

KENYA'S DECADE OF EXPERIMENTS WITH POLITICAL PARTY ALLIANCES AND COALITIONS

Motivations, Impact and Prospects

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ABSTRACT

This article explains the causes, factors and motivations influencing the formation (the survival and the collapse) of pre-electoral alliances and coalition governments in Kenya. It also looks at the consequences of alliances and coalitions for national cohesion and the party system. The paper demonstrates that alliances and coalitions contribute to national cohesion in Kenya by bringing together polarised political parties and ethnic groups and ensuring a more equitable sharing of national resources. Conversely it argues that while party alliances and coalitions do contribute to a degree of national cohesion their disintegration may, in certain circumstances, undo the progress achieved in building national cohesion. Finally the study shows that party alliances and coalitions tend to weaken smaller parties and the party system in favour of the larger parties.

INTRODUCTION

This article is an attempt to understand the causes, factors and motivations influencing pre-electoral alliance building and collapse and to explain the impact on the party system and national cohesion of those alliances that may transform into governing coalitions.

A decade ago a broad-based pre-electoral alliance, the National Rainbow Coalition (NARC), won the national elections in Kenya, thus changing the face of contemporary electoral and government politics in that country. Since the 2002 general elections Kenyan politicians have realised that political parties that are serious about winning a national election or referendum and forming a government have no option other than to make a broad-based electoral pact and form parliamentary and governmental coalitions. The 2005 constitutional referendum, the 2007 general elections, the 2010 constitutional referendum and the 2013 general elections all followed this pattern and were fought by major pre-electoral political party alliances.

Shortly after the NARC's December 2002 election victory serious disagreements emerged between the constituent parties of the NARC, the National Alliance Party of Kenya (NAK) and the Rainbow Coalition, also known as the Liberal Democratic Party (LDP), the two main groupings which came together and signed the Memorandum of Understanding (MoU) creating the NARC (Kadima & Owuor 2006). The disagreements arose over the implementation of the MoU, dividing the coalition along its initial lines. This dispute almost paralysed Parliament until the end of the five-year term. The experience of NARC has provided many lessons for Kenyan party leaders and has served to influence the subsequent nature, character and functioning of alliances and coalitions in the country, as well as shaping the strategic approach of individual parties when making decisions to affiliate to a coalition.

In this article 'alliance' is defined as the coming together of at least two political parties prior to an election in order to maximise their votes and 'coalition' refers to the association of a minimum of two political parties to work together in Parliament and/or in government on the basis of the election outcome (Kadima & Owuor 2006). Therefore, an alliance is formed before an election and a coalition is generally built on the basis of the last election outcome. These definitions are consistent with Andrew Wyatt's characterisation of alliances and coalitions in which he argues that 'in forming coalitions, politicians leading disciplined parties have a clear idea of their respective strengths whereas politicians forming electoral alliances work with less certainty as they only have an estimate of the strength of their electoral support and how it might be affected by a potential alliance (Wyatt 1999).

The article will try to answer two research questions, namely: What are the causes and factors that motivate political parties to form alliances? Do the alliances and coalitions ultimately strengthen or weaken the country's party system and national cohesion?

To answer these questions, party leaders and representatives as well as selected academics and non-governmental professionals were interviewed. The

interviews were based on a semi-structured questionnaire covering the questions mentioned in the preceding paragraph.

This article is subdivided into six sections, namely:

- Introduction: the study, its aim, approach and content;
- Historical overview of party alliances and coalitions in Kenya;
- Legal framework governing party alliances and coalitions in Kenya;
- Factors and motivations explaining party alliances and coalitions in Kenya;
- Effects of party alliances and coalitions on national cohesion and the party system;
- Conclusion: some conclusions and the possible future of party alliances and coalitions in Kenya.

HISTORICAL OVERVIEW OF PARTY ALLIANCES AND COALITIONS IN KENYA

The 1992 and 1997 elections: Coalitions and alliances at the dawn of multiparty elections

The historical context of party coalitions in Kenya is inextricably linked to the event that characterised the quest for the restoration of multiparty democracy in Kenya in the early 1990s. Towards the end of the 1980s serious agitation for political pluralism gripped the country in response to the political freedoms that had been curtailed by the then ruling party, the Kenya African National Union (KANU) (Maina 1997). While the centralisation of power in the executive and a powerful presidency were introduced at the dawn of independence, it was not until 1982, when Kenya became a *de jure* one-party state via a constitutional amendment (1982 Section A), that multiparty politics were outlawed. As a consequence KANU became the only party, a move that was also characterised by the concentration of executive authority in the president, effectively fusing the power of the state and the party.

In response to the shrinking political space a collaborative effort involving civil society organisations, religious organisations and political pressure groups coalesced under the Forum for the Restoration of Democracy (Ford) and began demanding inclusive and participatory governance. The efforts of these groups were aided by the political reorganisation of the international sphere, marked by the collapse of the Soviet Union and the end of the Cold War. The *modus operandi* that had for so long determined the nature of politics – sacrificing good governance at the altar of loyalty to the East-West divide that characterised the Cold War era – was replaced by the demand for more accountable and transparent governance.

The political pressure exerted by the pro-reform group (Ford) was met with repression by the KANU government, which preferred to maintain the status quo and not concede any substantial political space (Kadima & Owuor 2006). However, the relentless push by pro-reform organisations led KANU to convene an urgent National Governing Council (the Saitoti Committee of 1991) meeting which recommended the repeal of Section 2A of the Constitution and the introduction of multiparty politics.

While the reintroduction of multiparty politics gave political groups an opportunity to consolidate and present a unified force to counter KANU's hold on power, opposition leaders who were spearheading the return to multiparty politics equated multiparty democracy with the proliferation of political parties. Ford, which had emerged as a broad-based coalition, was faced with myriad problems and leadership wrangles that eventually led to a split and the registration of Ford factions as Ford-Kenya, led by Jaramogi Oginga Odinga, and Ford-Asili, led by Kenneth Matiba. By the time of the elections in December 1992 a total of 12 parties had been registered. This fragmentation and proliferation of parties split voter loyalties, allowing a relatively easy KANU victory in both the 1992 and the 1997 elections, with President Daniel arap Moi continuing as head of both party and state.

KANU's victory was not occasioned merely by the split of the opposition, a number of other factors contributed. To begin with, the constitutional amendment that reintroduced multiparty politics was not accompanied by comprehensive reforms. A key problem was the failure to curb the excessive concentration of power and authority in the office of the president. Hence, the country embraced multiparty democracy with laws that were suited to a one-party state (Kadima & Owuor 2006). Secondly, President Moi was not barred from contesting the multiparty elections despite having been in power for over a decade. Thus he contested both the 1992 and 1997 elections with all the privileges of incumbency. The powerful presidency also ensured that key appointments to electoral institutions were made by the president, who retained undue advantage in the composition and operation of these institutions.

KANU won both the presidential and the parliamentary elections in both 1992 and 1997. In 1992 President Moi won with 38% of the total votes while KANU won 99 of the 188 parliamentary seats. The combined opposition parties won a total of 89 parliamentary seats and the largest share of the presidential votes, which were divided among them. A similar scenario was repeated in 1997 elections, where KANU won the presidency with 40% and scooped a total of 113 seats of the increased number of 222 (including 12 nominated). KANU's victory was guaranteed by the direct presidential election and simple majority electoral system that had been in place in Kenya since independence. Owing to

the incumbency privilege and the skewed constituency delimitation that had favoured KANU strongholds, victory was virtually assured.

Table 1
Results of the 1992 Presidential Election

Candidate and Party	No of Votes	% of Votes
Daniel arap Moi (KANU)	1 964 867	36.8
Kenneth Matiba (Ford-Asili)	1 430 627	26.8
Mwai Kibaki (Democratic Party)	1 064 700	20.0
Oginga Odinga (Ford-Kenya)	944 564	17.7
Others	43 037	0.8

Source ECK results 1992

Table 2
Results of the 1997 Presidential Election

Candidate and Party	No of Votes	% of Votes
Daniel arap Moi (KANU)	2 500 856	40.51
Mwai Kibaki (DP)	1 911 472	30.97
Raila Odinga (NDP)	667 886	10.82
Michael Wamalwa (Ford-K)	505 704	8.19
Charity Ngilu (SDP)	488 600	7.91
Martin Shikuku (Ford-A)	36 512	0.59
Katama Mkangi (KNC)	23 554	0.38
George Anyona (KSC)	16 428	0.27
Kimani Wanyoike (Ford-P)	8 306	0.13
Koigi wa Wamwere(KENDA)	7 745	0.13
Munyua Waiyaki (UPPK)	6 194	0.10
Godfrey Mwereria (GAP)	4 627	0.07
Wangari Maathai (LPK)	4 196	0.07
Stephen Oludhe (EIC)	3 691	0.06
Joseph Kangethe (UPPK)	3 584	0.06

Source: ECK official results 1997

The 2002 elections and the NARC coalition

The lessons learnt by the opposition parties from the 1992 and 1997 general elections underpinned the preparations for the 2002 elections. The reality that a fragmented opposition could not win against a well-established and entrenched incumbent party that had been in power since independence became apparent to opposition parties and compelled them to initiate talks geared towards forming an alliance. The realisation that President Moi, who had served his two five-year terms, was ineligible to contest subsequent elections stirred KANU, which had been in power, into considering some form of alliance with other parties.

In the run-up to 2002 elections two competing alliance-building initiatives were pursued simultaneously. The first involved KANU and the National Development Party (NDP), which had resolved to form an alliance after the 1997 elections. The second involved opposition parties, among them the Democratic Party (DP), Ford-Kenya and the National Party of Kenya (National Alliance for Change).

The culmination of the KANU and NDP alliance was the merger in February 2002 that saw the NDP's Raila Odinga dissolve his party and merge with KANU. This merger was, however, short lived. In a bid to craft his own succession plans President Moi announced his endorsement of Uhuru Kenyatta and unilaterally declared him KANU's presidential candidate, a move that upset the more established leaders of KANU. Raila Odinga spearheaded opposition to the move and signalled a desire to oppose Uhuru Kenyatta. Disgruntled figures within KANU announced the formation of the Rainbow Alliance, whose name signified the diverse composition of the group. Prominent personalities coalescing under the Rainbow banner included George Saitoti, Raila Odinga, Kalonzo Musyoka, Musalia Mudavadi and Joseph Kamotho.

Meanwhile, progress in the opposition coalition led to the transformation of the National Alliance for Change into the NAK, led by Mwai Kibaki, Kijana Wamalwa and Charity Ngilu.

Towards September 2002 the problems within KANU reached a point of no return. The Rainbow group, which had by then registered a party called the Liberal Party (LDP) of Kenya, defected en masse from KANU and joined hands with the NAK to form NARC, with President Mwai Kibaki as its presidential candidate (Kadima & Owuor 2006). NARC was a mass movement and a coalition of various sectors that united purposely to defeat KANU and Uhuru Kenyatta in the 2002 election. The coalition agreement that brought the various factions of NARC together was embodied in the Memorandum of Understanding which was to provide the blue print of governance for the NARC administration.

NARC overwhelmingly won the 2002 presidential elections and also won the majority of seats in Parliament.

Table 3
Results of the 2002 Presidential Election

Candidate	No. of Votes	% of Votes
Mwai Kibaki (NARC)	3 636 783	61.3
Uhuru Kenyatta (KANU)	1 837 479	30.2
Simion Nyachae (Ford –People)	3 62 668	5.9
James Orenge (SDP)	24 340	0.4
Waweru Ng'ethe (Chama Cha Umma)	9 941	0.1

Source: ECK official results 2002

THE COLLAPSE OF NARC

From the outset it was clear that the overriding factor that had led to the formation of NARC was the need to defeat KANU and win political power. Despite the fact that the NARC MoU outlined issues of governance the leadership was not committed to fulfilling the pledges contained in the NARC manifesto and the power-sharing agreement reached between the two parties.

The most contentious issue was the position of prime minister, which had been earmarked for Raila Odinga¹ of the LDP. Most of the leaders close to President Kibaki saw the elevation of Odinga to the prime ministership as a challenge to them. To avoid this, some of them sought to discourage President Kibaki from establishing the position. Connected to the disagreement over the creation of the position of prime minister was the 50-50 power-sharing arrangement between the LDP and NAK factions of NARC that had been contemplated in the MoU. Based on the appointments made by President Kibaki the NAK faction received a disproportionate share of Cabinet positions, which was contrary to the pre-election deal between the two coalition partners.

Another contentious issue was the enactment of a comprehensive constitution, which formed a key pillar of the NARC manifesto. During the campaigns NARC had pledged that the new constitution would be enacted within the first 100 days of its assumption of office. Since NARC had come to power under the old Constitution, which had concentrated power in the presidency, members of the executive arm of government, who, themselves, wielded substantial powers,

1 Raila Odinga was credited with endorsing Kibaki and ensuring that NARC held together.

saw nothing wrong with governing under the old Constitution. Procrastination and disagreement over the completion of the constitutional review process persisted throughout NARC's five-year term and contributed significantly to the final breakup of the coalition during and after the 2005 constitutional referendum.

Following years of corruption and ineptitude NARC came to power on the basis of the twin promises of zero tolerance of corruption and the efficient use of state resources. However, soon after it assumed power allegations of corruption threatened NARC's survival, with key personalities named as allegedly complicit in corrupt practices. The epitome of the corruption scandals was the Anglo Leasing scandal that implicated key people surrounding President Kibaki, and which was ostensibly engineered to amass the campaign money required to re-elect Kibaki in 2017.

The split within NARC was also caused by disagreement over policy issues. The policy positions contained in the NARC manifesto² were not the product of broad consultation or participation by the constituent parts of the coalition. The time constraint imposed by the election date led the party to craft policy positions whose implementation could not be guaranteed. Further, the entrenched positions held by the affiliated NAK and LDP on key issues were not harmonised, resulting in different expectations among the coalition partners of the way in which the government's mandate would be executed.

Despite the challenges faced by NARC the coalition managed to hold for two and half years amid growing discontent, until 2005. The final split was caused by the acrimonious and divisive campaign that surrounded the 2005 constitutional referendum. In the run-up to the referendum a clear fault line over the proposed new Constitution pitted the two factions of NARC against each other. The LDP wing opposed the Constitution, citing massive manipulation of the draft Constitution by the government, and the NAK wing supporting the draft Constitution as amended by the Wako Committee.³ During the campaigns for the passage of the new Constitution, the Electoral Commission of Kenya (ECK) inadvertently created two symbols – orange for those who were opposed to the Constitution and banana for those who supported it. The orange symbol was soon transformed into the Orange Democratic Movement (ODM), which eventually became a political party. In the ensuing campaign the ODM succeeded in mobilising nationwide support and emerged victorious in the referendum campaign, effectively defeating the passage of the new Constitution.

Upon the defeat of the Constitution President Kibaki swiftly dissolved the Cabinet, a move that was ostensibly intended to purge political dissenters and get

2 The LDP wing, for example, preferred devolution, while the NAK wanted to retain the centralised system of governance.

3 A committee appointed by President Kibaki and headed by former Attorney General Amos Wako.

rid of the Orange members still in the Cabinet and who had opposed the passage of the new Constitution. The president also began to entice the KANU leadership, led by Uhuru Kenyatta,⁴ who was in opposition but who had begun to warm to the government. When Kibaki reconstituted the Cabinet, all the Orange members led by Raila Odinga and Kalonzo Musyoka were left out, precipitating the formation of a new alliance in anticipation of the 2007 elections and Kibaki's re-election.

The 2007 elections: Party of National Unity and the Orange coalition

The 2005 constitutional referendum set the tone and pace for the 2007 general elections. The polarisation, divisions and tensions that had emerged during the campaigns by the ODM, allied to Raila Odinga, and the government coalition headed by President Kibaki left nothing to chance as they criss-crossed the country galvanising votes in an attempt to forge a winning coalition.

Realising that the NARC coalition had completely collapsed, President Kibaki and his inner circle immediately began to shop for a 'party vehicle' with which Kibaki could contest the 2007 elections. The dilemma faced by the Kibaki side of the divide was how to persuade Charity Ngilu, who was the registered chairman of NARC but was in the Odinga camp, to give up the leadership of the party. When these efforts failed, those with an interest in Kibaki's re-election registered a number of new parties, among them NARC-Kenya and the Grand National Union (GNU) to provide Kibaki with a party platform. The problem, however, was that these parties were formed by people who were close to Kibaki, thereby depriving them of national appeal. President Kibaki recognised that to effectively challenge the ODM, which had transformed itself from a mass coalition into a single political party, he needed a party that could appeal to the diverse ethnic communities in Kenya, and regionally across the then eight provinces. Shortly before the 2007 election the Party of National Unity (PNU) was formed and Kibaki immediately declared that he would defend his seat on a PNU ticket.

The Orange Movement, too, faced a number of problems, especially that of transforming itself from a mass movement into a political party. The challenges of managing public expectations and leadership differences within the ODM, reminiscent of the schisms within NARC, threatened the survival of the movement. The first complication was that, while the leadership was still busy campaigning for the referendum under the Orange Movement, which was then a loose organisation, individuals aligned with the Kibaki government side registered a political party called the Orange Democratic Movement Party (ODM) to pre-empt any such registration by the leadership of the Orange Movement.

4 Although Uhuru Kenyatta opposed the Constitution he was reluctant to join ODM party that had been formed soon after the referendum.

As a counter strategy, the leadership of Orange registered the Orange Democratic Movement of Kenya (ODM-K) to contest the 2007 elections. However, in the run-up to the elections a leadership row involving two prominent Orange leaders, Raila Odinga and Kalonzo Musyoka, created problems for the new party. The bone of contention was who would be the presidential candidate and the process by which that candidate was to be selected.

When reconciliation talks failed Raila Odinga entered into negotiations with the leadership of the Orange Democratic Movement, whose leaders agreed to relinquish the leadership of the party. Odinga and the majority of ODM-K members defected to the ODM, effectively weakening the ODM-K and reducing it to just a small portion of the Eastern Province of the country, from where Kalonzo Musyoka hailed. The 2007 general election, therefore, became a two-horse race involving the Party of National Unity, headed by President Kibaki, and the ODM, headed by Raila Odinga, with the ODM-K, headed by Kalonzo Musyoka, playing the role of a small but crucial 'third force'

Table 4
Results of the 2007 Presidential Election

Candidate and Party	No of Votes	% of Votes
Emilio Mwai Kibaki (PNU)	4 578 034	46.38
Raila Amolo Odinga (ODM)	4 352 860	44.10
Stephen Kalonzo Musyoka (ODM-K)	879 899	8.91
Joseph Ngacha Karani (Kenya Patriotic Trust Party)	21 168	0.21
Pius Muiiru (Kenya Peoples' Party)	9 665	0.10
Nazlin Omar (Workers Congress Party of Kenya)	8 624	0.09
Kenneth Stanley Matiba (Saba Saba Asili)	8 049	0.08
David Waweru Ng'ethe (Chama Cha Umma)	5 976	0.06
Nixon Jeremiah Kukubo (Republican Party of Kenya)	5 926	0.06

Source ECK results 2007

2008 post-election violence and the emergence of the grand coalition government

On 27 December 2007 Kenya held its fourth general elections since the reintroduction of multiparty democracy in 1991. Although the campaign period and election day were generally peaceful, the process of counting, collation, and transmission of results by the Electoral Commission of Kenya (ECK), Kenya's former election management body, was delayed, sparking tension and unrest that cast doubts on the credibility of the process. On 30 December 2007 the ECK declared President Kibaki the duly elected president, despite bitter protests from the ODM and questions from the European Union's observation mission about the integrity of the count.

According to the ECK, President Kibaki polled slightly over 4.5-million votes, while Raila Odinga garnered approximately 4-million. Kalonzo Musyoka came third, with slightly more than 800 000 votes. The announcement of the results sparked violent demonstrations characterised by the destruction of property and ethnically targeted killings and population displacement that lasted for a full seven weeks, with the social political and economic consequences lingering for much longer. The crisis precipitated a massive and unprecedented process of reform of the political structure and system.

Fearing the potential for a sustained violent conflict a team of Eminent Africans⁵ under the leadership of former UN Secretary-General Kofi Annan, aided by Tanzanian President Jakaya Kikwete, brokered an Africa Union (AU)-sponsored peace deal that returned Kenya to some level of stability. The mediation led to the signing of the National Accord and Reconciliation Act which established the Grand Coalition Government, bringing together the two parties (The Party of National Unity – PNU and the Orange Democratic Movement) as the main coalition partners. ODM-K formed a post-election coalition with the PNU, a move that saw Kalonzo Musyoka appointed vice-president.

In the light of the experience of contestation and subsequent conflict after the NARC MoU, the National Accord was entrenched in the Constitution and its provisions safeguarded both in the Constitution and through an Act of Parliament,⁶ thus avoiding the need to solve potential conflicts over the exercise of power and authority. The salient features of the Accord included, among other factors, the creation of the position of prime minister, which was earmarked for Raila Odinga, and the sharing of executive power between president and prime minister; the sharing of Cabinet and government positions on a 50-50 basis

5 Other members of the team included Benjamin Mkapa and Graça Machel.

6 Constitution of Kenya Amendment Act of 2008 and the National Accord and Reconciliation Act 2008.

and consultation in all the affairs of government. The Accord further provided mechanisms for the dissolution of the coalition. Of utmost importance was the constitutional protection of the Accord, which insulated it from arbitrary and unilateral interference by the political class.⁷

The Panel of Eminent Africans also recommended measures to accelerate long-term institutional reform of the judiciary, Parliament, the electoral system and land tenure practices. These were embodied in the Agenda 4 Item.⁸ The gist of these reforms was the attempt to address historical injustices touching on ethnicity, employment and income disparities (to be implemented over the period of a year). At the centre of the Agenda 4 Reforms was a comprehensive review of the Constitution. The constitutional review process began in 2009 and was completed on 4 August 2010, when the country overwhelmingly supported the new Constitution in a referendum. Within the context of electoral reform the Constitution contained detailed provisions concerning elections and political parties and recommended timelines for enacting election-related legislation.

For the most part, the Grand Coalition Government was credited with many achievements. It succeeded in restoring peace after the disputed 2007 election and the violence that followed. It was also instrumental in passing a new Constitution, something that had eluded the country for decades. The Constitution provided a new institutional framework for reform of election management, the state governance system, the distribution and devolution of powers and the administration of justice, among other elements. Of particular importance was the enactment of the election sector laws that facilitated the 2013 elections.

The Grand Coalition government was not without its challenges. The two centres of power (President Kibaki and Prime Minister Odinga) created by the Accord were a constant cause of friction and the legislative agenda of Parliament was often hamstrung by partisan politics, even though the tenth Parliament passed a record number of laws. While peace had been restored the coalition government did very little to promote national healing and reconciliation. Malpractices associated with the past, some of which, especially corruption, had become embedded and inscribed as modes of institutional practice, were proving difficult to unravel and stamp out.

*Entrenching party coalition in the law: 2013 elections, Jubilee and
CORD coalitions*

The 2013 elections marked a significant departure from those of the past in several ways. To begin with, the elections were held against the backdrop of the 2008

7 Decision informed by both the 2002 KANU-NDP merger and the NARC coalition.

8 The fourth agenda item identified by the panel that involved comprehensive reforms in the country to redress past imbalance and inequalities.

post-election violence. They were also held under the new constitutional, legal and administrative legislation (Owour 2012) enacted in 2011 in compliance with the new Constitution. The complex nature of the 2013 elections was compounded by a number of factors: the new Constitution introduced a higher threshold for electing the president by providing for an absolute majority and a 25% support threshold across the newly introduced 47 counties. It also introduced new elective offices at national level and in the devolved government. Undoubtedly, the increased number of elective offices created a logistical nightmare for political parties and the IEBC, as evidenced by the logistical challenges experienced during the elections. The transitional nature of the elections and the fact that the International Criminal Court (ICC) proceedings in relation to the 2008 post-election violence and killings were ongoing at The Hague, compounded the problems.⁹

Within the context of coalition politics the new legal framework provided a mechanism for structured formation of party coalitions – in a major departure from past practice, in which coalition formation was merely premised on a gentleman's agreement, the Political Parties Act made provision for party coalitions and set down the timelines for concluding coalition agreements.

Pursuant to the provisions of the Political Parties Act and recognising that no political party would make it on its own without forming a coalition or alliance with others, preparations for 2013 elections, as with all past multiparty elections in Kenya, was characterised by talk of coalition formations. The two main coalitions (the PNU and the ODM) which had contested the 2007 elections had, to all intents and purposes, split and new factions formed within their ranks. In the ODM a split between erstwhile allies Raila Odinga and William Ruto had caused divisions within the party. Ruto declared that he would contest the election on a different party ticket; first joining the United Democratic Movement (UDM) and later the United Republican Party (URP). In the run-up to 2013 the ODM split further when the first deputy party leader, Musalia Mudavadi, defected and formed the United Democratic Forum (UDF).

Because President Kibaki was not seeking re-election, having served his constitutional term limit, the PNU split and the affiliate parties that supported the re-election of Kibaki disintegrated into various factions. During the initial stages ODM Kenya's Kalonzo Musyoka was involved in discussions with Uhuru Kenyatta in a bid to form an alliance. As the election date approached parties that had supported Kibaki tried desperately to woo Kenyatta to seek the presidency on their ticket. Kenyatta, however, rejected all attempts and registered The National Alliance Party (TNA), which he used to contest the presidency.

9 The ICC indicted six individuals, among them William Ruto and Uhuru Kenyatta, over the 2008 post-election violence.

Another factor that contributed significantly to coalition talks was the ICC trials in The Hague. The ICC had indicted both Uhuru Kenyatta and William Ruto as co-perpetrators of the violence that followed the 2007 election. The pre-trial chamber of the ICC later confirmed the charges. The unintended effect was to bring together Ruto and Kenyatta, who began to mobilise support around the ICC process. Given the fact that the two leaders come from two large communities in Kenya, their communities were mobilised in solidarity with them. The prayer meetings and the mass rallies addressed by the two leaders convinced them that they could form a formidable coalition to contest the 2013 elections.

Upon leaving the ODM the new UDF leader, Musalia Mudavadi, joined hands with Kenyatta and Ruto in the hope that the two ICC indictees would consider endorsing him to run for the presidency as a compromise candidate. The three leaders were convinced that to defeat Odinga and the ODM they needed to forge a broad-based coalition. The negotiations among the three leaders led to the formation of the Jubilee Coalition but due to disagreement over the presidential candidate Mudavadi decamped from Jubilee to the Amani Coalition, which brought together the UDF, KANU and New Ford-Kenya, which fielded Mudavadi as its presidential candidate.

The formation of the Jubilee Coalition effectively locked out Kalonzo Musyoka of the Wiper Party, who had toyed with the idea of forming a coalition with Kenyatta and Ruto. It also sent a strong message to the ODM, where Raila Odinga had been isolated. Odinga was left with no choice but to team up with Musyoka and Moses Wetangula of Ford-Kenya and form the Coalition for Reforms and Democracy (CORD). Another coalition that emerged shortly before the 2013 elections was the Eagle Coalition, headed by Peter Kenneth.

In the 2013 elections the Jubilee Coalition, headed by Uhuru Kenyatta and William Ruto, emerged victorious with slightly more than 6.7-million votes and also won the majority of parliamentary and senatorial seats. CORD, headed by Raila Odinga and Kalonzo Musyoka, emerged second, with more than 5.3-million votes. CORD also won the majority of the gubernatorial seats – 24 of 47. Musalia Mudavadi's Amani Coalition came third, with 483 981 votes.

Following the Jubilee victory parties aligned to both the Amani and Eagle coalitions hastened to form a post-election coalition with Jubilee. While the justification for the coalition was presented as the need for cohesion and participation in governance the main motivation was to benefit from various government appointments. Soon after the election the parties signed a coalition agreement with Jubilee, which was deposited with the Registrar of Political Parties (RPP). This coalition increased Jubilee's numerical strength in Parliament to 233 of 349 seats, 16 seats fewer than required for a two-thirds majority. CORD, for its part, resolved to remain in opposition as the house minority¹⁰ (official opposition).

10 The Constitution of Kenya 2010 provides for house majority and minority leadership.

Table 5
Results of the 2013 Presidential Election

Candidate	Votes	% Votes
Uhuru Kenyatta (Jubilee Coalition)	6 173 433	50.5
Raila Odinga (CORD Coalition)	5 340 564	43.7
Musalia Mudavadi (United Democratic Forum)	483 981	3.9
Peter Kenneth (Kenya National Congress)	72 786	0.6
Mohammed Dida (Alliance for Real Change)	52 841	0.4
Martha Karua(NARC-Kenya)	43 881	0.4
James ole Kiyapi (Restore and Build Kenya)	40 998	0.3
Paul Muite (SAFINA)	12 580	0.1

Source: IEBC 2013

THE CONSTITUTIONAL, LEGAL AND ADMINISTRATIVE FRAMEWORK GOVERNING PARTY ALLIANCES AND COALITIONS IN KENYA

Overview

While party coalitions, alliances and mergers have been a permanent feature in Kenya since the advent of multiparty politics in 1991 it was only with the promulgation of the new Constitution in 2010 that the constitutional and legal framework underpinning coalition formation was enacted.¹¹ In the old constitutional dispensation the lack of clear legal provisions governing political parties and party alliance and coalition formation led to parties coming up with ‘innovative ways’ of securing an electoral advantage. A common feature during this period was the formation of inter-ethnic and geographical alliances that were geared to winning elections. This was evident during the 1992 and 1997 general elections, when President Daniel arap Moi of KANU consolidated his political base by forming a broad-based coalition comprising minority tribes in Kenya to forestall the threat posed by the large number of Kikuyu and Luo¹² who had aligned themselves with the newly-formed opposition parties.

11 Political parties were registered under the Societies’ Act.

12 In the 1992 and 1997 elections Kikuyus supported Ford-Asili and the Democratic Party, while the Luos were mostly aligned to Ford-Kenya and National Development Party in 1997.

In the absence of a law governing political parties in Kenya between 1992 and 2002 the management, regulation and operation of political parties fell within the general provisions of the Constitution, the Societies' Act and the National Assembly and Presidential Elections Act (CAP 7).

In view of the fact that the struggle for the 'Second Liberation' was about the reintroduction of multiparty democracy, the absence of a law governing the functioning of political parties was a major omission that contributed to weakening the parties and defeating the hopes of Kenyans for a multiparty political dispensation.

In addition, the constitutional amendment that allowed for multiparty democracy in 1991 merely repealed Section 2A of the old Constitution, which had outlawed multiparty politics, and left intact the laws and institutional framework that had perpetuated single-party rule. Thus, in 1963 and 1991 multiparty politics in Kenya was not anchored on strong pillars that could nurture the development and institutionalisation of political parties to play an effective and constructive role in a democracy.

The constitutional possibilities of alliance and coalition formation in Kenya became apparent as a result of the following factors: KANU's victory in the 1992 and 1997 elections with a minority of votes owing to a fragmented opposition which won a combined total of 60% of the votes but still lost; the electoral system, a first-past-the post majoritarian system that aided minority victory, and the presidential political system, which raised the stakes in the electoral landscape. The constitutional provision that a winning presidential candidate had to garner more votes and at least 25% in at least five of the eight provinces also contributed to coalition and alliance formation as candidates sought to forge alliances to meet this constitutional threshold.

As mentioned above the first real political party coalition in Kenya emerged in 2002 with the formation of NARC, which brought together the National Alliance Party and the Liberal Democratic Party. The realisation of NARC's dream was made difficult by the fact that whereas nothing prohibited political parties from coming together to form a coalition the law did not explicitly provide the mechanism by which parties in coalitions could operate and contest elections. To circumvent this legal hurdle an existing affiliate party, the NAK, the National Party of Kenya, changed its name to NARC and both the NAK and the LDP became corporate members of NARC, which, by virtue of its registration, had legal status. NARC won the presidential election and a majority of seats in Parliament, but the precise relationship between the affiliate parties and the inability of NARC to resolve various disputes, coupled with the challenges of governance, became

unmanageable, leading to dysfunctionality in the coalition and its collapse in the run-up to the 2007 elections.¹³

Implications of the 2010 Constitution and legal framework for election and party alliances and coalitions

The 2010 Constitution contained chapters that had great bearing on the elections and on political parties. The significance of elections and political parties is entrenched in the election sector laws, among them, the Elections Act 2011 and the Political Parties Act 2011.

Article 4 (1) of the Constitution¹⁴ recognises political parties and provides that Kenya shall be a multiparty democratic state. The fact that the new constitutional order was intended to strengthen the electoral process and political parties is further evidenced in Chapter 6 on Leadership and Integrity, Chapter 7 on the Representation of the People, Chapter 8 on the Legislature, Chapter 9 on the Executive, Chapter 10 on the Judiciary and Chapter 11 on the Devolved Government.

Articles 90 and 91 of the Constitution¹⁵ make elaborate provision for the formation, conduct and operation of political parties. The importance of these sections is that political parties are not only recognised as key players in Kenya but have their foundations firmly established in the Constitution. The implication of the Constitution and the Political Parties Act for coalition formation is clear. To begin with, the electoral system, as it applies to the election of the president, almost certainly obliges parties to consider forming coalition or alliances. Article 138 (4) of the Constitution provides that:

A candidate shall be declared elected as President if the candidate receives:

- a) more than half of all the votes cast in an election; and
- b) at least twenty-five percent of the votes cast in each of more than half the counties.

The intention of Article 138(4) was to compel parties to have a national outlook and to seek votes beyond their traditional ethnic strongholds. Given the ethnic and geographical base of political parties in Kenya, compliance with this provision necessitates the formation of alliances. The coming together of the National

13 The Party of National Unity (PNU) of President Kibaki and the Orange Democratic Party (ODM) led by Raila Odinga were the main parties to contest the 2007 elections.

14 Chapter 2, Article 4 (1) Constitution of Kenya 2010.

15 Chapter 7, Representation of the People.

Alliance Party (TNA) and the United Republican Party (URP) to form the Jubilee Coalition and the Coalition for Reforms and Democracy (CORD), which brought together the ODM, Ford-Kenya and the Wiper party, are examples.

The 2010 Constitution established a pure presidential system and a bicameral legislature comprising the Senate and the National Assembly. Senators are elected in accordance with Article 98 of the Constitution, which provides for 47 senators elected in 47 counties, 16 women senators nominated by political parties and four senators representing youth and people with disabilities. Election to the National Assembly is based on 290 contested parliamentary seats, plus 47 women representatives and 12 nominated members representing special interest groups, bringing the number of MPs to 349.

The presidential system conferred substantial powers on Parliament, reinforcing its legislative and oversight functions. The fact that control of the legislature in addition to winning the presidency became imperative forced parties to form pre-election alliances. In the immediate post-election period parties were also forced to form coalitions to consolidate their advantage in Parliament. Apart from winning the majority of seats in the two houses, the Jubilee Coalition was able to boost its majority by entering into a coalition with the United Democratic Forum (UDF) and other small parties, increasing its representation in the National Assembly to 233 of 349 seats.¹⁶

Chapter 11 of the Constitution establishes the devolved government, comprising the county executives and assemblies. The intention of the two-tier¹⁷ government structure was to prevent the situation created by the previous Constitution in which power and development were centralised at the national level with little regard to the provincial and local governments. By devolving political, social and economic power to the counties the fight for political supremacy was not restricted to the national level but extended to control of the county governments. Both Cord and the Jubilee Coalition heavily contested the country elections, with Cord winning in 24 counties and Jubilee 23. In winning the majority of county gubernatorial seats Cord showed that, in terms of the new Constitution the winner does not necessarily take all, a factor common to most presidential systems.

Apart from the constitutional provisions, implementation of party coalitions in Kenya is provided for in the Political Parties Act (PPA 2011),¹⁸ which states that

Two or more political parties may form a coalition *before or after an election* and shall deposit the *coalition agreement* with the Registrar of

16 This is 16 seats fewer than those required for a two-thirds majority.

17 National and county governments.

18 Section 10 Political Parties Act 2011.

Political Parties. A coalition agreement entered into before an election shall be deposited with the Registrar at least three months before that election. A coalition agreement entered into after an election shall be deposited with the Registrar within twenty-one days of the signing of the coalition agreement. A coalition agreement shall set out the matters specified in the Third Schedule [our emphasis].

In a bid to consolidate party coalitions and to avoid the problems associated with past coalition attempts, the Political Parties Act provides a clear framework and guidelines within which party coalitions may be structured. Coalition agreements must be executed and sanctioned by the governing coalition and the coalition agreements must comply with the guidelines provided for in the Third Schedule of the Political Parties Act, which deals, among other things, with the rules and procedures of coalitions; the coalition's policies, evidenced in writing; election rules for coalitions and nomination rules and procedures.¹⁹

In the run-up to the 2013 elections four main coalitions emerged: Jubilee, CORD, Amani and Eagle. Their agreements were deposited with the Registrar of Political Parties on 4 December 2012.

Legal mechanisms for dispute resolution within party coalitions in Kenya

The legal framework for resolution of disputes relating to elections and political parties are provided for in the Constitution of Kenya, the Elections Act (2011), the Political Parties Act (PPA 2011) and the IEBC Act (2011), which, in the first instance, confer jurisdiction for resolving political and election disputes to the political parties by invoking the internal mechanisms provided for in their respective constitutions. The institutions involved in the resolution of disputes are the Registrar of Political Parties, the Political Parties Dispute Tribunal (PPDT) and the IEBC. The legal resolution of electoral disputes is naturally the responsibility of the judiciary. The High Court deals specifically with disputes related to elections at county, governor, Senate and National Assembly levels, while the Supreme Court has jurisdiction over disputes related to presidential elections.

Dispute resolution during the pre-election phase was largely informed by the political and electoral context, namely, weak political parties, a lack of internal democracy within the parties, undemocratic party nomination processes and the absence of dispute resolution mechanisms within the parties. These factors informed the debate that surrounded the enactment of legislation relating to political parties (1997, 2002, 2007 and 2011). In an attempt to resolve pre-election

¹⁹ PPA 2011, 3rd Schedule.

disputes expeditiously they are dealt with in terms of the PPA and the Elections Act. Section 39 of the PPA establishes the Political Parties Dispute Tribunal (PPDT), which makes determinations in cases of disputes.²⁰ The PPDT has both original and appellate jurisdiction over disputes between a member and a political party, disputes between political parties, disputes between an independent candidate and a party, disputes between parties in a coalition and appeals arising from the decision of the Registrar (PPA, s 40). Section 74 of the Elections Act mandates the IEBC to resolve disputes related to or arising from nominations. The jurisdiction of the IEBC with regard to nomination disputes was recently invoked in a Senate by-election in Makueni involving the Jubilee and Cord coalitions.²¹

The legal framework for party coalitions and coalition dispute resolution has provided a structured approach to coalition formation and management. This becomes evident in a comparison between the NARC coalition and the Jubilee and Cord coalitions. As indicated above the NARC coalition was never anchored in a sound legal and constitutional framework and mechanisms for resolving the plethora of disputes the coalition faced were inadequate. By contrast, both the governing coalition, Jubilee, and the opposition coalition, Cord, were established after rigorous consultations and in compliance with Kenya's legal framework for political parties.

FACTORS MOTIVATING ALLIANCES AND COALITIONS

This section attempts to answer the question, 'what motivates political parties to form alliances and coalitions and what causes these groupings to collapse?' To do so one must identify both the reasons that motivate political parties to coalesce and the factors that stimulate alliance and coalition formation.

Past election results, the electoral system, constitutional term limits, the political system and the country's ethno-linguistic features are among the factors that influence the building of party alliances and coalitions in Kenya.

Past election results

In 2002 several factors favoured pre-election alliance building. It is well documented that in 1992 and 1997 KANU won marginal electoral victories, taking advantage of the inability of the opposition of the time to join forces in a pre-election alliance. Politicians realised that if the Democratic Party (DP) of Kibaki and the National Development Party (NDP) of Odinga had come together

²⁰ Section 39 of the PPA includes disputes arising from parties involved in a coalition.

²¹ The IEBC nullified the nomination of Kethi Kilonzo of Cord, a decision that was later upheld by the High Court.

they would have won the 1997 elections. Ethnic competition and the personal ambitions of the leaders explained why they chose to stand separately. The key divisive issue, which the opposition failed to address prior to 2002, was the lack of compromise over who should be the presidential candidate.

Gradually the opposition began to learn the lessons of the last two multiparty elections, realising that, when put together, the fragmented opposition had secured an average of 60% of the vote in 1992 and 1997 but had still lost the election to President Moi and KANU. The expectations of citizens and their message to the opposition parties stated loudly and clearly that they had to unite in order to win, motivating them to form a broad-based alliance.

In subsequent elections past results were the basis for determining the relative strength of the various alliance partners and the allocation of electoral tickets at national and local (provincial and county) levels. For example, in the 1997 presidential election the fact that Kibaki won more vote than Odinga resulted in his selection as the NARC's presidential candidate in 2002. Similarly, when Odinga achieved more votes than Musyoka in 2007 he was chosen to head the CORD presidential ticket.

The electoral system

The 1992 Constitution provided that for a presidential candidate to win he or she had not only to secure a simple majority of the national vote but also to garner at least 25% of the votes in at least five of the eight provinces. The 2010 Constitution made this provision even more stringent, requiring that the winning presidential candidate receive at least 50% +1 of the vote and a minimum of 25% of the votes in 24 of the 47 counties. If no candidate meets any of these thresholds a run-off is to be organised between the two candidates with most votes.²² Since it is very difficult, given the regional and ethnic character of political parties in Kenya, for a single presidential candidate to meet these thresholds candidates sought to forge alliances.

The legislative elections in Kenya are based on the first-past-the-post (FPTP) electoral system. In addition, Kenya is characterised by political parties that are not grounded in ideology, the lack of well-established nationally-based parties and the predominance of ethnically and regionally-based parties. The combination of the electoral system and the character of the party system made politicians with national ambitions realise that their chances of winning nationally would be slim if they did not form pre-election alliances in the face of KANU's formidable electoral machinery. The process of forging unity and building an electoral pact

22 Constitution of Kenya 2010, Article 138 (4).

began soon after the 1997 elections, accelerated in 2001 (Kadima & Owuor 2006) and culminated in the formation of the NARC in 2002. Since then, and for the past decade, broad-based pre-election alliances have become a common feature in Kenyan politics.

Constitutional term limit

Another important factor is the constitutional limit of two five-year terms, which offers a unique opportunity for alternation of power for all major political leaders, opening wider the competition given the removal of the often undue advantage enjoyed by incumbent presidents. This explains the intense jostling and alliance bargaining that characterised the electoral environment in the run-up to the December 2002 and March 2013 presidential elections, when the two five-year presidential terms of Moi and Mwai Kibaki came to an end.

The political system

The type of presidential system Kenya has opted for defines clear areas of responsibilities for both government and Parliament. This makes it essential for the executive to seek the cooperation of the legislature if it is to work effectively. The lack of such cooperation would lead to an impasse or to a bumpy law-making process. This is why, in order to create political stability, easy processes of law and policy-making and, more broadly, state governability, presidential regimes require control by the governing party or a coalition of the majority in Parliament.

The Ethno-linguistic factor

Electoral and government politics in Kenya are dominated by ethnic arithmetic as parties mobilise around tribal numbers. The choice of alliance and coalition partners is based on ethnicity and, more specifically, on the combination of ethnic constituencies to create a broader support base, given that, in the current situation, no single party can govern alone. In view of the ethnic base of political parties, ethnicity, tribe and region are of essence in this process.

An examination of the various combinations of parties and their leaders shows clearly that diverse ethnic groups come together through ethnically-aligned political parties in order to win the majority of the vote. On the basis of the last census, conducted in 2009, Kikuyus are the largest tribe, followed by Luhyas, Kalenjins, Luos and Kambas in that order. In the context of elections it is these five large tribes that play an important role and determine who will win the presidential seat. In the run-up to the 2013 elections Mutahi Gunyi, a political

scientist, coined the phrase ‘tyranny of numbers’ to explain the ethnic calculations that motivated the formation of Jubilee Coalition. Table 6 shows clearly the ethnic calculation at play.

Table 6
Ethnic calculations in perspective

Candidates	Party / Coalition	Ethnic Communities
Kibaki, Wamalwa, Ngilu	National Alliance Party of Kenya (NAK)	Kikuyus, Luhyas, Kambas
Odinga, Musyoka, Saitoti	Liberal Democratic Party	Luos, Kambas, (Kikuyus, Maasais)
Kibaki, Odinga, Wamalwa, Ngilu, Kalonzo, Saitoti	National Rainbow Coalition (NARC)	Kikuyus, Luos, Kambas, Maasais, Luhyas
Kibaki, Kalonzo, Uhuru	PNU Coalition (2008)	Kikuyus, Kambas
Kibaki, Musyoka, Uhuru + Raila, Ruto, Musalia	Grand Coalition Government	Kikuyus, Luhyas, Kalenjins, Kambas, Luos
Uhuru + Ruto	Jubilee Coalition	Kikuyus, Kalenjins
Raila + Kalonzo, Wetangula	CORD Coalition	Luos, Kambas, Luhyas + Support from Coast Region

The table also shows that there is hardly a place for ideology. Alternatively, it can be argued that all parties have moved swiftly to the centre and there are apparently no major incompatibilities in terms of the policy positions of the different political parties. Our respondents put it more strongly, claiming that although Kenyan political parties claim to have an ideology they do not, in fact, subscribe to one. The focus is on putting together the winning (ethnic) combination. There is widespread belief among Kenyan politicians that the ethnic and geographical diversity of the country requires the accommodation of different political and ethnic interests. The best vehicle for that accommodation is alliances and coalitions. It appears, too, that religion plays a limited role compared to ethnicity.

Office-seeking motivation

Theories of office-seeking argue, in essence, that the main goal of coalition building is to access power (Gamson 1961; Riker 1962; Leiserson 1968). The single most-important motivation for forming electoral alliances and coalition governments

is to hold public office. This is often expressed by political leaders in benevolent and disinterested terms. In 2002 opposition parties argued that they came together to block a common 'enemy', KANU, following what they saw as decades of excessive presidential powers that resulted in political and economic abuses and the favouring of one ethnic group at the expense of the others.

In 2007 the former leader of the NARC, President Kibaki, formed the PNU in order to retain power after the NARC disintegrated. Similarly, the ODM's aim was to win the 2007 elections. The violent post-election dispute between the supporters of the leaders of the two parties is a demonstration of the desire to win at all costs. Therefore it goes without saying that the *raison d'être* of political party alliance and coalition-building in Kenya, as elsewhere in Africa, is to access or maintain a grip on power and its attendant benefits, such as privileges and the control of public resources. The grand coalition government formed in 2008, a win-win power-sharing solution, lasted for a full five-year term.

In order to safeguard their individual interests Kibaki and Odinga shared executive power in the grand coalition, in which the former was the president of the Republic and the latter the prime minister. Similarly, the TNA and the URP came together ahead of the March 2013 elections in order to win and share power. Positions have been shared in both the executive and the legislature among these two main political parties and their junior partners. The Senate majority leader is from the TNA and the majority leader in the National Assembly is from the URP. Similar arrangements were made regarding the allocation of parliamentary committees. Smaller political parties in the Jubilee Coalition have also been accommodated.

Policy seeking

The assumption of policy-oriented theories is generally that party coalitions are motivated by the quest to achieve policy goals (Axelrod 1970; De Swaan 1973; Warwick 1994; Laver & Schofield 1990; Strøm 1990). Robert Axelrod suggests that office-driven coalitions pursue the maximisation of their benefits while minimising the coalition's bargaining costs by forming only those winning coalitions that contain ideologically adjacent parties (1970). As indicated above, this is not the case in Kenya.

Why do party alliances and coalitions collapse?

Having explored the motivations for political parties forming alliances and coalitions it is also useful to try to understand a related issue: the implementation of coalition agreements. Disagreements lead some party leaders to feel that they have not received the advantages they were promised.

The case of NARC is rich in lessons. NARC was formed in such a hurry that the parties to the alliance did not have the same understanding or commitment to the agreement. The leaders were unable to discuss and agree on the finer details of the MoU and the pre-election agreement was rushed through, with several issues in the MoU being assumed rather than thoroughly discussed and agreed upon. The most fundamental disagreement related to the clauses whereby Odinga was to be appointed prime minister. Related to this was the provision that a new Constitution would be finalised and adopted by Parliament within 100 days of the inauguration of the new government. This Constitution was to provide for the post of prime minister, sharing executive powers with the president of the Republic (Kadima & Owuor 2006). The general assumption was that the NARC, which was largely expected to dominate Parliament, would easily be able to amend the Constitution in order to accommodate the post of prime minister. However, Kibaki was not prepared to see his executive powers shared and therefore reduced.

This disagreement caused serious tensions and paralysed the coalition for most of the five-year term, resulting in major factionalism. The only thing that prevented a formal split was the fact that all NARC candidates had been voted in on the NARC ticket and no faction was prepared to take the risk of standing in a by-election. However, the Odinga faction began to operate as a separate political entity within NARC. Unable to pass legislation, the Kibaki faction reached out to the opposition, KANU, appointing some of its members to the NARC government (Kadima & Owuor 2006).

There was a similar disagreement between Prime Minister Odinga and William Ruto regarding the identification and appointment of ministers and other high ranking officials. It was also reported that Ruto felt that Odinga was not supportive enough of his case at the International Criminal Court (ICC). This led to factionalism within the ODM, with Ruto siding in Parliament with the PNU. In the PNU, too, the terms of the alliance had not been set out properly and divergent interpretations of the agreement and personal ambitions caused a subsequent split.

Another reason for the weakening, and sometimes the demise, of coalitions is the presidential two-term limit, as could be seen when President Moi stepped down in 2002 and President Kibaki in 2013. These rare opportunities raised the stakes, given that the elections took place without any presidential candidate enjoying formal incumbency.

THE CONSEQUENCES OF ALLIANCES AND COALITIONS FOR NATIONAL COHESION AND THE PARTY SYSTEM

The study of pre-election alliances and coalition governments in Africa is in its infancy. An aspect of alliances and coalitions that is even less studied is the

consequences of party alliances and coalitions for variables such as the party system and national cohesion. This study has tried to reduce this knowledge gap.

National cohesion

This section explores whether alliances and coalitions have contributed to achieving national cohesion in Kenya, which was distorted by the colonial legacy of divide and rule, by which the various ethnic groups of the country were defined in terms of stereotyped strengths and deficiencies and made to compete among themselves. Each of the Kikuyus, Luos, Luhyias, Kalenjins, Kambas, was attributed some social, intellectual, behavioural and physical features, causing divisions among them. Kambas and Kalenjins, for example, were recruited to the army. Kikuyus were typecast as entrepreneurial and business minded, while Luos were generally regarded as the educated elite.

At independence the creation of ethnically- and regionally-based political parties exacerbated these communal cleavages, leading to tensions and even political violence. Upon attaining independence Kenya identified nation-building as a priority. The single most important barrier to national cohesion was ethnicity. Post-colonial leaders have continued to use these divisions to their political advantage, thus further politicising identity and ethnicity.

Colonial administrations subdivided the country into provinces, which were essentially created along ethnic lines (Mulei 1997). The first nationalist party, KANU, formed in March 1960, was perceived as an alliance of the then largest ethnic communities, namely, the Kikuyus and the Luos. Among its founders were Jomo Kenyatta (Kikuyu) as its president; Jaramogi Odinga (Luo), vice-president, and Tom Mboya (Luo), secretary-general. Fearing domination by the big tribes, and with the support of the colonial administration, smaller ethnic groups formed the Kenya African Democratic Union (KADU) to counter KANU. Thus, the 1963 election was essentially a contest between the big tribes coalescing around KANU, which advocated a centralised unitary state, and the small tribes coalescing around KADU, which, fearing domination by the bigger tribes, preferred a federal state which would guarantee the provinces significant autonomy. In the ensuing election KANU won a majority of votes and subsequently formed the government (Kadima & Owuor 2006).

When multipartyism was restored in 1991 the Kikuyus, the Luos and other big tribes came together to form the pressure group Ford. It alleged that KANU's machinations led to the split of Ford into two parties – Ford-Kenya, which was mostly associated with the Luos, and Ford-Asili, which was seen as Kikuyu-dominated party. The subsequent registration of other political parties also, for the most part, took on a tribal pattern (Kadima & Owuor 2006). In the same vein, the

results of the 1992 and 1997 elections reflected ethnic affiliations. Similarly, in 2002, tribal considerations came into play. The victory of the NARC was due to affiliate parties bringing their ethnic and regional votes into the NARC basket, effectively guaranteeing a victory. The eruption of violence after the announcement of the disputed presidential results was symptomatic of the existence of unaddressed ethnic divisions.

Electoral competition has resulted in regular ethnic violence, which attests to the ethnicisation of politics in Kenya. The centre of gravity of electoral violence has been in the Rift Valley and has pitted Kikuyu and Kalenjin against each other. The two groups have been fighting over land, and elections have served as a trigger for violence. It has been observed that every time Kikuyus and Kalenjins have been on opposite sides of the political divide (1992, 1997 and 2007) there has been violence. In 2002 there was no violence because President Moi (a Kalenjin) had chosen Uhuru Kenyatta (a Kikuyu) as his successor. Similarly, in 2013, Uhuru Kenyatta and Ruto (a Kalenjin) formed the Jubilee Coalition.

Since party politics in Kenya is notoriously ethnically based, to what extent do alliances and coalitions contribute to national cohesion? It can surely be argued that, by bringing together different and even conflicting ethnic groups, political party alliances and coalitions make such a contribution and that these groupings contribute to cementing the nation, as demonstrated by the nationwide enthusiasm generated by the formation of NARC. Coalitions have also allowed for a more equitable sharing of resources nationally. It has also been observed that grand coalitions like NARC (2002) and PNU-ODM (2008-2013) contributed to national cohesion because they were about the politics of inclusion, while smaller coalitions make sections of the population feel they are not represented in government. Conversely, the building of grand coalitions almost annihilates opposition, thus limiting checks and balances.

While electoral alliances ensure rapprochement among various ethnic groups, two main alliances tend to emerge. As a result, the country is frequently politically polarised and, under certain circumstances, for instance, when there are entrenched inter-communal divisions and when such groups are in opposed alliances, the rivalry may turn violent.

The NARC coalition undoubtedly contributed to a degree of national cohesion among Kenya's ethnic groups. On the other hand, the disintegration of the coalition, following a long and bitter rivalry between Kibaki and Odinga in the 2007 elections, and the post-election violence in 2008 saw the reversal of the gains made. Much of the violence in 2008, as indicated above, pitted Kikuyus against Kalenjin in the Rift Valley owing to the strong competition between the two groups over land ownership.

Interestingly, in the March 2013 elections an alliance between Kenyatta and

Ruto resulted in more peaceful elections and improved inter-communal relations between the two ethnic groups. The relative peacefulness of the elections could also be attributed to solidarity between the two party leaders and their communities in the face of the ICC charges, which had a deterrent effect, especially on leaders who capitalise on the mobilisation of ethnic militias and organised groupings to cause chaos. The charges facing Uhuru Kenyatta, for example, involved his coordination and sponsorship of the Mungai militia to commit retaliatory attacks in Naiveté and Nauru against perceived ODM supporters. Aware of this fact, many leaders refrained from using organised gangs for political purposes during the 2013 elections.

From the above it can be concluded that party alliances and coalitions do contribute to a degree of national cohesion, just as their collapse may, in extreme cases, lead to politically-motivated ethnic violence, which, in turn, could culminate in undoing the progress achieved in national cohesion. It is hoped that party leaders in Kenya have learned since the 2008 hostilities that organised violence will not go unpunished.

The party system

Do party alliances and coalitions weaken or strengthen the party system and individual affiliated political parties? The NARC was Kenya's first experience with broad-based alliances and coalitions and it is believed that it, and subsequent coalitions, weakened the affiliated political parties and ultimately the party system, because once the coalition is in power the main leader negates some of the aspects of the agreement and does not fulfil promises made to coalition partners. Party leaders have therefore learned from this experience.

During the time NARC was in power all NARC parliamentarians were elected on the NARC ticket and could therefore not legally defect to their affiliate parties without having to face a by-election. This weakened the smaller parties and explains why, despite severe squabbles in the coalition, no affiliate party left it. The result was that most parties that entered into subsequent alliances and coalitions joined the grouping with full knowledge of the implications of losing the seat and therefore declined to be on the electoral ticket of the alliance but chose instead to be on that of their own party. Each leader chooses to keep and service his or her own party as a bargaining chip or in order to secure nomination if he or she fails to be nominated by the electoral alliance. This is how the PNU worked, as an umbrella party with its affiliate parties such as NARC-Kenya, Ford-Kenya and others, operating as individual parties and preferring to strengthen their own parties. In contrast, the ODM seemed to have learned from its NARC experience and integrated its members into a single party.

In substance, it appears that when the coalition is strong its affiliate parties tend to be weaker. Conversely, when affiliate parties are strong, the coalition tends to be weaker (PNU). The challenge is to strike the right balance. On the other hand, since coalition leaders are the main beneficiaries of coalitions (eg, Kibaki in NARC, Odinga in ODM and Kenyatta in Jubilee), they tend to prefer a centralised and even integrated structure for better control of and discipline within the coalition while junior coalition partners favour a decentralised structure in order to keep their bargaining power and flexibility. This quest for independence by party leaders has resulted into a highly fragmented, unstable and weaker party system in Kenya.

CONCLUSION

This article has demonstrated that the building of party alliances and coalitions in Kenya is motivated by factors such as previous election results, the electoral system, the constitutional term limit, the political system and the country's ethno-linguistic characteristics. It has also shown that political parties form pre-election alliances and post-election coalitions as a vote- and office-seeking strategy. On the other hand, it shows that alliances and coalitions contribute to national cohesion in Kenya by bringing together polarised political parties and ethnic groups and a more equitable sharing of national resources. It also notes that the politics of inclusion which characterise grand coalitions like NARC (2002) and PNU-ODM have contributed greatly to national cohesion while smaller coalitions make sections of the population feel that they are under-represented in the institutions of the state. The building of grand coalitions almost annihilates opposition, thus limiting checks and balances. While party alliances and coalitions do contribute to a degree of national cohesion their disintegration may, in certain circumstances, lead to politically-motivated ethnic violence and therefore to undoing the progress achieved in national cohesion.

The study has also shown that party alliances and coalitions tend to weaken smaller parties and the overall party system in favour of the larger parties. This is due to the fact that junior alliance and coalition partners are generally focused on short-term gains like appointments to lucrative posts, while the main parties focus on consolidating their parties and voting base precisely by poaching from their junior partners.

One of the effects of coalition politics in Kenya is the actualisation of the concept of power sharing in government and political office. The winner-takes-all situation normally associated with FPTP electoral system has somehow been ameliorated by the new coalition politics. By formalising the coalition agreement between the URP and the TNA, the current Jubilee government is

evenly constituted on a 50-50 basis. Power-sharing arrangements under the new dispensation are more vividly manifested in the sharing of different tiers of government between the Jubilee and CORD coalitions. One of the most remarkable achievements of the new Constitution was the creation of a two-tier government consisting of the national government and the 47 county governments (devolved government) across the county.

The results of the last election effectively gave the Jubilee Coalition control of the national government while CORD controls 24 of 47 counties. The fact that devolution in Kenya involved fiscal, political and social devolution of power will, in turn, ensure that CORD will remain an important player in the governance of the country and will secure its relevance in the next five years. This is a departure from past practice, where, upon losing power, opposition parties were almost consigned to oblivion, which also explained their refusal to accept election outcomes in the past.

This power-sharing arrangement is new. It is worth observing the consequences of Kenya's party alliance and coalition politics over an extended period, from one election to the next, provided the alliances and configurations remain largely constructed along current lines.

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