

Securing Reform? Power Sharing and Civil-Security Relations in Kenya and Zimbabwe

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Abstract: While international actors use power sharing to resolve a vast range of conflicts in Africa and view state security reform as critical to achieving durable peace, there is a distinct lack of studies that examine the relationship between power sharing and security sector reform. This paper argues that, in the cases of Kenya and Zimbabwe, two main factors have determined the divergent security reform outcomes of the respective power-sharing governments: the degree of political influence within the security sector and the strength of the security reform content of the power-sharing agreement. In Zimbabwe, the rise of “security politics” gave the security sector a high degree of political influence, which, combined with weak security reform content in the power-sharing deal, resulted in little movement on security reforms. In Kenya, the state’s loss over the control of violence gave rise to the practice of “militia politics,” leading to a low degree of political influence in the security sector, which, when coupled with strong security reform content, facilitated considerable—albeit halting and not fully implemented—progress on state security reforms.

Introduction

Power sharing is increasingly used by the international community as a tool to end conflict, from Bosnia to Afghanistan to Liberia. In recent years, the use of power-sharing governments to settle conflict has been particularly preponderant in sub-Saharan Africa.¹ From 1999 to 2009, power-sharing agreements, also known as unity governments, were utilized in eighteen African countries to resolve a multiplicity of conflicts, ranging from high-intensity civil war, as in Sudan, to lower-grade electoral violence, as in Kenya and Zimbabwe.² In some cases, as in the semi-autonomous island of Zanzibar in 2010, unity governments have been agreed to even before elections take place in an effort to defuse poll tensions. In many of these conflicts, the security apparatus of the state has played a prominent role. In Kenya and Zimbabwe, for instance, the security sector was involved in— if not directly responsible for—widespread political violence surrounding both countries’ disputed elections in 2007-08, with the Kenyan police implicated in 36 percent of all fatalities and the security apparatus in Zimbabwe responsible for an overwhelming majority of the violence.³

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In such cases, the depoliticization and reform of the state security sector is crucial to achieving a durable peace, improving governance, and aiding democratic consolidation. If reforms are not undertaken during the tenure of unity governments, any short-term gains secured by a power-sharing deal will likely prove fleeting, as security officials will remain as political instruments or continue to employ their influence in the political sphere. Although political polarization and other conflict legacies can stifle reform, power-sharing governments and the conflicts from which they emerge have the potential to generate propitious opportunities for security sector reform (SSR), particularly where the security apparatus has been involved in political violence. As the deleterious role of the security sector becomes apparent, domestic, regional, and international actors often urge parties to include SSR in the negotiated political agreements and pressure unity governments to enact security reforms and other institutional changes that impact security governance, such as constitutional review processes.

Despite this link between power sharing and security reform, there is a paucity of academic studies that examine the relationship between the two phenomena. Drawing on the cases of Kenya and Zimbabwe, this paper seeks to fill this gap and better understand when unity governments formed in contexts of low-grade electoral violence in Africa will facilitate or forestall state SSR. To varying degrees, the power-sharing agreements in Kenya and Zimbabwe recognized the need for security reform. To what extent have the unity governments realized these reforms? What factors have determined whether or not they progressed? To what degree are the findings from Kenya and Zimbabwe generalizable?

This paper has three main aims. First, it discusses the few studies in the literature that link power sharing and security reform, presents the paper's two hypotheses, and outlines the methods used in the study. Second, it demonstrates how the historical role of security forces and their balance of power with civilian actors shapes the prospects for SSR. In Zimbabwe, the rise of "security politics" gave the security sector a high degree of political influence, which prevented the inclusion of strong SSR content in the power-sharing agreement. This combination of high political influence and weak SSR content has resulted in little movement on state security reforms in Zimbabwe. In Kenya, a "diffusion of violence" over the past two decades gave rise to the practice of "militia politics," which led to a low degree of political influence in the security sector and allowed strong SSR content in the agreement.⁴ In contrast to Zimbabwe, low political influence and strong SSR content have facilitated considerable, if slow and incomplete, progress on state SSR in Kenya. In conclusion, the paper discusses the implications of the findings and suggests avenues for further research on the topic.

Power to Reform?

Power sharing has come to signify a variety of institutional arrangements, ranging from transitional and longer-term coalition governments to more general ideas of federalism. Lijphart's classic theory of consociational democracy is a prime example of a more permanent, institutionalized power-sharing formula, postulating that there are four necessary elements to effective power sharing in plural societies: grand coalition, group autonomy, proportional representation, and minority veto.⁵ This paper focuses on transitional post-conflict power-sharing governments with significant reform agendas that arise out of negotiated political agreements in the wake of low-grade electoral violence. In

broad terms, power-sharing arrangements can be defined as “formal institutions that distribute decision-making rights within the state and define decision-making procedures.”⁶

In the cases of Kenya and Zimbabwe in 2008-09, decision-making positions throughout the executive were allocated to the major parties to the conflicts and comprehensive reform agendas were outlined in the respective political agreements. In Kenya, Mwai Kibaki, the incumbent President and leader of the Party of National Unity (PNU), retained the presidency, while Raila Odinga, leader of the Orange Democratic Movement (ODM), assumed the freshly created post of Prime Minister. Kibaki maintained control over the coercive apparatus while Odinga had to settle for ministries less crucial to the exercise of state power. In Zimbabwe, the incumbent President and leader of the Zimbabwe African National Union-Patriotic Front (ZANU-PF), Robert Mugabe, maintained the presidency, while the leader of the larger faction of the two Movement for Democratic Change groupings (MDC-T), Morgan Tsvangirai, filled the new position of Prime Minister. Akin to the deal in Kenya, Mugabe maintained an iron grip on the state’s coercive capacity.

Within the international community, the concept of SSR is understood as efforts to depoliticize, professionalize, and establish democratic civilian oversight of the state security apparatus in post-conflict and democratizing states.⁷ Following Toft, this paper uses the term “security sector” to refer only to “core” security institutions—those authorized to use coercive force—namely the military, police, and intelligence agencies.⁸

As noted, there is a distinct lack of studies that link power sharing and security reform. Hartzell and Hoddie analyze military power-sharing arrangements, emphasizing their importance to the durability of civil war settlements.⁹ However, military power sharing is distinct from SSR, with different processes and intended outcomes (military power-sharing is most often used to integrate former warring combatants under one command). Moreover, Hartzell and Hoddie do not examine the relationship between political power sharing and military power sharing or cases of lower-grade conflict. Toft’s theory of “mutual benefit and mutual harm” makes an important linkage between peace settlements, SSR, and the durability of peace, but does not investigate the relationship between power-sharing government and SSR and also focuses exclusively on cases of civil war.¹⁰ Cheeseman connects security reform and power sharing by using SSR as one criterion to judge the likely outcomes of unity governments.¹¹ However, he does not address the actual content of the political agreements and considers power-sharing governments in contexts of electoral deadlock and cases of post-civil war together, even though the two types of conflicts, as he notes in other work, can have vastly different underlying causes, dynamics, and consequences.¹²

In addition to the overall failure to link the two subjects, there are significant lacunae within the discrete power-sharing and security reform literatures. Few studies within the expansive power-sharing literature examine outcomes other than reignited conflict—such as reform processes—or the utility of using power-sharing models to settle low-grade conflict.¹³ An exception to both trends is Cheeseman and Tendi’s 2010 study, which, through a veto-player framework, examines the internal dynamics of power-sharing governments in cases of disputed elections and argues that such governments serve “to postpone conflict, rather than resolve it.”¹⁴ Other notable exceptions include Bekoe’s study on the impact of “post-election political agreements” in Togo and Zanzibar and LeVan’s analysis of the unique challenges presented by “low-conflict” cases of power sharing in Africa.¹⁵

On the other hand, the security reform literature has overwhelmingly focused on the conceptual, technical, and international aspects of reform, generally failing to empirically

examine how domestic political conditions drive or impede such processes, a trend Chanaa has termed a “conceptual-contextual divide.”¹⁶ Hills is an exception, as her empirical work reveals the fundamentally politicized role of African police institutions.¹⁷ Another important exception to this tendency is Cawthra and Luckham, who argue that the nature of the state and the circumstances from which a country is transitioning are crucial to understanding whether SSR is likely to be successful.¹⁸ By focusing on cases of low-grade electoral conflict and the conditions under which SSR is likely to progress, this study seeks to fill the above gaps in both bodies of literature and contribute to their linkage.

Methodology

What are the most important factors determining the SSR outcomes of unity governments formed in contexts of low-grade electoral conflict? Building on Cheeseman and Tendi’s veto-player framework, Cawthra and Luckham’s notion of how the nature of the state influences SSR outcomes, and Hartzell and Hoddie’s focus on the impact of different power-sharing devices in the agreement, this study proposes two hypotheses.¹⁹

First, a high degree of political influence within the security sector translates into less SSR. This inverse relationship obtains because in countries where the security sector possesses great political influence, the civil-security relationship tends to be symbiotic, i.e. the former ruling party relies on the security apparatus to remain in power, while security leaders are rewarded with decision-making power and politico-economic interests. In this scenario, security sector leaders and former incumbents collude to stymie security reforms that threaten their interests. In cases where political influence is low, security actors are unable to block reforms.

Second, stronger SSR content in the formal power-sharing agreement translates into more SSR. This positive relationship obtains because in cases where agreements contain strong SSR components, domestic, regional, and international actors can use this framework to push reforms forward by pressuring political players within the unity government to uphold their promises. In cases where the SSR content is weak, such actors cannot leverage the agreement to advance SSR.

The security reform outcomes of each case are measured on a scale of low to high according to significant progress made by the unity governments on five criteria essential to SSR: constitutional changes in security governance, security reform legislation, commissions investigating security sector complicity in political violence, prosecutions of security officials, and personnel changes of security leaders. It could be argued that certain criterion are more important than others or operate on different levels and could be broken into separate units of analysis (content vs. process vs. implementation, etc.). While not a perfect measure, taken together, the five criteria provide a proximate gauge of overall SSR progress.

To measure the degree of political influence of the security sector across cases, this study analyzed, through background research and consultations with country experts, the prevalence of serving or retired security leaders in two bodies that are key to political power: the cabinet and the top leadership positions of the major parties. A value of 20 percent or below was deemed a low degree of political influence, 21-40 medium, 41-60 high, 61-80 extremely high, and 81 and above a security regime. Again, this is in no way a perfect measure, as it fails to capture the important informal ways security actors wield their political influence, as is demonstrated below. However, the proxy does serve as an indicator to gauge formal levels of influence at the highest political ranks.

The strength of the SSR content of the political agreement is measured on a scale of weak to strong according to the inclusion or exclusion of six critical SSR criteria within the text of the agreement: security reforms in constitutional reform processes, review of security legislation, commissions, accountability mechanisms, insistence that security actors remain apolitical, and a timeframe to achieve such steps. Again, it could be argued that certain criterion are more important than others or operate on different levels. As a cluster, however, the six criteria provide a proximate measure of the strength of the SSR content of a political agreement.

This study utilizes George and Bennett's method of "structured, focused comparison."²⁰ The method is structured in the sense that data were systematically collected across cases and is focused in that it investigates a "subclass" of the broader phenomena of both power sharing and SSR, i.e. the phenomenon of SSR efforts under reform-oriented power-sharing governments formed in contexts of low-grade electoral conflict. The study uses a multi-method research strategy consisting of a combination of within-case and cross-case analysis. Utilizing the method of "process-tracing," the paper traces the degree of political influence of the security sector and the strength of the SSR content of the political agreement through the cases, identifying the steps that led to progress or obstruction of security reforms.²¹

The study draws on a range of both primary and secondary sources. Primary sources include the text of the political agreements, constitutional changes, and security legislation. To generate new empirical evidence and substantiate the existing primary and secondary sources, I conducted interviews with individuals that either monitor or have been involved with the two unity governments and SSR efforts in Kenya and Zimbabwe. During the course of my field research in March and April 2011, I conducted thirty-two structured interviews, with the majority of them taking place in Harare and Nairobi. My interviewees comprised government and ex-government officials—including several current Ministers and Members of Parliament, leading civil society figures, international actors, academics, policy experts, and practitioners. Although twenty-one of my respondents gave consent to go on-the-record, I have anonymized a number of interviewees to protect them from possible negative consequences. Due to the political sensitivity of SSR processes, a minimal amount of public material is available on the study topic. As such, the interviews with government actors in Zimbabwe and Kenya proved indispensable to the analysis.

The structured comparison method requires the researcher to select a small number of countries to compare. A limited number of existing cases fit the three essential criteria of the study: a transitional power-sharing government in Africa with a comprehensive reform agenda that arose out of low-grade election-related violence and was formed at least three years prior to the time of writing, a time horizon that is necessary to allow for sufficient time to have elapsed in order to measure progress (or lack thereof) toward SSR; security sector complicity in the violence; and recognition of the need for SSR within the power-sharing agreement. Kenya and Zimbabwe are the only two cases that unequivocally fulfill these conditions. Additionally, the cases were selected because they feature acute variance in levels of political influence and SSR content, as well as divergent SSR outcomes, making them ideal cases to assess the validity of the hypotheses.

The case of Madagascar in 2009 nearly fits within the three-year horizon, but successive efforts to form a unity government starting in 2009 broke down, with a coalition government eventually formed in 2011. Moreover, the conflict did not arise out of electoral violence and the political agreement did not contain state SSR provisions. It could be argued that Togo's power-sharing agreement in 2006 should be included, but it was a less comprehensive

agreement compared to Kenya and Zimbabwe that did not include an extensive reform agenda aimed at resolving the underlying causes of the conflict.²² Zanzibar's agreement in 2001 also did not include a comprehensive reform agenda and did not explicitly note the need for SSR, while the 2010 agreement is not transitional, does not fit within the three-year window, and did not emerge immediately in the wake of electoral violence, as the government was formed prior to elections. Despite not fitting the exact criteria above and laying beyond the scope of this study, the cases of Togo, Zanzibar, and Madagascar will be interesting topics for future research and additional testing.²³

The paper now tests the two hypotheses against the evidence from the cases of Zimbabwe and Kenya. In Zimbabwe, Mugabe and ZANU-PF's increased reliance on security chiefs to maintain power led to a high degree of political influence within the security sector and the rise of security politics, resulting in weak SSR content in the power-sharing deal. Conversely, politicians in Kenya leaned primarily on militias and gangs—and not the security sector—to retain power, leading to the practice of militia politics and a low degree of political influence within the security sector, allowing strong SSR content in the agreement.

Security Politics and SSR Content in Zimbabwe

Strong links and blurred lines between the polity and the security sector in Zimbabwe can be traced back to the liberation war and through the early years of independence in the 1980s, the latter exemplified by the brutal *Gukurahundi* campaign undertaken by Mugabe and security forces to suppress opposition in Matabeleland.²⁴ Despite a long history of politicization, the security apparatus has become increasingly and overtly political since 2000, when ZANU-PF's political hegemony was first challenged by the MDC and Mugabe began to rely heavily on the security sector to remain in power.²⁵ The year 2000 marked the launch of ZANU-PF's "third *chimurenga*" (armed struggle), a narrative linking resistance to conquest in the late 19th century to the liberation struggle in the 1970s and the land expropriations of white-owned farms in 2000.²⁶ The third *chimurenga* is framed in the selectively nationalist language of "patriotic history," which propagates a dichotomized view of Zimbabwe's past as a struggle between revolutionary "patriots" and "sell-outs," with the opposition dismissed as mere puppets of the West and ZANU-PF—the fathers of independence—enjoying the right to "rule in perpetuity."²⁷

The MDC opposition movement—led by Tsvangirai—emerged in 1999 and dealt the ruling party its first major defeat in the 2000 constitutional referendum. In the run-up to the 2002 elections, security chiefs publicly stated that they would not salute politicians who did not possess liberation war credentials, i.e. the opposition, a sentiment that has subsequently been repeated before every major election.²⁸ Such statements were far from mere rhetoric, as the Joint Operations Command (JOC)—the supreme security body comprising the leaders of Zimbabwe's military, police, Central Intelligence Organization, prison service, and high-ranking ZANU-PF members—orchestrated violent campaigns to guarantee ZANU-PF's success in the 2000 and 2002 elections.²⁹ This state-sponsored violence—carried out by a mix of security officials, party youth militia, and self-styled "war veterans"—featured prominently in subsequent elections, culminating in the 2008 crisis. After a month delay following the 2008 elections, it was announced that Mugabe had lost the presidential contest to Tsvangirai. However, since neither candidate purportedly won the necessary 50 percent, a second round was scheduled for June.³⁰ After the opposition's initial success, a vicious cycle

of violence—code-named “Operation *Makavhoterapapi?*” (Where Did You Put Your Vote?)—was unleashed by the JOC, leaving over two hundred dead and scores others missing or jailed.³¹ The crackdown forced Tsvangirai to withdraw, giving Mugabe an illegitimate victory that precipitated power-sharing negotiations headed by Thabo Mbeki under the auspices of the South African Development Community (SADC) and the African Union (AU).

As compensation for the security sector’s fealty, since 2000 Mugabe has increasingly awarded security leaders with plum positions in the state and party structures. As a result, the security apparatus has penetrated every aspect of the Zimbabwean state, from the Reserve Bank to the Electoral Commission.³² Regarding the spread of the military into state institutions, a Member of Parliament who sits on the Home Affairs and Defence Parliamentary Portfolio Committee, asserted: “All institutions that are supposed to be totally civilian are militarized.”³³ Taking the point further, a local journalist and senior staff member at a leading civil society organization stated that the military “has become ubiquitous, it’s omnipresent, it’s everywhere. They occupy every sector of our society. You go to the courts, you find the military, you go to parliament, you find the military, in the executive, there is the military, in the state parastatals, government bodies, they are there.”³⁴

The security sector is involved in the management of the economy as well, with ostensibly civilian companies often times managed by those with ties to the security apparatus.³⁵ Security sector actors have also benefitted from their control over illicit sources of revenue—such as the Marange diamond fields—and their involvement in the land invasions that proliferated across the country in 2000 under Mugabe’s Fast Track land reform program.³⁶ The above illustrates the security sector’s immense influence within the political arena, state institutions, and the wider political economy of Zimbabwe. The security sector has become politicized while the political sphere has become securitized, giving rise to the practice of security politics.

In an attempt to measure the security sector’s degree of formal political influence at the time of writing, this study analyzed the prevalence of individuals with security backgrounds in the cabinet and the top ranks of the two major parties. While only 6 percent of MDC-T cabinet members and 8 percent of top party leadership positions are made up of serving or ex-security sector personnel, approximately 43 percent of ZANU-PF cabinet members and 42 percent of the most senior-level positions within the supreme decision-making body, the Politburo, comprise such individuals, giving Zimbabwe’s security sector a high degree of influence in the political sphere and within ZANU-PF.

The protracted power-sharing negotiations headed by Mbeki resulted in the signing of the Global Political Agreement (GPA) in September 2008 and the formation of the inclusive government in early 2009. The GPA recognized the need for security reform, but to what extent? As outlined above, the strength of the SSR content of the GPA is measured according to the inclusion or exclusion of six criteria: constitutional reforms, legislation review, commissions, accountability mechanisms, impartiality, and a timeframe. The agreement did not require security reforms to be included in the constitutional review process, did not mandate a review of extant security laws, and did not establish a commission of inquiry or accountability mechanisms. Article 13 did note the need for state institutions to “remain non-partisan and impartial,” while also calling for a new training curriculum for the security forces.³⁷ The agreement, however, provided no timeframe delineating when such limited security reforms would be carried out. Based on these six criteria, it is clear that the SSR content of the GPA must be deemed as weak.

Why were the actors who orchestrated the 2008 violence barely mentioned in the agreement? The primary reason was the pervasiveness of security politics: as JOC leaders participated in the power-sharing discussions, they wielded an effective veto over the negotiations. As noted by the *Guardian* during the negotiations, “There can be no ‘success’ to the talks without the security officials’ acquiescence.”³⁸ Security leaders simply would not allow meaningful security reforms on the negotiation agenda, resulting in opaque and anemic SSR content in the GPA. A secondary contributing factor to the GPA’s weakness on security reforms was the fact that Tsvangirai gave up on the idea of pursuing justice for security leaders in the name of reconciliation and peace.³⁹ While this strategy was no doubt chosen in part because of the security chiefs’ political power and capability to thwart the formation of the unity government, the concession lessened the impetus to include SSR elements in the GPA.

Militia Politics and SSR Content in Kenya

Despite playing an influential role in the political sphere following a failed coup attempt in 1982, the military has largely remained outside of the political realm in Kenya.⁴⁰ The police, however, have a long history of politicization, a practice that intensified during the 1980s and early 1990s when President Daniel arap Moi used the force to violently suppress political dissent.⁴¹ After Kenya’s return to multiparty politics in 1991, Moi used gangs and ethnically-based militias—aided by the police—to attack political opponents in the run-up to the 1992 and 1997 elections.⁴² Moi, a Kalenjin, used “Kalenjin warrior” militias to displace opposition supporters, mostly Kikuyu, Luo, and Luyha.⁴³ By blurring the lines of accountability, Moi’s use of privatized violence allowed him to use electoral tactics—such as ethnic cleansing—that were out of bounds for the police.⁴⁴ While Moi and the incumbent party, the Kenyan African National Union, triumphed in the flawed 1992 and 1997 elections, the victories came at a substantial cost in lives. In the militia-fuelled “ethnic clashes” that surrounded both elections, 3,000 were killed and 300,000 displaced.⁴⁵

Once Moi and his supporters utilized privatized violence in the 1990s, anti- and pro-government gangs and militias proliferated over the next decade, with national and local politicians often losing control of militias or simply discharging them after elections. Groups including the feared Mungiki, the Sabaot Land Defense Force, the Taliban, the Bagdad Boys, and Sungu Sungu emerged as powerful organizations or political militias for hire, many running shakedown and protection rackets.⁴⁶ The widespread use of militias by politicians across the political spectrum—combined with extra-state groups becoming increasingly involved in government functions as a response to policing failures in neglected rural areas and Nairobi shantytowns—led to what Mueller terms a “diffusion of violence,” or as characterized in this paper, the rise of militia politics.⁴⁷ This informalization of violence, meaning a process by which the state lost control over its monopoly on the use of force, proved to be highly destabilizing for Kenya in the near and medium term.⁴⁸

After Moi stepped down before the 2002 elections, a broad-based opposition coalition won in a relatively free and fair poll. However, despite a brief period of public euphoria and promises for democratic change by the incoming President Kibaki—including a security sector reform and community policing program—the practice of militia politics went on unabated, as outlined above. Additionally, Kibaki continued the Kenyan tradition of using the police as political instruments, the most conspicuous example being when

Administration Police were deployed in plainclothes to disrupt polling stations in opposition strongholds before the 2007 vote.⁴⁹

Upon conclusion of an exceedingly close 2007 poll between Kibaki and the ODM opposition party—led by Odinga—Kibaki declared victory and was hastily sworn in, despite allegations of electoral fraud. Led by militias and gangs supported by political patrons across political divides—with the involvement of the police a further complicating factor—the disputed elections triggered several waves of ethnically-based decentralized violence between opposition and government supporters, in which over 1,300 were killed and more than 600,000 displaced.⁵⁰ The two-month period of violence and political disorder was ended by the signing of a power-sharing deal in February 2008 brokered by Kofi Annan under the auspices of the United Nations (UN) and the AU's Panel of Eminent African Personalities.

Although the police have been heavily politicized in Kenya, the civil-police relationship has remained unidirectional, i.e. politicians—namely the executive—have enjoyed tremendous influence in the policing sphere, but the police have not amassed the political power necessary to influence the political arena.⁵¹ What explains the supremacy of civilians over the police? The most critical factor is that while politicians have continually manipulated the police for political purposes, incumbents have not relied exclusively on the police to remain in power. Politicians' dependence on privatized violence meant that militias and gangs, not the police, were largely responsible for securing electoral victories. In this system of militia politics, politicians did not need to devolve decision-making power to the police in order to win elections.

Additionally, politicians have relied on elite coalitions to ensure ballot success.⁵² This inclusive political practice contributed to the one-sided civil-police relationship in two ways: it further lessened political leaders' reliance on the police to guarantee political power; and it diminished opportunities for the police and politicians to build entrenched symbiotic relations because politicians were constantly shifting alliances and positions within government.

Again, in an attempt to measure the security sector's degree of political influence in Kenya at the time of writing, this paper analyzed the prevalence of individuals with security backgrounds in the cabinet and leadership of the two major parties. The analysis found that zero percent of PNU cabinet members and top party positions are made up of such individuals, while zero percent of cabinet ministers and 6 percent of ODM's top party officials have security backgrounds, giving Kenya's security sector a low degree of political influence.

The nearly six-week negotiation process headed by Annan—the Kenya National Dialogue and Reconciliation (KNDR)—produced the National Accord (NA) agreements, which were divided into four agendas.⁵³ The NA called for security reforms, but how explicitly? The strength of the SSR content in the NA is measured against the six criteria outlined above. Early in the negotiations, the parties signed an agreement stating that the security forces must act in an apolitical manner. Once the agreements were finalized, agenda four stipulated that an independent police commission was to be established in the constitutional review process, while also requiring security laws to be updated to reflect democratic norms. The Commission of Inquiry into Post-Election Violence (CIPEV), known as the Waki Commission, and the Truth, Justice, and Reconciliation Commission, were also grounded in the NA framework. While both bodies were authorized to investigate state security involvement in the 2007-08 violence, neither established concrete accountability

mechanisms. Despite this failure, the NA did provide a demanding timetable to achieve the delineated reforms.⁵⁴ Based on the NA's inclusion of the above SSR measures, it is clear that the agreement's SSR content must be deemed as strong.

While various factors helped determine the SSR content of the agreement, including the disposition of the negotiators and external pressure, the most critical variable shaping the SSR content of the NA was the lack of political influence within the security sector, namely the police. Security leaders were not major players during negotiations, a further indicator of their lack of political influence.⁵⁵ The unidirectional civil-police relationship in Kenya rendered politicians impervious to pressures from the security apparatus during negotiations, allowing significant SSR content to be included in the agreement.

A secondary factor was the participation of civil society actors in the negotiation process, which, contrary to some accounts, was quite robust.⁵⁶ The majority of security reforms in the NA are contained in agenda four, which outlined the institutional reforms designed to resolve the underlying causes of the crisis. According to Samuel Mohochi, a human rights lawyer, "If it had not been for the involvement of civil society in Kenya...you would not have had agenda four."⁵⁷

Zimbabwe and Kenya's different civil-military histories played an instrumental role in shaping the SSR content of the two country's political agreements and were central to the way power sharing played out in both countries.

SSR Outcomes in Comparative Perspective

Since the formation of the two country's unity governments, the high amount of political influence within the security sector and the weak SSR content of the agreement have led to a low degree of SSR in Zimbabwe, while the low amount of political influence of the police—in tandem with strong SSR content in the deal—have allowed a considerable, if halting and not fully implemented, degree of progress on SSR in Kenya.

The security chiefs in Zimbabwe have used their abundant formal and informal political influence to convince Mugabe to remain recalcitrant on the issue of SSR. Due to the classified nature of national security discussions, it is difficult to assess precisely how such influence has been wielded. It appears, however, that JOC meetings—which continue to be convened on a regular basis—are the venue where security leaders have communicated their vehement disapproval of SSR efforts. For example, in recent JOC meetings security chiefs reportedly warned Mugabe not to submit to MDC and SADC requests to include SSR on the agenda for a roadmap to upcoming elections.⁵⁸ Shortly after these sessions in 2011, Jacob Zuma, the head SADC negotiator, requested meetings with Zimbabwe's security leaders to discuss reforms, but ZANU-PF announced that the SADC team was prohibited from meeting with security chiefs and that SSR would not be considered, arguing that foreigners cannot intervene on matters of national security.⁵⁹

The security apparatus has used its political influence to persuade Mugabe to reject specific proposals, such as the disbanding of the JOC and the formation of a new intelligence organization, as well as refuse to even discuss security reforms more generally.⁶⁰ The latter point is illustrated by Mugabe's speech at ZANU-PF's congress in late 2009, where he stated that the party "shall not allow the security forces of Zimbabwe to be the subject of any negotiations for the so-called security sector reforms...That is the most dependable force we could ever have, it shall not be tampered with."⁶¹ Such statements demonstrate how the backgrounds and security ties of the party's top leadership positions have profoundly

impacted the party's decision-making, leading ZANU-PF to oppose security reforms to protect their own and their political clients' interests.

The weak SSR content of the GPA in Zimbabwe also played a crucial role in shaping SSR outcomes, as it prevented domestic and international actors from coalescing around specific reforms and applying pressure on the government. The failure of the GPA to comprehensively address the practice of security politics has made broaching the subject of SSR during the life of the unity government exponentially more difficult, exemplified by Zuma's struggles in 2011 to even discuss SSR. Since the GPA's wording on SSR is vague, the external guarantors—SADC and the AU—and domestic monitors—the Joint Monitoring and Implementation Committee—have no concrete security reforms to guarantee or monitor. Therefore, when ZANU-PF asserts that foreign powers cannot interfere on security matters, SADC is unable to cite specific SSR guidelines in the GPA to refute such claims. A Minister, Member of Parliament, and senior MDC-T official, asserted that the MDC has since recognized its error: "With hindsight, we are beginning to realize and discover that we made a mistake to actually just go there in our GPA without asking for some fundamental reform" in the security apparatus.⁶²

The continuation of security politics and the weakness of the SSR content sculpted the unpromising security reform landscape in Zimbabwe, rendering the unity government's SSR efforts stillborn. As noted, movement on security reforms is measured according to significant progress made on five criteria essential to SSR: constitutional changes, reform legislation, government commissions, prosecutions, and personnel changes. From the formation of the unity government through the time of writing, the unity government has made halting progress toward crafting a new constitution, with some security reforms, such as demands for impartiality, reportedly featuring in the current draft of the constitution agreed to by all parties in January 2013.⁶³ Although the current draft has not been released at the time of writing this paper, previous contentious debate has focused on the inclusion of the legislature in overseeing the security apparatus and term limits for security chiefs.⁶⁴ While a constitutional referendum will take place in March 2013, it appears the new constitution will include some form of SSR provisions. However, if Mugabe and ZANU-PF have agreed to any SSR, the language is likely to have been watered down.

The unity government has passed one significant piece of security reform legislation, the National Security Council (NSC) Bill. Passed in early 2009, the bill created the NSC, a body intended to establish civilian control over security governance and disband the JOC. However, the passed legislation only provides the body with the capacity to review security policy, and, according to a senior official in the Office of the Prime Minister, the organ has convened no more than a handful of times.⁶⁵ When the NSC does meet, a Deputy Minister and Member of Parliament contended, "They do precious nothing there."⁶⁶ Despite the formation of the NSC, the JOC remains intact and the security apparatus continues to function as it did prior to the unity government.⁶⁷ In this manner, through informal parallel institutions the security sphere remains highly politicized and able to wield political influence.⁶⁸ Although the passage of the NSC bill looked promising, Mugabe remains firmly in control of the security apparatus, evidenced by the fact that the police have arrested over a quarter of Mugabe's opponents in parliament since the formation of the unity government and reports that the military has been deployed to rural areas in order to again coerce local populations into supporting ZANU-PF in upcoming elections in 2013.⁶⁹

In May 2011 the government approved a bill that will operationalize the Human Rights Commission. However, the bill mandates that the commission only investigate rights

violations that occurred after February 2009.⁷⁰ As such, no commission has been tasked with investigating the security sector's role in political violence. The government has also failed to hold security sector leaders accountable for political violence, either through prosecutions or removal from their posts.⁷¹ Despite long-awaited progress on constitutional reform, based on the five criteria examined above, the power-sharing government in Zimbabwe has achieved a low degree of progress on SSR. Summing up the progress of SSR in Zimbabwe, a senior official in the Office of the Prime Minister, stated: "There has not been any of it [SSR] really. Anybody who says that there has been obviously does not live here."⁷²

In contrast to Zimbabwe, the lack of political influence of the security sector in Kenya, namely the police, has allowed considerable, if sluggish, progress on security reforms since the formation of the coalition government. The unidirectional nature of the civil-police relationship, mainly caused by a reliance on militia politics, means that the police do not possess the necessary political influence to stymie reform effectively. This is not for lack of trying. Odour Ong'wen, Member of the Kenyan government's Police Reforms Implementation Committee (PRIC), stated: "The first major obstacle we are seeing as a committee is the resistance from the very top [of the police hierarchy]...a staggering majority are resisting."⁷³ According to Mutuma Ruteere, Director of the Centre for Human Rights and Policy Studies, "there is almost zero commitment to change by the police."⁷⁴

Due to a lack of political influence, however, the police chiefs have been unable to veto the current reform process. Hassan Omar Hassan, former Commissioner at the Kenya National Commission on Human Rights, the government body, maintains that no "police officer has the audacity to stand up to any member of the executive once given an order...There is a lot of leverage that the executive asserts over the police."⁷⁵ Ruteere seconded this sentiment, arguing that, despite the intransigence from the police leadership, "They are being forced to change...The police find they have no choice, they have to show the motions of reforming, even if they do not want to reform."⁷⁶

Again diverging from the Zimbabwe experience, the strong SSR content of the NA has also been critical in advancing SSR in Kenya. As seen in Zimbabwe, the content of political agreements set the parameters and shape the manner in which power-sharing governments will be implemented and monitored. Domestic and international actors have leveraged the SSR content in the NA to pressure and cajole members of the coalition government to uphold their promises. Domestic pressure has been key in this regard. Hassan asserts that the driving force behind reform has been "the work of the Kenyan people. We have a very robust civil society...a charged citizenry in terms of calling government to account."⁷⁷ Tom Kagwe, Member of the Board of the government's Independent Policing Oversight Authority and Deputy Director at the nongovernmental Kenya Human Rights Commission, argued that civil society continued with the mediation team's mission directly after the latter's departure: "When Annan withdrew, domestic pressure has come up...we have very clear civil society institutions that have really pushed this agenda framework."⁷⁸ In this fashion, domestic constituents have applied pressure on the coalition government from below.

Concurrently, regional and international actors have applied pressure from above. The guarantor to the NA—the AU Panel headed by Annan—has helped advance reforms precisely because they have tangible reforms to guarantee. When progress has lagged on implementation of institutional reforms, Annan has flown in and applied political pressure to expedite the reform process.⁷⁹ Manifold actors within the international community have also used the NA framework to push security reforms, with the United States imposing

travel bans on officials obstructing reform, the United Kingdom monitoring progress on police reforms, and the UN reiterating domestic calls for sweeping police reform.⁸⁰

“The pressure from outside has definitely been a contributing factor” in advancing reform, according to Kenneth Mpyisi, Director at the Institute for Security Studies-Nairobi.⁸¹ Haron Ndubi, Director of the nongovernmental organization Haki Focus and participant in the Waki Commission, maintains that demands from the international sphere have been effective in pushing reform because the international community “wields the kind of sword that the government fears...Political as well as economic pressure.”⁸² The NA content set the agenda for SSR in Kenya, guaranteeing that it would be discussed in the various forums and monitoring reports that have proliferated since 2008. If strong SSR was not part of the NA, security reforms would not be susceptible to such outside pressures.

As a result of the low political influence of the security sector and the strong SSR framework in the NA, security reforms have advanced to a medium-high degree in Kenya, but they have not yet been fully implemented. Again, movement on SSR is judged according to progress made on the five criteria outlined above. In contrast to Zimbabwe, the coalition government in Kenya moved quickly on constitutional reform and promulgated a new constitution in August 2010 that incorporated meaningful changes to security governance, including measures to end political interference and the creation of a police oversight mechanism.⁸³

The government has also made considerable progress on revamping security legislation. The PRIC drafted five police reform bills in 2010, and in August 2011 parliament passed the three most important ones, the National Police Service Bill, the National Police Service Commission Bill, and the Independent Policing Oversight Authority Bill.⁸⁴ The process of translating these bills from paper to practice has been sluggish, as the National Police Service Commission, which is mandated with preventing political manipulation, vetting officers, overseeing a new training curriculum, and integrating the Kenya Police Service and Administration Police under one command, was not sworn in until October 2012 due to political disagreements at the highest levels. The Independent Policing Oversight Authority, responsible for providing civilian oversight, investigating excessive use of force, and handling complaints from the public, also did not begin work until November 2012.⁸⁵ Despite delays, the passed legislation and subsequent establishment of the above institutions have provided the legal framework and means to change fundamentally the structure, leadership, and oversight mechanisms of the Kenyan police.

The Waki Commission, which addressed the politicization of the police and investigated police involvement in the post-election violence, completed its work in 2008. As the commission recommended, the government formed a panel to spearhead the police reform process—the National Task Force on Police Reforms—which was succeeded by the PRIC. Other recommendations have also been implemented, such as establishing independent oversight of the police. While advancements have been made on the first three out of five SSR criteria, as noted, implementation has lagged, in large part due to political bickering and lack of political will.⁸⁶ David Kimaiyo, who in December 2012 became the first Inspector General of the police but was a Director in the Ministry of Internal Security when interviewed in 2011, asserted, “The recommendations are there on paper...implementation is a problem.”⁸⁷

Akin to Zimbabwe, the government in Kenya has failed to try perpetrators of the post-election violence, despite several attempts to form a special tribunal. This failure—caused by anti-reform coalitions formed across political divides—prompted Annan to provide the

International Criminal Court (ICC) with the names of those suspected by the Waki Commission of orchestrating the violence.⁸⁸ Subsequently, the ICC charged six prominent Kenyans—including the former police commissioner, Mohammed Hussein Ali—with crimes against humanity. The charges against Ali were later dropped in March 2012.⁸⁹ Despite international efforts to prosecute Ali, no senior-level security prosecutions have taken place domestically. This continuing police impunity, which has a long history in Kenya, is a setback to the overall SSR process in Kenya.

Substantial personnel changes within the police leadership have been carried out. Ali and his deputy were relieved of command in 2009, while a year later 143 senior officers were rotated out of their positions nationwide.⁹⁰ In December 2012, a drawn out search for the newly created position of Inspector General came to a close when David Kimaiyo was finally sworn into office.⁹¹ In spite of the failure to hold the police accountable for past political violence, a halting pace, political wrangling at each step, and the remaining need for full implementation, based on the five criteria above, Kenya's coalition government has achieved a medium-high degree of state SSR. Summarizing the coalition government's performance on police reform, Ong'wen, of the PRIC, asserted in 2011: "Quite a lot of progress has been made. When the PRIC winds up, the reforms will have been put on a strong path...it will be impossible to reverse them."⁹²

Ong'wen's statement may prove overly optimistic, at least in the near term, as the government and police in Kenya have a ways to go in translating significant progress on establishing a legal and institutional foundation for reforms into a professional and effective police service. As noted by Kimaiyo and Ong'wen, the police are perennially underfunded and remain severely hampered by a lack of operational, logistical, and human resources.⁹³ As outlined above, reforms remain anathema to many within the senior police leadership. Moreover, several recent events suggest that formal institutional reforms have yet to adequately change police behavior in practice, including alleged abuses of ethnic Somalis in the Eastleigh neighborhood of Nairobi and other areas, failure to contain clashes in the Tana Delta region, and an embarrassing operation in the Suguta Valley in which forty two police were killed.⁹⁴ Indeed, it is worrisome that the ultimate short-term test of these reforms, national elections, are scheduled to take place mere months after many of the new institutions and oversight mechanisms became operational. Furthermore, although progress has been made on the state side of the SSR equation, such reforms have as of yet had almost no impact on curbing informal security arrangements and the practice of militia politics, i.e. in demobilizing political gangs and militias—the main protagonists of political violence in Kenya, as discussed below.⁹⁵ Despite several setbacks and considerable remaining obstacles to full implementation, after decades of politicization, legal and institutional structures are now in place to engender lasting and tangible police reforms in the medium to long term in Kenya.

Security Sector Intransigence

There are varying reasons why security leaders in both Kenya and Zimbabwe remain so obdurately opposed to reform. Three main reasons explain why the chiefs have fought so vigorously to stymie reforms in Zimbabwe. First, they fear that reforms will jeopardize their access to political power and patronage networks, which have been their primary source of wealth. A leading civil society figure in Zimbabwe maintained that security leaders are against reforms because "they want to protect what they have gained, it's about their

economic gains.”⁹⁶ Second, and along the same vein, security chiefs are worried that reforms will expose them to prosecutions for past human rights violations. A Deputy Minister and Member of Parliament argued that security chiefs “do not want to retire because a lot of them committed atrocities” and are scared for their lives.⁹⁷ Thirdly, the security chiefs genuinely believe the narrative of patriotic history, the selectively nationalist ZANU-PF narrative outlined above. As a Minister, Member of Parliament, and senior MDC-T official argued, security leaders believe that they “...fought for the liberation of the people, and therefore they are entitled to ruling the country. And they actually own the country, in a way, in their minds.”⁹⁸

If the police in Kenya do not enjoy a reciprocal relationship with the political sphere, why are they against reform? Two main reasons, analogous to the ones in Zimbabwe, explain the largely unreconstructed attitude of the Kenyan police leadership. Despite not forging a political power base, the police have still benefitted from their position of power, namely through endemic corruption. Transparency International has repeatedly found the police to be the most corrupt institution in the country, with 59 percent of Kenyans reporting to have encountered police bribery over the previous year.⁹⁹ As Ong’wen asserted, the police “now basically survive off corruption.”¹⁰⁰ Many within the force see the potential for reforms to restrict this source of survival, prompting attempts to stifle such efforts. Secondly, fueled by the ICC charges against Ali, there are fears that reforms will bring accountability for past crimes. Regarding changes within the police precipitated by the reform process, Ruteere contends, “This change, there will come casualties of it. No question about it. So they [senior police] really do not want this kind of change because there is no way they are going to survive it.”¹⁰¹

Conclusion

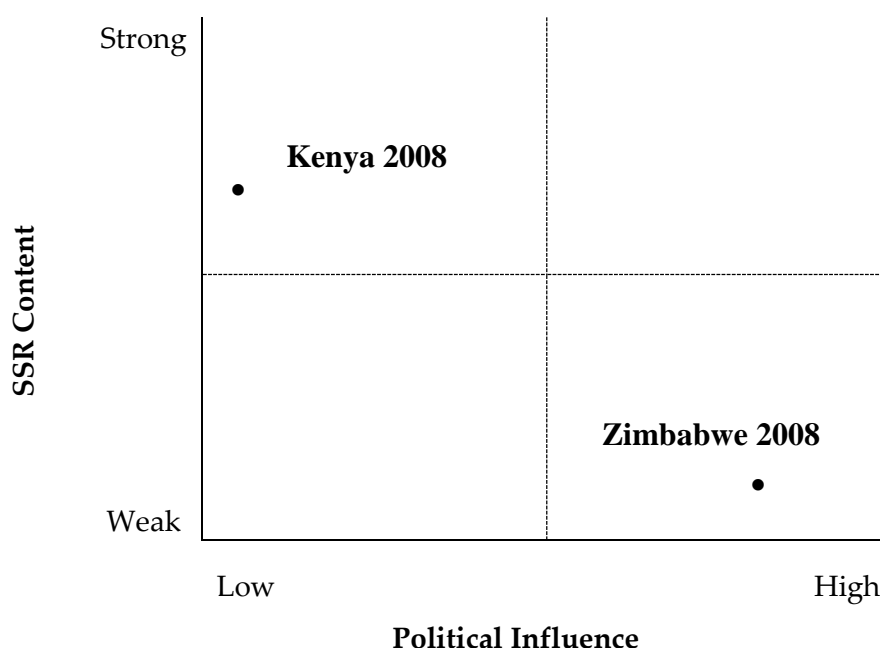
Since the formation of each country’s power-sharing government, little if any security sector reform (SSR) has been achieved in Zimbabwe, while meaningful, if incomplete, reforms have been realized in Kenya. Myriad causal and intervening factors have played a role in determining SSR outcomes in both cases, including the balance of power between reformers and anti-reformers, varying levels of democratization, the relative traction of the international community, the strength of domestic civil society, and the extent of previous reform efforts. While these factors were considered throughout the analysis of each case and were deemed as contributing to SSR outcomes, this paper has shown that understanding the degree of the security sector’s political influence and the strength of the SSR content of the agreements goes a long way in explaining the great deal of variation between the two cases.

While rigorous testing of other cases must remain a topic for further research, the above findings may be useful in helping to explain the likely SSR outcomes of other unity governments formed in contexts of low-grade electoral violence. The political influence and SSR content variables interact in the cases of Kenya and Zimbabwe, with the degree of the security sector’s political influence directly impacting the strength of the SSR content of the agreement. The variables do not always necessarily vary in this fashion, however, as cases may feature a moderate-low degree of political influence within the security sector and weak or nonexistent SSR content, as appears to be case in Zanzibar in 2010.¹⁰² Conversely, other cases—in part due to extensive international involvement in the peace process—may exhibit a high degree of security sector influence and fairly strong SSR content. The closest low-grade conflict case to exhibit characteristics similar to these appears to be Togo.¹⁰³

Additionally, such an outcome would have been likely if a power-sharing deal had been agreed to in Côte d'Ivoire in 2010 and, though not a case of low-grade conflict, appears to have occurred in Burundi in 2004.¹⁰⁴

In cases where the security sector's influence is low and the SSR content strong, a high degree of SSR is the likely outcome, as security leaders are unable to stifle reform and domestic and international actors can use the agreement to drive reform, as seen in Kenya. When the level of political influence is high and the SSR content weak, a low degree of SSR is probable, as security leaders are able to veto reforms and internal and external forces are unable to leverage the agreement, as evidenced by Zimbabwe (Figure 1).

Figure 1: Preliminary SSR Power-sharing Framework



On the other hand, the findings from Kenya and Zimbabwe suggest that when the security sector's influence is relatively low and the SSR content weak or nonexistent, the likely outcome is minimal movement on SSR, as security leaders are unable to frustrate SSR but there are no reforms for domestic and international actors to leverage. The findings also suggest that where the political influence of the security sector is fairly high and the SSR content of the agreement strong, the process is likely to be halting and unpredictable, with the abundant potential for reform tempered by security leaders' ability to impede such efforts. Again, although analyses of other cases must remain topics for further research, the paper's findings on Kenya and Zimbabwe may still be instructive to better understand the likely SSR outcomes of other cases of unity governments formed in cases of low-grade conflict. A starting point for further research and probing of the findings would be to plug cases that are beyond the scope of this paper—such as Togo, Zanzibar, and Madagascar—into the above preliminary framework and then test the hypotheses against evidence from these additional cases.

This study has illustrated the importance of both the political influence and SSR content variables in advancing SSR: lower degrees of influence are necessary but not sufficient unless coupled with strong SSR content in the agreement. The implications of the findings are clear. A low level of political influence within the security sector and robust SSR content

in the agreement are the most favorable conditions for reforming the security apparatus. Under such conditions, unity governments can generate significant opportunities for SSR. Unfortunately, where such conditions prevail is usually where SSR is needed least. Kenya may prove to be the exception in this regard, as a unique set of circumstances shaped a unidirectional relationship between the police and the political sphere, making police reforms essential but also plausible. Zimbabwe, on the other hand, demonstrates that, as one might expect, where SSR is most desperately needed is where it is least likely to advance. However, given the finding of this study that the content of the power-sharing agreement has considerable potential to drive reform, negotiators would be wise to push vigorously for concrete SSR content even in cases where security leaders possess medium-high degrees of political influence. They should do so in hope that such content would enable pressure from domestic and international actors to overcome the security sector's protestations and force members of the unity government to uphold their promises and implement SSR.

This paper argues that two main factors have shaped the SSR outcomes of the unity governments in Kenya and Zimbabwe: the security sector's degree of political influence and the strength of the SSR content in the agreement. While this study has shown that the SSR content of the agreement can play a fundamental role in advancing security reforms, there are clearly limits to such catalytic potential. Post-conflict unity governments are extremely volatile and fragile, with their outcomes dependent on a broad range of contingent factors that are nearly impossible to forecast. Even if strong SSR guidelines are included in a deal, the persistence of informal security arrangements, lack of political will, and other unforeseen impediments—such as crises of governance or renewed conflict—may neuter their potentially positive impact.

While Zimbabwe has achieved relative political and economic stability since the formation of the unity government, the continued practice of security politics, lack of meaningful state SSR, and the failure to demobilize extra-state militias has rendered the country vulnerable to yet another violent election in 2013. Conversely, although Kenya has made significant progress toward achieving security and other institutional reforms, little has been done to disarm vigilantes and end the practice of militia politics. Indeed, recent reports suggest that militias and gangs are in fact rearming, this time with AK-47 assault rifles instead of bows and arrows and machetes.¹⁰⁵ Mungiki, a central player in the 2007-08 post election violence, has also apparently regrouped ahead of elections, with ambitions of reentering electoral politics as a formal party.¹⁰⁶ This failure of the coalition government to rein in privatized violence could very well lead to more electoral conflict in upcoming polls scheduled for March 2013.

State security forces continue to play a critical and often deleterious role in conflict in Africa, as illustrated by Côte d'Ivoire in 2010, where the security sector kept the incumbent President, Laurent Gbagbo, in power even though he had lost an election. The bullet once again defeated the ballot. While calls for power sharing proliferated after the disputed election, the idea was ultimately jettisoned and Gbagbo was removed from office through a combination of international and domestic force. Although the case of Côte d'Ivoire may have slowed the wave of power sharing that has flowed across the continent in recent years as a response to electoral deadlock, the lack of a viable substitute for ending violent conflict guarantees that the model will continue to feature prominently in mediator's toolkits. As such, understanding the likely security reform outcomes of unity governments remains more important than ever.

Notes

- 1 From herein referred to as Africa.
- 2 Mehler 2009a, p. 10.
- 3 Government of Kenya 2008a, CIPEV Final Report, pp. 384-85; Alexander and Tendi 2008, pp. 11-12.
- 4 Mueller 2008, pp. 187-89.
- 5 Lijphart 1990, pp. 494-5.
- 6 Rothchild and Roeder 2005, p. 30.
- 7 Organization for Economic Cooperation and Development 2008, p. 21.
- 8 Toft 2010, p. 4.
- 9 Hartzell and Hoddie 2007.
- 10 Toft 2010, p. 4.
- 11 Cheeseman 2011, p. 339.
- 12 Cheeseman and Tendi 2010, p. 205.
- 13 For a more comprehensive review of the power sharing literature see Mehler 2009b.
- 14 Cheeseman and Tendi 2010, p. 204.
- 15 Bekoe 2012, p. 117; LeVan 2010, p. 43.
- 16 Chanaa 2002, p. 61.
- 17 Hills 2007, p. 403.
- 18 Cawthra and Luckham 2003, pp. 305-27.
- 19 Cheeseman and Tendi 2010, Cawthra and Luckham 2003, and Hartzell and Hoddie 2007.
- 20 George and Bennett 2005, p. 67.
- 21 For "process Tracing" see Ibid., p. 206.
- 22 Bekoe 2012, p. 119.
- 23 For a comprehensive analysis of power sharing in Togo and Zanzibar see Bekoe 2012.
- 24 Catholic Commission for Justice and Peace/Legal Resources Foundation 2002.
- 25 Chitiyo 2009, p. 8.
- 26 Alexander and Tendi 2008, p. 5.
- 27 Tendi 2010; Bratton and Masunungure 2008, p. 43.
- 28 Cheeseman and Tendi 2010, p. 217.
- 29 Raftopoulos 2009, p. 215.
- 30 "Zimbabwe announces poll results," BBC News, 2 May 2008.
- 31 Human Rights Watch 2011, p. 26.
- 32 Bratton and Masunungure 2008, p. 49.
- 33 Personal interview, Harare, Zimbabwe, 31 March 2011.
- 34 Personal interview, Harare, Zimbabwe, 29 March 2011.
- 35 Personal interview, Executive Director of local research institute, Harare, Zimbabwe, 31 March 2011.
- 36 Human Rights Watch 2009, pp. 3-4; Alexander 2006, p. 186.
- 37 Government of Zimbabwe 2008.
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- 39 "Zimbabwe Generals' Fears of Prosecution Threaten Deal," *New York Times*, 14 October 2008.

- 40 Throup and Hornsby 1998, p. 31; Cheeseman and Tendi 2010, p. 216.
- 41 Adar and Munyae 2001.
- 42 Mueller 2008, p. 190.
- 43 Mueller 2011, p. 103.
- 44 Branch and Cheeseman 2008, p. 13.
- 45 Cheeseman 2008, p. 170.
- 46 For an overview of the Mungiki and the group's role in Kenyan politics see Rasmussen 2010. Mueller 2011, p. 103.
- 47 Anderson 2002, p. 542; Mueller 2011, p. 103; Mueller 2008, pp. 187-89.
- 48 Mueller 2008, pp. 187-89.
- 49 Government of Kenya 2008a, CIPEV Final Report, p. 405-6.
- 50 Amnesty International 2013, p. 7.
- 51 Hills 2009, p. 244; personal interview, Hassan Omar Hassan, 4 April 2011, Nairobi, Kenya.
- 52 Cheeseman and Tendi 2010, p. 213; Mueller 2011, p. 104.
- 53 This paper uses the term NA to refer to all agreements signed under the KNDR process.
- 54 Government of Kenya 2008b, NA.
- 55 Cheeseman and Tendi 2010, p. 218.
- 56 Mehler 2009b, p. 470; Lindenmeyer and Kaye 2009, p. 23.
- 57 Personal interview, Nairobi, Kenya, 4 April 2011.
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- 61 International Crisis Group 2010, p. 11.
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- 64 Dzinesa 2012.
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- 66 Personal interview, Harare, Zimbabwe, 30 March 2011.
- 67 Personal interview, Minister, Member of Parliament, and senior MDC-T official, Harare, Zimbabwe, 1 April 2011.
- 68 For an informal network analysis of Zimbabwe's power-sharing government see Kriger 2012.
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- 72 Personal interview, Harare, Zimbabwe, 1 April 2011.
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- 77 Ibid.
- 78 Personal interview, Nairobi, Kenya, 6 April 2011.
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- 82 Personal interview, Nairobi, Kenya, 7 April 2011.
- 83 Government of Kenya 2010.
- 84 For an overview of all five bills see International Crisis Group 2013, p. 30. For a detailed review of legislation passed see Amnesty International 2013, pp. 8-11.
- 85 International Crisis Group 2013, pp. 30-31.
- 86 Ibid, p. 31; Amnesty International 2013, p. 9.
- 87 Personal interview, Nairobi, Kenya, 8 April 2011.
- 88 Cheeseman and Tendi 2010, pp. 223-24.
- 89 "ICC charges four over Kenyan vote violence," *Al Jazeera*, 14 March 2012.
- 90 "Kenya police bosses moved in sweeping changes," KBC News, 8 September 2010.
- 91 International Crisis Group 2013, p. 31.
- 92 Personal interview, Nairobi, Kenya, 8 April 2011.
- 93 Personal interviews, Nairobi, Kenya, 8 April 2011.
- 94 Amnesty International 2013, pp. 20-23.
- 95 For a discussion on how formal institutions in Kenya have the potential to be undermined by informal and personal rule, see Kriger 2011, pp. 100-02.
- 96 Personal interview, Harare, Zimbabwe, 1 April 2011.
- 97 Personal interview, Harare, Zimbabwe, 30 March 2011.
- 98 Personal interview, Harare, Zimbabwe, 1 April 2011.
- 99 Transparency International 2008, pp. 16-19.
- 100 Personal interview, Nairobi, Kenya, 8 April 2011.
- 101 Personal interview, Nairobi, Kenya, 4 April 2011.
- 102 Mpangla 2006, p. 63-76; "Zanzibar approves power-sharing in referendum," VOA, 1 August 2010.
- 103 Toulabor 2008; Government of Togo 2006.
- 104 Vandeginste 2009; Cheeseman 2011.
- 105 Mueller 2011, p. 106.
- 106 Rasmussen 2013.

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