

KENYA AND ZIMBABWE: The mirrored histories of settler occupation and autocracy that produced electoral criminality

Mama Sylvia Maphosa, was on her way home on 1 August, having been released early from work by her employer of over 15 years, the Zimbabwe National Water Authority in Harare. Although this was the first presidential election without Robert Mugabe on the ballot since 1980, the 56-year-old mother of two did not care much for them or for politics in general. She just wanted to get home to her husband Robert Maphosa, who she had discouraged from his routine of picking her up from work for fear that he may be caught up in protests in the city.

Little did she know that it was her own life that was at risk. The bullet that lodged in her back was administered with the accuracy of a sniper targeting a heavily armed enemy. Yet, this was a woman fleeing the violence meted by the State in its alleged bid to quell opposition protests following the announcement by the Zimbabwe Electoral Commission (ZEC) that President Emmerson Mnangagwa and the ruling ZANU-PF party had won the July 30 election, with 50.8 percent of the vote and the Movement for Democratic Change candidate Nelson Chamisa receiving 44.3 percent.

The murder of Mama Sylvia Maphosa and those of five [other Zimbabweans](#) in the immediate aftermath of a disputed election are no different than that of [Baby Samantha Pendo](#), Stephanie Moraa Nyarangi, Jeremiah Maranga, Thomas Odhiambo Okul, Bernard Okoth Odoyo, Raphael Ayieko, Victor Okoth Obondo,

Privel Ochieng Ameso, Shady Omondi Juma to cite the most prominent victims. They, along with scores of others were murdered a year ago in Kenya's electoral violence. The histories and trajectories of Kenya and Zimbabwe often mirror each other. As I often tease my friends from Zimbabwe, since elections in Kenya are often a year after theirs, we provide a good playbook in mediocrity for them to perfect.

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Kenya and Zimbabwe share a spectacular inability to conduct uncontested presidential elections. We could of course blame our common colonial masters, and this may not be far-fetched. Both countries became colonies of the British Empire after the infamous Berlin conference on the partition of Africa with colonial rule taking root in 1890 in Zimbabwe and 1895 in Kenya. The methods colonialists deployed to suppress the local communities were marked with violence, coercion, bribery and dispossession. Their priority was to take over the fertile highlands in both countries, which they dubbed the 'white highlands' in Kenya, and minerals especially in Zimbabwe. The divide and rule tactics used between the Shona and the Ndebele were not any different from those used in Kenya to divide its numerous communities. The enduring aftermath in both countries, however, has been the ethnicisation of politics and the land question, which both countries have managed differently in the post-colonial era.

The colonial administration in both countries instituted racial stratification through the expropriation and allocation

of land to settlers. In Kenya, the 1902 Crown Lands Ordinance declared the British Crown responsible for the administration of all land in Kenya, displacing millions who were then placed in 'reserves' as forced labour in the farms. The still-to-be implemented [Ndung'u Commission report](#) comprehensively details this history including the post-colonial political patronage using public land. By independence in 1963 in Kenya, over eight million acres of land, representing nearly 75 per cent of Kenya's arable land had been transferred to the settlers.

In Zimbabwe, informal alienation of land began with the arrival of the European settlers who began to claim large tracts of land. Exactly the same year that the Land Ordinance was declared in Kenya in 1902, the colonialists in Zimbabwe established 'indigenous reserves'. In their edited book, [Becoming Zimbabwe](#), Brian Raftopoulos and Alois Mlambo, grapple with the colonial land history and track the various political and socio-economic developments until 2009. They show how millions of Zimbabweans were rendered landless with a few white commercial farmers controlling approximately 18 million hectares (50 percent) of agricultural land.

However, unlike Kenya, post-independent Zimbabwe's approach to land redistribution has been remarkably different. As renowned author and academic, Mahmood Mamdani, notes Zimbabwe's [fast track land reform](#) of 2000-2003 saw " the greatest transfer of property in southern Africa since colonization. Unlike in Kenya where former colonial families and a few political heavyweights own the majority of the fertile land, in Zimbabwe 80 percent of land owned by white farmers was expropriated and redistributed, albeit in some cases to political operatives. Nonetheless, this resulted in more than a hundred thousand smallholder owners. Despite the unacceptable violence used during the land distribution, the harsh economic sanctions from the West, the contracted economic growth, hyperinflation, unemployment, among other ills, the fast track land reform has not turned out to be as disastrous as it was [prophesied](#).

Parallels between Zimbabwe and Kenya go beyond the shared colonial history and the attendant land issues. The political parties that ushered in both countries to independence shared a history and almost the same name – Kenya African National Union (KANU) and the Zimbabwe African National Union (ZANU). The tactics that President Robert Mugabe used to ensure the dominance of ZANU are not any different from those used by President Jomo Kenyatta and his successor President Daniel Toroitich arap Moi. The 1980s and 90s saw the most repressive period in the history of both countries, economic hardships partly arising from corruption and the structural adjustment programmes imposed by the international financial institutions. There was remarkable brain-drain from both countries during this period, with an educated professional elite heading mostly to South Africa, Europe and the United States.

There are striking similarities when one considers events surrounding the 2007 elections in Kenya and that of Zimbabwe in 2008. Raila Odinga's Orange Democratic Movement (ODM) and Morgan Tsvangirai's Movement for Democratic Change (MDC-T) gained parliamentary majorities against President Mwai Kibaki and President Robert Mugabe's parties, respectively. Early results from polling stations pointed to the incumbents losing the presidency to the opposition. It was therefore not surprising for protests and violence to erupt in both countries once they stubbornly refused to hand over power. International mediation initiatives led to power-sharing arrangements, creating the post of prime minister under the Grand Coalition government in Kenya and the Global Political Agreement (GPA) in Zimbabwe. The power-sharing arrangements were fraught with wrangling, with ODM urging its leadership to withdraw from the power-sharing government in early 2009 due to deep perceptions of marginalization, and Tsvangirai's MDC-T 'disengaging' from government. However, despite the dysfunctionality and machinations, the power-sharing arrangement in both countries remained intact until the 2013

General Elections.

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Despite the reforms that took place in both countries following the signing of the internationally-mediated agreements in 2008, Zimbabwe and Kenya did not seem to have changed much on the electoral front. The same scenario of contested elections was repeated in 2013 albeit with ingenuity. This time, parliamentary seats were also targeted to maintain the popularity or "tyranny of numbers" narrative. They had learned from the fiasco of 2007/8 where the opposition had more parliamentary seats than the ruling party.

There is ample evidence that the stunning margin of 61.09% victory for President Mugabe against Morgan Tsvangirai's 33.94% was anything but a free, fair and credible election. Two Commissioners of ZEC resigned with one saying, "I do not wish to enumerate the many reasons for my resignation, but they all have to do with the manner the Zimbabwe 2013 Harmonized Elections were proclaimed and conducted". Numerous other anomalies were noted including the existence of 65 non-gazetted polling stations, astronomically high numbers of 'assisted voters' despite the fact that Zimbabwe ranks first in Africa with its 90 percent literacy rate. Thousands of

persons were turned away from voting in [opposition strongholds](#), among other irregularities.

Meanwhile in Kenya, the General Election in 2013 suffered the same fate. Although conducted in a peaceful manner, there were complaints raised regarding the register of voters, intimidation of voters, technological failure among others. According to Kenyan Election Observation Group (ELOG), the process was marked by “botched procurement process that was dogged by allegations of impropriety, delays in timelines for voter registration, and widespread failure of biometric verification kits on Election Day. Indeed, the failure of the biometric voter registration system ranked amongst the most serious threats to the integrity of the 2013 elections, and contributed to public perceptions of incompetence, corruption and electoral fraud”.

In both cases, the 2013 presidential election was subjected to legal petitions with the Courts upholding the results as announced by the respective election management bodies. Curiously, the response in both countries was again stunningly similar. Rt. Hon. Raila Odinga accepted the ruling of the Supreme Court and “moved on”. Rt. Hon. Morgan Tsvangirai had withdrawn his case from the Constitutional Court shortly before its verdict was rendered noting that the Court was biased. He nevertheless did not appeal to his supporters to protest. These unsuccessful legal bids paved the way for Robert Mugabe to be sworn in for his 33rd year in office and for Uhuru Kenyatta to begin his first term as president of Kenya.

Given the trajectory of electoral processes in Kenya and Zimbabwe as noted above, it is unsurprising to see the parallels between the electoral process in Kenya in 2017 and that of Zimbabwe this year. Not to be outdone, Zimbabwe’s security apparatus has mounted a violent crackdown against the opposition, just as their counterparts in Kenya did in the

aftermath of the 2017 election. In its conduct, ZEC has not acted any differently from the IEBC, making one wonder if they are cut from the same cloth. It is unsurprising that the opposition leader, Nelson Chamisa has done exactly what Rt. Hon. Raila Odinga did last year when faced with elections that he considered altered in favor of the incumbent. The MDC-T has filed a petition in the Constitutional Court.

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It is barely conceivable that Zimbabwe's Constitutional Court will take the bold step that Kenya's Supreme Court took last year of annulling the presidential vote, but the end result of the political game appears to be headed down the same path. The region and the international community, as it did in Kenya, has decided to cast its lot with the ZANU-PF. They have concluded that stability trumps electoral justice. Emerson Mnangagwa's human rights record – he is commonly referred to as The Crocodile, and for good reason – is an open book, but he has recalibrated his approach to the West claiming that his country is "open for business" . The West is eager too. The international financial institutions are itching to return to Zimbabwe with the World Bank already having conducted a scoping mission to Harare in February, without waiting for the electoral process to play out.

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As was the case with Raila Odinga, it is expected that Nelson Chamisa will receive pressure from the US, the UK, the UN and neighboring countries and receive reminders that the unity and peace of the country would serve the country better than a long season of dispute and protest. He will be told that that is the way statesmen act: in the interest of the nation. He will be reminded that he is young and would not want to be sanctioned. He will be reminded of his legacy and how much political capital he still has ahead of him. Promises will be made to him and his party.

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And at the appropriate time, Nelson Chamisa will have his handshake with the Crocodile, unless the powerful vice-president and minister of defence, Constantino Chiwenga, torpedoed it. We will then forget and move on until 2022/23. Sadly, the memories of 2018 will remain in the hearts of Sylvia Maphosa's family and of those whose loved ones have been sacrificed in the pursuit of power.