (Nyong'o, 1983).

The counterargument for ethnic-related conflicts would be to do away with multi-party system. This argument was fostered immediately after gaining independence in the 1960's in support of creating cohesive societies. In Tanzania President Nyerere was against multi-party specifying that, to create cohesion, the state needed one party governance. In Kenya, in the 1990's, Moi negated a forge towards multi-parties arguing that, multi-ethnic Kenya was not yet cohesive enough. Was Moi, right? Since Moi was the President then, his objectivity is questionable. Secondly, one party

state is not the solution as it had proven incapable of representing the multiple ethnic groups in Kenya. Negative ethnicity is arguably a means towards an end for dictatorial rogue politicians. However, positive ethnicity forges for justice through different groups representation in governance.

Ethnicity in Minimalist Conception of Democracy

Minimal democracy is a system in which leaders are elected through embracing competition (Schumpeter, 1976). It has institutional arrangements capable of withstanding competition for the electorate's votes, hence acquisition of power that enables decision making. The value is placed in the capacity of an electoral system to depict observable output.

In theorizing the conception of minimal democracy, scholars approach it from different angles. Przeworski (1999) states that, it is a system in which political parties lose elections. This links it to a process based on consensus democracy due to existence of irreconcilable differences one should agree to a possibility of losing. The underlying thesis in a minimalist democracy is the significance of peaceful transfer of power through regular elections.

Minimalist democracy is also conceived as replacement of administrative systems without bloodshed (Popper, 1963). It is the capacity to replace the rulers through the ruled exercising their rights. The emphasis is on the power vested in individuals to choose a government. The argument of whether the process is bloodless or bloody is not explored further.

In another conception, minimalist democracy is looked at from a Madisonian perspective where officials are subject to periodic elections (Riker, 1982). This correlates with Rousseau's conception where people directly participate in policy decisions highlighting the will of the people.

In the minimalist conception, the presupposition is that democracy is the way forward. It is therefore not about 'to have or to have not' but at what level of democratization a country is at (Dahl, 1971). The paper delves in ethnicity in Kenya through this perspective.

Kenya's Transition to Democracy?

The call for democratization in Kenya in the 1990's followed the popular third wave of democracy in Africa (Huntington, 1991). The reminder of a centralized regime by the former President Jomo Kenyatta led the population to dissent against President Moi's regime which followed Jomo Kenyatta's footsteps (Adar and Munyae, 2001). Those who opposed President Moi's authoritarian regime came from various forces. These included the forces behind Oginga Odinga (Odhiambo, 2004, p. 169), the disgruntled business /ethnic power moguls like Kenneth Matiba, in addition, victims of multiple arbitrary arrests like Raila Odinga who had faced the centralized power of the presidency leading to a spearheading for regime change (Odhiambo, 2004). Unfortunately, the call for regime change took an ethnic angle where President Moi's Kalenjin community appeared dominant in government.

Ethnicity in Kenya's Minimalist Democratization Process?

Democratic governance in Kenya followed a demand for an ethnic representative government by the people, prior to independence through to the 1990's. Those demanding for democracy were in support of upholding the rights of the people. Eventually, this process led to a demand for an ethnic representative administration. In doing so, democratizers were either looking to take on leadership or to institute leaders deemed fit to represent a particular ethnic grouping of people. It appears ethnicity played a major role of identifying social groupings that were present in Kenya and how they were represented or lacked representation in government. To propel fair institutions, ethnic groupings organized themselves and appointed leaders for the purposes of their representation in governance.

In this conjecture, the argument is that before reaching the point of elections, there is an underlying factor that mobilizes or acts as an organizing vehicle for those competing for elective posts. The idea is complex because elites have to win the legitimacy of their people before vying for elections. Schumpeterian minimalist democracy therefore forms a foundation to an expanded democratic space. In the African context, and Kenya in particular, to achieve regular competitive elections ethnicity and point men played a role because without dissenting voices, the ruling party would have continued un-opposed because intra-elite contest soon took an ethnic dimension in 1992 as

each ethnic group coalesced around their own (Oyugi, 1997. Pg. 49). For example, "Moi's succession to the presidency on the death of Jomo Kenyatta was the product of an elite pact made with an eye on ethnic constituencies." (Cheeseman, Kanyinga, Lynch, Ruteere, & Willis, 2019, pp. 221-222). Similarly, Although Moi's cabinet was skewed to his ethnic group, he ensured point men from other ethnic groups were present to secure power and legitimize his presidency. The emergence of opposition parties in the 90s like Democratic Party (DP), FORD, Safina and others were outfits that combined ethnicity and key point men. Once an opposition point man/challenger lost elections they could be eyed by the patron and appointed in government, which worked as a launchpad to the next elections. However, the opposition soon realized that splitting along the two key dimensions of point man/woman and ethnic importance was detrimental to winning election and would lead to coalitions from 2002 onwards that brought point men/women with ethnicity in a political party to secure an electoral win

Ethnicity in Kenya appears as a group identity, solidarity, and an awareness. The integration of the groupings has a characteristic of forming social cohesiveness that produces political leaders/parties. In a divided society like Kenya, the ideal solution to matters ethnic and democracy is to have an elected 'pan-ethnic' president (Piotrowska 2020). This means that, the president should be elected by members from a consolidation of votes from many ethnic groups.

Notably, the central government was too distant from the people; when it failed to deliver services to the people it necessitated a retreat to ethnicities. Ethnicity formed a basis to exert pressure from below bringing the central government closer to the people via devolution. The ensuing ethnic conflicts although undemocratic, are a basis for change in incorporating the excluded masses. In Kenya, the 1992, 1997 and the 2007 elections were marred by election irregularities (Mueller, 2014, Anderson and Lochery, 2008, Hansen, 2011; Linke ,2020). These conflicts were the basis for institutional changes leading to the 2010 constitution which is sensitive to ethnic diversities and inequalities. The idea of a bloodless transfer of power propounded by Foucault (2003) may have been subverted, but the subsequent elections are aware of possible conflicts where legitimacy is questionable.

The queuing to vote process initially procured by President Moi in the early stages of multiparty elections was outlawed. The outright undermining of people's rights through win by 'short' lines

led to abolition of *Mlolongo* (queuing) polls and the introduction of secret ballots (Munene, 2003). The masses' political space and power was increased.

Ethnicity and Decentralization of Power.

Pre-independence period was characterized by centralization of power (Busia, 1967, p.120). The colonial government regarded the notion of a local administration with any kind of authority as a threat. This led to the construction of local authorities as existential threats to central governments. It placed the mandate of policy making under the central government despite such policies having negative impacts on the local people.

Independence brought forth liberation. Communities that were not allowed to manage their own affairs saw the opportunity to do so. However, the move for community autonomy was thwarted by the then government due to the desire for 'national unity' (Yieke, 2011, p.13). This led to centralization of policies, eliminating any group gearing for local liberties.

Negative construction of ethnicities misses its' essence as a mode for decentralization of power. Ethnicity can be a means of empowering the locals in a manner that significantly uplifts the rights and sovereignty of a people. A means for securing a people's norms and values. A means for recognizing the important place of the peculiarity of a people's practices, a right for existences. The recognition of rights follows the need to secure that which is valued hence human security through empowering the community in recognition of ethnic groups' rights in the society. It implies decentralization and devolution of power from the central government to the unique ethnic groups at the periphery.

Constructing ethnicities as enemies to the state takes away the right to self-govern. 'Tribal' leaders have the legitimacy of the people. In national governance, local leaders are appointed mostly by their ethnic groupings to represent them in central government. The negative construction of ethnicity in democratization implies ethnicity in choosing local leaders by the locals is acceptable while transferring the same to the central government is labelled un-acceptable. This implies representation of the ruled by their rightfully chosen leader is a threat. Representing ethnic groups in ensuring inclusive laws paradoxically requires separation of the representative from their

ethnicity. How then should the rights of those ethnic groupings perceived to be excluded be forwarded?

The idea of ethnic groupings is arguably compatible with democratization in decentralizing power and avoiding exclusive politics and dictatorship. Ethnicity in Kenya is based on regional development and advancement of local government in managing local affairs (Lynch 2016). Furthermore, ethnicity implies access to national resources in an equitable manner in comparison to other groupings hence a contributory factor to democratization. The problem of imbalanced development, especially among minority groups derails a representative governance.

Decentralization in Kenya at times is equated to separatism. Political elites maneuver ethnicity for political clout. Initially, it led to advocacy for centralization in the 1990's by those in power and decentralization by those wanting to get in power. Others looked at centralization as a means of keeping the nation-state together.

The politics of copying Western models of democracy is at the center of dis-advocating for ethnicity as a basis for devolving power to the people. States in Africa depict a different social reality whereby, the development of regional and local institutions meets the historical and social realities. Injustices and political manipulation of ethnicities would not come to fore if these social groupings experienced just distribution of resources, access to governance and power that manifests in regional development and local governance.

De- 'ethnicizing' will not make people cease to be members of their ethnic groups and neither would it solve the problem of centralization of power and lack of political space to self-govern. The threat of, or actual ethnic conflicts have led to institutional recognition of the different groups in Kenya. The revolutions in early America and England between the nobles and the aristocracy led to democratization (Moore, 1966). Ethnic conflicts in Kenya in 1992, 1997 and 2007 elections led to the 2010 constitution that acknowledges the rights of the multi-ethnic groups and the right to access central governance and resources hence the creation of the 47 County governments.

Ethnicity and Mobilization.

Ethnic groups in disadvantaged positions have used political mobilization in cases where authoritarian regime have failed to serve them. Ethnic groupings in Kenya for example, the kikuyu, Luo, Kalenjin, Akamba, Kisii, Luhya, Masai, Turkana, Meru, Embu, Somali among others are a mobilizing tool for the people against repressive central governments. Democratization does not stipulate any rule against mobilization. Hence ethnicity in Kenya is a means for dissenting voices to mobilize against authoritarian governments.

Literature avers that, the 1992, 1997 and 2007 elections in Kenya were marred by ethnic conflicts (Oucho 2002). Also, there were ideological and elite-based interests inherent in these elections although they 'piggybacked' on ethnicity. However, literature does not show that, ethnicity led to opposition of Kenyatta's government following independence, and the subsequent opposition of Moi's government which consolidated resources to the Kalenjin elites just as Kenyatta's regime had done to the Kikuyus (Odhiambo, 2004, pp. 170-172, pp. 176-180). The injustice is, a few political elites "ate" on behalf of their ethnic groups referred as 'salt licking' (Nyong'o, 1983, pp.8-9).

Elites propagate the big picture of getting the rights of their representatives institutionalized by accepting positions and fringe benefits that personally benefits them. Both Jomo Kenyatta and Moi's regimes mobilized support under KANU constitution through co-optation of point men from 'key' ethnic groups as KANU Vice Presidents and Chairs respectively ((Karega-Munene, 2003, pp. 19-20). Although the tactic worked for Jomo Kenyatta, the injustice led to its failure in Moi's regime. According to Nyong'o leaders settle for 'licking the salt' which is an 'appetizer' instead of gearing for the main course, that is, their electorates rights. The loser becomes the electorates (Nyong'o, 1983). However, ethnic mobilization leads to transitions. The previously 'ignored' ethnic interests and ethnic minorities must be won over through creation of inclusive institutions. This avoids territorial dissection of the state which creates its own minorities otherwise regarded as infinite regress (Horowitz, 1994).

Jomo Kenyatta and Moi regimes practiced centralization of power through constitutional manipulation thus dis-empowering local communities (Carey, 2002, pp. 58-59). The example is

the 'constitutionalizing' 'of section 2A which enacted a one-party *de facto* state. The beneficiaries were those political elites from the ethnic groupings of the leaders, not their entire ethnic group as constructed (Nyong'o, 1983; Karega-Munene, 2003). The construction of ethnic favoritism has however helped to revolt against repressive regimes hence spearheading for equity in government services and national resources by those ethnic groupings deemed dis-favored.

The call for federal governments was initially politicized as a call for separatism (Majimbo) (Munene, 2003). This confused the masses especially those who had invested in regions where they were perceived as aliens. However, it had reached a point where devolution of power to local authorities was inevitable. Ethnicity was at the core of constitutionalizing devolution although the 47 County governments do not represent all the ethnic groups present in Kenya. The exact number of ethnic groups in Kenya is unknown due to the shifting nature of ethnic identity construction as earlier shown by the case of the Sengwer group. It created a basis for political mobilization hence contributing to the establishment of the 2010 constitution in Kenya. Observably, anchoring citizen's rights to the accessibility of the central government answers the question of injustices addressed by the democratization process.

The crux of ethnicity in democratization is in how regimes interrelate with cultural variances. Ethnic mobilization has the potential to move into violence however, it can lead to achievable goals that satisfy the excluded groups through creation of institutions sensitive to a multi-ethnic state hence demobilization. The capacity of ethnicity to mobilize and demobilize becomes a pertinent factor for an impartial governance. Leaders have thus to spearhead the demobilization process following an election but more so ensure a fair representation of the masses in governance.

Political Competition through Electoral Education

In Kenya, political competition at national level is seen as ethnic competition (Throup and Hornsby, 1998). The introduction of multi-party system led to increased competition for the electorate votes. Political elites, who over the years had encountered injustices during the one-party rule mobilized the electorates through ethnic groupings. To secure votes, political elites rallied their ethnic groups to vote against an ethnic centralized-power regime. The search for equity by using ethnicity led to the removal of an ethnic oligarchy led by Moi.

However, in 1992 and the subsequent 1997 elections, electoral institution favored the incumbent in Kenya. In 2002, the major ethnic groupings that is: Kikuyu, Luo, Akamba, Luhya, Mijikenda, and other small groups formed a coalition under National Rainbow Coalition (NARC) that won election against KANU which was dominated by the Kalenjin despite the presence of point men and women from other ethnic groups. Later, a coalesced government spearheaded for a new constitution which was amalgamated in 2010 following the 2007 controversial election, marred with ethnic conflict. Ethnicity (use of vernacular language in civic education) helped in voter's education on the benefits of voting. The resultant was high voter turn-out and participation. Regime change from Moi to Kibaki in 2002 came to be through a coalition of political parties with heavy ethnic backing from coalition partners. Arguably, democracy is a game of numbers, as Kenyans found a way to make the numbers work against Moi's autocratic regime in 2002. The 2002 election seems like the only landmark free and fair election in Kenya because of the unity of the opposition parties and high voter-turnout that was determined to oust KANU from power. Jonyo, (2002) argues that party politics in Kenya is disguised ethnicity. By 1992 KANU was "essentially a Kalenjin-Masaai, Turkana, Samburu (KAMATUSA) party," (Jonyo, 2002, p. 53). Therefore, unity of the opposition in 2002 amassed numbers under the elites who mobilized their ethnic groups (Luo, a section of the Kikuyus, Akamba, Coastal people, Luhya,) gaining 62% of the votes and 132 parliamentary seats to KANU's where Moi and his few point men and women could not numerically beat the opposition. The electoral commission and 28,000 election observers were of the view that the election was free of violence and judged to be free and fair (Barkan, 2004, p. 90). Although the 2002 qualifies as minimal democracy, because of the high numbers that voted the new government in, the institutions failed to protect the country from 2007/8 electoral ethnic-laced violence, and 2013, 2017 contestations on legitimacy issues.

Leadership and Ethnicity?

The post-colonial Kenya has retained the culture of predation by political leadership. The state remains the principal source of wealth (Randrianja, 1996, p. 31). Karega-Munene (2003) shows that …

> "Unfortunately for Kenya, the majority of our leaders, who include politicians, religious leaders, in addition to the economic and academic elite, are not known for being social reformers. Instead, virtually all of them seek high office as a means to accessing and appropriating public resources for

selfish reasons. Insofar as this state of affairs persists, ethnic factors will remain a major bane to this country," (p.22).

The above shows how ethnicity under an unjust leadership can be a double-edged sword hence demonization of democracy. Snyder (2000) argues that democratization encourages leaders to play the ethnic card for purposes of consolidating power and avoiding challenges. But is it democratization or the misuse of the same? Leaders take advantage of democratization particularly at the onset of transition to democracy. At this level, the media favors the autocrat, so does the market, creating exclusionist politics based on nationalism (Przeworski, et al., 1995). Inadvertently, the masses may not be aware of the scheme of the leaders, their passions towards a free and fair government are real, and democratization thus engages the desires of the masses (Snyder, 2000).

In the event of misappropriation of resources and questioning by the governing bodies, leaders' resort to their ethnic groups with 'cries' of attack on their ethnic group. Ethnic mobilization secures these leaders from being held accountable for abuse of state resources. The cyclic nature of constructing ethnicities to either gain power or protect leadership from accountability creates pervasive injustices. Ethnicity by itself does not cause conflict. Ethnicity under the manipulation of greedy leaders causes conflict.

Challenges Emerging in Ethnicity and Democratization Process

Post-Cold-War period marked in the 1990's indicates that, ethnicity became a precarious determinant of political elections. Ethnicity as a vehicle for representation is not bad, however the challenge is in balancing the rights of varying groups without engaging in negative politicization with potentialities for conflicts. Scholars observe that ethnic diversities may not be grounds for democratic ideals (Dahl, 1971, pp. 114-118). In addition, ethnicity is a vehicle to promoting extreme right ideologies leading to exclusion based on nationalism leaving an awareness of civic nationalism as the only means to democratic growth (Lipset, 1963). The diversity of the people is not the issue, rather, how the constructed diversities are managed in the formulation of power structures of administration. The reproduction of ethnic based cleavages with exclusionary governance forms a basis for potential conflicts. This is pronounced more where the expanding

democratic space offers high hopes to citizens and the subsequent quashing of such hopes through exclusionary politics in: power, economic resources, and participation in governance.

The maintenance of constructed identities during the colonial period has led to the reproduction of inequalities and stereotypes that undermines democracy and its processes. Ethnic identities are abused to securing resources and political power. Ethnicities however helps in the removal of hierarchical ranking of groups through protestations against unfair governance.

The solution towards ethnicization of politics lies within the framework of application of policies that are inclusive. This eliminates desire to return to ethnic based politics by elites. Given that the state and civil service jobs form the basis for secure salaried employment, the recruitment policies should be designed in a manner that does not favor some whiles dis-favoring others. Merit based recruitments dis-engages ethno-regional politics since on individual grounds all are looking for fairness in access to governance and national resources (Murunga, 2004, p. 201). This supports the Weberian rationalization of a merit-based process of formulating bureaucracies (Weber, 2005). Furthermore, it is in line with Rawls justice theory hence avoids *kamaliza* politics.

Conclusion

Democracy is arguably the best form of governance. It considers no absolute truths and uses deliberations to reach to agreements. The presence of diverse ethnicity does not make democracy impractical. Western Europe, the USA, and other parts of the world like India have instituted democracy despite the inherent diversities. Multiple ethnicities are not a reason to counter democracy. It thus calls for other explanations for ethnic related conflicts in Africa as a whole and Kenya specifically. This goes without refuting that; ethnicity can be a dangerous cause for extreme right aggression and chauvinism. Ethnic nationalism can call for emancipation through challenging authoritarianism and creation of institutions that lead to social cohesion and stability.

Ethnicity in Kenya anchored decentralization of governance and calls for equitable distribution of resources seen in the 2010 constitution. Ethnicity also played a role in the transition from Moi's autocratic rule to a multi-party democracy. Ethnicities were used to depict the injustices carried

out by the Jomo Kenyatta and Moi regime which consolidated resources around a few elites leading to an ethnic oligarchy that disenfranchised the masses.

Ethnicities led to decentralization of power from the presidency by repealing section 2A of the constitution of Kenya, hence re-introduction of multi-party politics. The 2002 election was free and fair comparatively, with massive participation and exercising of voting rights that cut across the country, this was through ethnic mobilization and unity against an ethnic oligarch that had previously ruled the country for over two decades.

Kenya's 2007 elections were marred by electoral malpractices leading to ethnic conflicts. However, the same ethnic conflicts were a revolutionary conduit to democracy leading the people to put their lives on the line in mass protests against electoral injustices. Arguably, ethnicity is a powerful tool when the people use it to acquire justice for the good of all. This is in line with Rawls justice theory and Bentham and Mills utilitarian theory.

Ethnicities is used to mobilize and enlighten the masses on their voting rights by their leaders. In rural places where a people cannot understand the national languages, that is Kiswahili and English, local leaders mobilize and articulate the values of voting to the people through use of local languages. The use of local broadcasts in local languages promotes democracy at the grassroot level through civic education and local civil societies.

The leadership in Kenya has failed to deliver public goods to the people. This is through abuse of power as representatives of the people by amassing resources for themselves. In the event of people calls for accountability due to abuse of power, leaders' resort to negative politicization of identities hence ethnic conflicts.

Human suffering is not a reason to avoid a transition to democracy, equally, human suffering with desired outcome is sometimes inevitable (Moore, 1966). Kenya's ethnic conflicts have resulted in democratization with the landmark of the 2010 constitution and cessation of arbitrary arrests by autocratic regimes. Ethnic mobilization leads to sprouting of civil societies that anchor the decentralization of power. The greater the numbers a government can mobilize, the less the chances for repression. This can be achieved through mobilizing all ethnic groups under a regime

hence demobilization of dissent through equitable service to all. Noteworthy, the absence of strong ethnic identities can lead to de-democratization through endorsement of pseudo-democracies

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