

Ethnic Inclusivism and Exclusivism in Kenya's Politics: A Dialectical Analysis of the Mwai Kibaki Regime, 2002–2013

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ABSTRACT

Ethnic exclusion by the regimes has consistently been a setback to nation-building in Kenya since it became an independent state in 1963. This has led to inequality in the society, political instability, and fragmentation of the society since each administration has been inclined towards a certain ethnic group. These exclusionary practices have a history of being in existence as a result of colonial legacies even after the democracy reforms such as the 2010 Constitution had an impact on governance, the level of trust among people and the development of the nation. The main objective of the study was to examine the dynamics of ethnic inclusivism efforts and ethnic exclusivism continuation under the Mwai Kibaki regime (2002-2013). The current study was grounded on two complementary theories namely; Ethnic identity and Political Patronage Theories. The Ethnic Identity Theory was utilized to describe the effect of ethnic affiliations on political alliances, voting patterns and resource access whereas the political patronage theory was used to describe how patronage affected the strain between attempts at ethnic inclusivism and ongoing ethnic exclusivism. This study employed a historical design as the study thoroughly examined how the regime-based ethnic exclusion affected the nation-building process in Kenya. The study used a qualitative approach based on the multi-dimensional political, historical, and social-cultural nature of ethnic exclusion. Open-ended interview schedules were also used to collect quantitative data, and it gave the respondents the freedom to discuss their responses. The study used both simple random and stratified sampling to achieve the desired sample that was representative of the diversity of Kenya in relation to ethnicity, region and professional background. The results were that although Kibaki era provided impetus to economic growth and increased hopes of democratic developments, the same was curtailed by the centralization of power, corruption, ethnic preference and instability of institutions. In addition, even after the reforms such as the 2010 Constitution, the country experienced major crises such as the post-election violence of 2007 which revealed the existence of deep-rooted ethnic divisions and demonstrated the fragility of the democratic process in the country as it had to be mediated.

BACKGROUND OF THE STUDY

Studies conducted in Russia, Nigeria, and a number of African nations reveal that exclusionary politics do not only intensify internal divisions but also result in repression, which extends beyond the national boundaries (Cardenas et al., 2023; Glasius, 2022). Kenya's a good example of this. Through the years, various leaders have been susceptible to supporting their ethnic groups Moi with the Kalenjin, Kenyatta with the Kikuyu, and others following the same formula (Khisa, 2019; Harkness, 2022).

These patterns sidelined communities like the Luo and Luhya, creating resentment and fueling violence—most dramatically during the 2007–2008 post-election crisis that left more than 1,200 people dead (Africae, 2020; The East African, 2023). Despite the 2010 Constitution introducing devolution, exclusion persists at national and county levels, evident in skewed appointments and discrimination against minorities like the Ogiek (The Star, 2021; Capital News, 2021; Nation, 2023). Historical atrocities such as the Wagalla Massacre and Tana River clashes highlight the extreme consequences.

Nation building aims to foster shared identity and inclusive governance, yet in postcolonial states, it is hampered by ethnic fragmentation, elite manipulation, and weak institutions (Smith, 1991; Anderson, 1983; Posner, 2005). While inclusive policies can succeed, as in Rwanda and Singapore (Reid, 2012; Longman,

2011), failures have led to state collapse in contexts like Somalia and South Sudan (Collier & Hoeffler, 2004; Laitin, 1998). In Kenya, persistent ethnic exclusion undermines unity, stability, and development. Addressing this requires genuine power-sharing, equitable resource distribution, and inclusive governance to break the cycle of exclusion and violence.

Statement of the Problem

Regime-based ethnic exclusion, in which ruling elites excluded particular communities from political power, resources, and governance, has hampered Kenya's nation-building efforts since the country's independence in 1963. In order to consolidate power through patronage, post-independence leaders continued this practice, which had its roots in colonial policies that solidified ethnic divisions (Barkan & Mati, 2012; Ngonyi, 2015; Branch & Cheeseman, 2017). The consequences have been grave. Politically, exclusion eroded public trust in government institutions and triggered conflicts like the 2007–2008 post-election violence, which arose from claims of ethnic bias (Long, 2015; Mutahi, 2014; Branch, 2018). By putting ethnic loyalty ahead of national unity, regime-based politics have deeply fractured Kenya's sense of identity (Kanyinga, 2014).

Economic gaps between regions also widened as those in power favored loyal communities and sidelined others (Mwangi, 2015). Even with reforms like the 2010 Constitution—which introduced devolution and mechanisms for fairer governance—ethnic dominance has stuck around at both national and local levels because implementation hasn't been consistent (Cheeseman & Fisher, 2019; Oyugi, 2013). Real inclusion is still limited by unequal representation in public institutions (Long, 2015; Ndungu, 2017). On top of that, old grievances and the lack of genuine national dialogue keep fueling ethnic rivalry and instability (Kagwanja, 2018). In short, from 1963 to 2013, regime-based ethnic exclusion entrenched inequality, division, and conflict, making nation-building an uphill task. Addressing such systemic problems will help establish a stable, inclusive and united Kenya.

General Objective of the Study

This paper examined dialectics in efforts to ethnic inclusivism and inaction against ethnic exclusivism in the Mwai Kibaki government, 2002-2013.

Justification and Significance of the Study

The rationale behind this study lies in the fact that the 2002-2013 years of Kenya represent a pivotal point of time during which the conflict between the long-standing ethnic marginalization and the efforts towards the increased inclusivity became particularly acute. The rise to power of Mwai Kibaki brought to an end the decades of KANU domination and created the hope of constitutional change and more representative politics. However, even after significant developments such as the 2010 Constitution, ethnic preferences and political favors were still being practiced which caused tremendous tensions and the disastrous post-election violence of 2007-2008.

This study is important in that it brings out reasons as to why institutional reforms in most cases fail to break down ethnic exclusion in highly fragmented societies. It further considers the manner in which established ethnic politics often conflict with elite agreements that seek to breed inclusivity. Practically, the findings will inform the stakeholders and policymakers to develop strategies on how national unity and inclusive governance can be enhanced.

LITERATURE REVIEW

Between 2002 and 2013, Kenya saw major democratic reforms alongside persistent ethnic exclusivism. The 2002 defeat of KANU by the National Rainbow Coalition (NARC) raised hopes for unity and constitutional reform (Cheeseman, 2008; Branch & Cheeseman, 2009), but Kibaki's failure to honor the NARC MoU and the dominance of Kikuyu elites fractured the coalition (Mueller, 2014; Kanyinga, 2006), revealing fragile elite alliances (Lynch, 2014). Limited research explores how efforts at ethnic inclusivity coexisted with ongoing exclusivism, particularly regarding smaller ethnic groups and the gap between reform rhetoric and practice.

The 2010 Constitution aimed to reduce ethnic conflict through devolution, equitable resource allocation, and participatory governance (Ghai & Ghai, 2011; Bosire & Gikonyo, 2012). While representation improved, elite capture and local rivalries persisted (Oduol, 2018; D'Arcy & Cornell, 2016; Gitau, 2019). The 2013 elections, the first under the new constitution, were peaceful but dominated by ethnic alliances like the Jubilee Coalition, showing continuity in ethnic-based politics (Lynch, 2014; Mueller, 2014; Githongo, 2013; Branch & Cheeseman, 2015). The distinctive dynamics of the Kibaki era are frequently ignored in studies, especially the way his government managed efforts at ethnic inclusivity in the face of coalition dissolutions, elite favoritism, and laws that strengthened ethnic inequality.

Although they encountered elite meddling and ethnic prejudice, civil society, the judiciary, and the media spearheaded reforms under Kibaki's presidency (Mutua, 2016; Kiarie, 2018; Maina & Muthoka, 2013). International actors such as the AU and ICC mediated peace while raising concerns about sovereignty (Branch & Mampilly, 2015; Mutua, 2017; Gathii, 2020), and affirmative action increased participation for women and youth, but structural barriers persisted (Okello & Njogu, 2017; Bosire & Gikonyo, 2014; Hassan, 2019). In general, little is known about the regime's simultaneous advocacy of inclusivity and maintenance of ethnic exclusivism.

A conflict between attempts at ethnic inclusivity and enduring ethnic politics was evident in Kenya's democratization from 2002 to 2013 (Cheeseman & Klaas, 2018; Kanyinga, 2014; Murunga & Nasong'o, 2017; Nyong'o, 2016; Kanyinga & Walker, 2019). Ethnic identities continued to influence political behavior, resource distribution, and power access, frequently escalating localized conflicts, even as the 2010 Constitution promoted inclusivity and devolved governance. The Kibaki regime's contribution to this dynamic is still poorly understood, especially in light of the ways in which its reforms and policies both strengthened long-standing ethnic divisions and encouraged inclusion.

As demonstrated by its independence during the 2013 and 2017 election petitions, including the historic annulment of the 2017 presidential results, the judiciary has played a crucial role in settling electoral disputes in Kenya (Mutua, 2016; Kiarie, 2018; Gathii, 2019; Owuor, 2020; Cheeseman & Lynch, 2018; Mwangi & Njeru, 2021). The courts' continued struggles with elite influence and transparency issues, in spite of these displays of autonomy, highlighted how difficult it is to strike a balance between politics and the law during the electoral process.

Political parties' ethnic affiliations limited issue-based politics and democratic consolidation by strengthening divisions, forming coalitions, and maintaining patronage politics (Kanyinga, 2014; Wafula, 2019; Murunga & Nasong'o, 2017; Nyabola, 2018; Wanyeki, 2020; Kanyinga & Okello, 2021). The majority of studies focus on elite behavior, ignoring state-led initiatives to advance ethnic inclusivity during Kibaki's presidency. It is still unclear how widespread ethnic favoritism coexisted with reforms like devolution and affirmative action, and how these factors combined to affect common people and young people between 2002 and 2013.

Considerable knowledge about the Kibaki era (2002–2013) and the conflict between attempts at ethnic inclusivity and enduring exclusivism is still lacking, despite Kenya's democratic reforms having made headway. Current analyses frequently fail to consider the ways in which institutional reforms and policies, including devolution, constitutional negotiations, and civil service reforms, interacted with deeply ingrained ethnic networks to influence inclusivity. Understudied are the effects of Kibaki's ethnic politics on governance, civic trust, and long-term democratic consolidation, as well as the role of patronage, elite bargaining, and informal political practices in these dynamics.

Theoretical Framework

This study was anchored on two complementary theories namely; Ethnic identity and Political Patronage Theories.

Ethnic Identity Theory

According to the Ethnic Identity Theory, people get their sense of self from belonging to their ethnic group,

which promotes social cohesiveness while possibly alienating others (Tajfel, 1981; Jenkins, 2008). Ethnicity is at the core of determining access to resources, political behaviour and interactions (Horowitz, 1985; Chandra, 2004). In Kenya, ethnic identities have long influenced national cohesion and group solidarity by shaping voting patterns, political alliances, and the distribution of state resources (Kanyinga, 2009; Mueller, 2014).

In this research, it is evident that ethnic affiliations played a significant role in voting, political alliances, and patterns of resources distribution in the Kibaki regime as stipulated in the ethnic identity theory. It puts into focus the ongoing conflict between the inclusivity initiatives and the deeply rooted exclusivism, which is why the attempts to expand inclusion collapsed repeatedly across ethnic lines. Finally, both the elite strategies and popular support were caused by the loyalty to the ethnic group.

Political Patronage Theory

According to political patronage theory, leaders are able to stay in power by giving resources and favors to their loyalists and in most cases, prefer members of their ethnic groups which leads to clientelist networks whereby loyalty is paid by material gains. In Kenya, these networks have facilitated marginalization of groups by the elites, entrenched ethnic dominance, and weakened the democratic institutions (Van de Walle, 2007; Chabal and Daloz, 1999; Wantchekon, 2003; Kanyinga, 2014; Cheeseman and Wanjala, 2018).

This paper contends that the Mwai Kibaki government (2002-2013) was an example of a long-standing conflict between attempts to ensure ethnic inclusivity and the facts of exclusivism, which were perpetuated to a large extent by political patronage. Reforms were designed to increase the involvement but the distribution of resources, appointments, and opportunities continued to favour Kikuyu elites, strengthening clientelist networks. This process demonstrated how inclusive rhetoric and established practices were sharply disconnected, and temporary political alliances were possible as structural ethnic inequalities persisted.

RESEARCH METHODOLOGY

The research employed a historical qualitative approach in investigating the role of regime-based ethnic exclusion in nation-building in Kenya during the period between 1963 and 2013. Data was gathered by interviewing political analysts, leaders, church officials, trade unionists, lobby groups and public administrators as well as by analyzing documents such as government reports, policies, speeches and archives. The independent variable was ethnic exclusion, measured through government appointments, resource allocation, and political favoritism, while the dependent variable was nation-building, assessed via national unity, shared identity, equitable development, and interethnic cohesion.

Stratified and random sampling ensured diverse and representative participation across regions and professional categories. Validity was strengthened through expert review, alignment with the theoretical framework, and triangulation of multiple data sources, providing reliable insights into the historical and political dynamics of ethnic exclusion in Kenya. This study analyzed qualitative data to identify themes of ethnic inclusivity and persistent exclusivism in Kenya, showing how political and structural factors maintained ethnic divisions despite efforts at national unity.

Mwai Kibaki Regime and Dialectics in the Attempts towards Increased Ethnic Inclusivism and Persistent Ethnic Exclusivism, 2002-2013

Study Findings

A contradiction between attempts at ethnic inclusivity and enduring ethnic exclusivism can be seen in Mwai Kibaki's presidency (2002–2013). Mwai Kibaki's ascent to power under the National Rainbow Coalition (NARC) initially suggested a renewed commitment to democracy, accompanied by promises of constitutional reform, devolution, and inclusive governance. Early initiatives including the Bomas Draft, efforts to bolster judicial independence, and the introduction of free primary education fueled hopes for substantial structural change.

Yet these reforms lost momentum when Kibaki broke NARC's power-sharing agreement, consolidating authority within an elite largely dominated by Kikuyu interests. The resurgence of patronage networks, the collapse of anti-corruption initiatives due to scandals such as Anglo Leasing, and the intensification of ethnic mobilization during the 2005 referendum and 2007 elections resulted in post-election violence that claimed over 1,300 lives. Although devolution, a Bill of Rights, and checks on executive power were introduced in the 2010 Constitution, their implementation has been uneven, and elite capture has persisted at both the national and local levels. Since clientelism, impunity, and zero-sum ethnic competition consistently undermined formal reforms, Kibaki's era serves as an example of how leadership change alone cannot overthrow deeply ingrained ethnic politics.

Mwai Kibaki's 2002 victory ended KANU's 39-year rule, generating optimism for reforms, constitutional change, and inclusive governance. The election was widely seen as credible, and Kibaki pledged to fight corruption and deliver a new constitution (Branch, 2011; Mueller, 2008). However, these promises quickly unraveled. The National Rainbow Coalition (NARC), which brought Kibaki to power, collapsed after he ignored a power-sharing agreement with Raila Odinga, reverting to centralized rule and ethnic favoritism (Murunga & Nasong'o, 2006).

Constitutional reforms stalled as Kibaki narrowed the review process to maintain presidential powers, fracturing the reformist alliance (Southall, 2005). Anti-corruption efforts lost legitimacy after major scandals like Anglo Leasing went unpunished (Wrong, 2009). Early gains in judicial independence, media freedom, and civil society influence were reversed as patronage networks resurfaced and dissent faced censorship (Brown, 2007). Ultimately, Kibaki's presidency exposed the gap between symbolic democratic change and structural transformation. Ethnic politics and elite capture persisted, showing that top-level political change alone could not dismantle entrenched power structures (Cheeseman, 2008).

The NARC coalition emerged in 2002 as a unifying opposition force against KANU's long rule under President Moi. It represented ethnic, ideological, and political diversity, promising inclusivity and constitutional reform (Oyugi, 2006; Mueller, 2008). Its inclusiveness generated national optimism for balanced development, transparency, and participatory governance, particularly among marginalized communities (Southall, 2005; Kanyinga, 2006). A key pillar was constitutional reform through a participatory process, culminating in the Bomas Draft, which emphasized devolution, checks on executive power, and inclusion of marginalized groups (Branch, 2011; Ghai & Cottrell, 2010).

However, NARC was held together by ethnic bargaining rather than ideological unity. Leaders mobilized support from their ethnic bases, united by a Memorandum of Understanding (MoU) promising power-sharing and a Prime Minister position for Raila Odinga (Murunga & Nasong'o, 2006). After winning the election, Kibaki's camp reneged on the MoU, excluding key partners from government. This betrayal exposed the fragility of ethnically negotiated coalitions, eroded public trust, and deepened ethnic divisions (Kanyinga, 2006; Mueller, 2008).

The fallout influenced the 2005 constitutional referendum, where government-aligned elites unilaterally amended the draft to weaken power-sharing provisions. The referendum polarized the country into "Yes" (Banana) and "No" (Orange) camps along ethnic lines, with the draft perceived as favoring the Kikuyu elite. Its rejection (57%) symbolized protest against exclusion and elite manipulation, leading to the disintegration of NARC and formation of the Orange Democratic Movement (ODM) (Branch, 2011; Cheeseman, 2008).

The 2007 elections further exposed Kenya's institutional fragility. Mwai Kibaki's disputed victory over Raila Odinga triggered allegations of fraud, sparking violence that killed over 1,300 people and displaced 600,000 (Human Rights Watch, 2008). Ethnic identity dominated political competition, with voting along ethnic lines and long-standing grievances over Kikuyu dominance intensifying violence (Mueller, 2008; Kanyinga, 2009). The Electoral Commission's credibility collapsed amid accusations of irregularities, while the absence of legal mechanisms for resolving presidential disputes fueled unrest (Cheeseman, 2008).

International mediation led by Kofi Annan resulted in the 2008 National Accord and a power-sharing government, restoring stability but failing to address core issues like justice, ethnic polarization, and historical

land injustices (Murithi, 2009). Many perpetrators went unpunished, perpetuating a culture of impunity (Human Rights Watch, 2008). The Grand Coalition Government (GCG) facilitated major reforms such as the 2010 Constitution, which introduced devolution and judicial independence, but these were driven more by crisis management than transformative intent (Ghai & Cottrell, 2010).

Kenya's 2010 Constitution was celebrated as a landmark reform aimed at promoting inclusive governance and addressing structural inequalities after the 2007–2008 violence. Key provisions included devolution, a robust Bill of Rights, checks on executive power, and measures for gender equality and land reform (Ghai & Cottrell, 2010). Devolution created 47 counties to enhance equity and reduce ethnic marginalization, while judicial and parliamentary reforms sought to strengthen accountability (Mwenda, 2010). However, implementation has faced major challenges: gender equality measures remain largely unfulfilled, land reforms have been undermined by elite manipulation, and ethnic tensions persist (Kanyinga, 2014).

Mwai Kibaki's presidency (2002–2013) thus represents a paradox: significant democratic and economic progress constrained by entrenched ethnic politics. His administration achieved impressive economic growth, infrastructure development, and social programs such as Free Primary Education, but these gains were marred by ethnic favoritism, corruption scandals, and the failure to dismantle patronage networks (Wrong, 2009; Cheeseman, 2008). Politically, his era entrenched elite-driven ethnic coalitions, replacing ideology with ethnic arithmetic. Ultimately, Kibaki modernized Kenya's economy and governance structures but recalibrated rather than eradicated clientelism, leaving a legacy where democratic progress coexisted with deeply entrenched ethnic politics (Branch, 2011; Murunga & Nasong'o, 2006).

DISCUSSION ON FINDINGS

Mwai Kibaki's presidency presents a classic political dialectic in which visible, policy-level moves toward inclusivity and institutional modernization coexisted with and were often undermined by continuities of ethicized elite competition, patronage, and exclusion. Kibaki's election in December 2002 under the National Rainbow Coalition (NARC) symbolized a break from KANU's one-party dominance and created space for pluralist expectations. NARC emerged as an inclusive coalition uniting diverse ethnic and ideological actors, promising constitutional reform, checks on presidential power, and participatory governance. One of the first attempts to promote inclusivity was the participatory Bomas Draft that promoted devolution, restricted executive authority, and increased representation of marginalized groups.

In the early years of the Kibaki presidency reforms aimed at the media and judiciary, strengthening of civil society, and redistributive programmes like Free Primary Education seemed to spread public goods across ethnic lines. In the short run, this wave of reform and the discourse of national unity created an optimism of a governance framework based on institutional checks and true inclusiveness. These hopes however quickly fell apart with the regime leaning towards exclusivism as a result of structural imperative and political motives. The first major break came with the violation of the NARC power-sharing Memorandum of Understanding which practically marginalized Raila Odinga and other partners in the coalition.

What started off as a coalition that was inclusive, ended up being a Kikuyu-dominated bloc. Access to state resources became increasingly tied to loyalty, patronage networks reactivated, and scandals such as Anglo Leasing revealed persistent elite corruption. Oversight institutions were politicized, and constitutional reforms were weakened to safeguard presidential authority.

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The 2005 constitutional referendum and the 2007 elections revealed the consequences of these structural weaknesses. Politicians exploited ethnic identities to polarize the electorate, reinforcing the perception of political power as zero-sum. Electoral institutions, particularly the Electoral Commission of Kenya, suffered a loss of credibility, while impunity for electoral violence and corruption became entrenched. Even international interventions, like Kofi Annan's mediation during the 2007–2008 post-election crises, provided only temporary stability, failing to address structural inequalities or change elite incentives.

The contrasting paths of inclusiveness and exclusiveness were based on a few factors. Reform became hard to maintain because of coalition fragility that was more of an ethnic arithmetic than ideological alignment. The legacies of clientelist networks of the Moi era were strong in resisting politics and institutional innovations, like the participatory constitution, were not well implemented. The political reward of exclusion frequently surpassed the uncertain gains of reform, so the conflict between inclusion and exclusion was structural and lasting.

This dialectic culminated with the 2007/2008 post-election violence to reveal the frailty of the Kenyan democratization process when ethnicized competition is the order of the day, and institutional protective mechanisms are absent. A partial remedy was provided by the 2010 Constitution which was enacted under the Grand Coalition Government and the National Accord. It also sought to eliminate exclusionary structures through the expansion of the Bill of Rights, the empowerment of judicial independence and the institutionalization of devolution. However, the practice has been spotty: counties have become more empowered through devolution, but locally, elite capture remains a reality, and such critical projects as land reform and gender equality are still mostly on paper.

The tenure of Kibaki highlights a more general paradox: democratizing reforms may create an opening to inclusivity, but also create an opening to exclusion in the face of elite incentives, patronage networks, and lax enforcement. Even though the 2010 Constitution became a structural milestone that transformed the political landscape in Kenya, the Kibaki years show that symbolic inclusiveness is not enough. True change requires profound changes in political settlements, strong legal implementation, and an active civic life.

Ultimately, the Kibaki government demonstrates how economic and institutional development, in the form of Free Primary Education, infrastructure development, and general economic growth can be concomitant with deep-rooted ethnic politics. These achievements were mostly shadowed by corruption scandals, favoritism and the ability of clientelist networks to withstand. The period proves that change in leadership does not necessarily lead to democratization: reforms can be easily manipulated unless well-developed accountability mechanisms are implemented. The history of Kenya, then, is one of formal democratic advancement that co-exists with endemic structural exclusion, and the presidency of Kibaki has re-calibrated but never overthrew ethnic exclusivism.

CONCLUSION

Despite the fact that the consolidation of power, corruption, and ethnic preference by Kibaki worsened the situation, the 2002 transition in Kenya created some hope of democratic change in the country. Nevertheless, entrenched ethnic divisions and weak institutions were revealed very quickly, especially in the unsuccessful constitutional referendum and the post-election violence of 2005 and 2007 respectively. Major reforms were announced by the 2010 Constitution, including independence of the judiciary and devolution, but reform implementation was uneven due to capture of the elite and ethnic politics. Although Kibaki era brought about massive economic growth, the patronage networks of the past were still alive and well, a fact that indicates that true democracy is one that is accompanied by structural adjustment, well established institutions, and leadership that is no longer an ethnic bargaining game.

It was only after a power-sharing agreement, which was mediated by external parties, especially Kofi Annan and the African Union, that peace was restored. This dependency on foreign intervention revealed the weakness of the democratic institutions in Kenya to deal with ethnic conflict. As a result, as the government led by Kibaki gained international notoriety due to its economic success, it also showed the way in which reforms, even at a certain superficial level, can be superficial and can be easily derailed once ethnic strains are not resolved.

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