

ELECTORAL REFORMS: EXTINGUISHING ETHNIC HEGEMONY IN THE EXECUTIVE

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*"FRIENDS ARE NOT PERMANENT, BUT
RATHER FOR USE IN THE INTEREST OF
CONTROLLING THE **HIGHLY
CENTRALIZED EXECUTIVE** AUTHORITY."
(HOLMQUIST, GITHINJI, 2009:102).*

THE STATE OF KENYAS' ELECTORAL SYSTEM

- Constitutional failures after the March 2013 General election.
- Elections in Kenya's divided society
- The exclusive politics of **tribal supremacy and elitism** that has debuted in Kenya after the general elections.
- Unraveling the installation of a Kikuyu ethnic hegemony into the Presidency of Kenya.
- Tribalism and ethnic division are the key reasons for the failure of democracies in modern Africa (Reilly, 2001)
- Deep ethnic cleavages that are ancient and permanent in Kenya (Holmquist, Githinji: 2009)
- The way the electoral votes cast in a national election translate to seats won in the legislature depict how proportional an electoral system is.
- There is **no single electoral** system that is likely to be best for all divided societies AND each system offers advantages unique to a political system (Reilly, 1999, Matlisa, 2003).

WHAT THE CONSTITUTIONAL DRAFTERS MISSED

*A N ELECTORAL SYSTEM DESIGN IN **DIVIDED** SOCIETIES SHOULD TAKE INTO CONSIDERATION THE FOLLOWING*

- ✓ Knowledge of the societal division*
- ✓ Nature of the political system AND*
- ✓ The process that led to the adoption of the electoral system being practiced*

THE ETHNIC QUESTION

- The Politicization of ethnicity every general election has become the trend in Kenya (Bodil)
- As Kenyans we need to ask ourselves- *Is it is possible to design an electoral and political systems which avoids conflicts but promotes inter-ethnic accommodation?*
- Ethnicity is the degree of conformity of members of a collectivity to shared norms in the course of interaction and it is primarily the political community that inspires such 'ethnic aspirations'(Jaini,1996).
- Ethnic identity influences political and social behavior. It may influence who one trusts, does business with, gets married to or votes for. (Gutierrez-Romero,2013)
- Danger in one or two communities 'hogging' power in perpetuity.
- The politics of '**Majimbo**' or **regionalism** are born with every ethnic group wanting to assert its destiny through self-determination.

THE ETHNIC QUESTION

- We need an electoral system that would extinguish what could be Kikuyu-Kalenjin hegemony in Kenya's politics until Kingdom comes.
- The **Kikuyu, Luhya, Luo, Kamba and Kalenjin** constitute 70 per cent of the population, leaving the other 37 communities to their mercies (Business Daily).
- Certain electoral systems provide rational political actors with incentives towards cooperation, moderation and accommodation between themselves and their rivals, while others will lead to "hostile, uncooperative and non-accommodative behavior" (Reilly,2001)
- Combating such ethnic pedagogy by designing electoral systems that make politicians reciprocally dependent on the votes of members of other ethnic groups rather than their own.
- Paranoia and Mistrust that pervades ethnic communities with the Kikuyu assertion of tribal supremacy

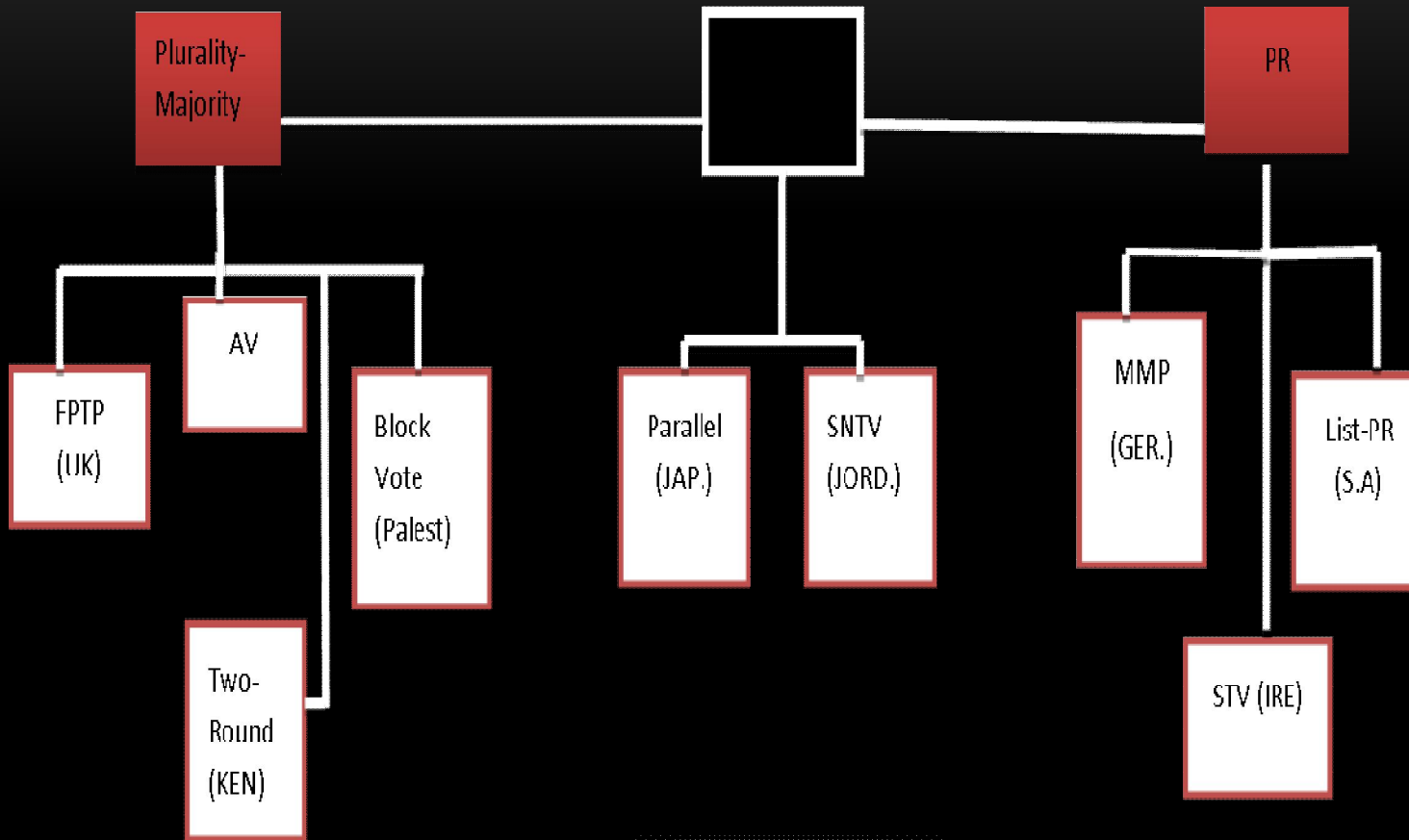
THE PROBLEM: ETHNIC HEGEMONY IN THE KENYAN PRESIDENCY

- ❑ One main problem in our Politics is that our elections are profoundly President-centred and the culmination of all battles tribal. (Posner)
- ❑ UHURUTO government a product of the 2013 Kenyan elections has endeared to establish a political and ethnic hegemony.
- ❑ Which means a predominance(superiority) of a cohort of politicians and citizenry associated with the Jubilee Party agenda and the furtherance of ethnic dominance in Kenya.
- ❑ The cohort controls access to political office within the state to such an extent that they can bar from office politicians who would advance alternative nation-state projects. (Roeder, 2011)
- ❑ It is the institutionalization of dominant symbolic framework (Roeder,2011)
- ❑ There can be no destructive assertion to national cohesion than the assertion of a Kikuyu eliteism in the socio-political sphere of Kenya.

THE PROBLEM: ETHNIC HEGEMONY IN THE KENYAN PRESIDENCY

- ❑ Because of the unique ethnic diversity existing in Kenya-"a system where the winner takes all must be prevented," as it will propagate more ethnicity and drive more Kenyans into their ethnic enclaves. (Gutierrez-Romero,2013)
- ❑ Hegemony is the supremacy of a social group or class manifesting itself in two ways
 - Domination/ coercion
 - Intellectual/ Moral Leadership
- ❑ Ethnic hegemony that is being entrenched in politics is characterized by equivocal consent by the populace and becomes so powerful that it counteracts dissidence.(Jaini,1996)
- ❑ Hegemony is the consensual nature of ideological domination and is *practically brainwashing*.(Jaini,1996)
- ❑ The Kikuyu dominance emanates from economic and political success that was available to the Agikuyu to the exclusion of other ethnicities(Holmquist,Githinji,2009).
- ❑ Ethnic hegemony removes legitimacy out of any Presidency.

ELECTORAL SYSTEMS



PLURALITY/MAJORITY SYSTEMS

- First Past The Post (FPTP) System is the simplest of ALL the electoral systems in the world. (Matlosa,2003).
- Candidate with the most votes but not necessarily an absolute majority of the votes wins an election(Reilly et.al,1999).
- HINGED ON plurality of the vote rather than majority of the votes and therefore a considerable number of votes does not form part of the final determination of the election results(Matlosa,2003)
- In Kenya, this system has encouraged the development of ethnic hegemonies in political parties which may base their campaigns and policy platforms on conceptions that are attractive to their co-ethnics
- The majoritarian approach employs the Two Round System (TRS) in Kenyas Presidential elections (Reilly et.al 1999)

PLURALITY/MAJORITY SYSTEMS

- The TRS cannot capture the deep ethnic cleavages that are manifest in Kenya and the likelihood of stalemate was alive and well during Kenya's Presidential Election of 2013.
- TRS is inherently costly to the Government and also to candidates in the eventuality that the second round is activated(Wamugo:3).
- plurality elections for the presidency and simultaneous presidential and legislative elections are often seen as helping to focus the party system into **fewer and more viable challengers for power.**
- The dangers inherent in vesting absolute power in a directly elected President through the use of a plurality method in a diverse or ethnically divided country like Kenya where no single group has an absolute majority can be devastating for legitimacy or for healing wounds of yesteryears. (Reilly et.al,1999)

PROPORTIONAL REPRESENTATION SYSTEMS

- The PR system can be lauded for translating the votes cast in an election to the seats won by a particular party
- The PR system reduces the uncharacteristic results that emanate from plurality/Majoritarian systems and is better placed to produce a more representative legislature.
- Proportional representation is hinged on party lists where political parties present a list of candidate's bases on national or regional parity with the ultimate aim of them taking up the allotted positions

MOZAMBIQUEAN PRESIDENTIAL ELECTIONS 1999 (SADC DATA)

PARTY	CANDIDATE	TOTAL VOTES	% OF TOTAL WON VOTES WON
FRELIMO	CHISSANO	2 338 333	52.3
RENAMO	DHLAKAMA	2 133 655	47.7
TOTAL		4 471 988	100.0

MOZAMBIQUEAN PARLIAMENTARY ELECTIONS 1999 (SADC DATA)

PARTY/ COALITION	TOTAL WON	VOTES	% OF TOTAL VOTES	PARLIAMENTARY SEATS
FRELIMO	2 005 703		48.53	133
RENAMO	1 603 811		38.81	117
Other	532 789		12.66	-
Total	4 132 303		100.00	250

MIXED SYSTEMS.

- This system has features of the FPTP/plurality/ majority system and the Proportional Representation system
- The Mixed Member Proportional system(MMP) is meant to mitigate and compensate for the disparities that may arise out of the plurality/majoritarian system and this mixed system is now an acceptable system in emerging democracies.
- In Venezuela there are 100 FPTP seats while the rest are National List PR seats and extra compensatory seats.
- In Mexico **200 List PR seats** compensate for imbalances in the results of the **300 FPTP seats**, which are usually high.
- Lesotho's post-conflict electoral system contains 80 FPTP seats and 40 compensatory ones"
- The MMP seems to be the electoral system of choice in emerging democracies, and Kenya should not shy away from investigating its viability

TOWARDS A CHANGE IN ELECTORAL SYSTEM: THE ELECTORAL COLLEGE

- The Electoral College as a viable electoral system of electing the President of Kenya (Africa Policy Institute)
- Works via special 'electors'
- Electors will be equal to the number of Members of Parliament and senators that a county has.
- A TOTAL of 384 electors based on the 290 elected members of parliament, the 47 elected women representatives and the 47 elected members of the senate.
- Each elector will have one vote for the presidency.
- Electors are pledged to presidential candidates and in the eventuality that the presidential candidate they pledged to happens to win the county votes, then they become the electors of that particular county.
- Presidential Candidate will appear on the ballot paper but in actuality, the voter is voting for the pool of electors pledged towards a particular Presidential Candidate.
- The collegiate system is an indirect plurality/majority system that ensures that not only numbers count but a broader geographical representation and acceptance is gained.

THE ELECTORAL COLLEGE

RAILA ODINGA COUNTIES		UHURU KENYATTA COUNTIES	
MOMBASA	69.77	MANDERA	92.33
KWALE	80.74	ISIOLO	55.41
KILIFI	83.74	MERU	89.41
TANARIVER	61.41	THARAKA-NITHI	92.38
LAMU COUNTY	51.98	EMBU	89.00
TAITA TAVETA	81.56	NYANDARUA	97.11
GARISSA	48.67	NYERI	96.33
WAJIR	49.59	KIRINYAGA	95.99
MARSABIT	48.78	MURANGA	95.92
KITUI	79.53	KIAMBU	90.21

THE ELECTORAL COLLEGE

MACHAKOS	85.89	WEST POKOT	73.33
MAKUENI	90.73	UASIN GISHU	74.26
TURKANA	67.53	ELGEYO	92.07
		MARAKWET	
SAMBURU	57.62	NANDI	81.52
TRANS NZOIA	46.03	BARINGO	87.93
NAROK	50.21	LAIKIPIA	85.49
KAKAMEGA	63.84	NAKURU	80.19
BUNGOMA	52.83	KERICHO	90.74
BUSIA	85.62	BOMET	92.68
SIAYA	98.47	KAJIADO	52.36
KISUMU	96.64		
HOMABAY	98.93		
MIGORI	86.38		
KISII	67.93		
NYAMIRA	66.26		
NAIROBI	49.00		
VIHIGA	NO WIN	NO WIN	
TOTAL NO OF	<u>26</u>		20
COUNTIES WON			

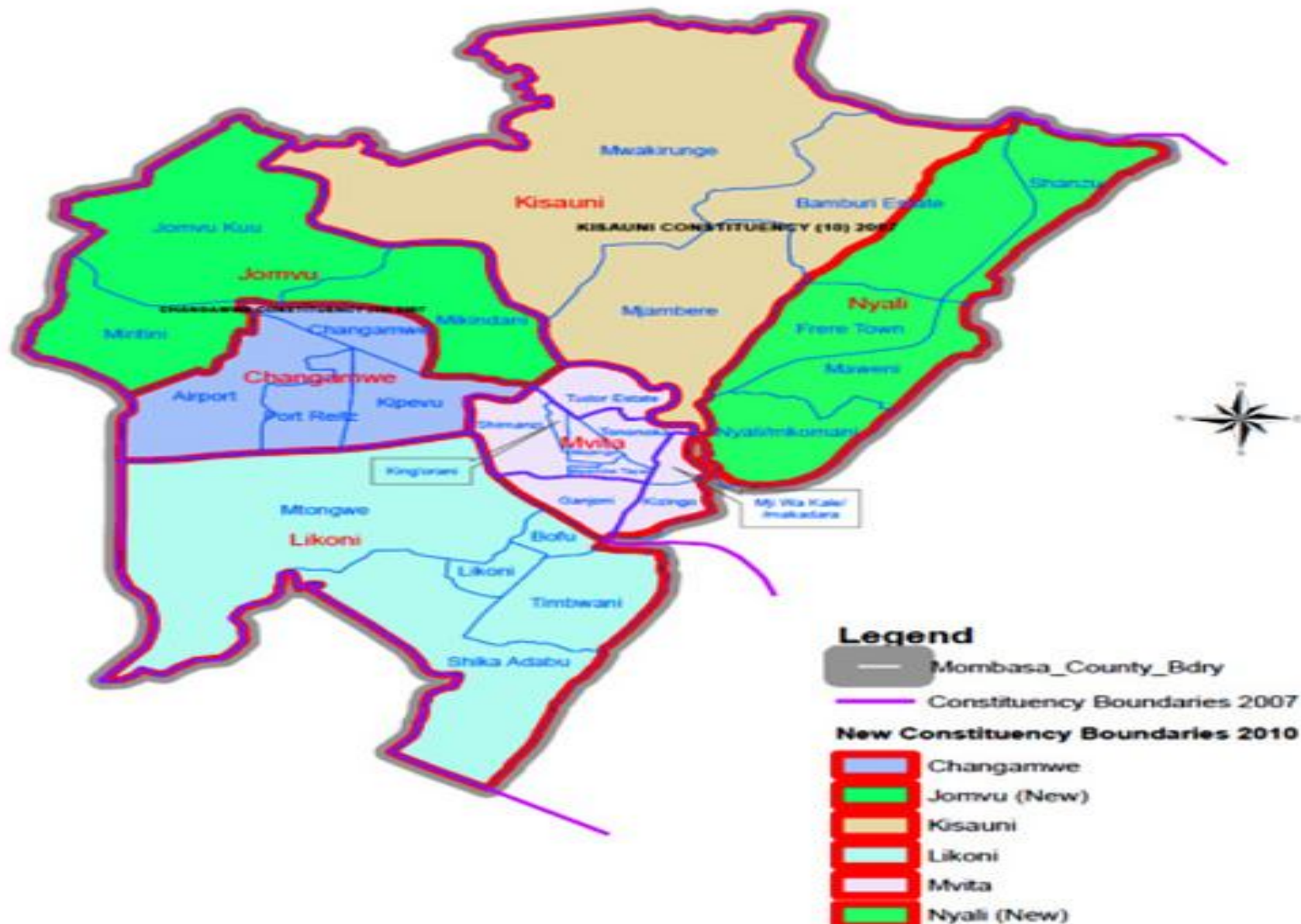
(IEBC:2013)

ELECTORAL COLLEGE

HYPOTHESIS

COUNTY WON BY ODINGA	ELECTORAL VOTES	COUNTY WON BY KENYATTA	ELECTORAL VOTES
MOMBASA	7	MANDERA	7
KWALE	5	ISIOLO	3
KILIFI	8	MERU	10
TANARIVER	4	THARAKA-NITHI	4
LAMU COUNTY	3	EMBU	5
TAITA TAVETA	5	NYANDARUA	6
GARISSA	7	NYERI	7
(91,000 WIN)			
		(130,000 WIN)	
		(232,000 WIN)	

MOMBASA COUNTY CONSTITUENCIES WITH EXISTING WARDS



ELECTORAL COLLEGE

WAJIR	7	KIRINYAGA	5
MARSABIT	5	MURANGA	8
KITUI	9	KIAMBU	13
MACHAKOS	9	WEST POKOT	5
MAKUENI	7	UASIN GISHU	7
TURKANA	7	ELGEYO	5
		MARAKWET	
SAMBURU	4	NANDI	7
TRANS NZOIA	6	BARINGO	7
NAROK	7	LAIKIPIA	4
KAKAMEGA	13	NAKURU	12
BUNGOMA	10	KERICHO	7

ELECTORAL COLLEGE

BUSIA	8	BOMET	6
SIAYA	7	KAJIADO	6
KISUMU	8		
HOMABAY	9		
MIGORI	9		
KISII	10		
NYAMIRA	5		
NAIROBI	18		
VIHIGA	NO WIN(6	NO WIN
	Electoral Votes)		
TOTAL NO. OF ELECTORAL VOTES WON	223		154

WHY ELECTORAL COLLEGE?

- Electoral College system of Voting will rubbish the popular/majoritarian vote that has proved to be controversial after the 2013 general elections.
- Uhuru Kenyatta won the election by consolidating votes from **only 2** of the most populous provinces in Kenya- The Rift Valley and Central provinces.
- This win exemplified the assertion of this discourse that the election of a Kenyan president could infinitely remain in these two ethnic communities.
- Attempts to amass ethnic votes from political backyards will be futile.
- Minority groups and tribes are better represented and politicians will have to court them because they represent a 'swing vote'.
- Negating the 'ethnically correct' brand. (Posner,2007)
- Elimination of Briefcase Political Parties (Lijphart)

SINGLE-TRANSFERABLE VOTE.

- Mirrors the two round system but negates the majoritarianism that the two round system has. It is part of the PR regime.
- At a general election voters are allowed to rank in order of preference their candidates on the ballot box.
- The top two contenders automatically proceed if no one secures an absolute majority by having the rest of the voters preferences of the bottom candidates
- A Quota is set of the minimum amount of votes one is supposed to get, and if he/she fails to attain his he votes are dived amongst the top contenders equally.(Center for Governance and Development)

MIXED MEMBER PROPORTIONAL SYSTEM

- ❑ It has proved in many countries to be most effective because the MMP *combines facets of both majoritarian and PR system.*
- ❑ So for example if there are **349 seats** in the national assembly, a section of these seats will be elected by a majoritarian FPTP system while the remainder will be elected by PR Party lists.
- ❑ PR systems is about ensuring the proportionality between the votes cast at a general election and seats won to the national assembly or senate(Center for Governance and Development)
- ❑ PR system will see the elimination of such affirmative action quagmires as the one Kenyans now face via the provisions of Article 81(b) and Article 27(6),(7),(8) because the system allows for the inclusion of minorities into its party lists. (Center for Governance and Development)

MIXED MEMBER PROPORTIONAL SYSTEM

- The two coalitions that massed the largest number of votes in the 2013 general election would be required to have a certain number of ethnic candidature that represents a national picture
- Jubilee coalition that has only the Kalenjin and Kikuyu communities as its representatives in the legislature will be required to include other ethnicities into their party list
- PR systems are purely applicable in our legislature, but when it comes to filling a single office like the presidency, majoritarian systems are to be used albeit not pure ones.(Lijphart)
- PR system is a perfect model for war-torn societies emerging from deep-seated violent ethnic conflicts like Kenya(Matlosa,2003).

CONCLUSION

- Elections are powerful levers of democratic engineering.
- Moderate reforms to the Kenyan electoral process would be better than jumping into a completely new system (Reilly et.al,1999)
- Extinguishing such a hegemony must see Democracy deepen and inclusion must have a wide reach to include social class, gender, and age categories, and more so ethnicity (Holmquist,Githinji,2009)r
- The constitution of Kenya 2010 would have been inspirational to electoral process but the 2013 elections unraveled the constitutions weaknesses and failure to properly address the ethnicisation of politics
- The clamor for constitutional amendments must begin.

RECOMMENDATIONS

- CONSTITUTIONAL AMENDMENT- FOR POSTERITY PURPOSES
- ADOPT A **TWO TIER** ELECTORAL SYSTEM

PRESIDENTIAL ELECTIONS- INDIRECT PLURALITY/MAJORITARIAN SYSTEM VIA THE ELECTORAL COLLEGE

PARLIAMENTARY ELECTIONS-MULTIPLE MEMBER PROPORTIONAL SYSTEM (MMP)

END
THANK YOU!

