

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**ASSESSMENT OF THE ETHNIC FACTOR IN THE KENYAN ELECTORAL
VIOLENCE: A CASE STUDY OF MATHARE, 1992-2017.**

MAXWELL MUTHINI KYALO

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DECLARATION

This research project is my original work and has not been presented before to any university for academic award.

Signature.....

Date.....

MAXWELL MUTHINI KYALO

REG.NO: R50/8574/2017

This research project has been submitted for examination with my approval as a university supervisor.

Signature

Date

DR. CHAUDHRY SHAZIA

Supervisor

Institute of Diplomacy and International Studies (IDIS)

DEDICATION

This research project is dedicated with love and gratitude to my son Lucky Kyalo.

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ABSTRACT

This thesis set out to assess the ethnic factor in the Kenyan electoral violence with a specific case study of Mathare. The study was guided by three specific objectives which includes; Assess how politicized ethnic factor triggers electoral violence in Kenya since 1992, Examine the role of political parties in ethnic politics and post-election violence since 1992, Investigate the efficacy of the approaches to mitigate electoral violence in Kenya. The study was anchored of conceptual framework integrating primordial and instrumentalism theories together. The study has chosen to apply both theories because neither of the above theory has adequate explanatory and prescriptive power to guide the study on its own. However the two theories combined in study exhibit fundamental variables which effectively connect the research to the existing body of knowledge. The study largely employed qualitative research methods of analysis. The study has noted that Kenyan society is a victim of ethnic loyalty. Most people vote along tribal lines as opposed to performance and policy of leaders. Formation of political parties is also tribal lines; the study has actually noted that there is barely any political party in Kenya with proper philosophy and ideological basis. What exist are just legally registered tools for with just one interest of acquiring political power. This has made tribalism to be an important factor in Kenyan politics. Additionally, political parties play a major role in shaping a destiny of a country. From 1992 when multiparty politics were reintroduced in Kenya, politicized ethnicity has been a major strategy of mobilizing for votes by political parties formed along ethnic lines. The political parties have influence over independent institutions like IEBC and Judiciary; therefore to a large they do influence the outcome of elections as was the case in 2007/8 post-election violence in Kenya. The study has identified that political parties are emblematic of everything evil in Kenya since they are the main agents of politicized ethnicity and any election related violence in Kenya. Whenever controversy over elections arises, political parties are at the center of events. The political accuses each other for colliding with IEBC and other institutions to rig presidential elections. When democracy fails to deliver, losers cannot accept victors as legitimate; therefore this has left the burden of fighting for restoration of democracy to the opposition parties which has been at a heavy cost. Post-election violence arises as opposition political Parties question the extent to which elections were conducted in free and fair manner, whether the electoral rules were followed and whether the outcome of the elections reflect the true preferences of the voter. This issues results electoral related violence which contested along different ethnic groups in support of different political parties. Since 2007/8 post-election violence different approaches have been established to mitigate the risks of electoral violence before, during and after elections, however the risk of future post-election violence still remains high. The approaches undertaken include; improved management and administration of elections, effective electoral dispute resolution, engagement of the security sector, monitoring of elections, civic and voter education programs, peace campaigns, voter consultations and youth programming aided in averting mass violence. These approaches have varying level of success but are less effective to counter politics of ethnicity and post-election violence.

LIST OF ABBREVIATIONS

NARC	National Rainbow Coalition
KANU	Kenya African National Union
APC	All Peoples Congress
SLPP	Sierra Leone Peoples Party
ODM	Orange Democratic Party
WDP	Wiper Democratic Movement
PNU	Party of National Unity
U.N	United Nations
MOHI	Missions of Hope International
NASA	National Super Alliance
HRW	Human Rights Watch
ICC	International Criminal Court
CORD	Coalition for Reform and Democracy Alliance
NAK	National Alliance Party of Kenya
FORD	Forum for the Restoration of Democracy
IDPs	Internally Displaced Persons
DP	Democratic Party
IEBC	Independent Electoral and Boundaries Commission
NSC	National Steering Committee
DPCs	District Peace Committees
NCIC	National Cohesion and Integration Commission
CSOs	Civil Society Organizations
AFSC	American Friends Service Committee
MSF	Multi-Sectoral Forum

IFES	International Federation of Electoral System's
VAWIE	Violence Against Women in Elections
EVER	Electoral Violence Education and Resolution
PPDT	Political Parties and Dispute Tribunal
PWDs	Persons With Disabilities
NPS	National Police Service
CODEO	Coalition of Domestic Election Observers
IRI	International Republican Institute

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.0 Introduction

The post-cold war international system is undergoing an increase in the intensification, scope and longevity of conflicts most of them underlined by fierce ethnic confrontation. The Former Yugoslavia, Rwanda, Liberia, DRC, Somalia, South-Africa, South Sudan, and Kenya are notable examples. Very often ethno political situations emerge out of sociopolitical and economic crises of the State and sequence of ethnic dominance.

Ever since 1992, when the first multi-party elections took place in Kenya, election related conflicts during and after presidential elections, have become a common phenomenon. For instance, according to Human Rights Watch 2008, following the December 2007 presidential elections, those who were not satisfied with the results of the elections resorted to violence. Attacks targeting certain ethnic groups led to retaliatory attacks, resulting in civil unrest throughout Kenya for more than two months. More than 1,500 people were killed and about 500,000 were internally displaced as a result of post-election violence¹.

Groups loyal to president Moi, particularly in Rift valley, systematically used violence in the 1992 and 1997 elections to prevent likely opposition voters from casting their ballots. Kimenyi and Ndungu argue that, in practice, the likelihood of voting in favor of the opposition was to a

¹ Human Rights Watch, (2008), "*Ballots to bullets*" Organized political violence and Kenya's crisis of governance; human rights watch report pp. 21-22.

large extent brought about by ethnicity and therefore the victims of violence were mostly Kikuyus.².

In 2002, Mwai Kibaki, a Kikuyu formed a ground-breaking alliance traversing an expansive scope of ethnic groupings including Kikuyus, Luos, Luhyas and others organized in National Rainbow Coalition(NARC) party. Moi was not running, rather Uhuru Kenyatta, a Kikuyu was at the top of KANU presidential ticket. Kibaki campaigned on a platform of change for constitution and anti-corruption hence won a serene race on avalanche³. In correlation with scenes in 1992 and 1997 there was generally minimal political appointive brutality before 2007 post-election brutality⁴.

It is clear that a presidential election in 2007 is the one which led to violence with struggle among different ethnic groups playing a major role. The 2007 presidential elections contest was actually between incumbent president Kibaki, a Kikuyu and a profoundly powerful opposition leader, Raila, a Luo. Every one of whom had rallied together diverse ethnic groups to form an alliance for election campaigns.

Nguyen and Gibson asserts that during the campaign in 2007, Raila Odinga campaigned in a manner that delineated him as the voice of then smaller ethnic groups that have felt marginalized by the central government and longed for devolution at all cost. Then again, president Kibaki represented the biggest ethnic group, the kikuyu, and other people who supported a centralized

²Kimenyi M, Mwangi S &Njuguna N,(2005). "*Sporadic ethnic violence: Why has Kenya not experienced a full blown civil war?*"in Paul Collier and Nicholas Sambanis (2001) (ed): understanding civil war, Vol, 1: Africa, 123-156,World Bank: Washington D.C. p 4.

³ Ibid p 23.

⁴ Ibid p 37.

system of governance. Therefore post-election violence can be considered as part of power struggle between these two groups⁵.

Whether a person likes it or not, virtually no one is completely beyond the reach of politics. Everyone is involved in some fashion at some time in politics and politics has consequences in everyone's life. In Kenya political power is a key resource because it determines the allocation of other resources, for instance accessibility to health, education, transport, financial and other resources that enhance well-being. In reality while the wellbeing of individual citizens may depend on their personal efforts in such areas of education, professional careers, business and interpersonal networking, for whole community political power explains a good deal of the regional disparities since independence to the present. Therefore, perceptions of such disparities among Kenyans ethnic communities have led to suspicion and mistrust, which politicians have manipulated for political advantage whereas ethnicity in itself need not to be a problem, politicized ethnicity has been observed to be a big threat to national security and integrity.

Mathare slum has political tensions emerging from the politicization of Kenya's ethnic/social contrasts. The poor ghetto tenants live on the expectation that their ethnic political leaders will sometime spare them from poverty, sanitization, poor living structures as well as hunger and securing of jobs from governments. Mathare remains among the most inflammable in Kenya's cross-cultural political emotion.

Political elites have utilized quality of life differences or socioeconomic disparities across different ethnic groups as their hidden campaign strategy hence this has made most politicians to participate on genuine but ill-conceived forms of campaign activity of which the end goal is to

⁵ Nguyen & Gibson.(2008) "Politicized ethnicity in African elections" University of Connecticut, department of sociology, working papers 2008 -38 Oxford press.

win the political seats by politicking everything along ethnic divide. Additionally, it involves inducing their ethnic supporters to take part in political conduct or supporting ethnic volunteer army to execute viciousness. For example, stalemates by politicians previously and amid 2001 stimulated political brutality in Mathare. This is because politicians in Kenya mobilize ethnic political alliances and political game in a manner that portrays bad picture to other ethnic groups which don't belong to their political alliance. This makes the electorate to be charged therefore creating high chances of violence during elections and post-elections period.

In Mathare most land and property owners are Gikuyu's. Just before the 2007 presidential race, property proprietors issued Luo and Luhya inhabitants with quit notices, troubled that a success for opposition leader would tone up the assertion of these two tribes to boycott paying rents. In no mean manner, this expectant advance heightened ethnic hatreds related with the 2007 post election viciousness⁶. In 2013 and 2017 elections, politicized ethnicity in Mathare resulted to political violence leading to deaths, burning of houses and Matatus.

1.1 Statement of the Research Problem

The fundamental survival of all species hinges on security. The very essence of human existence cannot happen without security. This elevates it to a core concern that preoccupies all individuals. Politicized ethnicity in Mathare has at numerous elections triggered ethnic conflict which is really a threat to human security. The politically triggered violence has led to deaths, burning of houses and forced evictions in almost each electoral period since inception of

⁶Kriegler J. Report of the independent review commission on the general elections held in Kenya on 27th December, 2007, Nairobi: The government printer.

multiparty elections in 1992. Since politicized ethnicity in Mathare remains unattended, political violence among ethnic groups living in Mathare is bound to go on in unforeseeable future⁷.

Politicized ethnicity in Kenya has at numerous general elections triggered ethnic conflict. The politically triggered violence has led to deaths, burning of houses and forced evictions in almost each electoral period since inception of multiparty in 1992. If Politicized ethnicity at Mathare continues to be unattended, post-election violence among ethnic groups living in Mathare is bound to go on in unforeseeable future⁸. Unless effective approaches to mitigate politicized ethnicity are implemented.

Recharged brutality could involve genuine spillover impacts. The intensification of electoral violence in Mathare actually broadens the conflict by including new issues, new actors as well as new victims. For instance, politicized ethnic conflict at Mathare has a spillover impact on other regions such as Kibera, Kawagware and Kisumu. In the wake of heightened post-election brutality, the contention dynamic widens up progressively destructive, yet in addition in all aspects exorbitant and hard to transform. Ethnic violence in Mathare has negative impact on socioeconomic and political development. It has also inflicted a lot of pain on individuals and families since it leads to death and injuries. For instance a research done by African population and health research center in 2009 revealed that violence among ethnic groups in Mathare is the second leading killer after AIDS and Tuberculosis⁹. To that extend the study seeks to establish how politicized ethnicity assumes a key responsibility on electoral conflict in Kenya generally and Mathare specifically. Additionally the study also aims to establish role of political parties in

⁷ Ibid.

⁸ Ibid, p 41.

⁹Human Rights Watch. (2008) "*Ballots to Bullets*": Organized political violence and Kenya's crisis of governance, Human Rights Watch p 12.

ethnic politics and post-election violence as well as approaches to mitigate electoral violence in Mathare. Therefore in this regard the study is guided by the following three questions:

- i. Is there any relationship between ethnic factor and electoral violence in Kenya?
- ii. What is the role of political parties in ethnic politics and electoral violence in Mathare and Kenya in general?
- iii. How effective are the approaches to mitigate electoral violence in Kenya?

1.2 Research Objectives

Broadly stated, the study seeks to assess the link between ethnic politics and post-election violence, examine the role of political parties in politicization of ethnicity and electoral violence and assess efficacy of approaches to mitigate electoral violence since 1992 in Kenya. A case study of Mathare, Sub-County of Nairobi.

The specific objectives are to:

- i. Assess how politicized ethnic factor triggers electoral violence in Kenya since 1992.
- ii. Examine the role of political parties in ethnic politics and post-election violence since 1992.
- iii. Investigate the efficacy of the approaches to mitigate electoral violence in Kenya since 1992.

1.3 Literature Review

This study reviews both theoretical and empirical literature review. Theoretical literature review is important because it examines the key debates relevant to the study. On the other hand

empirical literature review is important to the study because it helps to identify the key knowledge gaps.

1.3.1 Theoretical Literature Review

Ideally ethnic conflict constitutes to a major challenge to international peace and security. For instance the Balkans, Chechnya, Ukraine, India, Sri Lanka, Iraq, Israel, West Bank, Gaza Strip, Sub-Saharan Africa, Great Lake Region, Rwanda, Somalia, South Sudan, Ethiopia, Burundi, Uganda and Kenya all bear a great danger of ethnic conflict.

To explain and analyze the above phenomenon of wide spread ethnic conflict, the study seeks to review three fundamental theories which includes primordialism, instrumentalism and human needs theory. Gurr notes that neither one of the theories has sufficient logical and prescriptive power¹⁰.

Vanhanen, Esteban and Ray, all of whom are primordialists assert that ethnic clashes essentially springs from contrasts in ethnic identities¹¹. Additionally they stress that ethnic personality is doled out during childbirth, characteristics in human instinct and passed on genealogically from age to age. Thus under primordialism's ethnic identity is fixed across time¹². Horowitz argues that due to the myth of common blood shared inside every ethnic group, primordialists envision hospitality and collaboration among individuals of the in group and threatening vibes and struggle against out groups¹³. On the other hand Geertz emphasizes that ethnic difference under primordialism's are ancestral, deep, irreconcilable and ethnic conflict arise inevitably from

¹⁰ Ibid, P-29.

¹¹ Vanhanen 1999, Esteban & Ray 2012, " *Domestic Ethnic Conflict Nepotism. A comparative analysis*". Journal of peace research. Vol 36. No 1, 1999, pp 55-73.

¹²<https://www.e-ir.info/2016/06/01/linking-instrumentalist-and-primordialist-theories-of-ethnic-conflict/>

¹³ Horowitz, L. D, (1985), " *Ethnic groups in conflict*" Reviewed by Donald Rothchild, "The international journal of African historical studies" Published by: Boston University African Studies Center, Vol. 22, No.2 (1989), pp. 295-296

antiquated abhorrence's between ethnic communities and mutual fear of domination, elimination or even extinction¹⁴.

For primordial's, differences in ethnic identities is the fundamental source of inter-ethnic hatreds, fear and conflicts. Therefore countries ethnically heterogeneous cannot avoid experience of ethnic conflict.

Primordial theory is relevant to the study on account that some ethnic conflicts result from historical hatreds between ethnic communities and mutual fear of being dominated¹⁵. For instance in Kenya, ethnic conflict between Luo and Kikuyu can be traced historically from disagreements between Oginga and Kenyatta families over political leadership after independence. This scenario continues to shape Kenyan politics, elections and even politically related conflict along ethnic groups such as the case in Mathare.

The argument by primordial opines that countries with heterogeneous ethnic groups cannot avoid ethnic conflicts stands to be critically challenged, for instance Cameroon, Botswana and Tanzania are ethnically heterogeneous countries and they appreciate general tranquil between ethnic relations. Mulinge asserts that calmness in these countries is as a result of function of special structural policies within governance system¹⁶.

Apart from primordial theory which argues that ethnic clash results from contrasts in ethnic identities, instrumentalist school of thought holds a completely different view. It observes that ethnic clashes emerges just when ethnic identities are politicized or controlled to create political

¹⁴ Geertz J, (1996) "*Diversity and discord: Ethnicity, Horizontal inequalities and conflict in Ghana and Nigeria*" in Journal of international development, no.21, pp. 477-482.

¹⁵ ibid p. 27

¹⁶Mulinge, J (2005) "*Ethnic competition and Modernization in contemporary Africa*" comparative political studies, Cambridge university press.P. 14.

and socio-economic favorable circumstances for an ethnic community at the expense of denying or neglecting other ethnic groups their share. Posen and Gurr argue that instrumentalists point to factors other than ethnic identities to clarify ethnic conflict¹⁷. Furthermore Collier and Hoeffler note that sentiments of discontent underlying ethnic conflict under instrumentalism are commonly motivated by grievances and frustration¹⁸.

Compared to primordial theory, instrumentalism appears to be more appealing theory as it recognizes the pertinence of political and socioeconomic structural dynamics to account for worldly and topographical varieties in event of ethnic conflict. This context seems more relevant to the study since its evident that ethnicity is itself not a problem, however when ethnic groups seek to advance their wealth through economic and political competition and there is politicization of ethnicity wired to perceived inequality, then this creates feeling of risediments which are prominently expressed especially during elections and it is on this premise that political parties usually have a dominant ethnic group. Thereby competition for political power becomes an ethno political rivalry¹⁹.

It's also important to note that even if instrumentalism highlights elite manipulation or politicization of ethnicity as fundamental source of grievances which induces ethnic conflicts, it cannot independently explain why people easily, cooperatively and effectively mobilize along ethnic lines. It must draw on wisdom of primordial's in recognizing the power of ethnicity to perpetuate a sense of "common blood", a sense of shared values, shared interests, shared threats and most fundamentally a sense of solidarity which according to Harowitz 1985 is indispensable

¹⁷ Posen & Gurr, (2016), "*Linking instrumentalist and primordialist theories of ethnic conflict*" Reviewed by Afa'anwi ma'abo Che. published by E- International relations Journal. P.56.

¹⁸ Collier &Hoeffler, (2001) "*Greed and Grievance in civil war*" Oxford economic papers 56,(4) : 563-595. pp.19.

¹⁹ Ibid

for collective action such as the case of Rwanda where Tutsi and Hutu collectively attacked each other in 1994²⁰.

Human needs theory takes similar but slightly different view from that of primordial and instrumentalism school of thought. As per John Burton ethnic communities takes part in struggle if their requirements are denied and this incorporates fundamental needs, acknowledgment, cooperation, character, security and alike²¹. This hypothesis is likewise clear to the large portion of underlying drivers of ethnic clashes in Africa. It essentially contends that underneath ethnic identity and activation for political activity is the impression of risk to felt needs. For instance the case of blood diamonds in Sierra Leone and Liberia where ethnic groups fought for the need to access the restricted and unequally distributed resources. In the context of Mathare case the theory explains that ethnic conflict arise as different ethnic groups compete for political power which is a major tool for mobilization of resources in order for them to meet their basic needs. The conflict becomes more intense in the case of perceived inequality, marginalization and politicization of ethnicity.

1.3.2 Empirical Literature Review

The empirical literature review seeks to link three key elements of the study. Therefore the study has thematically reviewed empirical literature alongside the three research objectives. Firstly, ethnic factor as a major trigger effect to electoral violence, which is the central pillar of the study constituting the framework of analysis. Secondly, examine the role of political parties in ethnic politics and post-election violence since 1992 and thirdly, investigate the efficacy of the approaches to mitigate electoral violence in Kenya since 1992.

²⁰ Horowitz, O.L, (2002), *“Ethnic groups in conflict”* (Berkeley and L. Angeles: University of California, Press.

²¹ John, W. Burton. (1990), *“Conflict: Human Needs Theory”* .Palgrave Macmillan. P. 6.

1.3.3 Ethnic Factor in Electoral Violence

Thirty four years since the publication of Donald Harowitz book, “Ethnic groups in conflict”, ethnic communities’ strife remains to be a focal issue on global plan²². For instance in Balkan countries in Eastern Europe ethnic conflict and tensions have led to unimaginable destruction. For instance former Yugoslavia case is a classic example of ethnic tensions and oppression of minority populations. Kumar posits that similar case continues to be felt in Sri Lanka ethnic conflict between Tamil and Sinhalese, whereby Sinhalese have dominated politics and socioeconomic sector while Tamil remains marginalized for many decades²³.

Zuckerman and Lichbach 1997 introduced comparative literature on mass electoral behavior which is viewed as a debate on relative importance of social identities or economic interests. For instance, taking a case of advanced democracies; elections tend take form of a referendum on the economy, with voters rewarding or punishing incumbent political parties at the ballot box depending on their past policy performance evidence of this perspective. Interest based economic voting has also been found in Latin America and other parts of the developing world²⁴. On the other hand Remmer 1991 posits that voters in new democracies and deeply divided societies are held to rely on cultural attachments when deciding how to vote, Remmer further observes that politicizing ethnicity on deeply divided societies becomes the main reason for political unrest in most African countries without strong governance institutions²⁵.

²²Roldolob .S (2008). “*Ethnic conflicts and their impact on international society*”, International science journal. P 1.

²³ Kumar Rupesinghe (2005), (ed), op.cit, part V, “*The Tamil-Sinhalese conflict in Sri Lanka*”. Central European review of international affairs. p. 3.

²⁴ Zuckerman & Lichbach, (1996) “*Ethno-Religious and environmental conflicts: challenges to human security and development in poor democracies*”. DCGR working papers.

²⁵ Remmer N, (2003) “*Do ethnic and non ethnic civil wars have the same causes?*” A theoretical and empirical inquiry part 1. Journal of conflict resolution vol. 45, no.3, june, 259-262.

Chadra 2003 contends that in India voters considers the size of the ethnic group that each party represents as a means of calculating the likelihood of gaining access to patronage. Even though ethnic groupings for politics in developed democracies do not result to political violence, in Africa politicized ethnicity leads to electoral violence. Therefore, there seems to be more to ethnic violence than just politicized ethnicity²⁶.

Shireen Kadivar 2013 argues that since the period of decolonization in Africa, powerful political struggles between various groups within the new African States, consolidation of power within a State by a dominant group, and discrimination resulting from competition for scarce resources has been some of key conditions of ethnicity as a factor in African armed conflicts. Additionally Kadivar argues that in many parts of Africa, the existing ethnic tensions have been exacerbated by a combination of artificial States and a transfer of power to a hand-picked ethnic group by departing colonial powers²⁷. The consequence is that the ruling group tends to exclude others from power even though burdens of taxation are shared equally. According to Moyo and Timothy 2005, actual and potential ethnic conflicts are common even among the most stable African nations. In Guinea after death of Sekou Toure, the Susu and Fula violently overthrew the dominance of the mandingo, a control that endured more than 25 years²⁸. Amusan 2012 also observes that in Nigeria, Yoruba ethnic group and Ibo feel the Fulani manages to dominate whatever government comes to power hence this has led to frustration and violence during Elections²⁹.

²⁶ Chadra Sigh,(2005) "*How much civil war will we see?*", Estimating the incidence of war in 161 countries, 1960 to 2003", Journal of conflict resolution February.

²⁷ Ibid, P-34

²⁸ Moyo & Timothy, (2005), "*Ethnic conflict international perspectives*". London: Sage publication. P. 4.

²⁹ Amusan, L. (2012) "*Ethino-religious and environmental conflicts: Challenges to human security and development in Nigeria*", In perspectives. Central European Review of international affairs, No.16, pp. 57-60.

Ali Mazrui in his analysis of Rwanda and Burundi ethnic conflict, underscored that ethnic differences is not a problem, the problem begins when ethnicity is politicized in order to gain on the expense of the other ethnic group. Diamond contends that dominance of mass ethnic emotions is frequently the surest instrument of attaining political victory, democratic participation in elections serves to fan ethnic clash at mass dimension too³⁰. On the other hand Wolpe and Nelson observes that Nigerian experience is equally true of Kenya, this is on grounds that in both the challenge for material products and subsequently for control of the State which administers access to them accelerates the ethnization of community. The 1992 multiparty presidential race in Kenya were a living sign of those feelings of fear. Actually never before had ethnic contemplations so enormously impacted the presidential race elections³¹.

Furthermore, Mulinge asserts that politics in Kenya have been dominated by ethnicity factor since independence in 1963, Kenya is ethnically fragmented in such a way between ethnic alliance is an important procedure to attain a stable power base. Mulinge actually draws the problem of ethnicity in Kenya and Africa in general as a result of colonial government which ruled by policy of divide and rule, whereby all ethnic groups compete over access to merchandise and enterprises related with modernity. However the study disagrees with Mulinge and Munyae point of view because it's actually the problem of poor governance, corruption and marginalization which breeds ethnic tensions and has nothing to do with former colonial governance³².

³⁰ Ibid P, 56.

³¹ Hegres & Gates, (2001) "*Towards a democratic civil peace? Opportunity, Grievance and civil war, 1816-1992*" American political science review, Vol. 95, No. 1 March. P, 7.

³² Mulinge & Munyae. (2008), "*Botswana, Africa's Haven of Ethnic Peace and Harmony: Status and Future Prospects*" African Journal of Sociology 4(1), 61-63. P, 6.

Apollos and Orvis observes that ethnicity has assumed a focal responsibility in Kenyan politics as confirmed by examples of political mobilization, allocation of resources and public service appointments, remarkably to the bureau. On the other hand Kimenyi views introduction of multiparty politics in Kenya as one which led to ethnic groupings which has triggers electoral violence³³. The 1992 presidential elections were largely rotated around ethnic alignments, a pattern repeated in 1997, 2002, 2007, 2013 and 2017.³⁴

The study agrees with Apollos and Orvis however it disagrees with Kimenyi argument on the point that multiparty serves to be main reason as to why Kenya experiences ethnic conflict during presidential elections. This is because multiparty serves to expand democracy and expression of human rights under the scope of governance, therefore multiparty is not the underlying issue which causes ethnic violence during presidential elections.

Harowitz coined the term “ethnic census” to describe elections in which racial linguistic or tribal solidarities so strongly predict voting behavior to an extent that elections are little more than a head count of identity groups and conflict between ethnic groups during elections especial in African weak States with under developed democracy the vice has become unavoidable³⁵.

According to Human Rights Watch in 2008, following presidential election in December 2007, people who were not satisfied with the election results resorted to use of violence. Attacks targeting certain ethnic groups induced revenge attacks resulting into over two months of civil unrest throughout Kenya. Over 1,500 people were reported dead and more than 500,000 people were internally displaced due to the post-election violence. Moreso Kimenyi observes that many

³³ Ibid, P,5.

³⁴ Kimenyi, Mwangi, Rexona & Romero, (2008) “*Identity, Grievances and economic determinants of voting in the 2007 Kenyan elections*”, University of Connecticut, department of economics, Working papers 2008 – 38, Oxford Press. P,78.

³⁵ Horowitz, D, (2000) “*Ethnic groups in conflict*”, Berkeley: University of California press. P, 35.

people anticipated election related ethnic conflicts would occur in Kenya because ethnic clashes over elections had become a common phenomenon during and after the presidential elections since 1992 when the first election under multiparty system was held³⁶. Additionally Ndungu and Kimenyi suggests that electoral violence in Kenya is as result of different ethnic groupings competing to ascend to power in order to enhance community access to opportunities such as electricity, roads, education, government jobs and water³⁷. Contrary the study views politicization of ethnicity, marginalization and bad governance as the main cause of electoral violence apart from Kimenyi and Ndungu who view competition among different ethnic groups to ascend to power as the one causing ethnic violence during elections.

The Commission of Inquiry on Post-Election violence in Kenya and Human Rights Watch report in 2008, indicates that immediately after announcement of presidential results in 30th December 2007, violence broke out in Nairobi at Mathare and Kibera which quickly spilled over to other major cities and soon developed into a series of attacks throughout the country, quickly worsening the public order that was not to be restored for over two months³⁸.

Furthermore it's critical to note that the Commission of Inquiry in post-election violence in 2008, highlights that the first attacks immediately after announcement of presidential results were witnessed in Mathare and Kibera slums. The initial targets of violence were Kikuyu people to which president Kibaki belonged³⁹.

Daudeline demonstrates that politicized ethnicity triggered rent related disputes in Mathare where many tenants are of Luo origin and majority of landlords are of Kikuyu origin. The issue

³⁶ Ibid, P, 16.

³⁷ Ibid P, 25.

³⁸Waki Philip, N, (2007) *“Report of the independent review commission on the general elections held in Kenya on 27th December, 2007”*, Nairobi: The government printer. P, 5.

³⁹ Ibid, P, 17.

of rent was politicized in a manner that depicted that once Raila ascends to power, Luos in Mathare would not pay rent, to counter that the landlords increased rent and issued notice quit notice to tenants. The outcome was massive violence⁴⁰. Gabrielle Lynch on his part argues that violence in Mathare was manifested through torching of houses belonging to Kikuyus and killing. Jayne et observes that the first political violence and discontent related to rent among ethnic groups in Mathare was first reported during 1992 presidential elections. Ethnic violence is repeatedly reported in every presidential election⁴¹.

David and peter argue that violence happens just before and after presidential elections in Mathare and Kibera where immigrants live in significant numbers⁴². Furthermore one of the common characteristic of these places where ethnic violence occurs is that various ethnic groups live side by side and that the fear or feel of antagonism towards other ethnic groups escalates quickly in times of election campaigns that are highly practiced on ethnic lines. In this sense it's true to argue that the violent clashes between different ethnic groups during elections are nothing more than a political context and that land disputes and rent disputes in Mathare are rather irrelevant. Therefore David and peter argue that politicized ethnicity is the only factor which causes electoral violence among ethnic groups in Mathare.

Collier asserts that violence is more likely to happen in close contests, because close contests increase absolute numbers of unsatisfied voters and therefore easier to enlist militiamen to fight for their cause. Contrastingly Jarvey observes that post-election violence is not basically as a result of politicized ethnicity but key trigger effect is that towards and during elections, land

⁴⁰Daudeline, J. (2002) "*Land as a source of conflict and in post conflict settlement*". World Bank regional workshop on land issues in Africa and the Middle East, April 29-may 2, 2002, Kampala, Uganda. P, 52.

⁴¹Jayne E, (2013) "*Ethnicity and development-an elusive relationship*", In cotemporary Eastern Europe. Vol.2, 2. No. 2, pp. 123-149.

⁴²David & Peter, (2011), "*The Roots of Intense Ethnic Conflict in Kenya*", International Affairs Journal, P, 8.

issues are at nerve center of everyone, hence tension rises in those areas with land disputes and opportunistic criminals take advantage of volatile situation⁴³.

1.3.4 Role of Political Parties in Politics of ethnicity and Post-Election Violence

Many developing countries especially in Africa are ethnically diverse. Diverse societies find it difficult to reach a cooperative solution. The political parties in Africa are usually associated with politics of ethnicity which culminates into ethnic violence during the general elections. Since no one tribe can win presidential elections on its own, the political parties results to form common alliance with different ethnic group's spokespersons in order to secure the presidential seat. Ethnic grouping to formation of political parties reduces voting into an ethnic census, in such a way votes can be calculated even before they are casted on secret ballot boxes. This is because since 1992 when multiparty elections were first conducted in Kenya, Political parties have succeeded in instrumentalization and breeding chauvinism in different ethnic groups hence successfully dividing them politically. In most of African countries ethnic groups place more importance on securing of presidential seat because they associate it with some speculative advantages.

According to Nnoli, Nigeria is one of the countries in Africa which are ethnically divided and whereby there is a clear ethnic pattern on voting. Nnoli further asserts that political parties are major cause ethnicity and ethnically related conflict. This has resulted to marginalization of some regions especially Northern Nigeria which is inhabited by Muslims⁴⁴. On the other hand Ebegbulem opines that Nigeria has experienced a lot of political unrest with a clear ethnic

⁴³ Collier, Paul & and Hoeffler. "*Greed and Grievance in civil*" Oxford economic press 56(4): 563-595.

⁴⁴ Okwudiba Nnoli (2007), "Anthropology in Post-Independence Africa, End of An Era and The problem of Self-determination". Africa Social Scientists Reflections Number One. Published by Heinrich Boll Foundations, Regional office, East and Horn of Africa. 2001. P-102.

bigotry, He also points out that the Boko Haram has developed as result of ethnic politics in Nigeria which has involved exclusionary and marginalization of Northern Nigeria⁴⁵. In addition, Campbell argued that election related brutality in Nigeria basically involves clashes and disagreement between different political party chauvinism supporters which has led to deaths. For instance in 2015 there were 106 deaths due to post-election violence; however the angriest post-election violence happened on 2011 when 800 people were killed. Campell also notes that the post-election violence in Nigeria has occurred among the competing ethnic groups and along the religious bases as it was in 2011 between Christians and Muslims⁴⁶.

Blackwell asserts that Sierra Leone is one of the African countries which is out rightly ethnically divided and marred with patronage politics as well as ethnic political parties. The Sierra Leone Peoples Party (SLPP) and All Peoples Congress (APC) have ethnically divided the country through politics of ethnicity, committing of electoral irregularities, marginalization and wide spread corruption which has made the country very poor and volatile to conflict⁴⁷. Correspondingly, Inveen contents that the post-election violence in SierraLeone is as a result of tribalism between the political parties. The political parties spread fake hate information to their youth supporters hence this makes them to attack other ethnic groups in support of another political party. Politicians and people in Sierraleone don't talk about tribes or tribalism due to the past experience with conflict along ethnic; politicians commonly talk about regionalism as opposed to ethnicity or tribalism⁴⁸. In extension Hammond asserts that the 2018 presidential

⁴⁵ Joseph C. Ebegbulem. (2011), "Ethnic Politics and Conflicts in Nigeria: Theoretical Perspective. Published by the Research Gate Journal in November 2011. P-21.

⁴⁶ Johnson Campbell. (2018), "Tracking Election Violence in Nigeria". Published by Chicago Journal on 21st September 2018. P-12.

⁴⁷ Rebecca Blackwell (2012). "Patronage and Ethnic Divisions Hobble Sierra Leones Political Parties". Published by Journal of World Politics Review in 19th November 2012. P-2.

⁴⁸ Cooper Inveen. (2018), "Sierra Leone: Violence Fears as Tense Election Reaches Runoff". An article published by The Guardian, Africa News Topic. P-21.

elections in Sierra Leone had heightened tensions along ethnic groups even though it went without being reported by the local media only later to be reported by international media that Sierra Leone had experienced elections related brutality during the conduct of its first and runoff presidential elections⁴⁹.

According to Nabudere Uganda has 13 main ethnic groups. The Buganda tried to conquer the other groups many times. This was done in order to create indirect rule over Uganda. Over many decades, the country has been divided along ethnic lines. For instance there is a clear division between the Southerners and Northerners. This nature of division was established by the colonial government through its favour of some communities and neglecting others especially in employment in police service and other administrative roles of government. The second divide according to Nabudere is symbolized by religious division in politics; mainly between Protestants, Catholics and Muslims parts of the populace, this is was manifested by the three main political parties designed after independence: the Catholic Democratic Party, the Protestant Uganda People's Congress, and the Kabaka Yekka, an Anglican Bugandan party⁵⁰.

In Addition Nabudere argued that Party divisions also reflect the third clash: ethnicity. President Museveni once pronounced how these cleavages shape out in Uganda politics: The question of policies never comes into discussions of party politics. The argument is simply: 'You are black, therefore you are in this party; you are white, therefore you are in the other party; you are a Protestant or Catholic, therefore you two cannot belong together in the same party.' If someone takes a position on an issue, it is after he or she has already been indoctrinated into an identity group. The person then argues this position from the ethnic identity "looking glass" and not from

⁴⁹ Joseph Hammond. (2018), "Sierra Leone Presidential Election Threatens to Heighten Ethnic Tensions". Published by the Oxford publishers; Oxford Press in 23rd April 2018. P-3.

⁵⁰ Dani W. Nabudere. (2009). "Uganda: Ethnicity and Conflict in Uganda – Is National Consensus possible?". African Heritage part 2. Published Heinrich Boll Foundation. P-2.

the merits of the issue at hand”. Political Parties have actually been the main agents in spreading of politics of ethnicity and enabling of elections related brutality in Uganda.

Ssentongo in his study on how ethnicity has shaped Ugandan politics for many decades asserts that different political parties, government, ethnic spokesperson and community have all facilitated the instrumentalization of ethnicity to act as a way of justification. The negative stereotyping of some ethnic groups such as Bakiga who are largely said by Banyoro to be dirty, conceited, violent and people without any culture on the other Bakiga stereotype Banyoro ethnic group as sluggish and envious while there is a popular view that Baganda tribe does not sire good leaders in politics. For Ssentongo the stereotyping has been the mode of politics in Uganda, which has created tension along the tribal divide hence eliciting ethnic conflict after a slight provocation as the case in Kabaale district where ethnic communities have been warring for decades⁵¹.

Mkandawire opines that Rwanda and Burundi have the same ethnic groups which include Hutu, Tutsi and Twas. Each community in each country has their own political party. There have had outright hatred between ethnic groups with a high degree of stereotyping. This led to Burundi and Rwanda genocide as especially Tutsi and Hutu each wanted to dominate the country’s both socially, economically and politically⁵². In addition Nzomo views that Rwanda is currently experiencing abnormal peace and despite the country having the highest number of women in politics in the world, Rwanda is still undemocratic country⁵³. This means that the underlying factors like ethnic politics which had degenerated the country into genocide leading to death of more than 500,000 people within a period of just three months.

⁵¹ Jimmy S. Ssentongo (2011). “Uganda; Playing The Card of Ethnicity by Uganda Political Parties”. An Article published by the Open Democracy. Free Thinking For the World.

⁵² Thandika Mkandawire (2013). “Horizontal Inequalities, Ethnic Politics and Violent Conflict”. An Article Published by Research Gate. P-22.

⁵³ Maria Nzomo (2013), “Gender Dimension of Representational Politics. Beyond Numbers”. P-7.

According to Anyang', political parties in Kenya have based their politics on ethnic factor. Serious politics of ethnicity started after repealing of section 2A of constitution in 1991 hence reintroducing back the multiparty politics in Kenya. The Kenya African National Union (KANU) was in opposition of multiparty politics in Kenya, this made the party to embroil itself in politics of ethnicity as a strategy to prove that multiparty politics cannot work in Kenya. For Anyong' the end result of politics of ethnicity is that the ethnic communities turned against each other especially in Riftvalley which was the stronghold of the KANU regime. Ethnic communities in support of KANU regime colossally attacked Kikuyus who were considered as migrants in Riftvalley and support of opposition parties⁵⁴. This corresponds to Miguna who asserts that reintroduction of multiparty politics in Kenya in 1991 was a mark of re-awakening democracy however it was later discovered that multiparty politics could otherwise oppose democracy. On this note Miguna views that multiparty politics have elevated ethnic factor in Kenyan politics as after the repeal of Section 2A of constitution there formation of torrent political parties from almost each ethnic community in Kenya. The parties formed were without any philosophical and ideological basis hence they along with KANU practiced ethnic politics to remain relevant as opposed discussion on issue based politic⁵⁵.

Mutua Contends that Kenyan society is a victim of ethnic loyalty. This has made many people to vote based on ethnic lines rather than what they believe is right and this is because ethnic communities in Kenya use political parties and their leader as a point of reference. To analogize this, Mutua uses the case constitution referendum in Kenya whereby he puts it right that some Luos argued that "If Raila has read the constitution and said it is right, then it is right and we will

⁵⁴ Peter Anyang' Nyongo. (2001). "The Study of African Politics : A critical Appreciation of a Heritage" A book Published by Heinrich Boll Foundation in Kenya. in September 2001. P-72.

⁵⁵ Miguna Miguna (2012). "Peeling Back the Mask". A Quest for Justice In Kenya. Published by Gilgamesh in Africa in 2012. P-23.

vote where is”. Furthermore Mutua opines that the 2007/8 post-election violence was in simple terms ethnic communities affiliated in opposing political parties turning against each other. In addition Mutua views that ethnic politics have frustrated and suppressed democracy and nationalism in Kenya pitting development in some regions⁵⁶.

Lynch reveals that the case in Kenya progressively continuous to be unconcealed formation of political parties along ethnic lines. For instance ODM is for Luo’s, Ford-Kenya for Luhya’s, WDP for Kamba’s while Jubilee alliance is entirely for Kikuyus and Kalenjins. The ethnic political parties usually gang together to form different alliances of ethnic communities competing for the top political seat. When there is dispute over presidential elections, ethnic communities in alleging their loyalty in different alliances or political parties usually engage themselves in some sort of violence. For instance the 2007/8 dispute was essentially between Orange Democratic Party (ODM) and Party of National Unity (PNU), ethnic communities in support of the two political parties resulted to brutality over the disputed presidential results⁵⁷. In addition Nyaura asserts that the adoption of the new constitution was largely viewed by its supports as the ultimate solution to politicized ethnicity and corruption. This is because the new constitution came up with devolved government structures to champion development in the given Counties, however this this has not transformed Kenyan politics to anything better, instead corruption and ethnic politics have been embedded in the County governments, the vices have too been devolved⁵⁸.

⁵⁶ Makau Mutua. (2013). “We Must Free Ourselves From The Divisive Politics of Tribes” An Article Published by Standard. P-4.

⁵⁷ Gabrielle Lynch. (2017). “I say to You; Ethnic politics And The Kalenjin In Kenya”. Published By The University Of Chicago Press. 1427 E. 60th Street, Chicago, IL 60637. P-128.

⁵⁸ Jasper E. Nyaura. (2018). “Devolved Ethnnicity in the Kenya: Social, Economic and Political Perspective”. An Article Published by Research Gate Journal in June2018. P-2.

Elischer contends that Kenya provides a good example of interlink between ethnicity, politics, conflict and development. This is because politicians in Kenya have capitalized on politicized ethnicity in order to fish for votes. This has bred tension and insecurity during and after general elections. Due to the tension, people tend to migrate to the areas where they feel more secure and especially they go to their native lands⁵⁹. Lynch views that Mathare is one of the areas which have repeatedly been affected by intense ethnic conflict in almost each general election⁶⁰.

1.3.5 Efficacy of Approaches to Mitigate Electoral Violence

Ever since multiparty politics were reintroduced in Kenya in 1992, electoral violence has become synonymous with elections in Kenya, this has necessitated establishment of various measures and approaches to mitigate electoral violence. A number of studies have found that although various measures have been employed to counter election related violence, there have been varying level of success and efficacy.

Birch argues that elections are by themselves the democratic means of addressing conflict. However in many countries the elections have rendered themselves to be a problem which needs to be solved. The international bodies like United Nations (U.N), have been largely involved in solving election related violence internationally. The strategies of reforming electoral system have achieved little success as U.N has for long not been able to address the issues in Burundi, Libya and South Sudan. In addition Birch views that the best way to address election related violence is by progressively making countries more democratic, this because the countries with mature democracy like the western countries have got strong institutions to amicably address

⁵⁹ Sebastian Elischer. (2014), "Political Opposition in African Countries: The Cases Of Kenya, Namibia, Zambia And Zimbabwe". Published by Oxford press in July 2014. P-44.

⁶⁰ Gabrielle Lynch. (2006), "Negotiating Ethnicity: Identity Politics in Contemporary Kenya". Review of African Political Economy 33(107) : 49-65. Published by Research Gate in March 2006. P-9.

their internal issues including effective management of their general elections⁶¹. Likewise Nyong'o asserts that controversies have arisen in many African countries regarding the extent to which their elections were free and fair. Whether the rules of the electoral game had been observed and whether the results of elections really reflected the true preferences of the voter and also whether the so chosen government could at best serve the interest of its people. For Nyong'o election related dispute can brew itself into protracted conflict as the case of Somalia. This because there have been little success of the approaches undertaken to solve post-election violence in some countries⁶².

According to Jarstad and Hoglund post-election violence is increasing an issue which is gaining international attention because of its ability to wreak havoc and mass killing as previously witnessed in Sierra Leone, Liberia, Rwanda and in Kenya after 2007 general elections. For these scholars, the effectiveness of strategies adopted to address this nature of political conflict remains minimal. Just like Birch, Jarstad and Hoglund view that the only solution to any form of election violence is to first ensure democracy takes roots in all countries. If this does not happen electoral violence will remain to be a recurring vice in many undemocratic countries hence could be a threat to international security given the interconnectedness of the world and the ever increasing threat of international terrorism which thrives well in those countries with instability. Measures to address political conflict cannot be effective without democracy and development⁶³.

According to Snodgrass general elections in Kenya have consistently been violent especially since 1992. Even though the mediation of post-election violence of 2007 was successful, it did

⁶¹ Sarah Birch. (2017), "Electoral Violence Prevention: What Works". Published by Journal of Democratization on 31st August 2017. Volume 25, issue No.3. P-13.

⁶² Anyang' Nyong'o. (2016). "When Elections Fail, Can Losers Accept The Victors As Legitimate". African Research and Resource Forum. P-14.

⁶³ Anna J. & Kristine H. (2010). "Strategies To Prevent And Manage Electoral Violence" Considerations For Policy. Published by the policy and Practice Brief . P-33.

not solve the underlying factors which usually trigger some sort of violence in almost each general election. The institutions developed to counter things like hate speech and ethnic politics have not been successful⁶⁴.

National cohesion and integration commission has been minimally effective due to a number of reasons. The commission cannot directly prosecute perpetrators but is mandated with investigating cases and recommending prosecution. In addition there are excessive bureaucratic approaches to its work, inadequate funding, negligible outreach outside the city of Nairobi and the lack of ability to prosecute.⁶⁵ The commission has also been criticized for not addressing most of the contentious issues that lead to hate speech amongst communities. This is somewhat because of its narrow mandate and limited presence amongst the affected communities.

1.3.6 Literature Gap

From the above literature review the study has identified that there is insufficient scholarly research on the role played by ethnicity on electoral violence. Much of the literature review on the topic views ethnicity as direct cause of ethnic tensions, fear and frustrations. The study also found much of the literature has focused on the immediate impact of electoral violence caused by competing ethnic groups, but it neglected the long term impacts of electoral violence such as the psychological issues of fear and feel of being traumatized by electoral violence.

⁶⁴ Lyn Snodgrass. (2019) "Mediating Post-Electoral Violence In Kenya, 2007-2008". An article Published by ResearchGate in June 2019. PP. 185-202.

⁶⁵ Fatchamps, Marcel & Pedro C. Vicente. 2013. "Political Violence and Social Networks: Experimental Evidence from a Kenyan Election." *Journal of Development Economics* 101: 27-48

In addition, there is little scholarly focus on issue of electoral violence being caused by politicized ethnicity, especially when politicians exploit contrasts in ethnic identity to use it as a tool to advance their own interest.

Lastly, the literature does not examine how ethnic groups are socially constructed and how historical narratives of injustices and persecution are used by political elite in times of elections. Therefore there is need to identify how ethnic identities help politicians mobilize support and help ordinary people lay claim to power and wealth. This study views this kind of ethnic politics as one which encourages sense of ethnic difference and competition, which spirals into violent confrontation and reprisal attacks before, during and after elections.

1.4 Justification of the Study

The study seeks to contribute to the academic, policy discourse and to the general public. At the academic level, the study contribution is twofold: firstly, on research methodology, the study seeks to conduct a purely qualitative research and apply theoretical triangulation. Application of triangulation in research is now gaining prominence, since in some research studies use of one theory is insufficient to predict and guide research in a meaningful way. Theoretical triangulation helped the study to see problem at hand using multiple lenses or with different point of view. Secondly, the study contributes to the available sources of references on the issue of politicized ethnic violence in Kenya. The study also proposed areas for future research in the discourse of politicized ethnic conflict. Additionally, literature review demonstrates scarcity in understanding of how politicized ethnicity influences electoral violence in one area with possibility of spillover effect on other areas. Therefore this study seeks to contribute to filling this gap.

The policy significance of this study purely rests on the application of the findings of the study. The findings of this study laid a foundation over which decision makers will base their policy formulation, coordination as well as implementation.

In Kenya, before, during and after elections, many people are in distress and fear of sudden and unpredictable politically motivated ethnic conflict. The level of human insecurity during the period of election is alarming; it's to some a matter of life and death. Therefore, this study seeks to establish proper approaches to mitigate the issue of politically motivated ethnic violence. If the approaches would be implemented it will help general public by contributing to higher levels of human insecurity before, during and after periods of elections.

1.5 Hypothesis

The hypotheses provided empirically testable variable which offered guide to the data collected in order to achieve the objectives of the study. Therefore, the data to be collected involved the following hypotheses:

H1: Ethnic identity and grievances from politicization of ethnicity causes Post-election violence in Kenya.

H0: Ethnic identity and grievances from politicization of ethnicity have no relationship with Post-election violence in Kenya.

H2: Political parties play a major role in politicization of ethnicity and electoral violence in Kenya.

1.6 Conceptual Framework

The study adopts an integrated way of looking at the problem. For meaningful research, the study seeks to be guided by two analytical tools of study or theories which include: instrumentalism and primordial theory. The study has chosen to apply both theories because neither of the above theory has adequate explanatory and prescriptive power to guide the study on its own. However the two theories combined in a study exhibit fundamental variable which effectively connects the research to the existing body of knowledge.

While primordial's Such as Geertz and Clifford emphasize mere differences in ethnic identities, instrumentalism place more weight on ethnic grievances arising from the politicization of ethnic identity differences to explain ethnic conflict⁶⁶. The two theories actually reinforce each other in the study of ethnic conflict. Primordial's such as Collier, Paul and Hoeffler view ethnic identity and grievances as argued by instrumentalists actually reticulate to expand gradual ethnic community coherence and probability of ethnic conflict⁶⁷. To illustrate the unifying nature of two variables which includes grievances and ethnic identity, the classical case remains that of Rwanda genocide fought by two main ethnic groups in 1994 and Burundi in early 1990s where the ethnic conflict was as result of reinforcing instrumentalist and primordial sentiments. Additionally the same scenario is equally applicable in the event of Kenya post-election brutality in 2007, whereby ethnic identity and grievances resulting from politicization of ethnicity factor resulted into gradual violence.

⁶⁶ Geertz & Clifford. (1963), *"The Integrative Revolution: Priormodial Sentiments and politics in new States"*. In Clifford Geertz, ed. *Old Societies and New States: The quest for Modernity in Asia and Africa*. London: London Free Press, 255-310. PP, 32-33.

⁶⁷ Collier, Paul and Anke Hoeffler. (2000). *"Greed and Grievances in Civil War"* World bank policy research, Working paper 2355, Washington DC, 2000. p.10.

According to primordial's, Vanhanen, Esteban, Mayoral and Ray, ethnicity is a universal feature of ethnic conflicts. Under primordialism mere contrasts in tribal identities comprise a straight source of mutual distress, suspicious, ancient antipathies and conflicts among ethnic groups⁶⁸. On the other hand according to Ellingsen, under instrumentalism ethnic identity becomes relevant to ethnic conflict outbreak only when ethnicity is exploited for political advantage. Politicization of ethnic identity induces grievances and anger which in turn induces ethnic conflict⁶⁹.

To this extent the integrative model involves grievances and frustration basically arising from instrumentalization of ethnic identities which in turn leads to development of primordial ethnic divisions especially when these grievances are disseminated or aired through media platforms. This enhances fear, doubtfulness, hatred and crisis of violent conflict between ethnic communities. For instance media contributes a lot to violence, when media aired live happening of violence in Mathare 2007, 2013 and 2017 then this triggered spillover effect because when those from other parts with same ethnic identities and grievances get the information they also fall in to conflict. This tells why what happens in Mathare and Kibera about electoral violence has a direct impact on the situation in Kisumu and in other areas with the same grievances and ethnic identities shared.

To illustrate more empirically instrumentalism attributes to ethnic conflict in Kenya whereby domination of power by Kikuyu, as well as their elite politicized ethnicity and barely defined democracy to be equated with majority rule, where majority rule means Kikuyu rule⁷⁰, thereby adopting discriminatory and exclusionist policies against other ethnic groups and especially Luo

⁶⁸ Vanhanen, Esteban, Mayoral & Ray. (2012). "*Ethnicity and Conflict: An Empirical Study*" American Economic review 102 (4) P, 1310.

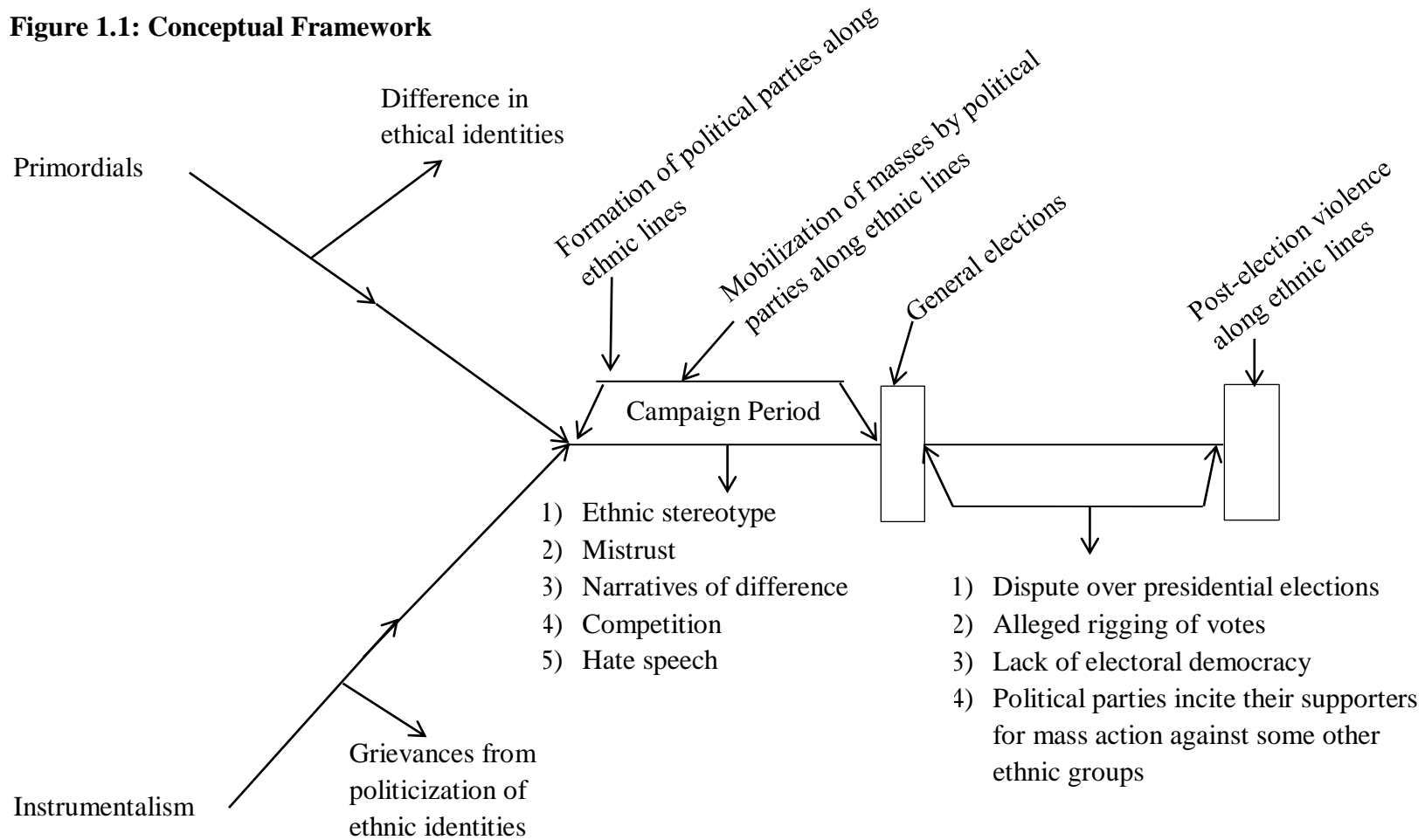
⁶⁹Ibid. P,43.

⁷⁰ Ibid. P, 27.

due to historical ethnic differences as explained by primordialist. In turn this leads to grievances and frustrations arising from discriminations in spheres of governance and socioeconomic development. Therefore both instrumentalist and primordial school of thought accounts for ethnically based violence in Kenya especially the case of Mathare where in each presidential election ethnic conflict is common.

In conclusion the effective knowledge on ethnic violence involves two theories, namely, primordial and instrumentalism. Neither of the theories can independently explain ethnic violence in satisfactory, therefore the need to develop more integrative and comprehensive approach involving both theories. In this study the integrative models involves key relevant variables in relation to the problem of the study. Instrumentalism view ethnicity as a social construct with a core goal of advancing group interest specifically in economic sector. Politicization of ethnicity breeds grievances and frustration which leads to crystallization of primordial identities hence ethnic violence during elections.

Figure 1.1: Conceptual Framework



Conceptual Framework showing how integrated promordials and instrumentalism theories influence post-election violence along ethnic lines

1.7 Study Methodology

This part covers the methodology that was used in carrying out this study. Data sources and data collection methods, research design, research site, and data analysis are also discussed. Secondary and primary data was both be used in this study. The secondary data was sourced mainly from library where variety of books, journals, newspapers and magazines were utilized. Primary data was sourced from sampled population by use of questionnaires and interviews. Questionnaires were administered to the sampled population of Mathare residents. The interview respondents involved non-governmental organizations, Chief, Sub-Chief, Nyumba Kumi chairman, and pastors and Imam of the churches and Mosques within the Mathare Sub-County of Nairobi. The findings emerging from data collected was used to test the hypotheses of this study.

1.7.1 Research Design

The study largely employed a qualitative approach. Yin posits that the preferred research strategy should be determined by the nature of particular research questions posed⁷¹. The research questions in this study point to a qualitative approach. The whole question on how politicized ethnicity influences electoral violence in Kenya and more specifically Mathare Sub-county of Nairobi, requires qualitative approach. To understand it fully, there is need of detailed explanations which could only be achieved by use of qualitative methods.

1.7.2 Research Site

Research site was Mathare which is at east of Nairobi. According to 2009 census, Mathare alone constitutes 600,000 people. Ethnic composition in Mathare involves Luos who are majority, followed by Kikuyus, Luhyas and Kambas. The area has both formal and informal settlements.

⁷¹ Robert, K. Yin (2003) “*Case Study Reserch: Design and Methods*” Electronic Journal of Business research Methods. P 12.

Most people in Mathare live on an income of less than a dollar per day⁷². Crime and HIV/AIDS are common. The major nonprofit organization is Mission of Hope International (MOHI) which basically enrolls children's to schools, addresses issue of HIV/AIDS and unemployment.

1.7.3 Sampling Size of Population

Mathare has a population of 600,000 people as of 2009 Kenya population census. In practical terms its hard, time consuming, expensive and very cumbersome to collect data to a population of 600,000 people. In this case picking a sample becomes necessary to act as representative of the entire population.

For the purpose of this study the number of respondents was determined using the formula adopted from Mugenda & Mugenda (1999) when population is more than, 10,000.

$$n = \frac{Z^2 pq}{d^2}$$

Where:

n = the desired sample size

z = the standard normal deviate at the required confidence level

p = proportion in the target population estimated to have characteristics being measured.

q = 1-p

d = level of statistical significance set

$$n = \frac{(1.96)^2 (.50) (.50)}{(0.5)^2}$$

$$= 384$$

⁷²One Life Africa (2011) "*Educate, Engage, Encourage, and Equip. Elections and Violence*". P, 7.

Table1.1: Sample design

Respondents	Sample Size	Sampling Technique
NGOs officials	5	Purposive sampling
Chief	2	Purposive sampling
Sub-Chief	3	Purposive sampling
Nyumba Kumi Chairman,	5	Purposive sampling
Pastors/Imams	5	Purposive sampling
Normal civilians	344	Simple random sampling
Victims	20	Simple random sampling
Total	384	

1.7.4 Data Sources and Data Collection Methods

The study utilized both primary and secondary data. Primary data was collected by use of key informant interviews and also an input of participant observation. The informant only involved those with practical experience of electoral violence among ethnic groups in Mathare. The qualitative data was not confined into yes and no questions for further clarifications by informant. Secondary data entailed academic books, journals, periodicals, reports and internet sources. Print media and publications of key nongovernmental organizations were undertaken.

1.7.5 Data Analysis

Data collected from the field was analyzed by use of qualitative methods. The data was analyzed into themes related to the research questions. The responses in the questionnaires were coded, tabulated and processed by use of statistical package for social sciences (SPSS).

1.7.6 Ethical Considerations

The study gave due diligence and maintenance of confidentiality of records and identities of participants. The study also sought acquisition of relevant research license. There the research was guided by existing legislations on the conduct of research in Kenya.

Additionally, the study adhered to academic honest and objectivity by acknowledging the authors, sources of all materials and references which were cited throughout the study, honestly this was done to the best knowledge of the researcher.

1.8 Chapter Outline

Chapter one is the proposal which discussed the background to the study of ethnic factor in the Kenyan electoral violence, case study of Mathare. It stated the research problem and outlined research objectives and questions. The chapter also examined literature review on the concept of ethnicity as a factor in electoral violence, impact of electoral violence and also approaches to mitigate electoral violence.

Chapter two assessed how politicized ethnic factor triggers electoral violence in Mathare. Chapter three established the impacts of electoral violence among concerned ethnic groups. Chapter four focused on establishing approaches to mitigate electoral violence in Mathare. Finally, chapter five sought to tie all the four chapters together by providing summary, conclusions, recommendations and also areas for future research.

CHAPTER TWO

ETHNIC FACTOR IN KENYAN POLITICS AND ELECTORAL VIOLENCE

2.0 Introduction

This chapter discusses ethnic factor in both politics and electoral violence in Kenya. This has grown out of the idea that many developing countries especially in Africa are ethnically diverse. Diverse societies find it difficult to reach a cooperative solution. Collier in his paper on implications of ethnic diversity says “Ethnicity is a social rather than a physiological phenomenon⁷³. It is highly persistent as a cultural phenomenon. This persistence in ethnicity makes it difficult to break the circle. An example of the persistence is where an individual marries from the same ethnic community to perpetuate its existence.” Hence it’s very obvious that ethnicity is never going to fade in Kenyan politics and elections with ever growing modernity. Harowitz notes that ethnicity in itself is not a problem but it becomes a problem when it’s politicized⁷⁴. Politicization of ethnicity as a phenomenon in Kenya has mainly been engineered by corrupt political elites for selfish gains as they compete to acquire political power and primitive accumulation of wealth.

It’s horrible that the colonial strategy of divide and rule along ethnic lines continues to impact most of African politics and much of post-election violence. More devastating is the fact that our very politicians have adopted the colonial strategy of divide and rule to get to power and maintain it. As one of interviewee stated “Kenyans hate one another along tribal divide, this kind

⁷³ Paul Collier. (2001), “*Implications of Ethnic Diversity*” Economic policy, Vol.16, No.32 (Apr.,2001) PP. 127. Journal Article published by: Oxford University Press on behalf of the center for economic policy research, center for economic studies. P,3.

⁷⁴ Donald L. Horowitz. (1985), “*Ethnic groups in Conflict*” The international journal of African historical studies, vol.22, No.2. Published by Boston University African Studies Center. P-295.

of hate is well manifested during electoral period as it was in 2007 and 2017. These elections were rendered simply as contest for tribes”. For instance if Jubilee party led by Uhuru Kenyatta and William Ruto won elections then Kikuyu and Kelenjin are the Winners, while on other hand if NASA leadership by Raila and Kalonzo Musyoka won elections then the altitude was that Kikuyu and Kelenjin were losers. There have been a deep tribal hatred along the above two political blocks hence the country enjoys no general feeling of nationalism. It is also important to note that ethnic hate in Kenya is not static but it’s shaped by political parties as composition of political parties in support of a particular party changes over time.

As a result of the above background, in first section, the chapter provided an in-depth overview of historical context of Negative Ethnicity since the First Multi-party Elections in Kenya up to the most recent 2017 general elections and its aftermath, the chapter also delved to seek the role of political parties in politicization of ethnicity and electoral violence, how identity and politics have been entangled in Kenya and finally analyze on how ethnic are Kenya voters.

2.1 Negative Ethnicity since the First Multi-party Elections in Kenya

According to Koigi, Negative ethnicity is an opiate of people in Kenya⁷⁵. This has made majority of Kenyans to suffer from what Mutua calls “ethnic superiority complex disease”⁷⁶. The first elections were held in Kenya in 1992, despite the fact that Moi regime was in opposition of multi-party politics in Kenya. Moi viewed multiparty politics as one which will divide ethnic communities in Kenya.

⁷⁵ Koigi Wamwere. (2003), “*Negative Ethnicity: From Bias to Genocide*” Published by seven stories press. P 5.

⁷⁶ Makau W. Mutua. (2013), “*Why Kenya is a Nation in Embryo*” 50 years since independence: Where is Kenya? published by Sunny Buffalo Law School. P-239.

In an attempt to oppose the first multiparty elections, the KANU government instigated series of tribal clashes in Riftvalley. The violence was intentionally engineered to fulfill three purposes. Firstly, multiparty politics are equivalent to ethnic violence, secondly was to humiliate ethnic communities in support of opposition and lastly was to instigate fear to non-Kalenjin communities in Riftvalley.

Ajulu posits that ethnicity and ethnic conflict is single most important factor of politics in Kenya. The scholar categorically states that the 1992 and 1997 general elections were all ethnic in every dimension. Since 1992, there have been intensified reconstructions of ethnicity in more than ever competitive politics which are played by ethnic grouping⁷⁷. This has made ethnic conflict to appear as main feature during elections. For instance, in 13 October 1991 is when the first politically motivated violence along ethnic divide occurred in Kenya. This was after a militia group of Kalenjin armed with machetes and spears initiated series of attacks against non-Kalenjin communities living in Riftvalley. The attack specifically targeted Luo and Kikuyu ethnic groups in Riftvalley. During the attack, forty homesteads were set on fire and as a result more than 4,000 people were internally displaced. In November and December of 1991, the nature of ethnic conflict spilled over to other regions through many retaliatory attacks to Kalenjin living in Luo Nyanza, central region and western Kenya leading to death of 60 people.

The police brutality selectively targeted some ethnic groups especially those in support of opposition parties. For instance, take a case of the deputy police commissioner in 1998, Stephen Kamechu once admitted in public that powerful politicians gave police officers orders to clobber

⁷⁷ Rok Ajulu. (2002), "*Politicized ethnicity, comparative politics and conflict in Kenya*" African Studies, Rhodes University.

civilians and disperse peaceful demonstrations towards 1992 multiparty elections⁷⁸. This made it difficult for government to withdraw its hand from then ongoing tribal conflict.

Muli posits that in 1997 elections were no different from those of 1992 in respect to ethnic violence; however Moi political influence had largely declined. This is because out of 210 parliamentary seats, Moi party only managed to get 113. Towards 1997 general elections, almost each ethnic group had mobilized themselves in to a new registered political parties who ganged together to oppose Moi repressive regime. During 1997 elections, KANU did not win any seat in central province⁷⁹.

In his analysis of tribalism and politics during 1992 and 1997 general elections in Kenya, Prof. Mafeje argued that the new narrative of relationship between power, ethnicity and political conflict will specifically shape distribution of power in Kenya at future. Perfectly, Mafeje also viewed ethnicity as an ideologically loaded concept that cannot exist independently on its own. For ethnicity to have negative implications, it is manipulated by the elite in their competition over political and economic power⁸⁰. On its own ethnicity is inactive concept; however this concept has been activated by politicians for their selfish gains. On other hand, Nnoli observes that political pluralism is not a sufficient reason for ethnic conflict in Kenya, For Nnoli competing group interests is the main trigger effect of violent elections in Kenya brought about by politicization and mobilization of masses by politicians along ethnic lines⁸¹.

Incidences of violence followed after December 1997 general elections. For instance, On 5th January 1998, a group of Samburu and Turkana attacked Kikuyus living at Mirgwit in laikipia

⁷⁸ Ibid, P,5.

⁷⁹ Lucy Muli. (2010), "*Understanding Election Clashes in Kenya 1992-1997*" Africa security review. P 14.

⁸⁰ Mafeje Archie (1971) "*The Ideology of Tribalism*" Journal of Modern African Studies, 9(2). P-254.

⁸¹ Okwudiba Nnoli. (1980). "*Ethnic politics in Africa*" The Journal of modern African Studies, Vol.18, No.4 (Dec., 1980) p, 707.

district. They raped women, burnt houses and went away with livestock. In retaliatory, a gang of Kikuyu youth invented Samburu and pokot armed with spears and machetes and mutilated 78 cattle's. Mutilation of cattle is culturally regarded as a taboo by both Samburu and Pokot therefore this guaranteed retaliatory attack⁸².

On night of January 13th 1998, a group of Samburu and Pokot youth heavily armed with guns, spears and machetes attacked a large Kikuyu community in Laikipia district. This attack was regarded as the worst between these communities because it resulted to killing of over 50 Kikuyus and displacement of more than 1,000 people who went to seek shelter at Kinamba Catholic Church.

Three days later, heavily armed Kalenjin men who called themselves "Vijana wa Mzee" in translation men for elder of which the "Mzee" was alleged to be former president Moi, attacked Kikuyu in Njoro for their strong support of opposition party. This attack led to incidences of counter attacks between Kalenjin and Kikuyu communities. The police reports in March 1998 indicated that 127 people had been killed since clashes began in January 1998.

The violence was attributed to a wide range of inflammatory speeches by politicians inciting members of a particular group to take severe actions against members of another ethnic group. For instance, a Kalenjin chief Kiptoo Yego was arrested and charged of being the leader of militia group which was terrorizing Kikuyus in Riftvalley. On the other hand, a Kikuyu called Kibutu Kimani was also arrested and charged with mobilization of youths to attack Kalenjins in Lare. The Kikuyu chief was found guilty of charges but Kalenjin chief was proved innocent. A politician Stephen Ndichu, member of social democratic party for Junja was arrested and charged

⁸² Ibid, P-8.

of inciting Kenyans by telling them to be heavily armed in preparation for war. Members of KANU who made a similar statement were immune to State arrest and application of law⁸³.

2.2 The 2017 General Elections and its Aftermath

These elections were marked by a very bitter campaign period coupled by hate speech directed to specific ethnic communities. There were a lot of demonstrations especially by the opposition leaders. These elections remain remarkable as they are the most divisive in Kenyan history.

Drumbeats of violence were very high as indicated by high mobilization of voters along ethnic lines. Extrajudicial killings, increased recruitment of police officers, serious arming of police officers including purchase of new sophisticated anti-riot vehicles and other police body cover equipment indicated the much awaited post-election violence by the incumbent government. This portrayed two things, firstly that the incumbent was prepared to use of force to maintain power, secondly the incumbent knew the political temperatures were too high and very volatile hence police alertness and strategic deployment to avert any attempt of post-election violence by the opposition.

One of Nyumba Kumi Chairman argued that “some days towards 2017 general elections people had already moved back to their rural villages, the pretext was that people were going to their rural homes to vote, however the underlying cause is that people were escaping the anticipated post-election violence, myself I also went to my rural home in Kiambu”⁸⁴. Many people anticipated post-election violence would occur after elections because of worrying events towards general elections. The political atmosphere was very volatile and tense. After elections,

⁸³ Ibid, P-23.

⁸⁴ Interview with Samuel Karanja, Chairman of Nyumba Kumi Mathare Area 4, Kosovo Village, Mathare, Nairobi. 30th May 2019.

presidential results were announced and were highly criticized, defended and questioned by the public along ethnic divide. To a large extent the study found that the credibility of 2017 presidential elections was questioned by opposition big men and their supporters who were announced as losers while the incumbent Uhuru Kenyatta was announced the winner. These elections were annulled by Supreme Court which announced that second presidential elections must be held within sixty days. The second presidential elections were boycotted by opposition; the voter turnout was almost zero on opposition strongholds, while in some areas the polling stations were destroyed.

In an attempt to totally disrupt the second presidential elections, the opposition supporters resulted to massive demonstration of which the epicenter was Mathare, even though other opposition strongholds experienced violence like Kisumu, Kibera, Mombasa and Kawagware. Systemic violence was witnessed at Kawagware slum where opposition supporters set light to shops and residential houses belonging to supporters of Kenyatta tribe. After first presidential results were annulled, patterns of elections related violence resulted to forty eight deaths.

Worryingly, Human Rights Watch (HRW) report on 2017 elections stated that state violence followed a clear ethnic pattern, with opposition supporters facing severe brutality and killing from police⁸⁵.

2.3 Politicized Ethnic Factor in Politics and Electoral Violence in Kenya

The Kenyan society seems to be a victim of ethnic loyalty. There are 43 tribes in Kenya of which each is chauvinism of a certain political party. For instance Lynch argues that political parties in Kenya are normally associated with a particular ethnic groups, in turn this dictates the voting

⁸⁵ Human Rights Watch (HRW) Report on Kenya elections in 2017. PP,16-17.

pattern in major elections. The general elections in December 2007 indicted clearly that Kenya is yet to be called a nation as per requirements of nationalism. In Kenya there is blatant feeling of affection, loyalty and identification with politically defined ethnic parties which defies concept of nationalism; this is because nationalism can only exist where national attachment supersedes the ethnic attachment. Horowitz, 1989, implies that nationalism is embraced by those with higher education and higher socio-economic status. Nationalism is characterized by the following concepts: emphasis of the national affiliation, rather than ethnic affiliation in the individual, Idealizing the nation and its history while suppressing any negative feelings and attitudes towards the nation, having feelings of national superiority and accepting national state and political authority with little question⁸⁶.

The Kenyan society seems to be a serious victim of ethnic loyalty, Take the constitution referendum as a case study. Most people voted along tribal lines rather than for what they believed represented what they believe in. This is because they used the political leaders as their reference. For the Luo, many were interviewed and gave responses such as “If Raila has read it and says it is good, then it is. Therefore I am voting it through!” After the contested 2007 presidential elections, ethnic groups turned against each other. People from tribes that were not predominantly from a certain area found themselves in trouble as they were considered to be in another’s territory. The case in Kenya continues to be blatant as the formation of political parties is along tribal lines. In 2007, Ford Kenya was for the Luhyas, ODM for the Luos and Kalenjins (until the recent divide), Narc Kenya for the Kikuyus and Kambas. The ‘Ocampo six’ also had the support of a majority from their ethnic groups, who were not even sure whether they are innocent or not. In 2013 and 2017 Jubilee party was to a great extend for Kikuyu and Kalenjin

⁸⁶ Horowitz, Donald L. (1985) *Ethnic Groups in Conflict*. Berkeley: University of California Press. P- 78

While NASA was to a great extent for Luo, Luhya, Kamba and Coastal tribes. It is true to say that if William Ruto succeeds Uhuru Kenyatta in 2022, then for sixty years Kenya will have been ruled by men from only two ethnic groups. The study views that this isn't how you build a post-colonial nation. For instance take a case of South Africa for useful lessons on managing ethnicity and power in a fractured plural society.

Winston Churchill once quipped, "Democracy is worst form of government, except for all others". In other words Winston meant that democracy is not perfect but it allows majority to leave in happiness compared to other forms of governance⁸⁷. Kenya's 2010 constitution is one of the best in the world because it subjects State to citizen control and upholds human rights. However, democracy has got many pitfalls; Majority isn't always right or even wise, take for instance the democratically elected Donald Trump and Adolf Hitler who are beyond any reasonable doubt racist and xenophobic. Majority are not always a problem per se. it becomes a problem when it goes tribal.

2.4 Identity and Politics in Kenya

Biegon views ethnic identity as a single most important variable in Kenyan political arena. for instanced its empirically evidenced that political parties are just a come up together of ethnic groupings, hence this makes winning or losing of elections a mathematical affair of calculating the number of voters in those particular ethnic groups⁸⁸. In addition, Musumba argues that ethnicity has also gone further to influence the kind of lawyers the politicians hire in case of election petitions.

⁸⁷ Makau Mutua. (2018). *"Kenyans are Trapped in Ethnic Cocoons of Political Bondage"* professor of Suny Buffalo Law School And Chair of KHRC. Published by Standard, p-12.

⁸⁸ Japhet Biegon. (2018), "Politicization of Ethnic Identity in Kenya: Historical Evolution, Major Manifestations and the Enduring Implications" Kenya Human rights Commission May 2018 Edition, Printed on May 2018, ISBN: 978-9966-100-39-9. P-8.

Ethnic identity is what has been used across most of African countries for political mobilization. It's true to argue that political parties in Kenya differ due to whom they represent as opposed to what they represent. Kenya is a multilingual country like many more countries in Africa. In terms of ethnic fragmentation, Kenya is considered the most ethnically fragmented country in Africa.

Mutua argues that when politics are frozen into ethnic card, then a country cannot claim to be democratic because ethnic politics destroys the very basic of democracy⁸⁹. For instance, when democracy fails to deliver, can losers, accept the victors as legitimate? My answer is, elections are the barometer of how well a democracy is functioning, however elections held only to legitimize the continued stay in office by incumbent authoritarian and semi-authoritarian ethnic based rulers cannot be regarded as a measure of democracy. Democracy is necessary for political stability and development in Kenya; however democracy cannot prevails along with intensive politics of identity.

Bernard once argued that “we need to be governed, and yet to control our governors”⁹⁰. In translation George meant that it is voters who have the right and duty to control the governors, however in most of African countries including Kenya, it's the other way round, governors control the electorate mindset through politicization of ethnic identities. The toxic mix of Kenya's poorly managed ethnic diversity and common majoritarian political system turns elections into a tinder box which could only be averted by a more inclusive and representative system. for instance, in Kenya there is popular saying among the public that “ Your second name betrays you” often in Kenya the second and third name is related to his/her ethnicity, and has

⁸⁹ Ibid, P-4.

⁹⁰ George, Shaw. (1890) “*Democracy as a Vice That Ensures we shall be governed no Better than we deserve*”. P-23.

determining factor of who gets what and where. People cannot move freely as they look for jobs, they are discriminated on basis of ethnicity.

Ethnic identity forces in politics does not just end after elections, it actually extends its feathers to influence “who” forms the executive, especially the cabinet secretaries. To this extend I therefore call politicization of ethnic identity as anti-democratic strong force. Politicized ethnic identity fights the answer to electoral problems in Kenya which to a large extend is democracy. Government projects, employment and government appointments skirt around issue of ethnic identity.

Prof. Mafeje posits that most of African population will leave in urban centers where ethnicity will less matter, however it's clear that ethnic identity is not a rural or urban phenomenal⁹¹. Ethnicity is actually a mixed bag of many things; this is because ethnicity does not only stretch on matters of elections alone but also involves matters of democracy, development and formation of executive powers.

Interestingly enough, Anyang' asserts that tribe is a matter of great concern in African politics, in extension Anyang' views that African politics are shaped by ideology of tribalism⁹². For instance take a case of a political party, started as a result of perceived threat at a certain tribe as was the case with Jubilee party in 2013 elections. Jubilee party was actually a mechanism to ascend to power by Uhuru and Ruto who were implicated in ICC. The issue was politicized in such a way mentioning of Uhuru and Ruto in ICC for charges against humanity committed in 2007/8 post-election violence, was actually an attack against Kikuyu and Kalenjin community as opposed to crimes committed by specific individuals. Winning elections by Jubilee party was politicized as a

⁹¹ Ibid, P-28.

⁹² Peter, A Nyong'o (2002), *“The Study of African Politics: A Critical Appreciation of a Heritage”*. Published 2002 by Heinrich Boll Foundation; Regional Office for East and Horn of Africa. P-15.

must for political power to act as insurance against accusation in ICC. The point in this scenario is; politicizing the issue of ICC along ethnic lines created a strong narrative of perceived threat among Kikuyu and Kalenjin ethnic groups under jubilee party, therefore it became easy to mobilize for ethnic loyalty for presidential electoral contest, with very minimal cost. In a nutshell, the ideology of ethnic solidarity did it all to win 2013 presidential elections, as well as influencing of political violence al elections that followed after announcing of presidential elections.

The struggle for 2013 presidential elections ended by a supreme court ruling, which declared Uhuru Kenyatta as president elect in Kenya who should be sworn in to office. After retirement, Chief justice Willy Mutunga has admitted through a Q&A interview conducted by Never Again Human rights foundation, that after the 2013 presidential petition ruling, he was pressured by his community (Kamba) which was allied to Coalition for reform and democracy alliance (CORD), by pressuring him to rule the verdict in favor of CORD “Even my relatives, family and whole of my Kamba community pressured me to rule in favor of CORD, if I fail to do that and I get trouble later then I should not call for their help”. Mutunga actually admitted that courts do politics and do politics all the time, however in case of Kenya ethnic politics have made it to courts⁹³.

John Okumu in his study of “little general elections in Kenya” demonstrated how ethnic identity is not just a manipulative concept by political machinery but as well a living form of struggle and political identity⁹⁴.

⁹³ Willy Mutunga. (2018). “*Courts do Politics and do Politics all the Time*”, Remarks by former Chief Justice Dr. Willy Mutunga at the 4th Annual ACME lecture on Politics and the Media.

⁹⁴ John, J, Okumu. (1966), “*The Little General Elections in Kenya*” *The Journal of Modern African Studies*, Vol. 22, No.3 (sept-1984) P-26.

2.5 How ethnic are Kenyan Voters?

The study found that Kenyans usually downplay ethnicity when portraying themselves. The study also found that Kenyans do not trust a political leader from other ethnic groups apart from their own. For instance one of interviewee whom his hand was mutilated during 2007/2008 post-election violence, when asked whether politicized ethnicity influences violence in Mathare argued that “Mathare has one of serious supporters of opposition, here we live along with Kikuyus who are supporters of Uhuru regime, and during the electioneering period we normally fight and burn houses. Even if we live in the same slum, we don’t mix; there is an area where Luo live and an area where Kikuyus live. For instance, Kosovo and large part of Mathare North is all for Luo, while Kianda and the other side of river is inhabited by Kikuyus. During elections, youths of both sides fight”. When the respondent was asked why he’s is a Raila supporter, the respondent argued that “Raila is the only one I can trust because he’s ours; I can’t trust anyone outside my ethnic group even after handshake”⁹⁵.

Even though it might appear as a lopsided idea, voters in Kenya vote for a candidate who belongs to their tribe, just because they trust him. These lenders many voters to vote for tribe as opposed to policy lines. The 2017 elections shows how strong are ethnic pattern of voting. For instance, Kenyatta and Ruto had a total command on voters from central region and Rift valley, which is home to Kikuyu and Kalenjin communities, in extension the executive was dominated by the same communities, in a total of 22 ministries 10 were dived equally among Kalenjin and Kikuyu. On the other hand Raila and Kalonzo in 2017 had a command of western Kenya inhabited by Luo and Luhya and also Eastern part inhabited by Kamba community. In addition to

⁹⁵ Interview with Mr M Odhiambo, Mathare North Sub-Chief and Chaiman of Kiandaa Welfare Association. Mathare, Nairobi, 30th May 2019.

this, Raila had a greater influence in almost all major cities in Kenya such as Nairobi, Mombasa and Kisumu. In most of these regions, the residents feel as neglected by central government.

According to Orvis and Apolos ethnic factor has played one of the key roles in Kenyan politics⁹⁶. This clearly exhibited through the patterns of political mobilization, allocation of resources and public appointment especially in Ministries and cabinet secretaries. This has been a common feature of Kenyan politics since introduction of multiparty politics in 1992. The multiparty politics of 1992 were mainly contested through ethnic alignment and the same scenario was repeated in 1997. The 2002 elections were quite dissimilar from those of 1992 and 1997. In 2002, a broad ethnic grouping aligned together to form National Alliance party of Kenya (NAK) which won against President Moi Successor Uhuru Kenyatta under KANU ticket. The NAK party was also not past tribalism and ethnic balkanization. It's actually ethnic barons who just ganged up together against president to make sure Uhuru Kenyatta doesn't make it to presidency. To be a president, one has to balkanize the highest number of ethnic chieftains. Another issue even the ethnic barons themselves make clear calculations in order to bandwagon with the must win ethnic alliance. Therefore there is nothing like political parties in Kenya, this is because they lack philosophical and ideological basis. What exists is a just falsehood platforms to fish votes by creating ethnic alliance.

According to Anyang, in countries with more advanced democracy like Europe, Elections take a form of referendum on economy. In this case, voters either reward or punish their leaders based on their past policy performance⁹⁷. This assertion is contrastingly opposite when it come case of Africa and specifically Kenya where elections have been reduced to simple ethnic census. This is

⁹⁶ Stephen Orvis & Apolos J. (2001) "*Moral Ethnicity and Political Tribalism*" Virtual democracy, published by research gate. P-45.

⁹⁷ Ibid, P-23.

quite similar to Harowitz point of view. Harowitz coined the term “ethnic census” to refer to elections in which solidarities in tribes highly shape, predict and determine the voting pattern. To this extend Harowitz views elections of this nature as just a head count of ethnic group⁹⁸. Therefore in explaining, electoral violence and electoral choices ethnicity is at top notch of discussion.

While many Kenyans prefer politics to be non-ethnic, their behavior is to a large extend determined by what they think others will behave once in power. The issue with many voters in Kenya is that they lack trust to leader outside their ethnic group and think that other ethnic groups are likely to gather exclusively in ethnic dimension and establish discriminatory fashion governance once they ascend to power and this case presidency. This perception of us against them is usually initiated by politicians and is the one which causes ethnic clashes over elections. For instance, Kenyans experienced the post-election violence of 2007/2008 and as a result past 2010 politics became increasing polarized.

Ethnic voting in Kenya actually means that political leader cannot rely on their ethnic community alone to win presidency, therefore it’s a necessity to actively pursued co-ethnic to vote for them. This may transcend to formation of common political alliance. Another case in this scenario is that politicians present themselves as the best and strongest representative of their community. Take for example the case of Musalia Mudavadi who is believably the strongest leader of Luhya community. In 2013, Musalia was running for presidency and he managed to get 600,000 votes from Luhya community, in 2017 Musalia Joined other opposition party leaders to form NASA. Even though Musalia was not running for presidency in 2017, the Luhya community was easily mobilized to vote for opposition simply because their political leader was

⁹⁸ Ibid, PP, 7-8.

in NASA. This strong influence of one person on whole ethnic group has come to mean that if anyone goes against an ethnic spokesman, the issue is simply interpreted as an attack on the whole community as marginalization of former is feared to herald marginalization of the latter.

As August 8, 2017 elections approached, people started moving away from the areas they live and work to areas close to their own ethnic community. As a result, many Luhya and Luo moved away from Nakuru, Naivasha to western Kenya and Nyanza. On the other hand Kikuyu moved away from Nyanza, Kisumu and Lamu to central Kenya. This trend was motivated by past painful memories of 2007/2008 post-election violence; hence towards elections many people consider it important to be near their larger community.

The majority of voters believe that politicians usually favor their co-ethnic when in power; this makes ethnic groups to consider it important to have one of their own in political power for them to benefit from State largesse. Ethnic groups also feel marginalized if they fail to have one of their own in power. This encourages clash of tribes over elections as well as shaping the voting pattern.

2.6 Conclusion

This chapter has noted that Kenyan society is a victim of ethnic loyalty. Most people vote along tribal lines as opposed to performance and policy of leaders. Formation of political parties is also along tribal lines; due to this there is barely any political party in Kenya with proper philosophy and ideological basis. What exist are just legally registered tools for marshaling of ethnic groups with just one interest of acquiring political power. This has made tribalism to be an important factor in Kenyan politics. One cannot therefore belittle tribalism in political struggles and their outcome in Kenya. This is because ethnicity or tribalism seems to have been precisely

perfect in political mobilization as well as legitimization of political exclusion. The study has also noted that political elites have the techniques of manipulating ethnicity as an evolving context. The rivalry between ethnic groups is not constant; it keeps changing with ever changing composition of political alliances. For instance in 2007, Kikuyu were and Kalenjin were clear enemy, this is evidenced by dynamics of post-election violence in 2007. In 2013 things dramatically changed, Jubilee party was formed by Uhuru and Ruto hence Kalenjin and Kikuyu voted as a block to Uhuru Kenyatta.

Furthermore, a considerable number of scholars view negative ethnicity as an evolving factor in Kenyan politics and electoral violence. The fragmentation of Kenya is largely along its tribes; this fragmentation is created and exploited by political leaders to capture economic and political power. Therefore ethnicity is not a natural phenomenon but an artificially and socially constructed concept. Ethnicity does not only extend to cause post-election related violence alone but as well influences the formation of executive and especially appointment of cabinet secretaries and ministers. This trickles down to influence who works in those ministries. For instance a report tabled by Joyce Mbaabu who is deputy auditor to the director in charge of corporate service, indicated that the office of auditor general has a total number of 916 workers of which 325 are from Luo community. Before promulgation of 2010 constitution, staff from Luo community accounted for 13.7% on a workforce of 834 people, however since assuming of office by Edward Ouko, the number rose to 35.48%⁹⁹. This is one of clear example of how the top chief executive officer influences who works under them.

⁹⁹ Report tabled in National Assembly Committee on Equal Opportunity by Deputy Auditor General Corporate service Joyce Mbaabu on Wednesday

Additionally, the pervasive ethnicity presents serious danger to good principles of governance and mostly democracy. It's hard to establish the foundations of democracy with intensive ethnization of tribes. Democracy is among solutions for ethnic politics in Kenya. The Malawian scholar, Mkandawire once concluded that democracy is good in and of itself as a solution to ethnic politics in Africa¹⁰⁰. Democratic governance is best but it has pitfalls as well. For instance no one disputes that Donald Trump is a democratically elected president but still a racist. Majoritarian does not transcend to best choice always but it's just the best form of governance compared to all others which can offer a comparatively good solution to Kenyan political issues.

Citizens need to be governed and yet to control their governors; however in Kenya this is not practical. It is political elites who control the masses through intensive politicization of ethnicity a dose which works well among ethnic communities in Kenya. In particular there is widespread mistrust among different ethnic communities in Kenya, in such a way it becomes extremely hard to vote for anyone from a different ethnic group. Because if a political leader from another tribe or different political union wins, then it amounts to discrimination and underdevelopment in next five years. This has made citizens to vote not based on best policy but on clear ethnic pattern, hence transcending elections to what Harowitz coined as "ethnic census". This also contributed to post-election violence in Kenya since the first multiparty elections in 1992 which confirms the first hypothesis of the study which states that Ethnic identity and grievances from politicization of ethnicity causes Post-election violence in Kenya.

¹⁰⁰ Thandika Mkandawire, (1988) "*Comments on Democracy and Political Instability*," Africa Development, Vol. XII PP 5-6.

CHAPTER THREE

ROLE OF POLITICAL PARTIES IN ENABLING ETHNIC BASED VIOLENCE IN ELECTORAL SYSTEM IN KENYA

3.0 Introduction

In each general elections in Kenya controversies have arisen regarding the extent to which they were free and fair, whether the rules of the electoral game had been observed, the extent to which the results reflected the true preferences of the voters and hence whether the governments so chosen was inclusive and legitimate, and hence could serve the interests of the people. Elections have been largely accepted as the means of putting into power legitimate leadership since they are the only means by which a democratic political choice can be made. Elections and the whole political system have actually been used as a measure of democracy in a country, however people can only accept democracy is functioning, when following conclusion of an electoral contest, the losers accept the results as legitimate while the winners celebrate their victory. This is quite contrasting to what happens in Kenya during general elections. This is because political parties in Kenya are emblematic of everything regarding poor governance as well as the main agents of political violence during election period.

Politics are competitive by their very nature. The struggle between political parties to ascend to power is a cause of post-election violence not only in but in Africa but rest of the world as well. Political parties are the central actors in politics of every nation therefore it is important to understand the role they play in manipulating ethnicity and during post-election violence. For instance Gauja argues that political parties and political alliances are not just means of

influencing an outcome of elections but they are the main determinants of conflict in Africa¹⁰¹. In the history of Kenya and specifically from 1992, political parties have contributed to an organized political struggle and fierce competition as part of ascending to presidency.

The repeal of section 2A led to introduction of multiparty elections in Kenya. This led to formation of torrent political parties without values and philosophical basis hence making ethnic based politics to be the order of the day in Kenya. Political parties have at numerous occasions bred seeds of political violence by using State machinery to monopolize power. Political parties in Kenya usually favor certain ethnic communities especially those which they got a lot of support during the general elections and the same time punish those ethnic groups in opposition. These carrot stick form of politics has created a deep seated resentments among the citizens.

Political parties have been the tools of ethnic mobilization bringing some ethnic groups into a powerful tight political embrace. Take for instance the case of uniting of Kikuyu and Kalenjin under Jubilee party. Both ethnic groups were antagonists based on 1992, 1997 and 2007 elections, the ICC indictment is highly believed as the main factor behind the uniting of the two communities building an alliance which has shaped Kenyan politics for two electioneering periods. This meant that Jubilee party was purely a marriage of convenience by two ethnic groups to fight the ICC cases.

The political panorama in Kenya is a quagmire due to many political parties without any ideological basis and distinction but marred with despots, looters and retrogressive characters which have led to inter-ethnic electoral violence deliberately instigated and encouraged by political parties for their selfish and parochial interests. Since 1992 when Kenya held its first

¹⁰¹ Nick Gaunja. (2007), “ Political Parties, Ethnic Politics and Post-Election Violence in Kenya”. An Article Published by Researchgate Journal in 21 August 2007. P-6.

multiparty elections, there have been State sponsored violence in each general elections leading to mass deaths, bloodshed, rape and forced evictions without justice for offended.

Against the above background, the chapter seeks to investigate the role played by the political parties in facilitating and enabling of ethnic based violence in electoral system in Kenya from 1992. This so because political parties in Kenya tend to have loyalties divided along ethnic affiliations hence making ethnicity to play a significant role in Kenyan elections as well as national interest in foreseeable future. Many people in Kenya have been killed in post-election violence caused by despots clinging to power.

3.1 Political Parties and Ethnic based Electoral Violence in Kenya Since 1992

This section discusses political parties and their role in ethnic based political violence in Kenya since 1992.

3.2 Kenya African National Union (KANU) and its Role in Ethnic Based Electoral System

KANU is one of the oldest political parties in Kenya. The party ruled Kenya for the longest period. The legacy of KANU regime under leadership of former president Moi still exists and shapes much of Kenyan politics to date. For KANU to survive in power as a de jure for the five solid terms, it manipulated Kenyans and turned them against each other through artificial manipulation, rivalries and competition. During the KANU regime, the political atmosphere was a tense one full of torture of dissents by the so called “Special police branch”. The political climate got worse when the section 2A of constitution was repealed and multiparty politics were reintroduced again in Kenya in 1992, at this time, KANU only relied on ethnic politics to survive in power until they were mercilessly humbled in 2002 general elections by NARC which was an alliance of many ethnic groups. When section 2A of the constitution was repealed, the

presidential term limit was also introduced, the limit was made to be two terms meaning that even if president Moi won the two multiparty elections of 1992 and 1997, the law would not require him to run for presidency in 2002, a requirement which he obliged to as a result of mounting national and international pressure.

After the 1992, numerous political parties emerged all opposing President Moi KANU repressive regime. The most remarkable opposition parties at this time were Forum for the Restoration of Democracy (FORD), FORD Kenya, FORD-Asili. The opposition parties were largely disorganized without resources hence in 1992 Moi won easily against the largely divided opposition parties. Before and during the 1992 elections, KANU instigated ethnic based conflagrations specifically targeting the ethnic communities in support of opposition parties.

The political parties formed after repealing of section 2A also emulated the Moi strategy of divisive ethnic based politics. Due to the solidarity from communities' opposition political parties massively consolidated ethnic communities with much less cost of political mobilization towards elections. For instance one of the respondents at Mathare who is Imam of the Mosque, when asked; what role do you think political parties play in post-election violence and ethnic based politics? Argued that "first of all there are no real political parties in Kenya, because they keep changing names but people remain the same. Well, political parties in Kenya are the main source of all manner of problems in our country since they mobilize for votes based on ethnic groupings and they are the ones who incite the communities to turn against each other during and after the elections as it was in 2007/8 post-election violence¹⁰²". The argument by the respondent holds some water as politicization of ethnicity and election related violence has been done by political parties contesting for power, this corresponds with Anyang' who argues that political

¹⁰² Interview with Farah Maalim, Imman At Mosque In Mathare Near Kwa Chief. Mathare, Nairobi. 6th June 2019.

parties in Kenya mobilize Kenyans with easiness due to politics of ethnicity which have succeeded to divide different ethnic groups in Kenyan political landscape. In extension Anyang' views that no one should belittle the concept of ethnicity driven by political parties because it's not just an artificial manipulative concept in Kenya but as well a living practice of political straggle¹⁰³. On the other hand Mafeje has a pertinent observation pointing to the fact beleaguered leaders like President Moi in Kenya characterized ethnicity in politics as a strategy to rule for life, there according to Mafeje Ethnicity is not just a colonial brainchild but it has been made more popular by African political parties whose leadership was shackled with oppressive, ruthless, corrupt and retrogressive regimes¹⁰⁴. Contrary to Mafeje view of ethnicity as a vice invented by both colonial and African leaders, Nnoli focusing on case of Kenya argues that although Kenyan society has been politically sensitized on ethnic differences, ethnic factor was more present in politics just after the repeal of section 2A which former president Moi was opposed to. In addition Nnoli points out that there is no way one can conceptualize about contemporary Kenyan politics and ignore ethnic factor¹⁰⁵.

In 1992, towards and after the election there were a wide spread ethnic conflagrations motivated by KANU in opposition for multiparty elections. The epicenter of politicized ethnic conflict in 1992 was Riftvalley province where many people were displaced from their homes periods towards elections hence they were not able to vote for their leaders of choice. In addition, many people belonging to opposition parties were brutally killed and their lands grabbed. This clashes were engineered by KANU leadership in order prove the Moi argument that multiparty politics

¹⁰³ Anyang' Nyongo, (2002) "The study of African politics, a critical appreciation of a heritage", Published by Heinrich Boll Foundation. P-34.

¹⁰⁴ Archie Mafeje (2001), "Anthropology in Post-Independence Africa: End of an Era and The Beginning of the Problem of Self-definition. Published by the Heinrich Boll Foundation, Regional Office East and Horn of Africa, Nairobi, Kenya. PP, 38-39.

¹⁰⁵ Nnoli. O, (2013), "Communal conflict and population displacement: An introductory Note in Nnoli (ED) Enugu. Pan-african Centre for Research.

cannot work in Kenya since it has nothing to do other than turning Kenya communities against each other during general elections. In 1992 the Kalenjin group and Masaai youth were politically charged to engage on ethnic cleansing specifically targeting communities in Riftvalley believed to be in support of opposition parties such as the Kikuyu, Kamba and Luhya. Makau opines that it is bankrupt political class and its multiparty politics that has nurtured tribalism, and a lot of ethnic balkanization in Kenya. In addition Makau observed that there has never been any political party in Kenya that has risen above tribalism and the issue of ethnic politics. Makau also contends that it took ethnic barons to gang up together in order to stop KANU from its succession politics in 2002. As a result of this Makau views that in Kenya there is no any real political party, instead it is ethnic barons who just gang up together to cling to power by killing the concept of nationalism¹⁰⁶.

One of the respondents who belongs to the class of internally displaced persons (IDPs), when asked what is the role of political parties in ethnic politics and electoral violence argued that “political parties play the central role in ethnic politics and electoral violence in Kenya, my husband and I are victims of politicized electoral violence, we were brutally chased away from our land in Riftvalley during the clashes of 1992, the violence was caused by Moi due to his strong stance against the multiparty politics, we were targeted because we are kikuyu and our community was opposed to KANU leadership, brutal Kalenjin youths come with machetes chanting the slogan “You must leave our land because you are in support of opposition”.

During 1992 elections, ethnic violence was not only based in Riftvalley but as well other regions like Nyanza, Narok, Molo, Londiani and Naivasha. Attacks and counter attacks became a usual

¹⁰⁶ Makau Mutua. (2007). “Ethnicity the bane of Kenyan Politics”, Published by the Standard on September, 23. 2007. P-23.

order of the day. For instance when Kikuyus in Riftvalley were attacked by armed Kalenjin youth, in response the Kikuyu youth attacked Kalenjin tribes living at Molo, Naivasha and Nakuru. The political parties in Kenya determine the voting behavior and outcome of elections, this is true in Kenya since each political party has much support specifically from its ethnic community. For example KANU has its stronghold in Riftvalley where the party chairman came from. In addition FORD Kenya in 1991 was under leadership of Oginga Odinga therefore all the Luo Member Parliament (MPs) came from FORD Kenya, the Democratic Party (DP) led by Kibaki likewise had its stronghold in Central province which is populated by Kibakis ethnic group. According to Miguna politically related ethnic violence was at experienced in Kenya in 1992 as result of ethnicization of political parties all of them having no issue based politics but only with their main agenda being parochial and self-interested¹⁰⁷.

Mkandawire opines that the 1997 general elections in Kenya had a lot of unresolved questions which immediately resulted into post-election ethnic violence. The violence was much severe in Baringo, Njoro and Laikipia hence resulted to mass destruction of property and death of more than a hundred civilians. Mkandawire clearly asserts that multiparty politics should not always be equated to democracy because political parties in Kenya have gone ethnic hence that has been the cause of political tribulations in Kenya¹⁰⁸. In addition Klopp asserts that ethnic violence in 1997 was orchestrated by then dominant party, the KANU.

Before 1997 general elections, KANU politicians used hate speech, incited ethnic groups especially in Riftvalley to attack each other and above all the research conducted by human rights groups and commissions instituted by the State itself showed that KANU had incited and

¹⁰⁷ Miguna Miguna (2013), "Peeling Back the Mask; A Quest for Justice in Kenya". Published by Gilgamesh Africa in 2012. P-25.

¹⁰⁸ Thwadike Mkandawire (2001), "The Default Politics of Ethnicity in Kenya" Published by Brown Journal of World Affairs Vol. 16, No. 1. PP-33-34.

funded ethnic clashes in Riftvally¹⁰⁹. The main point of concern which shapes politics between Riftvalley and Central is that majority of Kikuyus who have settled in Rifvalley are still regarded as “migrants” occupying other community land. Politics of land have been dominant in almost all the general elections in Kenya. Ethnic clashes in 1997 made many Kikuyus to flee their homes in rift valley. Their land and property was grabbed by those who remained¹¹⁰.

Lynch opines that political parties in Kenya have usually been to a very large extent been centered on ethnic identity and rotate around “big men” of a particular ethnic groups. Therefore according to Lynch, political parties particularly represent the interest of ethnic groups of their leaders¹¹¹. This is in line with one of the respondents who argued that political parties are just ethnic groupings to ascend to political power and in this case presidency. There is a widespread believe among ethnic groups in Kenya that once they have one of their co-ethnic in top political leadership “it will be a turn of that ethnic group to eat”¹¹². The expectation is that they will be favored in employment and development of their regions as compared to other communities. This has created a clear ethnic pattern of voting turning elections into an ethnic census hence necessitating creation of alliances and merging together of political parties to secure the top seat. There has been a clear instrumentalization of ethnicity in Kenya as evidenced by voting along ethnic patterns.

Makau asserts that the political parties in Kenya have siloed ethnic communities in Kenya into ethnic cocoons of political exploitation and negative consciousness which is expressed practically during general elections. In extension Mutua views that political parties have killed

¹⁰⁹ Jacqueline Klopp, (2009), “The NCKK and the Struggle Against “Ethnic Clashes” in Kenya”. published by the Researchgate Journal. Columbia University, December 2009. P-4.

¹¹⁰ Interview with Mr. Sammy Karanja, Chaiman of Jubilee Party at Mathare. Nairobi, June 21st 2019.

¹¹¹ Gabrielle Lynch, (2006). “Development Vs Securirty: How Ethnic And Issue-Based politics are intertwined”. Published by Researchgate Journal in July 2006. PP-2-3.

¹¹² Interview with Mr. Charles Owino. Director of Mathare Area Four Research Library. Nairobi. May 15th 2019.

democracy and nationalism in Kenya¹¹³. Similarly, Ndiu argues that Kenyans are not more than paper citizens, without any sense of nationalism but with different ethnic communities enclosed with a common boundary which qualifies them as Kenyans¹¹⁴. Ndiu also views that sub-nationalism has replaced nationalism; the tribe through its ethnic politics has eventually eaten the nation¹¹⁵.

3.3 The 2002 General Elections and Its Ethnic Dimension

The 2002 general elections in Kenya remains Kenya as it was the first time KANU was defeated for over period of six decades. Even though these elections were considered much peaceful as compared with the 1992 and 1997 general elections, one dominant feature which could not be disentangled with 2002 election was massive ethnic dimension showcased by the pattern of voting which matched with the political parties' realignment. One of the respondents of the study argued that the 2002 elections were totally different from other elections in Kenya because there was calmness and ethnic politics was not featuring¹¹⁶. On contrary Makau opines that many Kenyans mistakenly thought that National Rainbow Coalition (NARC) was completely above the influence of tribalism and ethnic politics. For Mutua, NARC was nothing more than coalition of tribes who strategized and ganged up together to deny KANU any chance of getting the top political leadership¹¹⁷.

The bankrupt political class has used multiparty politics to foster tribalism and ethnic politics in Kenya. The NARC party branded itself as reformist while attacked KANU politicians as looters,

¹¹³ Makau Mutua (2018), "Kenyans are trapped in Ethnic Cocoons of Political Bondage". An article published by the Standard Media on April 1st April 2018. P-7.

¹¹⁴ David Ndiu. (2016), "Kenya is a Cruel Marriage, Its Time We Talk Divorce" An Article Published by Daily Nation, on February 17th 2016. P-5.

¹¹⁵ Ibid, P-6.

¹¹⁶ Interview with Mr. Michael Omweri, Former KANU politician. Mathare, Nairobi. 23 June 2019.

¹¹⁷ Makau Mutua, (2007), "Ethnicity the Bane of Kenya Politicians". An Article Published By Research gate, Scholarly Aricles post. P-12.

corrupt, dictatorial, land grabbers and a retrogressive regime. Campaigning against those vices, NARC coalition got an overwhelming support across the tribal divide except in Riftvalley which was by then a stronghold of KANU. Just after winning the elections the NARC party dropped its manifesto agendas one by one. This was largely because reformist agendas do not go along with politics ethnicity.

3.4 The Role Played By Party of National Union (PNU) and Orange Democratic Party (ODM) In Furthering Ethnic politics and Electoral Violence in 2007/8.

The outcome of 2007 presidential elections has been considered as the most controversial elections in history. The PNU Mwai Kibaki was announced winner in unclear manner while on the other side ODM leader Raila Odinga, claimed that he had won the presidential elections but his victory got stolen from him by Kibaki of PNU. After pressure the chairman of Electoral Commission of Kenya (ECK), Samuel Kivuitu admitted that he doesn't know the winner between Raila and Kibaki. This confirmed to the ODM that PNU had already doctored the presidential results. The ODM strategic team quickly prepared a document which was read by the late William Ole Ntimama categorically announcing Raila as the president elect. Additionally the ODM strategic team had earlier convened a meeting which unanimously agreed that PNU party had practiced out rightly unbearable and unacceptable massive rigging of presidential elections and therefore opted for mass demonstration as a strategy to make PNU to stop changing the will of people and relinquish power to Raila. Immediately after Kibaki was sworn in on a low key ceremony at State house, there was fire and death everywhere. There was spontaneous ethnic based violence across the country.

One of the respondents at Mathare argued that the “the impact of 2007/8 post-election violence remains fresh in my mind as if it happened yesterday. One of the respondents argued that

“immediately Raila denounced presidential results, Mathare area had uncontrollable violence, the Kikuyu and Luos started killing each other and burning of houses. The Luo youth and Kikuyu youth (Mugiki) practiced all manner of injustices known to humankind including rape, mass killing and torture. One night a group of Kikuyu youth stormed our house, broke the door to get in by force, they raped me and afterwards slayed my husband with a knife and went with his head. The Luo youth were in support of ODM party while the Mugiki youth were in support of PNU party¹¹⁸”. On one hand, David Ndiu views that towards 2007 general elections, the main political parties which by then were ODM and PNU had practiced ethnic mobilization ready for ignition in case of presidential results dispute¹¹⁹. On the other hand Lynch asserts that the commission of inquiry into post-election violence stated on its report that despite the fact that post-election violence initially started as a spontaneous reaction to rigging of votes by PNU, the unprecedented ethnic violence was later a well-organized and coordinated attacks¹²⁰.

In addition, Lynch views the crimes of 2007/8 post-election violence were committed to a large extent by “Kalenjin Warriors” targeted to Kikuyu in Rift valley, this led to counter reprisals by the Kikuyu youths in Nakuru and Naivasha towns¹²¹. One of the respondents whom is a victim of post-election violence in Mathare argued that 2007/8 election violence was a clear fight between different ethnic groups, my neighbor who is a Kikuyu, a person we had lived together harmoniously since 1996 with other four who were unknown to me turned against us, they raped me in turns and killed my husband under my watch and walked away”¹²². Based on the

¹¹⁸ Interview with Rosemary Anyango, A Victim of 2007/8 Post-Election Violence In Kenya. Mathare, Kosovo. 23rd April 2019.

¹¹⁹ David Ndiu, (2016). “Hatemongers are Just Mindless Sycophants Who Are Drunk With Power” An article Published by the Daily Nation. P-4.

¹²⁰ Gabrielle Lynch. (January 2014). “Non -Judicial Battles: Kenyan Politics and the International Criminal Court” African Policy Brief. P-2.

¹²¹ Ibid, P-4.

¹²² Interview with Evelyne Odhiambo. A victim of 2007/8 Post-Election violence. Mathare area Four. 6th May 2019.

arguments of respondents, the 2007/8 post-election violence followed the same ethnic pattern followed during the voting. In short ethnic groups who had voted for PNU and ODM turned against each other and did what is unacceptable for humanity.

Makau observes that Kenyan politics are not issued based nor do they take a form of referendum as it happens on the most advanced democracies who award or punish their leaders based on their economic performance, however in Kenya politics are totally different because it usually involves a cajole or cobbling together a large number of tribes in order to get more votes. The political parties in Kenya clearly understand this fact. Makau views that in 2007 Raila Odinga had marshaled together the largest number of ethnic groups and ethnic barons making him win presidential elections although victory was stolen from him through rigging of votes by PNU party¹²³.

Correspondingly, Gettleman views that the undeniable rigging of votes in 2007 led to frustration across the tribal divide which degenerated into a full brown violence. At Mathare slum the Luo youth burnt excess of 100 houses belonging to Kikuyu in just one month, this act was also replicated in Kibera slum where Raila Odinga enjoys strong support. In Mathare the fight was between the supporters of ODM and PNU, which can as well taken as was between Luos and Kikuyus¹²⁴. The post-election violence in Mathare led to development of self-defense mechanisms by both Luo and Kikuyu. For instance there is a group of Luo youth called “Kamjeshi” which was formed during the post-election violence with a core role in protecting the Luo houses and people against the attack from Mugiki militia who by the had taken roots in Mathare slum, this groups enjoy support from political parties they support and receive a lot of

¹²³ Makau Mutua (March 2013), “Why the Tribe is Still the King in Kenya s Power Politics. An article published by the Daily Nation in March 9 2013. P-8.

¹²⁴ Jeffrey Gettleman, (2007). “Disputed Vote Plunges Kenya Into Bloodshed” An Article Published by the New York Times. P-1.

money especially during the campaigns. The two groups were also the main cause of violence against each other's ethnic group¹²⁵.

During the 2007/8 post-election violence, Mathare slum looked like burnt-out-tomb, there was chaos, injury, rape and death everywhere. It was no business as usual though the slum was quiet but full of grief and all manner of injustices as dominant ethnic groups turned against each other with venom in broad day light. According to Miguna, the fatality of post-election violence was more severe because security forces took sides in support PNU. The security agencies bore a blind eye to ethnic cleansing propagated by the Mugiki and other organized Kikuyu youths in Mathare, Nakuru and Naivasha. The ethnic violence was organized and planned by the PNU and ODM after disputed presidential elections¹²⁶. By the end of 2007/8 post-election violence, more than 600,000 civilians were forcefully displaced from their homes while other more than 1,000 lay dead on streets due to shootings by security forces, others were killed with arrows, machetes and inferno by marauding ethnic militias. A peaceful demonstration chanting "No Raila No Peace" was tactically clobbered and shot dead like wild animals. The security forces were in support of PNU an issue which made us to have two armed groups that's police and Mugiki to engage with¹²⁷.

Kioko opines that the political parties have manipulated and polarized ethnic groups through political favourism and exclusion. This has made citizens to pay loyalty to their ethnic groups as opposed to their country. The dispute of post-election violence turned to ethnic clashes because

¹²⁵ Interview with Eddy O. Otieno. Former Member of Kamjeshi Militia In Mathare. Mathare Number Ten. 12th April 2019.

¹²⁶ Ibid. P-103.

¹²⁷ Interview with Peter Owalo. A Member of Nyumba Kumi at Mathare Kwa Chief. Mathare, Nairobi. 17th May 2019.

of ethnic chauvinism¹²⁸. The role played by political parties in capitalization of ethnic politics and post-election violence is something which cannot be ignored. Politicians use divisive strategies to garner votes. For instance one of the respondents of study who is a victim of post-election violence of 2007/8 argued that “I was shocked to see my neighbor whom we had lived peacefully all along, a person we used to eat and work together at a posh mill but all of a sudden turned against me and set the Posh mill on fire, I was also forcefully displaced from my land which has since been occupied by people whom were my friends but became my enemy due politics of ODM and PNU, I was tortured because I was a supporter of PNU.¹²⁹”.

The Media and especially the tribe based radio station were also key in propagating ethnic violence. For instance in one of KASS FM presenter was implicated in International Criminal Court (ICC) for his role in using the media to spread hate politics and directing of the attacks especially in the Riftvalley region where many Kikuyus were massacred and forcefully displaced¹³⁰. The 2007/8 post-election ethnic violence was so intense that it attracted international community and as well amounted to crimes against humanity such as ethnic cleansing which is against international humanitarian law¹³¹. The two main politicians accused in ICC for perfection crimes against humanity in 2007/8 post-election violence, Uhuru Kenyatta and Willliam Ruto would later become president and deputy president respectively in 2013.

¹²⁸ Patrick M. Kioko (2010). “A Study on The Post-Election Violence: Case Study of Kenya A Perspective Of International Law Perspective”. Electronic Journal Published on Research gate Journal. On 23rd October 2017. SRRN. P-9.

¹²⁹ Interview with Peninah Wahito. A Victim of 2007 Post-Election Violence in Kenya. Mathare,Nairobi. 15th June 2019.

¹³⁰ Ibid. P-134.

¹³¹ Ibid. P-45.

3.5 The Role Played by Jubilee Alliance and Coalition for Reform and Democracy (CORD) in Enhancing Ethnic politics and Electoral Violence in 2013 General Elections

The 2013 general elections were the first under the new constitution which provides for devolved governance system making the electorate to vote both for County and national leaders. The 2010 constitution was believed by many people as the best cure for major problems affecting the country like corruption and ethnicity. However, Lynch opines that devolution has reproduced rather than transforming Kenya politics, corruption and ethnic politics have been localized¹³². The 2013 general election and politics were unique in their own way, despite being contested under the new constitution, the leading Jubilee politicians had charges against humanity to answer in ICC as a result of atrocities committed during the 2007/8 post-election violence in Kenya. Interestingly also is that Uhuru Kenyatta and William Ruto had successfully managed to unite two major antagonist ethnic tribes Kalenjins and Kikuyus who turned against each other during 1992, 1997 and 2007 general elections leaving behind harrowing memories. It was actually what Mutua calls marriage of convenience between Uhuru Kenyatta and William Ruto to form a strategic alliance in order to save the pair from The Hague¹³³.

The CORD under flagship of Raila Odinga and Kalonzo Musyoka had marshaled four main tribes which include Luo, Luhyas, Kamba and Coastal region tribes. The CORD campaign team manipulated their ethnic groups to believe that CORD must because if Uhuru and Ruto make it to State house, Kenya would run into problems because the two are wanted in ICC to answer crimes against humanity. There was also piled international pressure with U.S State department

¹³² Gabrielle Lynch (2018), "Devolution has Changed Kenyan Politics, But Not in Ways Envisaged by Its Proponents". An Article Published by Daily Nation on 21st august 2018. P-12.

¹³³ Ibid. P-14.

warning Kenyans that choices have consequences¹³⁴. Conventional wisdom tells that people convicted under ICC could not be fit to serve the public, hence they should not be voted for during elections. However Jubilee alliance prevailed against this and emerged the winner in 2013 elections where Uhuru Kenyatta and William Ruto became president and deputy president respectively.

The Jubilee Alliance cobbled together the high end politicians from Kalenjin and Kikuyu ethnic groups while on the other hand CORD brought together politicians from Luo, Luhya, Kamba and others from Coastal communities. This elections although they were relatively peaceful, there were serious demonstrations in Mathare and Kibera slums after Uhuru Kenyatta was announced to be the President elect. The Jubilee Alliance campaigned on platform of spreading peace across hence they were keen to prevent any post-election related violence. The presidential results were disputed by CORD hence they filed a petition in Supreme Court. The Supreme Court upheld the election of Uhuru Kenyatta, a verdict which was not agreed by CORD despite them not resulting to mass demonstration on streets. With relative peace, the country was still deeply tribalized and fragile to violence despite the opposition calming its fuming supporters in Mathare and other regions¹³⁵.

The charges in ICC disciplined politicians from engaging into hate speech and sponsoring of any election related violence. The alliance of the accused campaigned on the platform that it is CORD which took them to the ICC, and for them to get out of the hook they must win the presidential election of 2013. The ICC case politicized to an extent that Jubilee alliance got massive votes of sympathy both from Kikuyu and the larger Kalenjin ethnic groups. Therefore,

¹³⁴ Gabe Joselow (February 2013), "U.S Officials Says Kenya's Elections Have Consequences ". Newyork Times Post.

¹³⁵ Interview with James Kariuki. Director Childrens of Hope International. Mathare, Nairobi. 25th May 2019.

during 2013 presidential election, instrumentalization of ethnicity played a key role in mobilization of votes. After winning the presidential elections, Jubilee alliance politicized The Hague issue to extend that it turned out to be not a personal issues but a whole ethnic community issue, it actually appeared that when Uhuru and Ruto are accused in ICC its actually an accusation of Kikuyu and Kalenjin ethnic communities respectively. Ethnic politics is really a strong force in Kenyan politics with far reaching impacts as it determined a lot on the winning of both presidential elections and dropping of charges against humanity in ICC for Uhuru and Ruto.

3.6 The Role Played by National Super Alliance (NASA) and Jubilee Party in Enhancing of Politics of Ethnicity and Post-Election Violence in 2017 General Elections.

The contestants of 2017 presidential elections were not different from that of 2013 despite the metamorphosing of political parties. The 2017 presidential elections pictured Kenya as the most ethnically divided country. John asserts that 2017 general elections showed a clear ethnic census in voting patterns and in the manner which the demonstrators were dealt with by ruling regime. The post-election brutality of 2017 general elections led to demise of thirty seven innocent civilians. Majority of the deaths were reported from Mathare, Kawangare and Kibera all of which are strongholds of ODM party. Much of deaths occurred as a result direct shootings by police officers who were reportedly using excessive force to contain huge demonstration especially in Mathare and Kawagware. The demonstration was part protesting the electoral malpractice and irregularities which made Uhuru Kenyatta to be announced by chairman of independent electoral and boundaries commission (IEBC) as president elect while the opposition leader of NASA was named as the 2nd contestant. The opposition filed presidential petition in Supreme Court. Citing enormous irregularities, Supreme Court overturn Uhuru Kenyatta victory and ordered for presidential elections to be conducted within the three months. The NASA

boycotted the repeated presidential elections because its suggestions or “irreducible minimum as they called it” to prevent a repetition of electoral irregularities by Jubilee Party were not met. The protest was so serious that some areas like Mathare, Kisumu, Homa Bay, Migori and Siaya did not vote or voter turnout was very low due to insecurity.

The disputed 2017 presidential elections between Jubilee alliance and NASA contributed to a highly volatile political environment coupled with high division among Kenya’s ethnic groups. It was as if Kenya was divided in to two with Raila Odinga representing the ethnic groupings in opposition while Uhuru Kenyatta represented those in Jubilee alliance which is the ruling regime perceived to have committed electoral irregularities in order to win the presidential elections. John opines that history could have repeated itself in Kenya; this is because Kenya was at a brink of violence in 2017 due to sham presidential elections closely related to that of 2007¹³⁶.

One of the respondents whom is a victim of 2017 post-election violence at Mathare argued that “Violence is a usual occurrence in Mathare during general elections, most the population here are Luos and strong supporters of Raila Odinga who has been in opposition and a victim presidential elections irregularities for, therefore people here normally protest and commit violence but when police appears they are shot with live bullets like myself was shot on left leg¹³⁷”. Kibwana views that Kenyans simply suffer from politics of patronage, whereby a citizen votes for his ethnic spokesperson with a strong believe that they will receive some favour or development in return. This is similar to what Lynch calls “speculative loyalty in Kenyan politics. For lynch speculative loyalty is when ethnic groups view that there are potential

¹³⁶ John Ramsey (2018), “State Risks Sinking Unless We Exorcise Demons of August 8”. Published by Research gate on 2nd August 2019. P-2.

¹³⁷ Interview with Goldfrey Omolo, A victim of 2017 post-election violence, Mathare, Nairobi. 3rd May 2019.

advantages when they elect one of their community to power or vote for the political party which their ethnic spokesperson is affiliated to¹³⁸.

3.7 Conclusion

Political parties play a major role in shaping a destiny of a country. Politics in Kenya have been largely practiced on basis of ethnicity. From 1992 when the first multiparty elections were conducted, Kenya has periodically recorded ethnic voting pattern or what Lynch calls “Ethnic Census” in politics, this is whereby voting becomes a simple mathematical calculations of total eligible voters in different ethnic groups who support a certain political party. This vice has brewed hate among different ethnic communities as witnessed in consecutive general elections from 1992, however despite that 2002 general elections did not experience the hate along ethnic groups in different political parties persistent. The post-election violence of 2007/8 transpired to a full blown ethnic conflict leading to death of 1,500 people and displacement of more than 600,000 people. In all general elections, post-election violence which occurs in form of ethnic conflict, the major political parties contesting presidential elections have always been behind the scenes of the violence. Take for example in 2007 post-election violence, the dispute was as result of disagreement on presidential results between PNU and ODM political parties. On this note political parties are the main catalysts to politics of ethnicity and post-election violence in Mathare and Kenya in general.

¹³⁸ Gabrielle Lynch (2017), “Despite belief, Voting in Kenyan Elections is not Merely Defined by Ethnicity”. An article published by Jstor. P-1.

CHAPTER FOUR

EFFICACY OF THE APPROACHES TO MITIGATE ELECTORAL VIOLENCE IN KENYA

4.0 Introduction

Electoral violence often distinguishes itself from other forms of political violence majorly by its intended outcome of influencing the electoral conduct of voters, officials, candidates or other key stakeholders. Ever since Kenya adopted multiparty politics in the run up to its 1992 elections, electoral violence has become synonymous with its elections necessitating it to employ various measures and approaches to mitigate electoral violence. A number of studies have found that although various measures to mitigate electoral violence have been employed before, during and after elections in Kenya, the approaches have varying levels of success and efficacy. This chapter explores the efficacy of the approaches to mitigate electoral violence in Kenya stemming from a review of primary data and literature from past research.

Ever since widespread electoral violence broke out in Kenya after its 2007 elections, the government of Kenya in collaboration with the international community and civil society organizations, embarked on a massive peace agenda that included investments in early warning systems, new technology and capacity-building initiatives. The National Steering Committee (NSC) was mandated with the coordination of conflict prevention measures initiated by national agencies, non-governmental and international organizations. The NSC, working with an array of non-governmental institutions, government agencies including District Peace Committees (DPCs), National Cohesion and Integration Commission (NCIC), and local actors, aimed at identifying potential violence hotspots, putting up anticipatory and mitigating mechanisms, and

enhancing capacity for the government to tackle cases of violence during elections. Several simultaneous approaches and programs were initiated by NSC in conjunction with other state agencies and civil society organizations (CSOs) with an aim of preventing or limiting electoral violence. The approaches that were adopted to mitigate election violence included improved management and administration of elections, effective electoral dispute resolution, engagement of the security sector, monitoring of elections, civic and voter education programs, peace campaigns, voter consultations, youth programming and media regulation.¹³⁹

The following section discusses the various state agencies and civil society organizations that have initiated programs aimed at mitigating violence before discussing the main approaches adopted to mitigate electoral violence.

4.1 National Cohesion and Integration Commission (NCIC)

National Cohesion and Integration Commission (NCIC) was formed in the year 2008 as a result of coming into law of the National Cohesion Integration Act, No 12 and mandated with the task of eliminating ethnic discrimination in Kenya's political, social and economic institutions. Its formation was out of the need for the government to create long-term institutions that can promote national social cohesion. The commission is partly mandated with enforcing laws that ban hate speech which has been particularly important in preventing electoral violence considering the contribution made by hate speech in entrenching electoral violence after elections. NCIC cannot directly prosecute perpetrators but is mandated with investigating cases

¹³⁹ Adebayo, Joseph Olesgun. (2016). "Fostering non-Violent Elections in Africa Through conflict Sensitive Reportage of Elections." *Africa Security Review* 25 (3): 303-315

and recommending prosecution.¹⁴⁰ The commission has served as a mechanism for promoting integration among communities that have been historically divided in Kenya. The successful formation of the NCIC marked one of the various long-term approaches the government adopted to promote social cohesion and lasting peace. Many Kenyans generally feel that the formation of NCIC is a very significant step towards changing political rhetoric in Kenya.¹⁴¹ Several actors both in state agencies and the civil society however feel that the achievements of NCIC has been very minimal so far ever since its inception. One respondent in this study stated “NCIC is not as effective as we had wished for when it was established. We the ordinary people have never seen and felt them on the ground, we usually only see their chairman making pronouncements on the news and not any other time”.¹⁴² Several reasons cited for its under achievement include excessive bureaucratic approaches to its work, inadequate funding, negligible outreach outside the city of Nairobi and the lack of ability to prosecute.¹⁴³ The commission has also been criticized for not addressing most of the contentious issues that lead to hate speech amongst communities. This is somewhat because of its narrow mandate and limited presence amongst the affected communities.

4.2 Uwiano Peace Platform

The NCIC in collaboration with National Steering Committee (NSC) in 2010 formed a national platform in an effort to coordinate programs aimed at conflict prevention in the country. The

¹⁴⁰ National Steering Committee on Peace Building and Conflict Management (2011). *UWIANO Strategic Leadership Agenda for 2012 and Beyond*. Nairobi.

¹⁴¹ European Union. 2013. “Election Observation Mission Final Report: Kenya 2013.”

¹⁴² Interview with John Kiamwangi on, April. 27th, 2019; Mathare, Nairobi Kenya.

¹⁴³ Fatchamps, Marcel & Pedro C. Vicente. 2013. “Political Violence and Social Networks: Experimental Evidence from a Kenyan Election.” *Journal of Development Economics* 101: 27-48

platform was dubbed “*Uwiano*” and its core objective was to organize peace committees in several parts of the country that were identified as being at very high risk of violence. Organization of the peace committees started at the districts and got subdivided further to the community level and local officials and influential elders were the leaders. The key objective of the committees was to discover major causative agents of violence and find suitable solutions.¹⁴⁴ Critics have however echoed that the existence of *Uwiano*, has not been that effective in coordinating its activities aimed at peace intervention and that this lack of coordination was causing harm in electoral violence prevention efforts. One CSO official in the local daily newspapers was quoted saying “*Uwiano*’s biggest challenge is in coordinating its activities. Key actors need to work in unity towards conflict prevention. People are working in silos and doing their own different things. This will bring lack of credibility to peace builders. If for example you come here in Mathare and for example you organize the youth for a football tournament then after finishing the next day American Friends Service Committee (AFSC) comes and organizes another program to promote peace, then you leave the youth in a state of confusion”.¹⁴⁵ Certain critics feel that the lack of coordination by *Uwiano* is because NSC is affiliated to the national government under the Interior ministry and is too bureaucratic in conducting its activities. The initiative is also on the spotlight for having excluded major religious organizations leading the organizations to form independent interreligious platforms called Multi-Sectoral Forum (MSF). MSF decided to encourage inter-religious dialogue and cooperation with an aim of promoting a peaceful environment for elections.¹⁴⁶

¹⁴⁴ National Steering Committee on Peace Building and Conflict Management (2011). *UWIANO Strategic Leadership Agenda for 2012 and Beyond*. Nairobi.

¹⁴⁵ Daily Nation newspaper article, “*Peace builders are having a hard time Being together*” Jan. 12, 2014

¹⁴⁶ Yeon, Connors, Fatima & Yalim. 2018. “*Preventing Post-Election Violence Based on the Kenyan Experience.*” Stanford University. March 14, 2018

4.3 International Federation of Electoral System (IFES) Programs

International Federation of Electoral System's (IFES) formed various national programs in an effort to tackle and resolve electoral violence. Its programs included Violence Against Women in Elections (VAWIE) and Electoral Violence Education and Resolution (EVER).¹⁴⁷

Violence Against Women in Elections (VAWIE) was formed with an aim of tackling issues touching on gender and electoral violence during the 2017 elections.¹⁴⁸ VAWIE was founded on the basis that electoral violence is experienced differently by men and women and therefore different programming is necessitated. VAWIE's purpose was therefore to address problems that other programs were failing to address adequately. Its most important task in the 2017 campaign period was to provide resources to women that were affected by violence. Its assistance included giving women health care referrals, offering counselling services and the provision of a telephone number for reporting gender based violence during the election period. IFES conducted several workshop meetings with members of the civil society and local community leaders, gathered information about gender based violence during the election period and recruited a number of tele-counsellors. It also distributed widely stickers and reusable shopping bags with VAWIE's telephone number and further mounted a social media campaign to create awareness against violence directed towards women and combating the proliferation of hateful speech against female candidates. VAWIE has however been criticized for failing to adequately incorporate its effort with that of state agencies, more specifically NSC and NCIC.¹⁴⁹

¹⁴⁷ Bardall, Gabrielle. 2011. *“Breaking the Mold: Understanding Gender and Electoral Violence.”* IFES White Paper.

¹⁴⁸ Ibid, P-6

¹⁴⁹ Yeon, Connors, Fatima & Yalim. 2018. *“Preventing Post-Election Violence Based on the Kenyan Experience.”* Stanford University. March 14, 2018

IFES also initiated the Electoral Violence Education and Resolution (EVER) program to address minimal input by the Kenyan government and CSOs into electoral security, lack of a reliable conflict resolving mechanism during election period, and a shortage of accurate data on electoral violence. IFES founded the EVER program on the argument that electoral violence does not just erupt without prior signs and warnings and that failure to reduce tensions stems from failing to apply lessons learnt from previous mistakes, and the lack of adequate planning and action to mitigate violence.¹⁵⁰ The EVER program is therefore a proactive program that anticipates, identifies and analyzes any potential triggers for violence and assists in providing suitable remedies. IFES launched the EVER program in Kenya during the post-election period of 2007/2008 under the name “Ushahidi” and has been in use in all elections after that time. After ascertaining the scale and scope of violence that occurred after the disputed elections of 2007, IFES collaborated with local and partner organizations such as international observers, civil society, security and election officials to coordinate responses to critical events during the volatile period. Among the activities that IFES launched under the “Ushahidi” program included: Application of the program to evaluate, monitor and track election related violence; adapting it to the Kenyan context; coming up with training programs to build local capacities able to carry out analysis and reporting of conflict; carrying out continuous surveillance during the volatile post-election period.¹⁵¹

IFES reports that some of the lessons it learnt from self-evaluation of the program in 2008 was that: One, the punctuality, accuracy and efficiency of reporting on incidents of election-violence

¹⁵⁰ Fischer, J., ‘*Electoral Conflict and Violence: A Strategy for Study and Prevention*’ IFES White Paper, February 2012.

¹⁵¹ Fischer, J., ‘*Electoral Conflict and Violence: A Strategy for Study and Prevention*’ IFES White Paper, February 2012.

is crucial in prescribing suitable intervention efforts aimed at de-escalating violence; Two, trainings and collaboration with local CSOs could allow for efficient development of the program and its transfer to Kenyan organizations; Three, the publication and distribution of regular bulletins could provide an objective and a well-informed analysis of the extent, locality, and nature of incidences and further provide suitable mitigating measures to be taken to manage conflicts.¹⁵²

During the initial launch and operation of the “Ushahidi” program, it was rebuked for being slow in reporting events, which was often after a day or two behind. In recent times however, incorporation of new technology into it has made it possible to monitor and report events via email, phone messages or social media networks, which teams can then review, map and make public in minutes.

4.4 Approaches Adopted to Mitigate Election Violence and their Efficacy

This section examines the efficacy of the approaches to mitigate election violence

4.4.1 Improved Management and Administration of Elections

Management and administration of elections involves voter education, regulation of campaign funding, registration of voters and candidates, administration of votes, and counting of ballots.¹⁵³

An election that is adequately administered and managed has the potential to prevent electoral violence by enhancing the legitimacy of the process and improving awareness and respect for electoral procedures and laws. An improvement in election management and administration has been found to influence attitudes among the electorate of a high quality election being conducted

¹⁵² Yeon, Connors, Fatima & Yalim. (2018). *“Preventing Post-Election Violence Based on the Kenyan Experience.”* Stanford University. March 14, 2018

¹⁵³ Høglund, K. & Jarstad, Anna. (2010). *“Strategies to prevent and manage electoral violence”*: Considerations for policy. ACCORD Policy & Practice Brief 1.

and an increased trust in electoral institutions.¹⁵⁴ Public resentment also tends to diminish against the electoral institutions and there is an increase in voter participation.

Kenya's elections management body was changed after the 2007 elections and a series of reform processes were initiated that included a change of its name to Independent Electoral and Boundaries Commission (IEBC). A new constitution in 2010 granted it with powers that entailed organizing all elections and referendum, delimitation of boundaries, voter education, registration of voters, settling of electoral disputes and registration of candidates. The chairman and commissioners to the IEBC were appointed by the approval of parliament and the president. An appointment process considered to make the body impartial and professional. Its first true test came in 2013, where it was charged with the administration of six countrywide elections simultaneously. It managed to retain the public's trust throughout the election preparation stages and only encountered its first hurdle after announcing results of the election. Political parties and politicians began questioning its partiality after the tallying and announcement of election results that was not in their favor. Disputes were however resolved through the judicial system and violence was averted after the 2013 elections.

Ever since its formation, the efficiency of the IEBC has often been greatly hindered by the lack of a reliable decision making process and legal petitions seeking to challenge its actions. All these have often led to huge delays resulting in delayed recruitment of election staff, voter registration, and distribution of election materials. Many problems it has faced during and after Election Day include the lack of time to adequately prepare and challenges of addressing human error.

¹⁵⁴ Fjelde, Hanne & Kristine Høglund. (2018). "Electoral institutions and electoral violence in Sub-Saharan Africa." *British Journal of Political Science* 46(2): 297-392. P-67.

In the period during and after the 2017 elections, IEBC was a common subject to legal petitions and public criticism. Various opposition politicians and CSOs routinely called for greater inclusivity, transparency and communication. The commission's public communication was criticized for lacking structure, depth and consistency. It also failed to make information on its chief functions public. The commission could have easily avoided certain legal challenges had it sought judicial clarity on provisions of the law that were unclear. This could have minimized the significant challenges it encountered in its operations and uncertainty caused to the public. Despite the shortcomings, the IEBC was much more independent and stronger than its former counterpart and succeeded in averting violence in both the 2013 and 2014 elections.¹⁵⁵

4.4.2 Effective Electoral Dispute Resolution

Electoral disputes are a common factor in democracies all over the world. A host of reasons can be attributed to these disputes including a high affinity to violence by an electorate, lack of commitment to election integrity, electoral institutions lacking independence and an ever increasing high stakes surrounding the elections. Judicial processes have therefore been found to be the most suitable formal means of resolving election related disputes. If citizens have faith in judicial institutions, they are more likely to channel their grievances there rather than resort to violence. Lack of faith in institutions charged with resolving electoral disputes has led parties time and again throughout the world to resort to violence to push for their interests. This was much evident in Kenya after its 2007 election when politicians displeased with how the election was handled decided to resort to street protests because they had no faith they would get justice through the judicial system. The country's new constitution in 2010 encouraged radical reforms

¹⁵⁵ Ishiyama, John, Amalia Pulido Gomez & Brandon Stewart. (2018). "Does Conflict Lead to Ethnic Particularism? Electoral Violence and Ethnicity in Kenya 2008-2017." *Nationalism and Ethnic Politics* 22(3): 300-321. P-23.

to be made in the judiciary. Thanks to those reforms, come 2013, the judiciary became the institution highly credited with the relative calm of the elections. A total of 188 petitions disputing results of the electoral process were filed and handled by the courts within a stipulated timeframe of six months. This was made possible by amendments to the Electoral Act 2011 which required non presidential petitions to be filled within 28 days after declaration of results. The act also required the courts to determine all petitions within six months for non-presidential petitions and fourteen days for presidential petitions. Appeals on the petitions were restricted to matters law and decision was to be made within six months.¹⁵⁶ In 2017, electoral petitions rose to 845 cases after elections in August and the rise signaled an increase in trust in the judicial system. The cases also highlighted deeply-rooted grievances, lack of faith with other institutions like the IEBC in addressing disputes, and the competitive nature of the elections.¹⁵⁷ The Supreme Court ruling of September 1st that annulled the presidential elections highlighted the judiciary's ability to operate independently and increased confidence on the integrity of future electoral processes. The courts were therefore widely praised for maintaining consistency in administering electoral justice given that in the past they had a history of dismissing petitions on technicalities.

A number of challenges still face electoral courts in Kenya in spite of reforms having been implemented. The first challenge is that the courts still have not attained complete independence to function effectively. This was much evident in 2018 when the legislature decided to cut budgetary allocations to the judiciary rendering it unable to function effectively. The second challenge is that existing laws and regulations for resolving electoral disputes are weak and not exhaustive enough to resolve all complaints expeditiously and fairly. The courts are also still ill

¹⁵⁶ Kenyan Constitution, Article 87(2); Elections Act 2011, Article 76(1)(a).

¹⁵⁷ European Union. 2017. *"Election Observation Mission Final Report: Kenya 2017."* P-5.

prepared to handle electoral disputes effectively during intense electoral times either before or after elections. Lack of clearly defined jurisdictional mandates and inefficient jurisdictional policies also plague electoral courts leading to an overload of a one level court like the high courts with electoral disputes thus causing backlogs in cases. This was witnessed in 2013 during the post-election period when there was jurisdictional conflict between Magistrates Courts and High Court on who was to handle county election disputes. In 2017, decisions on disputes in administration and electoral framework delayed before the elections because of the absence of time limits in lodging and determination of the cases and the provision of an option to appeal to the Supreme Court which meant 240 pre-election cases were still pending on Election Day in August. A number of rulings became a problem to implement and included those concerning preparation of KIEMS kit,¹⁵⁸ and reinstatement of certain candidates who were disqualified after ballots had been printed. Additionally, Political Parties and Dispute Tribunal (PPDT) had more enforcements roles and appeared to handle more petitions than it did in 2013. It adjudicated more than 230 petitions related to party lists and over 300 petitions related to party primaries. One notable verdict it delivered was the reconstitution of over 18 party lists for failing to comply with the constitutional provision of including youth, persons with disabilities (PWDs) and ethnic minorities.

4.4.3 Engagement of the Security Sector

The engagement of the security sector during elections in Kenya has majorly involved the use of police to deter violence or de-escalate its spread, secure ballots and boxes, and protect polling

¹⁵⁸ KIEMS – Kenya Integrated Elections Management System

stations and election officials.¹⁵⁹ The engagement of the security sector especially the National Police Service (NPS) was associated with a significant reduction in election violence in Kenya's 2013 and 2017 elections as compared to the one held in 2007.¹⁶⁰ It is reported that on several occasions the NPS averted tensions from soaring into violence and that they influenced stability in volatile regions where they had adequate resources and worked closely with communities. The improvement in how NPS conducted itself in Kenya's last two elections was mainly attributed to police reforms that had been introduced thanks to the new constitution. The reforms laid emphasis on police training to mainly focus on human rights, public order policing, restraint, crowd management and dispute resolution skills.

Their performance was however criticized after the announcement of the 2017 elections. On several occasions, they responded to street demonstrations repressively, violently and abusively. They employed excessive force to disperse peaceful street protests, occasionally shot at protesters, made arbitrary arrests, conducted illegal house searches, and widely engaged in various forms of brutality.¹⁶¹ One of the respondents for this study stated "unfortunately the police again failed the people of Kenya in curbing post-election violence and protests. They have shown that despite the huge budgetary allocations and commitments the government is making towards police reforms they cannot reform".¹⁶² They also failed to be in regular contact with local communities in high risk areas and sometimes their presence in those areas was intrusive and unprofessional. Most protestors saw the NPS as acting on behalf of the incumbent government and lacking impartiality.

¹⁵⁹ Alihodzic, S., *Improving the Process: A Three Layered Approach to the Prevention of Electoral Violence*, New Routes, 1 (2012), pp. 10-15,

¹⁶⁰ African Elections Project, *Police Identify More than 1,000 Flashpoints*, 21 July 2018, P-12.

¹⁶¹ European Union. 2017. "Election Observation Mission Final Report: Kenya 2017." P-27.

¹⁶² Interview with respondent, April. 20th, 2019; Mathare subcounty, Nairobi, Kenya.

Many atrocities perpetrated by the NPS never led to arrests and prosecutions, and little evidence exists even today that the atrocities that they committed will ever be thoroughly investigated and prosecuted.

4.4.4 Monitoring of Elections and Verification

Monitoring of elections involves the observation and evaluation of an election to ascertain if it conforms to regional and international standards.¹⁶³ Monitoring of elections can bestow transparency and legitimacy to an electoral process through the evaluation of quality control mechanisms of the electoral process, supporting an election management body in case of claims of fraudulent activities, and confirming the defeat or victory of a candidate.¹⁶⁴ International observers often seek permission from a hosting government to monitor elections and once permission is granted, they often deploy short-term and neutral observers to monitor and verify elections. In certain instances however, missions can deploy long-term election observers to supplement the short-term team. Verification follows after monitoring and involves overseeing and verifying that a body charged with election management has conducted an exercise fairly. Monitoring and verification of elections have in recent times been found to be necessary components of an election if the results are to be accepted to originate from a fair and free process. Studies have also found out that at certain times the presence of observers in elections can deter electoral fraud and violence.¹⁶⁵

¹⁶³ Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, 27 October 2005.

¹⁶⁴ Creative Associates International, Electoral Security Framework: Technical Guidance Handbook for Democracy and Governance Officers (Washington, DC: USAID, 2010). P-3.

¹⁶⁵ Coalition of Domestic Election Observers (CODEO), “Polling Day Observation” : Situational (Close of Polls) Report. P.-17

Elections legal and regulatory framework for Kenya provides for the IEBC to facilitate election monitoring and verification and not to place unnecessary restrictions on observers. This is in line with Declaration of Global Principles established by the UN in 2012 requiring hosting governments to grant permission to international missions. According to recent studies, the electorates in Kenya have high trust that election monitors have the ability to reduce electoral violence and fraud.¹⁶⁶ Their presence and that of political parties monitors increases voters' confidence on their impartiality and ability to mitigate on election cheating and violence.

4.4.5 Civic and Voter Education

It has been found out that voter education campaigns highly increases voter participation in elections, aids in incorporating new technology in the electoral process, and makes citizens more aware of their civic rights.¹⁶⁷ Citizens that have been exposed to civic education are more likely to be involved in elections, are much more empowered to assess and criticize politicians' actions, and are most of all able to counter acts of electoral violence. Civic education is a primary responsibility of an electoral management body or an incumbent government, although in reality, governments usually neglect or do very little to fulfill this obligation, only leaving it to civil society organizations and the media.

In Kenya's most recent elections of 2013 and 2017, it was found out that civic and voter education significantly reduced violence and highly increased knowledge and participation in elections. Citizens exposed to civic education programs felt that eligible voters should cast their votes in every election and were more likely to vote.¹⁶⁸ Based on the most recently held elections

¹⁶⁶ European Union. 2017. *"Election Observation Mission Final Report: Kenya 2017."* P-32.

¹⁶⁷ Creative Associates International, *Electoral Security Framework: Technical Guidance Handbook for Democracy and Governance Officers* (Washington, DC: USAID, 2010). P-7.

¹⁶⁸ European Union. 2017. *"Election Observation Mission Final Report: Kenya 2017"*. P-22.

in Kenya, civic and voter education efforts were reported to peak during the voters' verification phase and the period nearing the day of the election. In the elections of 2013 and 2017, IEBC led in coordinating efforts aimed at promoting civic education. A number of CSOs and international donors supported IEBC's civic education efforts. Local CSO like Sisi ni Amani employed the use of dialogue and phone based messaging to advance the civic efforts.¹⁶⁹ USAID, one of Kenya's international donors launched a civic education component that it implemented through IFES.¹⁷⁰

Despite great efforts being made at promoting civic and voter education, it was faced with a number of challenges. The IEBC reported that the allocation of funds towards voter education efforts was out of line with activities involved in the electoral cycle. The allocation of funds was done too close to the Election Day thus affecting the use of the exercise for voter registration, legal reform and nominations. The consequence for this was that it delayed commencement for both civic and voter education. The amendment of electoral laws much closer to the elections presented the challenge of offering a limited time to tailor election materials according to the laws. Materials for voter education was also limited to two languages whereas many voters were never conversant in both languages, this left a lot of voters uninformed about the electoral process. The other challenge also was that the process used to vet civic educators did not fully evaluate the capacity for the educators which left observers questioning whether the civic and voter education exercise was really effective.¹⁷¹

¹⁶⁹ Rhoda Odhiambo, "Kenya Cancels sh2 Billion US Civic Education Fund," *Star of Kenya*, December 19, 2016. P-12.

¹⁷⁰ Mwaniki Munuhe, "State Now Expels American NGO's Boss, Genet Menelik," *Standard Digital*, January 1, 2017. P-9.

¹⁷¹ *Ibid* P-21.

4.4.6 Peace Campaigns

Campaigns held to promote peace messaging usually aim at influencing attitudes and behaviors of voters or potential perpetrators of violence. Cultural activities, public communication, social media and sports events are usually ways used to persuade possible perpetrators from violence. Religious groups and CSOs in Kenya resolved to commit all efforts in preventing election related violence in the future after the events of 2007. It is reported that in 2013 and 2017 periods to elections, peace awareness campaigns were the most widely used approach to mitigate electoral violence and did have a huge impact in changing attitudes and reducing violence.¹⁷² In 2013, peace campaigns were first met with skepticism due to their overwhelming scope and perception that they would interfere with election integrity.¹⁷³ However, events promoting peace like caravans, special road shows, trainings and debates were frequently organized countrywide by non-governmental organizations, religious leaders, and a few public bodies to deter electoral violence. Mass prayers were also common and consumed a lot of media coverage. Peace awareness campaigns became more intense as Election Day countdown drew closer and international organizations and local peace activists became more involved in preaching peace across the country. According to wide spread reports, the previous experience of election violence in 2007 had enhanced both civil and international organizations understanding of the dynamics of conflict and aided in coming up with informed strategies to mitigate violence.¹⁷⁴ Peace initiatives targeted specific risk groups and messages were tailored to underscore the high cost of intolerance and violence. The peace campaigns were effective in easing tensions and empowered communities to feel less intimidated of each other. Despite the wide success of peace

¹⁷² Ashanut, O., (2018) *“Towards Kenya’s 2017 Elections: An Assessment of Conflict Risks and Mitigating Mechanisms”* (Nairobi: Enabling change Ltd, April 2018) P-123.

¹⁷³ Carter Center, *“Pre-Election Statement on Kenya’s 2013 Election,”* P-2.

¹⁷⁴ Building Resources in Democracy, Governance and Elections (BRIDGE) Programme, [n.d], of 2017. P-9.

campaigns, not all reviews were positive. It is reported that peace campaigns inadvertently caused unintentional social dynamics like suppressing dissenting opinions particularly in urban areas. Most people reported feeling pushed into withholding criticism by the omnipresence of peace initiatives. There was wide spread fear of discussing issues of contention, reporting malpractices during the electoral process, or voicing opinions that are dissenting. The peace campaigns also did not reach potential perpetrators or victims of violence in far flung areas.¹⁷⁵ Politicians were also noted to be hard to work with on peace campaigns either because they lacked interest in non-political events that gave them no political mileage or they manipulated the programs to their benefit. A member of one of the local CSO's once reported that "convincing a politician to attend a non-political event like a peace campaign meeting is really hard, but once you convince them to come, it becomes even much harder to make them to stick to the non-political line that the meeting is aiming for, he will start by talking about peace at the beginning, then changes his tune to politics where his message will be about electing so and so. Working with the politicians on peace campaigns is not easy".¹⁷⁶ In one field visitation exercises, certain respondent reported that politicians were more willing to work on peace programs when they were in opposition but upon getting elected they lost all interest. Another respondent also stated that politicians' lack of active participation in peace events was more to do with their hectic campaign schedules and not voluntary disregard for peace efforts.

¹⁷⁵ Yeon, Connors, Fatima & Yalim. (2018). *Preventing Post-Election Violence Based on the Kenyan Experience.* Stanford University. March 14, 2018. P-45.

¹⁷⁶ Gutierrez-Romero, Roxana. (2014). *An Inquiry into the Use of Illegal Electoral Practices and Effects of Political Violence and Vote-Buying.* Journal of Conflict Resolution 58(8):1500-1527. P-107.

4.4.7 Voter Consultations

Voter consultations are deliberate efforts by political parties and candidates to connect with voters and address their grievances. Voter consultation during an electoral period can decrease the likelihood of violence by creating a perception among the electorate that political candidates are acknowledging their grievances. To be an effective approach, communication between politicians and voters usually extend beyond campaign rallies and political activities to a one to one interaction with voters. Consultations can involve personal meetings, television or radio programs, community meetings or other ways of direct exchanges between voters and candidates.

All political parties in Kenya in the period running to the 2017 elections, maintained that they were constantly engaged with voters and apart from campaigning they were involved in peace promotion efforts. A number of CSOs also encouraged political parties to promote peace in their campaigns. International Republican Institute (IRI) for example, worked with a number of county assemblies in organizing citizen consultations aimed at promoting peace and facilitating citizen's opinion in legislations.

4.4.8 Youth Programming

Previous exclusion of the youth from electoral processes made them more susceptible to recruitment by actors ready to commit or incite violence. Programming activities for the youth have therefore been found to reduce the appeal for violence if they engage the youth in electoral processes, offer economic opportunities, and educates them on democratic values. The youth make for huge proportion of the population in Kenya and the government and CSOs realized that the exclusion of the youth from electoral processes especially in post-conflict environments

could result in a system of governance lacking in legitimacy, sustainability and accountability.¹⁷⁷ In the campaign periods of 2013 and 2017, CSOs and the IEBC led efforts targeted at youth education and outreach. Mercy Corps for example, an international organization, organized youth groups, inter-party programs and debates all over the country with an aim of helping the youth address challenges in their communities, identifying potential business opportunities and resist influence to violence.¹⁷⁸ The IEBC trained and recruited most of the youth as polling staff and engaged them in the promotion of peaceful participation.

The biggest challenge that faces youth program activities is that they don't last long after an election cycle. Several actors have felt that programs that engage the youth in high-risk areas need to be allocated longer time so that majority of the at risk youth can be sufficiently trained and sensitized before election campaign activities start. Otherwise, shorter training durations makes them still susceptible to violent activities.¹⁷⁹ One respondent stated "sometimes the youth engage in violence not because they want to but because they lack any other meaningful activity they can engage in or do to beat their idling".¹⁸⁰

4.4.9 Media Regulation

The content that media broadcasts during an election period has been found to have an impact in the influencing the behavior of an electorate. The media can be a polarizing agent heavily inciting political tensions in a vulnerable environment or can be a medium that channels out peace, fairness and accountability during an election period. Kenya has been a victim of both an

¹⁷⁷ Mercy Corps (2014). *"Youth and Conflict: Best Practices and Lessons Learned"*. International Crisis Group. (2013). "Policy Briefing: Kenya after the Elections." Africa Briefing No. 94. New York: ICG. P-19

¹⁷⁸ Mercy Corps, *"How Kenya's Future Leaders Found Their Voice,"* P-41.

¹⁷⁹ Hafner-Burton, Emilie, Susan Hyde, & Ryan Jablonski. 2014. "When do governments resort to election violence?" *British Journal of Political Science* 44(1): 149-179. P-33.

¹⁸⁰ Interview with respondent on April. 8, 2019. Mathare sub county, Nairobi, Kenya.

irresponsible and a responsible medium during its elections. In the election period of 2007-2008, the media played a huge role in fueling violence and ethnic hate. Come the elections of 2013 and 2017, the media was at the forefront in promotion of peace and sensitization campaigns against violence. Media self-regulation and regulation by the government through laws was discovered as an approach that could be used to mitigate electoral violence in Kenya.

4.5 Conclusion

The government of Kenya in collaboration with the international community and civil society organizations adopted a number of approaches to mitigate the risk of electoral violence in its 2013 and 2017 elections following the volatile elections of 2007. The approaches which included improved management and administration of elections, effective electoral dispute resolution, engagement of the security sector, monitoring of elections, civic and voter education programs, peace campaigns, voter consultations and youth programming aided in averting mass violence. The risk of violence in future elections however still remains high if the approaches are not sustained and new ones not adopted. State agencies and CSOs should develop more complementary approaches to promote peace during and after elections. Most of the approaches adopted to mitigate the risk of electoral violence point to the fact that if elections are conducted fairly and credibly, then the risk of violence erupting is close to zero. Peace and reconciliation initiatives still remain fragile and Government agencies like the NSC and NCIC guarantee that if they sustain their efforts, there will be consistent vigilance to deter hate speech and incitement to electoral violence. Kenya's recent elections highlight a number of lessons in conflict prevention and point to the fact that even though various measures have been adopted to mitigate electoral violence before, during and after elections the approaches have varying levels of success and efficacy.

CHAPTER FIVE

SUMMARY, FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This study set out to contribute broadly to the critical relationship between politicized ethnicity and post-election violence in Kenya with a specific focus of Mathare Sub-County of Nairobi. In addition the study has provided an overview of conceptual links between politicized ethnicity and election related violence in the context Kenya. The study has examined the role of political parties in ethnic politics and post-election violence; it has also investigated the efficacy of the approaches to mitigate electoral violence in Kenya.

5.1 Summary

Chapter one comprises the foundation of the study which covered the background of the study, Statement of the problem, objectives of the study, literature review, hypothesis, justification, conceptual framework, research methodology and the chapter outline. Chapter two bases its discussion on ethnic factor in Kenyan politics and electoral violence. The chapter pinpoints on negative ethnicity in each general elections since reintroduction of multiparty politics in Kenya in 1992. It is noted that Kenyan society is a victim of ethnic loyalty and as a result most people vote along a clear ethnic pattern as opposed to performance and policy of leader. The instrumentalization of ethnicity in Kenya is the main factor influencing voter and electoral violence.

Chapter three has discussed the role of political parties in enabling ethnic based violence in electoral system in Kenya. This chapter was developed out of the idea that political parties poorly managed ethnic diversity and the common majoritarian political system has turned

elections in Kenya into a tinderbox hence making the political system to be less inclusive and representative. In each general elections in Kenya save for 2002 elections, the political parties have risen up controversy questioning the extent to which elections were conducted in free and fair manner, whether really the rules of electoral system were followed, the extent to which outcome of elections reflected the preferences of voters and whether the governments so chosen were legitimate and could serve the interest of the people. These controversies brought about by political parties, eventually results to post-election conflict which many scholars simply call it ethnic conflict because it is usually chauvinism ethnic groups in support of two main parties who violently turn against each other. This reduces political parties in Kenya as the main agents and drivers of politics of ethnicity and election related brutality as was the case in 2007 post-election violence when PNU and ODM disputed over presidential results outcome.

Chapter four critically examines the efficacy of the approaches to mitigate electoral violence in Kenya. Ever since post-election violence of 2007/8, several simultaneous approaches and programs have been initiated by both government and non-governmental organizations in an effort to prevent or else limit electoral violence before, during and after election. The approaches undertaken include improved management and administration of elections, civic and voter education programs, effective resolution of electoral dispute, thorough monitoring of elections, conducting peaceful campaigns and youth programming geared towards averting mass violence. Despite this approaches being undertaken, the risk of future violence still remains high therefore need to examine their efficacy. Chapter five rests upon summary, key findings and recommendations.

5.2 Key Findings

This section covers the key findings flowing from the three key objectives that guided the study, namely: Assess how politicized ethnic factor triggers electoral violence in Kenya since 1992, Examine the role of political parties in ethnic politics and post-election violence since 1992 and investigate the efficacy of the approaches to mitigate electoral violence in Kenya. Based on the three objectives, the study has reviewed previous studies in order to establish the key knowledge gap which needs to be bridged. In addition the study did a theoretical literature review in order to examine key debates relevant to the study. The study used questionnaires and oral interview in collection of primary data. The findings from the analyzed data support the objectives and confirm the hypothesis stated for the purpose of this study.

5.2.1 Politicized Ethnic Factor and Electoral Violence in Kenya Since 1992.

Among other findings, the analyzed data provides sufficient evidence that the key trigger of electoral violence in Kenya is politics of ethnicity, land and dispute over presidential results outcome. The findings of the study have firstly identified that Kenyan society is a victim of ethnic loyalty. Ethnicity in Kenyan politics is not a new phenomenon as the white man used the divide and rule principle to try and gain control of the continent and its people. The rift between the different ethnic groups in Kenya deepened and some conflicts today are as a result of this. The same strategy of divide and rule was adopted by politicians in post-independence in order to acquire power and primitively accumulate wealth. Despite politicized ethnicity being present since independence, it visibly unfolded itself after reintroduction of multiparty politics in 1992. The study has identified that election related violence was first experienced in Kenya in 1992 and the violence followed a clear ethnic line. The study has noted that the tribal clashes of 1992 were instigated by then ruling regime (KANU), because the regime opposed multiparty politics

and its party leader quipped that multiparty politics will only promote ethnic conflict. In addition the study has noted that the Moi regime sponsored ethnic violence to fulfill three main purposes: Firstly was to show that multiparty politics cannot work in Kenya since they are equivalent to ethnic rivalry, Secondly to breed fear to non Kalenjin community in Riftvalley and lastly to humiliate ethnic communities in support of opposition parties.

Secondly, the study has found that politicians mobilize the masses along ethnic lines. This dictates the voting pattern and turns elections into an ethnic parade. The mobilization of masses by politicians is highly coupled with hate speech and stereotype along ethnic groups belonging to different political alliances. The politicians have successfully instrumentalized ethnic factor among ethnic groups thereby politics from being issue based to a matter of how many ethnic groups a party can marshal together. The impact of politicized ethnicity in Kenya has a wide spread impact which is not limited to electoral violence but also extends to influence who becomes part of executive and which regions gets more development. This poor management of ethnicity has killed nationalism to an extent there are no nationalism in Kenyan but conglomeration of different ethnic groups who share the same national boundary. For instance, a good example of how powerful politicized ethnicity was clearly visible in 2013 general elections and ICC issue in Kenya. The most remarkable aspect of 2013 elections was how the alliance of accused turned the heavy burden of ICC into a part of winning campaign strategy. The matter was widely politicized and reframed court intervention as an example of injustice, neo-colonialism and threat to country peace and stability. Above all the most remarkable feature was how Jubilee Alliance managed to ethnically politicized the ICC charges. The study noted that the Jubilee Alliance had publicized the ICC charges as an attack against Kikuyu and Kalenjin ethnic group instead of it being taken as charges against specific individuals who committed crimes

against humanity in 2007/8 post-election violence. In particular, study findings indicate that the politicization of ICC cases along ethnic bases made Jubilee party to win presidential elections since they got sympathy votes. This confirms the hypotheses that ethnic identity and grievances from politicization of ethnicity causes Post-election violence in Kenya.

5.2.2 Role of Political Parties in Enabling Ethnic Based Violence in Electoral System in Kenya

Firstly, political parties play a critical role in enabling ethnic politics and election related violence. The study findings indicate that political parties are emblematic of everything regarding poor governance as well as being the main agents of politics of ethnicity and electoral violence. It is quite beyond reasonable doubt that we need to be governed, and yet to control our governors however in Kenya political parties control the masses and manipulate them to an extent that masses have no control over their governors. In addition, this study determines that the influence of political parties in Kenya is way far beyond control of masses to influence key independent institutions like Judiciary, IEBC and to some extent the police. The political parties influence over the IEBC has often blatantly resulted to rigging of elections in Kenya. This has led to questioning of independence these institutions as well as loss of trust over them. Electoral democracy dictates that all contestants should be bestowed with equal chances of winning; however the study has established that these institutions in collaboration with political parties doctors the results hence neglect the preferences of voters.

In particular, the study findings demonstrate that electoral malpractice brings controversy while political parties especially the ones in opposition question electoral democracy regarding the extent to which elections were conducted in free and fair manner, whether the results reflect the true preferences of voters and whether the so announced winner will represent the will of people.

These critical issues pertaining rigging of presidential elections has been identified as main issue which brings dispute between political parties which is heightened by politics of ethnicity thereof resulting to elections related violence between ethnic groups in support of different political parties.

In addition the study has specifically established that political parties are the main determinants of post-election violence in Mathare and this applies to all other regions prone to post-election violence like Kibera, Kisumu, Riftvalley, Naivasha, Nakuru and Kawagware.

5.2.3 Efficacy of the Approaches to Mitigate Electoral Violence in Kenya

The study found that ever since 2007/8 post-election violence in Kenya, various approaches to mitigate the risk of electoral violence have been established, however the risk of violence in future elections still remain high. The approaches taken include improved management and administration of elections, effective electoral dispute resolution, engagement of the security sector, monitoring of elections, civic and voter education programs, peace campaigns, voter consultations and youth programming aided in averting mass violence. The study has pointed out that if these approaches are well implemented the risk of violence over disputed election is close to zero; however peace and reconciliation initiatives still remain fragile. In addition, the past two general elections have clearly demonstrated that the approaches to mitigate eruption of post-election violence have varying level of efficacy and success. The issue of ethnic politics has been identified as the main challenge to the functioning of the approaches to mitigate electoral violence before, during and after elections. Other factors challenging efficacy of the approaches to mitigate electoral violence include: negative media broadcast, hate speech, influence and intimidation of the institutions like IEBC and NCIC by powerful politicians as well as political parties.

5.3 Conclusion

In a nutshell, the study has particularly identified that politicized ethnicity plays the major role in both Kenyan politics as well as electoral violence. Politicized ethnicity also extends to influence formation of executive as majority of those appointed as cabinet secretaries belong to ethnic group of political party in power. In addition politicized ethnicity dictates which region gets more development, this has made the electorate to have no trust in electing or supporting someone who is not affiliated to their ethnic group for presidency. This is because politicized ethnicity dictates that once a leader is in power he has to favour his ethnic group through projects for development and creation of employment. The study has also identified that politicized ethnicity shapes how post-election violence unfolds itself. This is because during the electoral violence, ethnic groups in support of political parties disputing over presidential results violently turn against each other.

The study has pointed out that political parties in Kenya are emblematic of everything regarding poor governance as well as the main agents of ethnic politics and political violence during election period. In particular, the political panorama in Kenya is a quagmire, this is because of torrent political parties without any ideological basis and distinction but marred with despots, looters and retrogressive characters which have led to inter-ethnic electoral violence deliberately instigated and encouraged by political parties for their selfish and parochial interests. Political parties are the tools of ethnic mobilization bringing some ethnic groups into a powerful tight political embrace which forms pattern of post-election violence in Kenya. In each general election in Kenya, political parties have raised up controversy questioning the truthfulness of results an issue which has led to post-election violence. The political parties campaign on

platform of ethnicity instead of being issue-based. This is the main reason why Mathare experiences post-election violence in each general election.

The study has also noted that despite various approaches having been developed to mitigate electoral violence in Kenya, the approaches are not effective as they should be. The main challenge to the performance of these approaches has been identified as negative ethnicity. The approaches undertaken include; improved management and administration of elections, effective electoral dispute resolution, engagement of the security sector, monitoring of elections, civic and voter education programs, peace campaigns, voter consultations and youth programming aimed in averting mass violence. These approaches have got varying level of efficacy.

5.4 Recommendations

Ethnic identity loyalty is a great problem in Kenya which needs to be addressed. This is because of its nexus with post-election violence, corruption, democracy and development. Politicization of ethnicity is one of the strategies taken by politicians in their efforts to mobilize different ethnic groups to vote for them. In addition the formation of political parties is also along tribal lines. Ethnicity largely started to influence Kenyan politics since 1992 when multiparty politics were reintroduced in Kenya. After 1992 there were formations of torrent political parties from almost ethnic group in Kenya. The political parties were without any ideological and philosophical basis but with one core interest of acquiring power and wealth through divide and rule. Since there are requisite approaches established to alleviate ethnic politics and political violence in Kenya the next step should be to expedite implementation through greater resolve, speed and effectiveness in translating the good intentions into concrete, implementable, monitorable and results-oriented actions on the ground.

There is also urgent need of reforming institutions like IEBC, NCIC and judiciary to ensure that these institutions are strong enough to handle their mandate with highest degree of independence. Kenya's recent presidential elections ended up with a dispute over alleged rigging of votes and breach of electoral rules a matter which was resolved by Supreme Court. The fact that Supreme Court ordered repeat of presidential elections is demonstration that IEBC failed in its mandate of conduction free, fair and credible elections. After Supreme Court ruling the Jubilee Party vowed to later revisit the matter and fix the judiciary. This is a clear example of executive interfering with independence of an institution which is also an arm of government equally to executive and legislature. Therefore, there is need of strengthening the independent institutions to an extent that their mandate cannot be interfered by influential politicians, political parties, executive and legislature. The toxic mix of Kenya's poorly managed ethnic diversity can only be averted by having a more inclusive and representative system however the is to have democratic political socialization

Additionally, there is need of ensuring democracy is upheld to the highest notch. This is because democracy is part of the solution of solving the sequential post-election violence, politics of ethnicity and underdevelopment. The key is to ensure electoral democracy is well function; this is because elections are barometer of how well democracy developed. This is because once democracy takes roots, there tends to develop some kind of democratic social force that challenges undemocratic practices hence thereafter society will be socialized with democratic principles. Over time democracy makes it possible for elections not to be used as periodic events that simply legitimize incumbent regimes or marshaling of ethnic communities to ascend to power for politicians to serve their self-interest but as moments of renewing the democratic social contract between the governors and the governed. Any time elections are rigged now and

into the future, “losers” need to take it upon themselves to constantly rebel not just as a right but as a duty. Rebel over stolen is part of institutionalizing democracy in Kenya which is still at its infancy.

5.5 Recommendations for Future Research

This study has demonstrated that politics of ethnicity have influence beyond general elections to include influence over who is employed, who forms part of executive especially cabinet secretaries and which regions receive more development. This link of ethnic politics to other sectors like executive and employment needs to be determined. Therefore these are potential topics for future researchers.

Future research also needs to assess the impact of ethnic politics on institutionalization of democracy. The study demonstrated that identity politics as one of the key challenge to democracy in Kenya as well as Africa at large, therefore is need of research is this area to determine to what extent does ethnic politics negatively impact on social engineering of democracy in Africa and how can this problem get addressed.

It is clear that ethnic stereotypes, narratives of difference and mistrust between ethnic groups continue to be a key feature at local level. For instance there is a wide spread fear that Jubilee Party can easily break since it was an alliance of convenience for ICC co-accused therefore since it has already accomplished its fundamental objectives of clearing the names of Uhuru Kenyatta and William Ruto from ICC, the alliance is at the verge of breaking up. There is a widespread fear that break up of Jubilee Party could lead to heightened tensions between Kalenjins and Kikuyus especially within the Riftvalley region. There therefore is need of research in this area

in order to determine the underlying issues causing conflict between these two ethnic groups in Riftvalley.

Future research can also delve on investigating further why the approaches already undertaken to mitigate risk of post-election violence before, during and after the elections are still largely in effective. This is because the country continues to be fragmented along ethnic groups and during general elections; Kenya goes at a standstill due to dangers associated with presidential elections despite there being appropriate measures to deal with these risk.

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APPENDICES

Appendix I: QUESTIONNAIRE

UNIVERSITY OF NAIROBI

INSITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

Dear Respondents,

RE: DATA COLLECTION.

I am masters' student at University of Nairobi, in department of diplomacy and international studies. Currently am undertaking research study to fulfill requirement for award of bachelors' degree in international studies. My project topic is "**Assessment of the Role Played by Politicized Ethnicity on Post-Election Violence in Kenya. A Case Study of Mathare Sub-County of Nairobi 1991-2017**". You have been selected to participate in this study; however your participation is free and voluntarily. Please I request you to feel the questionnaire honestly.

Special thanks for your cooperation.

OPEN ENDED QUESTIONNAIRE (RESIDENTS OF MATHARE SUB-COUNTY OF NAIROBI)

Kindly no reference will be made to any person or organization. Confidentiality will be my priority.

PART A: PERSONAL BACKGROUND INFORMATION

1. What is your gender? Female Male

2. How many years do you have?

3. What is your highest level of education?

Undergraduate College College Not Completed Secondary School

Primary School Never Attended.

4. What is your occupation?

PART B

1. For how long have you stayed at Mathare?

2. Have you ever experienced post-election violence?

3. If yes do you think post-election violence in Mathare has been as a result of politicized ethnicity?

4. Who politicizes ethnicity in Mathare?

5. During the post-election violence in Mathare who fights who and why?

6. Apart from politicized ethnicity being the major cause of post-election violence in Kenya, do you think there is any other underlying factor which causes post-election violence in Mathare and Kenya at large?

7. Do you believe that post-election violence in Mathare is as a result of historical hatred between ethnic groups and mutual fear of domination?
8. On your opinion does post-election violence occur only when ethnic identities are politicized or manipulated to generate political and socioeconomic advantages for an ethnic group at cost of neglecting or depriving other ethnic groups?
9. What are some of the immediate impacts of post-election violence you have experienced or seen?
10. What long-term impacts of post-election violence have you experienced?
11. Does post-election violence at Mathare have any spillover effect to Kawagware, Kibera and Kisumu or any other part of Kenya?
12. If yes what effect or impact does it have?
13. Has your life-style changed due to the above mentioned impacts?
14. Has government taken any measures to mitigate post-election violence at Mathare?
15. If yes, were you satisfied with the measures government took to combat post-election violence at Mathare, and if not satisfied why you were not satisfied?
16. What are some of measures that you think when implemented they will reverse or mitigate the culture of post-election violence in Mathare and Kenya at large?
17. Do you believe that political parties play a major role in politicized ethnicity and electoral violence?
18. What are some of the approaches to mitigate electoral violence in Kenya?
19. How effective are the approaches to mitigate electoral violence in Kenya?

Appendix II: RESEARCH PERMIT



NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone: +254-20-2213471,
2241349,3310571,2219420
Fax: +254-20-318245,318249
Email: dg@nacosti.go.ke
Website : www.nacosti.go.ke
When replying please quote

NACOSTI, Upper Kabete
Off Waiyaki Way
P.O. Box 30623-00100
NAIROBI-KENYA

Ref. No. **NACOSTI/P/19/39533/31821**

Date: **25th July, 2019**

Maxwell Muthini Kyalo
University of Nairobi
P.O. Box 30197-00100
NAIROBI

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on "*Assessment of the ethnic factor in the Kenyan electoral violence: A case study of Mathare, 1992-2017*" I am pleased to inform you that you have been authorized to undertake research in **Nairobi County** for the period ending **23rd July, 2020**.

You are advised to report to **the County Commissioner and the County Director of Education, Nairobi County** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit **a copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

GODFREY P. KALERWA MSc., MBA, MKIM
FOR: DIRECTOR-GENERAL/CEO

Copy to:

The County Commissioner
Nairobi County.

The County Director of Education
Nairobi County.

Appendix III: PLAGIARISM REPORT

Turnitin Originality Report

RESEARCH PROJECT by Maxwell Kyaalo
From RESEARCH PROJECT (IS2016)



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