

UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

Decision Making in International Crisis: Kenya's Post-Election Crisis, 2007-2008

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A Research Project submitted in partial fulfillment of the degree of Master of Arts in
International Conflict Management.

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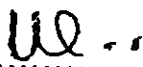
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DECLARATION

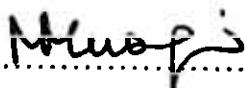
I declare that this research project is my original work and has never been presented before any other university.

Signed..........

Date.....7/11/2011.....

Mohamed Osman

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

Signed.....

Date.....07 November 2011.....

Prof. Makumi Mwangi

DEDICATION

This research is dedicated to my mother Mrs. HAWO ALI IBRAHIM who despite her lack of education strived hard to encourage and support me in this long and timeous journey throughout my academic years. Without her material, financial and moral support, this study would not have been successful. Her persistent inspirations had catapulted me to realize the dream I had always wished to achieve. This dream was to be an expert on international conflict management and I must say as always I am and will continue to be very grateful to her.

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Assembling this literature required a great deal of support morally and materially. This would not have been possible without friends and colleagues alike. It is in this respect that I would like to thank my lecturer Prof. Makumi Mwangi who selflessly guided me through this study not forgetting the valuable contribution he has made in my academic field as an experienced international crisis manager. I also wish to thank the entire staff of Institute of Diplomacy and International Studies (IDIS) of the University of Nairobi for their support in one way or another.

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ABSTRACT

The concept of international crisis has recently transformed from the conventional inter-state conflicts to an intra-national dimension. The transformation has developed along the lines of intra-state conflicts resulting from election-related crisis that have become a feature of democratic elections in Africa. As a result, the knock on effect of electoral crisis in Africa has seen the emergence of power sharing arrangements in the form of coalition governments between the ruling party and the opposition. This situation has dangerously undermined democratic values as espoused by the western form of democracy.

Despite this unpleasant development in the continent, the policy scholars have never made an attempt to explain the causes of such crisis. Consequently, the basic aim of this research study is to understand the literature on international crisis and its management by giving different views on the concept. It will also examine prominent 20th century international crisis and review various international crisis episodes and their impact on decision makers. Similarly, the research study will focus on the analysis of two thematic areas; international crisis and crisis decision making. This will be examined in relation to Kenya's post-election crisis of 2007-2008 especially with regard to the government decision making.

The decision process and the structure of Kenya's decision making system with specific description on how an organization's structure affects strategic decision process will be explored. Also to be discussed by the study is interaction of different types of decision making structures both in a crisis and non-crisis situations. Conclusions will then be reached on issues such as the efficacy of the decision making structures in Kenya especially in crisis.

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CHAPTER ONE

INTRODUCTION TO THE STUDY

1.0 Introduction

The international intervention to mitigate conflicts in an emerging complex political emergency is gaining critical importance across the globe. One of the motivating factors for such intervention is the doctrine of responsibility to protect. That is, the international community has a duty to prevent the initiation and escalation of crisis by preventive measures, peaceful mitigation strategies and in an extreme circumstance make proactive means such as military interventions. For example, in the recent past, the electoral process in Africa has precipitated complex political crisis. These crises emerge as a process both prior to and after the general election. Specifically, post-election period have witnessed an unprecedented violence that have been characterised by international intervention. This is amply demonstrated by the United Nations interventions to resolve election crisis in Ivory Coast; South African Development Co-operation (SADC) intervention to mitigate the Zimbabwe electoral crisis and interventions by the African Union to resolve the election related crisis in Kenya.

The interventions to resolve the post-election violence involve critical decision making both at macro and micro-level as evidenced in Kenya which forms case study. The study uses the case of the Kenyan post-election crisis to elucidate the actors and issues that lay behind the critical decision-making both before and during post-election violence by internal and international actors. Kenya's post-election crisis unlike other crisis situation in Africa attracted an exceptional level of international interventions. This is attributed to its geo-strategic locale within the Horn of Africa conflict system whose

theatres among others include; Sudan, Somalia, Ethiopia, Eritrea, Uganda and Djibouti. Consequently, key international actors such as United States, United Kingdom, Russia, France, and China played significant role in the resolution of Kenya's post-election crisis. Thus, a comprehensive understanding of the decision making aspects from the perspectives of the actors and parties internal and external to the crisis in the pre-crisis and crisis phase is of utmost importance.

1.1 Statement of the Research Problem

The post-election crises have emerged as a key phenomenon in the democratization process in Africa. Equally, the intervention to resolve post-election crises has attracted attention of the internal and international actors. The interventions to resolve a political crises engendered by the democratic election contest has resulted in a complex political emergency. The irony is that whereas democracy as a form of governance is expected to deliver a peaceful political process, it has however led to a crisis of unparalleled proportion. This extra-ordinary situation has led to interventions by local and external actors to save democracy in the eyes of the people who have suffered just because of voting in electioneering events.

Thus in the atmosphere of conflicts involving electoral crises, the international community have taken a proactive approach to mitigate the crisis and bring on course the principle of democratic governance. The efforts by the international community to stabilize road to democratic transition can be seen in Zimbabwe, Ivory Coast and Kenya. For example, Kenya's post-election crisis received prompt international attention and action. Although the interventions in election related crises have picked up in recent times, there is however shortfall in scholarly attention. In particular, the motivation

behind the decision making aspect by both internal and international actors in managing such crisis has not been properly elucidated. The research seeks to address this gap in the literature.

A crisis marks a phase of disorder in the seemingly normal development of a system. The electoral crisis in Kenya entrenched divisions along social-political cleavages that threatened the very existence of Kenya as a unified country. In essence, Kenya was on the precipice of joining the already existing league of failed nations such as Somalia in the Horn of African sub-region, which was already embroiled in crisis. Further, the Kenyan crisis threatened international peace and security owing to the spill over effects on the countries near abroad as the nation imploded upon itself. In essence, the crisis was symptomatic of defective decision making on the part of the internal actors and institutions involved. These elements if not fully addressed will result into the recurrence of the crisis whose magnitude will be larger than what was witnessed in the 2007-2008 electoral crisis. Whereas the Kenyan crisis attracted an unprecedented high level intervention by the international community notably US, UK, European Union, United Nations and Africa Union, who helped defuse the crisis within the shortest time possible, the onus is on the parties to the conflict to make decision to reach amicable resolution to the conflict and the implementation of peace agreement. An understanding of the decision making in the Kenyan electoral crisis can be enhanced by examining the actors and issues underlying the intervention process.

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1.2 Objectives of the Research

The objectives of the study are to:

- a) Evaluate the Kenya government/national decision making process during the 2007-2008 electoral crises.
- b) Analyze the efficacy of the decision making structures during the post-election crisis.
- c) Assess the factors that influenced some decisions during the 2007-2008 Kenyan electoral crises.

1.3 Literature Review

There is no unanimity among scholars on what constitutes or defines the concept of international crisis¹. On the one hand, some scholars define international crisis from the perspective of the decision-making process within a nation, while on the other hand, it has been defined from the perspectives of interaction process between nations². The major proponent of the decision making approach is Hermann who defines crisis as a situation that, threatens the high priority goals of the decision making unit, restricts the amount of time available for response before the situation is transformed; and surprises members of the decision making unit when it occurs. According to the supporters of this approach, a foreign policy crisis is a situation which threatens the most important and the primary aims of the political unit, and limits the time for thinking, planning, and responding in order to change the probable outcome³.

But McClelland and Young adopt a different approach to Hermann's perspective of the concept international crisis. They view the definition of the concept from the

¹ James A. Robinson, "Crisis Decision Making," in James A. Robinson, ed., *Political Science Annual II, 1969-1970* (Indianapolis: Bobbs, Merrill, 1970), pp. 111-48;

² Margaret and Charles Hermann, Bruce Paige, Piers Robinson, Richard C. Snyder, H.W. Bruck and Burton Sapin, Ole Holsti, Zeev Maoz, Mark Granovetter, Gary Goertz, Paul't Hart, Eric Stern, Bengt Sundelius, Joe Hagan.

³ Allison Astorino-Courtois, "The Effects of Stakes and Threat on Foreign Policy Decision-Making", *Political Psychology*. Vol. 21, Issue 3, (2000). p. 490.

systemic perspective.⁴ Both scholars define an international crisis “as a change of state in the flow of international political actions, or alternately, as when ... a succession of extraordinary inputs begetting new outputs begets new inputs, between competing parties passes some point in volume and intensity, the whole phenomenon begins to be called international crisis”. Young acknowledges that an international crisis is a set of rapidly unfolding events which raises the impact of destabilizing forces in the general system or any of its subsystems substantially above normal levels and increases the likelihood of violence occurring in the system.

Both definitions capture Kenya’s post-election crisis in the sense that prior to the crisis, the national decision making was characterized by disjointed decisions among or between units or the actors involved. Despite the signals and indicators of an impending crisis, the crisis was not prevented. Indeed, in Kenya, the time of elections has always been viewed as a moment of national crisis because intrigues grow with agitation becoming more lively and widespread. The whole country gets to a feverish state and the election becomes the daily theme of comments in the Kenyan newspapers, private conversation, the object of every action and the subject of every thought and the sole interest at the time. But unlike, the previous elections of 1992, 1997 and 2002, the 2007 elections was peculiar in the sense that the country was polarized including the decision making units which were marked by ethnic undertones and biased decision making. However, the preceding elections were a conglomeration of minor crisis that eventually enlarged and weakened the decision making system. The Kenyan situation can be

⁴ McClelland, Charles A., et al., 1965, *The Communist Chinese Performance in Crisis and Non-crisis: Quantitative Studies of the Taiwan Straits Confrontation, 1950-1964*, China Lake, California, US Naval Ordnance Test Station, NOTS TP 4138.

likened to a paradox of transition in conflicted democracies characterized by sharp division in the body politic whether on ethnic, racial, religious or ideological ground⁵.

Similarly, the political crisis in Kenya became international in its character and orientation. This is because political and economic development in one locale can have almost instantaneous repercussion elsewhere given the prevailing interdependence of nations enhanced by globalization. In the Horn of Africa conflict system, Kenya had been regarded as a harbinger of peace and plays a crucial role not only in the diplomacy of conflict management in the volatile region but also as a forward operational base for humanitarian aid to the war-torn countries of Somalia and Sudan. Besides, the strategic position of Kenya in the region, served the interest of the major powers in the west namely; the United States and United Kingdom among others to monitor political crisis in the crisis afflicted countries of Somalia and Sudan.

There has been however a raging debate on whether the Kenyan electoral crisis fitted to be called a crisis or otherwise. This debate can only be enlightened by the various scholars on international crisis. The scholars of substantive approach to crisis such as Kahn argue that there are some intriguing forms of behavior noticed when national security bureaucracy shifts from a routine to crisis mode of operation.⁶ In other words, there is a shift from pre-crisis standard operating procedures to a particular form of response chosen for each particular crisis. For Hermann, there are three dimensions to crisis; surprise, the decision time available to the decision maker and the threat present as perceived by the decision maker.

⁵ Fionnuala Ni Aolain and Colm Campbell, "The Paradox of Transition in Conflicted Democracies", *Human Rights Quarterly*, Vol. 27, No. 1 (Feb., 2005), pp. 172-213.

⁶ Kahn, Hermann, 1965, *On Escalation: Metaphores and Scenarios*, New York: Praeger.

The opponents of those who define the Kenyan situation as a crisis premise their argument on the mediation agreement which sees as one of its agenda being to create an environment to “implement a coherent and far reaching agenda to address the fundamental root causes of recurrent conflict in Kenya”.⁷ Thus effectively recognizing what happened in Kenya as a conflict and not a crisis. But the Mediation Agreement was itself contradictory as it defined some areas as conflict and others as crisis. For instance, the third part of the preamble specifies the agreement understanding of the principles of a coalition government. These are that the leaders of the two parties are through the agreement jointly overcoming the current crisis with the aim of setting the country on a new path.⁸

Despite the contending discourses, the Kenyan situation had all the hallmarks of a crisis in the sense that it fulfilled all the conditions set forth by Herman in his definition of the crisis namely surprise, decision time available which was short and the threat that was present in the light of the decision maker’s perspective. The crisis was spontaneous and gripped the decision makers with surprise and the threat present was high as evidenced by the deployment of the military to avert internal crisis yet the military’s function under normal situation is to protect the country against external aggression. The situation was also characterized by institution of curfew, restrictions on media and an economic crisis within and with the Kenya’s trading partners such as Uganda. Kenya’s situation was not only a crisis but it was international crisis because international crisis are episodes that can be destabilizing not only to the actors involved but also to the entire

⁷ Mwangi M., *The Water’s Edge: Mediation of Violent Electoral Conflict in Kenya*, (IDIS Publications on International Studies.3., July 2008), p. 151.

⁸ Mwangi M., *The Water’s Edge: Mediation of Violent Electoral Conflict in Kenya*, (IDIS Publications on International Studies.3., July 2008). P. 149

international system.⁹ President Yoweri Museveni of Uganda candidly captured the situation in Kenya as a crisis by stating that:-

“Kenya and the concomitant difficulties throughout the whole region have shown that the head cannot be independent of the neck; the neck cannot be independent of the chest; the chest cannot be independent of the abdomen; the abdomen cannot be independent of the limbs; and vice versa. Of course, you can have amputees and cripples. They however do not lead to a full life. Their potential is diminished to the extent of the loss of parts of their bodies”.¹⁰

Decision making in crisis involves prevention and management. The prevention element involves judging which takes the form of prediction or betting on or preparing for uncertain future as represented by the decision.¹¹ In other words, crisis prevention comes with forecasting. The management phase involves the crisis phase itself. Both crisis forecasting and crisis management complement one another. However, forecasting in crisis has its own pitfalls and failures.¹² It is difficult to conceive the way in which the great number and variety of human and material factors will interact to create a future environment.¹³ Indeed, there is no forecast that is likely to be completely accurate. Nonetheless, forecasting has a utility in the decision making process. Crisis forecasting facilitates, improves and reduces the necessity for crisis management. Crisis forecasting also ensures that its management is more organized, efficient and effective. But the pessimists¹⁴ posit that actual forecasting of crisis is so minimal and advise on the need to

⁹ Jonathan Wilkenfeld, Kathleen Young, Victor Asal, David Quinn, 'Mediating International Crises: Cross-National and Experimental Perspectives', *The Journal of Conflict Resolution*, Vol. 47, No. 3 (Jun., 2003), p. 279

¹⁰ Saturday Nation, 'Last Minute Effort that Led to Peace Deal', March 01, 2008, p. 2

¹¹ CHAN, S. (1980) "Mirror, mirror on the wall ...: expert judgments under uncertainty." Presented at the annual meeting of the International Studies Association, Philadelphia.

¹² Helena P. Page, "Long-Range Forecasting in the Pentagon" *The World Today*, Vol. 38, No. 7/8 (Jul. - Aug., 1982), pp. 274-281.

¹³ Helena P. Page, "Long-Range Forecasting in the Pentagon" *The World Today*, Vol. 38, No. 7/8 (Jul. - Aug., 1982), p. 274.

¹⁴ Peter Wiles, "Crisis Prediction", *Annals of the American Academy of Political and Social Science*, Vol. 393, (Jan., 1971), pp. 32-39

devote more resources and attention to the element of management. But it must be always remembered that there is no method that has been developed to eradicate the formation process of a crisis¹⁵ and the element of uncertainty in crisis requires decision making on the basis of an unclear picture of the crisis at hand.¹⁶

In the Kenyan post-election crisis, there were two levels of decision making, the pre-crisis phase and the crisis phase. In the pre-crisis phase, the decision making element involved endogenous actors in the form of institutions such as the security organs and policy making decision units. The crisis phase entailed decision making involving parties to the conflict, endogenous and exogenous actors to the conflict. This phase included the highly political act of mediation and endogenous and exogenous actors combined to shape the decision making aspects. The decision to intervene by the international community notably; the US, UK, European Commission (EC), African Union (AU), the United Nations and actors in the East African subsystem such as Uganda was informed by an array of factors. The UN and the AU made the decision to intervene in line with their respective charters because post-election violence raised serious humanitarian problems. The decision by the actors in the subsystem to enter the violence in the form of `mediation or attempted mediation can be explained by the impact the conflict had spurred¹⁷ in terms of shortages of essential commodities for the landlocked countries of Uganda, Democratic Republic of Congo (DRC), Rwanda and South Sudan.

¹⁵ Arjen Boin and Patrick Lagadec, "Preparing for the Future: Critical Challenges in Crisis Management", *Journal of Contingencies and Crisis Management*, Vol. 8, Issue 4, (December 2000), pp. 185-191.

¹⁶ Arjen Boin, et.al., "Book Review: The Politics of Crisis Management: Public Leadership Under Pressure", *Journal of Contingencies and Crisis Management*, Vol. 15, Issue 3, (September 2007), p. 168.

¹⁷ Mwangi M.. *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya*, p. 25.

The crises in the decision making sense can be one-sided or two sided from the eyes of the actors involved.¹⁸ Consequently, the parties to the crisis perceive the concept differently with one party recognizing the crisis phase and the other not. This recognition or perception helps in shaping the decisions of the actors involved. At the initial phase of Kenya's post-election crisis, this element was visible especially with regard to the two main actors namely; the Party of National Unity (PNU) and the Orange Democratic Movement (ODM).

1.4 Justification of the Study

The study draws a nuanced understanding of the emerging field of complex electoral crises both at the policy and scholarly levels. Although it may not provide a comprehensive toolbox or a template for the resolution of election related crisis, it will nevertheless aspire to remove the cloud that hangs over democratic elections as well as provide a basis from which the scholars will study the field further especially on the component of the decision making.

From the scholarly perspective, conflict is resolved among others through third party mediation. It is however clear that a third party intervention and mediation process has no prescribed formula and mediators come up with their techniques depending on the prevailing circumstances. In this respect, the research will be useful in identifying some decision making techniques and tactics during the mediation process involving violently contested democratic elections. For policy managers, the research will lay out the usefulness of the preventive and management aspects of the crisis. Nonetheless, it will

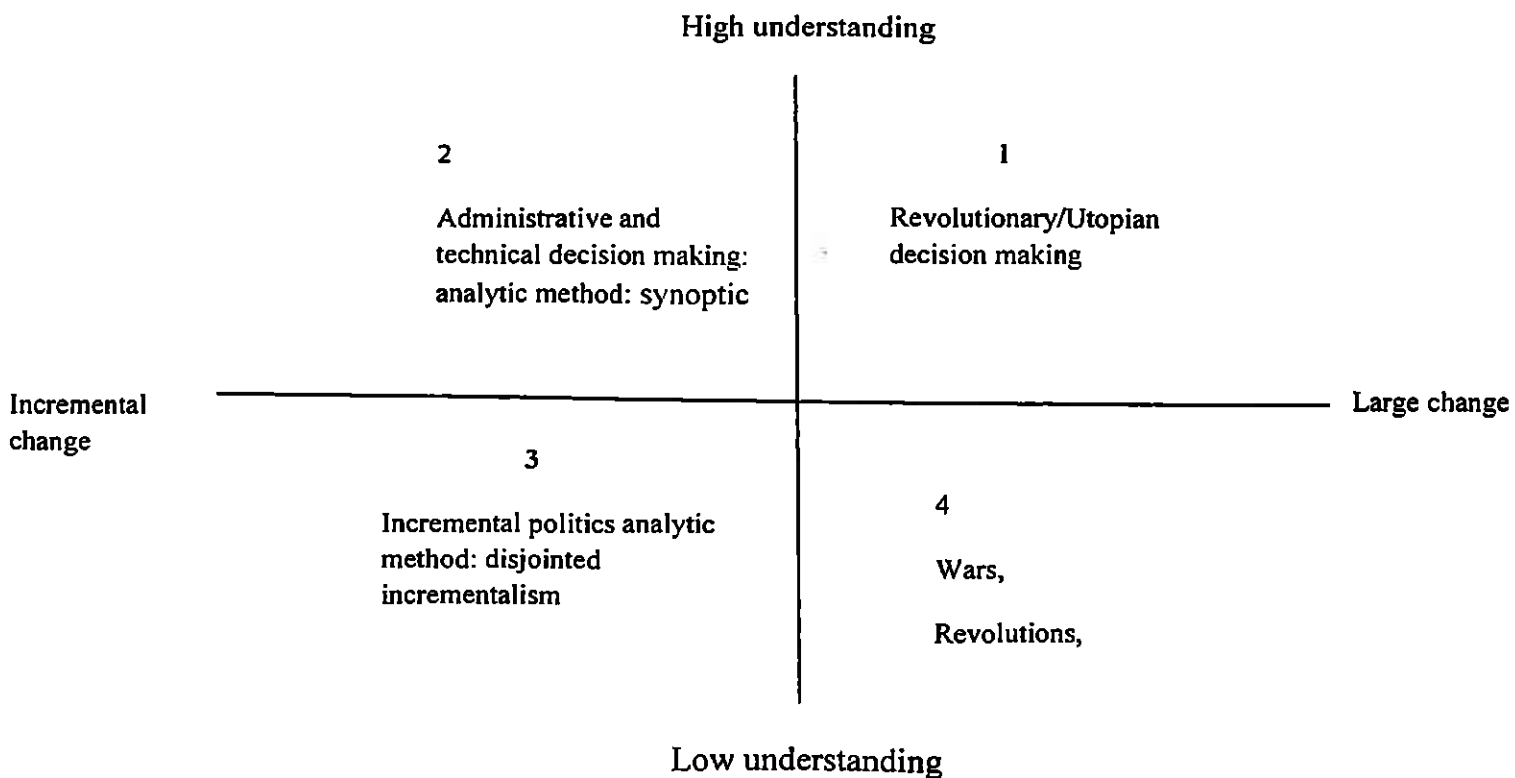
¹⁸ J. Joseph Hewitt and Jonathan Wilkenfeld, "One-Sided Crises in the International System", *Journal of Peace Research*, Vol. 36, No. 3, (May 1999), pp. 309-323.

not provide a wholesome solution to election related crisis and therefore, the gap for further studies on the subject shall avail itself.

1.5 Theoretical Framework

The research study uses the crisis decision making model of Braybrook and Lindblom as indicated below:

BrayBrook and LindBlom (Model)



This is one of the most influential models about decision making in crisis and explains how decision makers adopt to their limitations. The four squares are the resulting decisions and there are two intersecting continuums. The vertical continuum represents the degree of decision maker's understanding of the problem from his own perspective. The horizontal continuum reflects the significance of the decision. For instance, how much change a decision will bring to the system? Quadrants 2 and 3 are methods of analysis. Synoptic is the method appropriate to the problems encountered in the quadrant 2 situations.

In the 3rd quadrant, a decision maker is burdened by the grasp of the problem and therefore chooses to make small tentative steps in the form of trial and errors. Thus he or she makes limited or minimal decision. The method of analysis is called disjointed incrementalism. This is because the range of these decision makers is limited. The decisions makers do not want the consequences of the decision to surpass the limits of his or her understanding. The decision maker chooses the part of marginal change to deal with the crisis and examines only a small number of alternatives and their consequences. He or she runs away from abroad visions and radical departures in favour of minimizing risks or errors.

Crisis usually belongs to fourth quadrant where the government begin to threaten war or retaliation against an opponent. The reason why crisis belongs to this quadrant is that the participants' intellectual understanding and commanding is very low. Deterrence works in this quadrant because the target of the threat is a sensible decisions maker. Deterrence threat makes a decision maker to realise that he is in a crisis situations. But it is also very unpromising if the person being threatened believes he is in quadrant 1 and is

impervious to threat. A sensible decision maker responds to a deterrent threat and responds by shifting to quadrant 3. In quadrant 3, decision making is lesser and limited because the decision maker does not want the consequences to outstrip his or her understanding. Therefore, the objective of a deterrent threat is to make the other actor to perceive he or she is in a quadrant 4 situation.

The model will enhance the study by helping in understanding how decision makers adopted to their limitation in the Kenyan electoral crisis of 2007-2008 besides. In addition, it would clearly bring out how Kenya Government decision makers made incremental steps in some of their decision points as they were worried of the inevitable change that could manifest itself in the system in the event of a failure to take right decisions.

The model will also help in putting into perspective how threats or deterrence both from within the country and outside the country influenced the decision makers in the Kenya Government at the time of the crisis to make certain decisions. The Kenyan crisis was not only domestic but also international both in character and orientation. The Government decision making was not therefore detached from this reality. The model will therefore bring these issues into perspective in a clearer context especially in the third quadrant. Indeed, the Kenyan decision makers feared to be outstripped by the consequences of their decision and consequently chose the part of marginal change to deal with the crisis.

To the practitioners of decision making, the model will serve as a guide in improving their decision making besides serving as a tool of remedying the crisis than seeking positive goals. Similarly, the model will augment the study by placing the

decision makers within the context of their understanding of the consequences of their decisions. For institutions involved in decision making during the crisis, the study will benefit from the model on how fragmentation of analytical work to many partisan participants in decision making is made with each attending to their piece of the overall domain. The study will further be augmented by the model through a careful understanding of how decision makers strive to make decisions under the pressure of their limited capacities and time.

In the same scope, the model will aid the study by laying out the policy of political incrementalism which is the practise of making and changing decisions through relatively small steps. This small steps helps in adopting analysis and action to human cognition. It will also help to demonstrate that somewhat autonomous decision making structures mutually affect one another despite the limitation of time and competence as the Kenyan case would discuss. The model will also strengthen the study by laying out the reactive nature of the Kenyan decision makers to the pressure of the crisis from within and without the country. Kenya is also a democratic system and the model will explain how some of the decision making participants were rarely able to agree on bold policy moves or even if they did so, it took longer in the face of the crisis.

Bray Brooke and Lindblom model of incrementalism would help the study by pointing out how Kenyan decision makers guarded against unanticipated adverse consequences by waiting for their emergence rather than by futile attempts to anticipate every contingency as required in synoptic problem solving¹⁹. The decision making model will enhance the

¹⁹ Bray Brooke, D. and C. E. Lindblom (1963). *A Strategy of Decision*. New York: The Free Press.

study by bringing out clearly how the decision makers were shaped by both internal and external environments in reaching certain decisions regarding the electoral crisis in Kenya. It will also help in understanding how different decision makers interpreted the events in Kenya. It is however important to note that the model does not completely serve as a wholesome prescription to all the crisis situations.

1.6 Hypotheses

The following hypothesis can be drawn from the literature which could be used to test the findings of the research:-

- a) That Kenya Government decision making proceeded along a structured continuum before and during the electoral crisis of 2007-2008.
- b) That the decision making co-ordination in terms of effectiveness received mixed results during the crisis.
- c) That both subjective and objective environment influenced decision making during the crisis.

1.7 Methodology

The study utilizes both primary and secondary data to enhance the literature of the research. The primary data shall be obtained using oral interviews and content analysis. The interviews will take the form of semi-structured and in-depth interview schedules. The interview method was conducted by careful selection of key informants. The key informants were carefully done to select diverse informants for their information and knowledge on the subject under study. The target population will be identified using quota sampling and purposive sampling techniques. This is because it may be difficult to get all the people or institutions identified above for the study. The selected population

will also be reliable for the study. Therefore, those selected or interviewed will be regarded as representative of the population.

The use of semi-structured interviews enabled participants to focus on the specific topic of the discussion, but in most cases there were diversions. In the semi-structured interview, the researcher accessed various actors involved in the decision making of the crisis. The in-depth interview schedules will focus on experts' opinions and accounts of the crisis. The interviewees will include; experts in the field of foreign policy decision making such as university lecturers, embassy officials, former officials of the defunct Electoral Commission of Kenya, Key Human Rights agencies, the pollsters, the media officials, security officials including former and present decision makers and officials of the Ministry of Foreign Affairs and Office of the Presidents. Similarly, officials of the major political parties will be interviewed. This group of people is chosen owing to their understanding of the electoral crisis in one way or another from their different perspectives. At the same time, some were involved in decision making at the time of crisis while others through their findings or opinions shaped the decision making process.

The study also used various published and unpublished documents to generate data. The key documents used are: firstly, official reports of government and inter-governmental departments; secondly, press statements by politicians and key actors. The third category included media reports such as newspapers, books, journals, magazines, radio, TV, and key websites. The fourth source of data was from unpublished records such as reports from political groups, international organisations and civil society organisations. Further, more primary data will be accessed from official government document especially those that cover the decision making aspects from the government of

Kenya. This could be obtained from key agencies and organs involved in the decision making process in the pre-crisis and crisis phase of the electoral violence.

The raw data collected will be processed into information, facts and knowledge by eliminating unusable data and contradictory data. The data will then be stored for analysis. The data analysis will involve the use of thematic analysis especially the themes of decision making and electoral violence.

Scope and Limitation of the Study

The study coincided with a period when the question of the post-election violence was at its most sensitive point in Kenya's political landscape. This is considering the fact that the International Criminal Court (ICC) process against the six Kenyan suspects at The Hague, Netherlands has begun. The sensitivity surrounding the process would most likely impact on the ability to get the relevant data especially from the decision makers involved in the pre-crisis and the crisis phase itself. Most people felt unsafe from disclosing the events that unfolded and more so from the decision making perspective which is the epitome of this research. Furthermore, accessing some of the top decision makers involved in the crisis was also a herculean task because of their busy schedule and bureaucratic roadblocks attached to their offices.

1.8 Chapter Outline

Chapter 1: Introduction to the study

Chapter 2: International Crisis.

Chapter 3: Crisis Decision Making.

Chapter 4: Decision Making Process in Kenya's Electoral Crisis.

Chapter 5: Conclusions.

CHAPTER TWO

INTERNATIONAL CRISIS

2.0 Introduction

The concept of international crisis has no generally accepted definition due to its complexity and the failure by researchers in the field to define clearly what situations constitute international crises.¹ There are no clear analytical frameworks in which the concept of crisis can be nested and the concept is vague. In a sense, crisis is unto the beholder² and what is a crisis to one individual or group may not be to another. Crises are however distinguished from routine situations by the sense of its urgency and a concern that inaction will worsen the problem. In crisis situations, there is inability to manage available resources in a way that will alleviate the perceived problems tolerably.

The concept of crisis is used in various fields such as medicine, economics, management, public administration, communications, history, psychology, political science, and international relations. Classically, Canguilhem defined crisis as “change heralded by some symptoms, occurring during an illness, through which the patient’s life will be saved or not.”³ Turner on the other hand describes crisis as chaotic situations that might be experienced by people, states, governments and organizations.⁴ The word ‘crisis’ has been equated with disorder, a situation which is not normal or stable, or an urgent situation that happens suddenly and breaks the routine processes of a system.

¹ James M. McCormick, ‘International Crises: A Note on Definition’, *The Western Political Quarterly*, Vol. 31, No. 3 (Sep., 1978), p. 352

² Kupperman, R. H., R. H. Wilcox and H. A. Smith (1975) “Crisis management: some opportunities.” *Science* Vol. 187 (February 7) pp. 404-410.

³ Georges Canguilhem, “Le Problème des Régulations dans l’organisme et dans la Société”. *Ecrits sur la Médecine*, Sevil, Champ Freudien, 2002, p. 104.

⁴ Bryan S. Turner, *The Body and Society: Explorations in Social Theory*, Oxford, Oxford University Press, 1984, p. 114.

2.1 Definitional Approaches

The contemporary scholars in the crisis literature like Wiener and Kahn, Robinson and Hermann, agree that the international crisis concept has no generally accepted definition.⁵ There are those who define an international crisis in terms of the decision making process in a state and those who define a crisis in terms of interaction process between states. The definition by Hermann is the most representative of the decision making approach. He defines crisis as a situation that threatens the high priority goals of the decision making unit; restricts the amount of time available for response before the situation is transformed; and surprises members of the decision making unit when it occurs.⁶ This definition is from the perspective of decision makers experiencing the crisis in terms of threats to their goals, the surprise with which the crisis strikes and the short time that is available to them to make a decision. According to Hermann, crisis is a situation which is perceived by the units of a government to be a surprise while erupting.⁷

Conversely, there are those scholars who approach the definitional aspect of the international crisis from the systemic level. To them international crisis is defined as a situation in which there is some significant change in the normal interaction patterns between states. McClelland defines an international crisis as a change of state in the flow of international political actions or, alternately, as when a succession of extraordinary inputs begetting new outputs begetting new inputs, between competing parties passes some point in volume and intensity, the whole phenomenon begins to be called an

⁵ Anthony J. Wiener and Herman Kahn, *Crisis and Arms Control* (New York: Hudson Institute, 1962); James A. Robinson, "Crisis" in *International Encyclopedia of the Social Sciences* (New York: MacMillan, 1968), pp. 510-14; and Charles F. Hermann, *Crises in Foreign Policy* (Indianapolis: Bobbs, Merrill, 1969).

⁶ Hermann, *Crises in Foreign Policy*, p. 29.

⁷ Charles F. Hermann, "Some Consequences of Crisis Which Limit the Viability of Organizations", *Administrative Science Quarterly*, Vol. 8, No. 1, (June 1963) p. 64.

international crisis.⁸ An international crisis is a change of situation that takes place in the actions between the rivals and affects the entire international system.⁹ In other words, an international crisis is international politics in microcosm.¹⁰ A crisis tends to highlight or force to the surface a wide range of factors and processes which are central to international politics in general. These factors include; power configurations, interests, values, risks, perceptions, degrees of resolve, bargaining and decision making which lie at the core of international politics. The international system changes can be seen in the aftermath of the Cold War period in the 1990s with the destabilization of Eastern Europe and the fall of Soviet Union in 1991. The event triggered more local crisis in Iraq (1991) and the 1992 crisis in Yugoslavia that could be considered the cornerstone for the causes of the 11th September 2001 crisis in the United State of America (USA). These chain of events generated what can be described as international crisis.

Young argues that an international crisis is a set of rapidly unfolding events which raises the impact of destabilizing forces in the general system or any of its subsystems substantially above normal levels and increases the likelihood of violence occurring in the system.¹¹ Young agrees with McClelland's definition. In his view, an international crisis is a range of events which consists of suddenly and rapidly changing occurrences. Such events increase the effects of the forces, which makes instabilities in the general system structure, and activates the probability of use of force and damage in the system

⁸ Charles A. McClelland, "Access to Berlin: The Quantity and Variety of Events, 1948-1963," in J. David Singer, ed., *Quantitative International Politics* (New York: Free Press, 1968), p. 160,

⁹ Charles A. McClelland, "The Anticipation of International Crises: Prospects for Theory and Research", *International Studies Quarterly*, Vol. 21, No. 1, (March 1977), pp. 15-16.

¹⁰ Glenn H. Snyder, 'Crisis Bargaining', in Charles F. Hermann, *International Crisis: Insights from the Behavioural Research*, The Free Press, New York.

¹¹ Oran R. Young, *The Intermediaries: Third Parties in International Crises* (Princeton: Princeton University Press, 1967), p. 10.

structure.¹² Their concern is largely behaviour change rather than perception as advocated by those who adopt a decision making approach. But scholars in system school of thought are mainly interested in reciprocal changes among the actors, unlike the adherents of the decision making approach.¹³

Both decision making and systemic approaches do not dispute the existence of intra-national or domestic crisis since both levels of crisis are linked substantively and methodologically. Similarly, the techniques used to forecast and manage them may end up being similar with researches on one contributing towards the other in the long and short runs.¹⁴ Domestic crisis may however differ from international crisis in terms of indicators and data sources. But the modern crisis being the product of several modernization processes is increasingly complex and is not spatially confined by common boundaries.¹⁵ It entangles quickly with other problems and its impact is prolonged.¹⁶

2.2 Traits and Characteristics of Crisis

There are a number of traits or characteristics of crisis. The identification of these characteristics or traits has been broadly undertaken by the scholars of two schools of thought namely; substantive and procedural. The substantive scholars identify the traits in terms of the content of a particular problem, policy or situation while on the other hand; the scholars of the procedural school of thought identify the characteristics of the crisis in

¹² Oran R. Young, "Intermediaries: Additional Thoughts on Third Parties", *The Journal of Conflict Resolution*, Vol. 16, No. 1, (March 1972), pp. 51-65.

¹³ Zeev Maoz, "Crisis Behaviour: Theory and Evidence", *Mershon International Studies Review*, Vol. 38, No. 2, (October 1994) pp.333

¹⁴ Robert A. Young, 'Perspectives on International Crisis: Introduction, *International Studies Quarterly*, Vol. 21, No. 1, (Mar., 1977) p 6

¹⁶ Rosenthal, Uriel, Arjen Boin, and Louise K. Comfort, eds. 2001. *Managing Crisis: Threats, Dilemmas, Opportunities*. Springfield, IL: Charles C. Thomas.

generic terms without regard to subject, substance or local and international nature of crisis. In the substantive school, Kahn developed forty-four distinguishable steps on the ladder of escalation of crisis from minor crisis to full scale war.¹⁷ But these steps by Kahn has been criticized as confined only to a nuclear crisis and not comprehensive enough to apply to other types of crisis. Triska is another scholar in the substantive school and identifies the traits and characteristics of a crisis based on participants, initiators and the level of intensity of violence.¹⁸ Triska is policy specific and comprehensive in the identification of the characteristics of crisis than Kahn.

Those in the procedural school of thought identify the characteristics of crisis from the elements that inhere in any crisis. Wiener and Kahn given twelve generic characteristics of crisis which among others include; crisis as a turning point, crisis requires actions from participants, crisis threatens goals and objectives of those involved, outcome of crisis shapes the future of the parties involved, crisis produces new sets of circumstances and crisis increases uncertainties.¹⁹ They further characterize crisis as a period in which control over events and its effects decreases, which invokes urgency, stress and anxiety among actors as well as increased time pressures. In their view, crisis is marked by changes in relations among participants and that it increases tensions among the actors especially in political crisis involving nations.

Those scholars looking at traits of crisis from the psychological and sociological standpoint like Miller and Iscoe characterize it as acute rather than chronic, that crisis

¹⁷ Herman Kahn, *On Escalation* (New York: Praeger, 1965).

¹⁸ Jan F. Triska et al., *Pattern and Level of Risk in Soviet Foreign Policy Making: 1945-1963*, Stanford University, dittoed report to Project Michelson, September 10, 1964.

¹⁹ Anthony J. Wiener and Herman Kahn, *Crisis and Arms Control* (Harmon-on Hudson, N.Y.: Hudson Institute, 1962).

produces inefficiency, frustration and scapegoating.²⁰ According to them, crisis is also characterized by a threat to the goals of the persons involved, it is relative in that what is a crisis for one participant may not be for another and that crisis produces tension including physical tension and anxiety. But those in The Stanford Studies in Conflict and Integration such as North, Holsti, Zinnes and Brody are classical in their identification of the characteristics of crisis as it is drawn from the medical view of the term.²¹ They identify crisis as a turning point in the evolution of an event or organism and this critical point determines the life or death, violence or non-violence, resolution or protracted conflict. But the disadvantage of this characterization of the crisis is that the dichotomies it creates in insufficiently subtle.

Robinson characterized crisis by the identification of the origin of the event, time available for response and relative importance to participants of the values at stake.²² The origin of the a crisis event can be internal or external for decision makers while the time available could be short, intermediate or long for the decision makers. The relative importance to the participants can be in the form of low or high values at stake. Crisis may have potential consequences of high salience and profound importance in terms of stakes. Such stakes may include but not limited to; economic stability or instability, organization growth or decline, or personal well-being or misfortune. In this respect, elements of crisis may differ depending on whether one precipitates it or is confronted by it.

²⁰ Kent Miller and Ira Iscoe, "The Concept of Crisis," *Human Organization*, Vol. 22 (Fall 1963) pp.195-201

²¹ Robert C. North, Ole R. Holsti, M. George Zaninovich, and Dina A. Zinnes, *Content Analysis* (Evanston, Ill.: Northwestern University Press, 1963), p. 4.

²² James A. Robinson, "The Concept of Crisis in Decision Making", *Series Studies in Social and Economic Sciences*, no. 11. (1962), p. 55.

2.3 Phases of Crisis

Crisis usually comes about in several phases in its progression. The first phase of crisis is called pre-crisis phase which is also known as the warning phase or incubation phase. In this phase, the signs of the crisis begin to feature and the crisis situation becoming clearer. There is also an increase in the panic levels of the governments. The second phase is the crisis phase itself where the crisis begins and becomes manifest. It is also called the initiation phase meaning it is the time period in which initial deviation from pre-existing arrangements, tension level and so on occurred.²³ The events in this phase happen very fast and governments start operating outside the normal standard operating procedures. The leadership role and functions is expanded, their management skills tested and sometimes their credibility becoming at stake.²⁴ The prestigious political landscape of the leaders and governments also becomes tumultuous. This phase is also characterized by the establishment of crisis centres to help ameliorate the likely harmful effects of the crisis. In this phase, major strategic, tactical, diplomatic and economic operations are carried out coupled with taking of basic decisions. The leadership strives to make meaning of the crisis to the audience. In other words, they seek to convince the public to support the decision the leadership is taking in the course of crisis so that legitimacy is not lost in the process.

The third phase is the crisis abatement phase or resolution of crisis stage. At this stage, relatively persistent arrangements, tension levels and other factors have been established. This phase is characterized by physical events such as the violent force,

²³ David C. Swartz, 'Decision Making in Historical and Simulated Crisis', in Charles F. Hermann, *International Crisis: Insights from the Behavioural Research*, (The Free Press, New York) pp: 170.

²⁴ Peter F. Trumbore and Mark A. Boyer, "International Crisis Decision making as a Two-Level Process", *Journal of Peace Research*, Vol. 37, Issue 6, (November 2000), pp. 682-683.

seizure, expulsions, negative sanctions aimed at punishing the opponents and reducing relationships and shows of potential force as in demonstrations and mobilizations.²⁵ This phase also is explained by verbal combat in the forms of non-active physical events as well as attempts to move away from violent conflict such as settlement, accommodation, postponement or conclusion of the conflict. The credibility of the governments rests on this phase. If the government cannot find a solution to eliminate the harmful effects of the crisis, its credibility might be damaged and its prestige lost. But if the government is able to deal with the crisis and its bad effects, it is possible for the government to have little actual injury and gain some advantage as a result of the crisis.

2.4 Series of International Crisis Events

The first series of crisis made an appearance after a long generation of exceptional diplomatic activities marked by much conflict and change during the period of 1870 to 1904. After 1904, the political military alignments of the great powers were stabilized and the crisis phase begun. McGowan, Rood and Schuman gave a summary of what happened during the crisis phase of this period by stating that "The two great military coalitions cemented by common interests and secret treaties, faced one another in a race of armaments and a struggle for colonial possessions. Each diplomatic conflict namely; the Franco-German controversies over Morocco of 1904, 1908 and 1911, the Austro-Russian disputes in the Balkans of 1908, 1912, and 1913 and many lesser frictions thus became a crisis between alliances". The unstable equilibrium between these immense aggregations of power was maintained for some years, only to breakdown in a gigantic

²⁵ Charles A. McClelland, 'The Beginning, Duration and Abatement of International Crisis: Comparisons in Two Conflict Arenas', in Charles F. Hermann (eds.), *International Crisis: Insights from the Behavioural Research*, The Free Press, New York, 1976, pp. 90- 96.

combat of nation state crisis in 1914. During this period, the crisis was largely as a result of the rigidity in the two main alliances structures that existed notably; the Triple Alliance and the Triple Entente. This precipitated a series of crisis that moved international condition into the intermediate condition between peace and war. The World War II broke as a result of mistakes by state craft and failure of crisis management.

The second series of international crisis appeared between 1935 and 1939 which had some of the features of the first period because it involved some great powers as well.²⁶ But unlike the international crisis recorded in the first period which was characterized by crystallized alliance structure and the no-compromise commitments of the pre-world war I period, the second crisis wave was brought about by the policy of flexibility, negotiation, and conciliation on the part of France and Britain. Each expansionist or aggressive move by Hitler was cast in terms of alternatives of accept and preserve peace or resist and face war. In this period, the policy was aimed at crisis management in terms of rational problem-solving and accommodation. This period also the failure of avoidance through crisis manipulation by the powers involved.

The third series of international crisis was between 1948 and 1964, in which no general war between the main contenders, in the crisis situation occurred.²⁷ This was the cold war crisis in which the policy of appeasement contributed to the determination to check aggressive international behaviour at the earliest possible moment. The international system structure changed into somewhat less dangerous, but more complex form. Some of the crisis that manifested themselves in this phase included; the Berlin

²⁶ Arthur N. Gilbert and Paul Gordon Lauren, "Crisis Management: An Assessment and Critique", *The Journal of Conflict Resolution*, Vol. 24, (1980) pp. 649-650.

²⁷ Graham Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis*, (2nd edition). New York, Longman, 1999, pp. 50-51.

Blockade of 1948, the Korean War of 1950, the Suez Crisis of 1956, the Lebanon and Quemoy crises of 1958, the Congo Crisis of 1960, the Berlin Wall crisis of 1961 and Cuban Missile Crisis of 1962.

However, not all crises in the cold war period were within the bipolarity paradigm of the international systems structure although they nevertheless attracted attention because of their local and international character.²⁸ Such crisis include; the Sino-Soviet Crisis of 1969 over the border dispute, the Tibet crisis between China and India, the 1971 crisis between India and Pakistan over Kashmir, the Angolan crisis (between 1975- 1976) occasioned by regime change and the Iran Islamic Revolution and Hostage Crisis in 1979-1980. It is therefore inappropriate to consider these crises as cold war crises because they did not within the bipolarity paradigm.

The other series of crisis evolved during the period between 1966 and 1975. A few of the crisis in this period fitted the cold war mould as they were characterized by conflict- collaboration properties of the main series. Despite being local in nature, they fell under the prism of the United States and the Soviet Union conflict control. The examples of such crisis included the June 1967 war in the Middle East., the Suez Canal war, and Palestinian Liberation Organization (PLO) – Jordan struggle of 1973. Some of the crisis in this period served as a magnet drawing in both superpower contestants or at time one superpower avoiding it studiously. For instance, the US engagement in Vietnam

²⁸ Patrick J. Haney, "The Nixon Administration and the Middle East Crises: Theory and Evidence of Presidential Management of Foreign Policy Decision Making", *Political Research Quarterly*, Vol. 47, No. 4, (December 1994) pp. 947-949.

crisis was avoided by China and the Soviet Union because of its complexity.²⁹ The Cyprus crisis of 1976 had drawn in the United Nations and the Great Britain to challenge the act of territorial aggrandizement of Cyprus by Turkey. The same interventions continued in the post- cold war period.

In the post- cold war period, crisis transformed from a superpower contestations between the United States and the Soviet Union. Whereas the crisis in the cold war period were symmetrical in character and orientation, (between two equal superpowers), the post- cold war crises have taken asymmetrical dimensions.³⁰ That is to say they happen between states whose powers are not equal. It has been further complicated by the entry into the scene of non-state actors in the post-cold war period. In effect, intra-national and international crisis are a result of intertwined processes in most of their facets. But the two approaches to definition of crisis differ in some respect. While the decision making approach covers some aspects of crisis management, the systems approach is somewhat deficient on this phenomenon.

The world became unipolar in the balance of power structure of the international system in the post-cold war period. The first trigger of international crisis in this period was seen in East Germany, followed by Central and Eastern Europe. The collapse of the Soviet Union, which happened in the late 1991 and its cumulative effects caused many other micro-crisis in countries that were under the Soviet Union dominated pole. The vacuum and the lack of omnipresent Soviet Union triggered a series of crisis which were

²⁹ Charles A. McClelland, 'The Beginning, Duration and Abatement of International Crisis: Comparisons in Two Conflict Arenas', in Charles F. Hermann (eds), *International Crisis: Insights from the Behavioural Research*, The Free Press, New York, 1976, pp. 35-40.

³⁰Eric Stern and Bengt Sundelius, "Managing Asymmetrical Crisis: Sweden, the USSR, and U-137", *International Studies Quarterly*, Vol. 36, No. 2, (June 1992), pp. 213-239.

largely framed along the local content but with willingness from the United States to fill the void within the context of creating a Pax-Americana. The examples of the episodes of crisis in this period are; the Iraq crisis in 1991-1992, the Yugoslavian crisis in 1992-1996, the Kosovo in 1999 and the 11th September 2001 terrorist attacks against the United States. The post-cold war period has also seen the entry of non-state actors such as terrorists whose structure is amorphous and their leadership is likewise ambiguous.

2.5 Positive Impact of Crisis

Crisis should not always be reflected in the light of negative effects as they also have some utilities or importance.³¹ This can be drawn from the Chinese meaning of the crisis which in principle means both threat and opportunity. Crises have different utilities or values depending on how it is looked at. There are opportunities gained during the crisis itself and the post crisis period. Such positive nature of crisis can be seen for instance in the repairing of relations between disputing internal decision making units that results in the implementation of actions that have been suspended arising from the dispute before the crisis becomes manifest. Crisis also offers some lesson learning on the part of the leadership that leads to re-evaluation of strategies, programs, and institute mechanisms to avert future threats to the goals endangered by the crisis.³²

Besides, crisis may prove less dangerous when seized and exploited as opportunities once they occur. Crisis is seen as providing opportunities to move forward values that have been of interest for some time. For instance, the Cuban missile crisis of

³¹ Christine M. Pearson and Judith A. Clair, "Reframing Crisis Management", *The Academy of Management Review*, Vol. 23, No. 1 (January 1998) pp. 66

³² Ole R. Holsti, "Historians, Social Scientists, and Crisis Management: An Alternative View", *The Journal of Conflict Resolution*, Vol. 24, No. 4 (December 1980)pp. 666

1962 that had drawn in the two main superpowers namely; the United States and the Soviet Union helped President John F. Kennedy to create improved relations with the Soviet Union through the introduction of the Hotline. The other utility of crisis can be seen within the context of crystallizing the attitudes and values of groups apart from providing opportunities for decisions that cannot be implemented in ordinary situations. Lastly, crisis may be used to motivate, to mobilize, to unify, or to organize interest groups, organizations, and parties besides providing a means of discovering opportunities.³³ It explores the popular notion that crises provide key opportunities for reform. The very occurrence of a crisis is then thought to expose the status quo as problematic, making it easier to gain momentum for alternative policies and institutions. However, the opportunities for reform in the wake of crisis are smaller than often thought.

2.6 Crisis Management

A well-structured crisis management is required to minimize injuries to a government during crises and to even gain some advantages if possible.³⁴ For a condition of good crisis management to prevail, the prior signals (warning) of an upcoming crisis must be perceived and correctly interpreted. Predicting for the future to defeat likely problems and risks, as well as *a priori* determination of the appropriate reactions (pro-activity) and possible alternative solutions are definitely necessary to prepare for any expected crisis. If a crisis occurs in spite of all preparations, crisis supervision (control) will be required.

³³ Lewis A. Coser, *The Functions of Social Conflict* (London: Routledge and Paul, 1956).

³⁴ Warren R. Philips, "Command and Control Tools for Crisis Management", in John V. Gillespie and Dina A. Ziness, *Mathematical Systems in International Relations Research*, New York, Praeger Publishers, 1977. pp. 16-17

It is also important for good crisis management to be able to return to normal conditions immediately after the crisis. Indeed, it will be useful for the future to do a self-evaluation and draw conclusions from the experience, in order to learn something from each crisis.³⁵

A well-qualified crisis manager must have the basic abilities to consider what the critical limit of the situation is, what the probable worst scenarios could be, what the alternative solutions could be, what the main trigger (which could be an event, an actor and/or a government) of the crisis could be, who could take advantage of the crisis, what the situation is going to be after the crisis and so on.³⁶

This chapter has given an in-depth analysis of crisis from the eyes of different scholars, its progression, and series of crisis experienced in the global arena, its management and lastly the positivity of the crisis. The next chapter will focus on the theme of crisis decision making.

³⁵ Robert A. Young, "Perspectives on International Crisis: Introduction", *International Studies Quarterly*, Vol. 21, Issue 1, (1977), p. 8;

³⁶ Peter F. Trumbore and Mark A. Boyer, "International Crisis Decision-making as a Two-Level Process", *Journal of Peace Research*, Vol. 37, Issue 6, (November 2000), pp. 682-683.

CHAPTER THREE

CRISIS DECISION MAKING

3.0 Introduction

The previous chapter discussed the lack of consensus surrounding the concept of crisis, its usage in various fields besides elaborating on the contending definitional discourses among the scholars of the subject. In particular, the chapter elucidated the two main definitions from the systems and decision making schools of thought by explaining the linkages and differences between intra-national and systemic crisis. Additionally, the chapter expounded on the traits and characteristics of crisis and the relevant schools of thought while at the same time putting into perspective the phases of crisis in its progression. Lastly, the preceding chapter noted the series of crisis from world war one through to the post-cold war era and the positive impact of crisis.

This chapter begins by evaluating the environment, the structure and framework in which decision making during crisis takes place. The role of governments in crisis decision making is also illustrated in addition to the institutionalization of crisis response systems. Likewise, prediction and forecasting of crisis and the challenges thereof would be enumerated in this chapter. The basic characteristics of crisis in relation to decision making, the difference between contemporary crisis decision making and conventional crisis decision making would be discussed as well. Lastly, the types of decision making in crisis and effects of crisis on decision processes would be elucidated.

3.1 Crisis Decision Making Environment, Structure and Process

Decision making during crisis takes places in an environment that is highly uncertain and in which there are threats to the basic structures or the fundamental values and norms of a

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3.1 Crisis Decision Making Environment, Structure and Process

Decision making during crisis takes places in an environment that is highly uncertain and in which there are threats to the basic structures or the fundamental values and norms of a

social system.¹ The decision making environment in crisis is further marked by a situation where normal communications are cut thus undermining the routine response capacities of the agencies and leaders dealing with crisis.² The decision making environment requires urgency in terms of solutions during crisis and decisions are made on the basis of the fact that a slight mistake on the part of the decision makers would breakdown the entire system.

The decision making environment during crisis can be two-fold in terms of the political setting. There is the objective and subjective environment. The objective environment of the decision maker entails both domestic and global phenomena. This is the environment that is closer to him and includes such factors as majority or minority status of his political party in parliament, his standing in the opinion polls and the nation's military capability among others. On the other hand, the subjective environment in crisis decision making involves aspects of political setting and the climate of expectations that the president or a decision maker creates. According to Barber, the president or the leader would be measured in terms of how he/she gives people reassurance in the face of the crisis, generates a sense of progress or action and imparts an aura of legitimacy.³

Crisis decision making also takes place in an environment that is beset by cognitive processes. Human beings are incapable of taking in every piece of information

¹ Rosenthal, U. C., Michael T.; and 't Hart, Paul, (eds.), *Coping with Crises: The Management of Disasters, Riots and Terrorism*. Springfield, Ill.: Charles C. Thomas, 1989, p. 10

² Garnett, J., and Kouzmin, A., "Communication during Crises: From Bullhorn to Mass Media to High Technology to Organizational Networking." In Alexander Kouzmin; and Andrew Hayne, eds. *Essays in Economic Globalization, Transnational Policies and Vulnerability*, Brussels: International Institute of Administrative Sciences, 1996, p

³ James David Barber, *The Presidential Character* (Englewood Cliffs, N.J.: Prentice-Hall. 1977), p. 9.

and evaluating it without bias. The decision makers are beset by the limitations of human mind. This suffices as soon as one begins to collect and examine relevant information. The leaders or decision makers sometimes ignore some information due to pre-existing beliefs, a situation that is dangerous in crisis decision making. Jervis avers that ignoring discrepant information or assimilating it to pre-existing beliefs will perpetuate inaccurate images and maintain unsatisfactory policies, but these processes are necessary if decision makers are to act at all.⁴ Undeniably, the decisions and actions of governments are seen as choices constrained by the shortcomings of the human mind. Kinder and Weiss point out that it is possible to extract four key themes in the crisis decision making environment.⁵ These themes are; the strive for consistency and its conservative impact on the perception and processing of evidence; systematic biases in causal analysis, the distorting effect of emotional stress on the decision process; and the cognitive destruction of order and predictability within a disorderly uncertain milieu.

The crisis environment involves the world of complex policy decisions. A complex decision has been defined as one in which two or more values are affected by the decision and there is a trade-off relationship such that a greater return to one value can be obtained only at a loss to the other and there is uncertainty about the central characteristics of the decision problem and the power to make decision is dispersed.⁶ Multiple competing values and interests are imbedded in a single issue so that it is difficult, if not impossible for the decision maker to formulate a single yardstick that

⁴ Robert Jervis, *Perceptions and Misperceptions in International Politics* (Princeton: Princeton University Press, 1976), p. 172.

⁵ Donald Kinder and Janet Weiss, "In Lieu of Rationality: Psychological Perspectives on Foreign Policy Decision Making," *Journal of Conflict Resolution* Vol. 22 (December 1978) p. 714.

⁶ Ebbesen, E.B., and Konecni, V.J., "On the external validity of decision making research." In: *Cognitive Processes in Choice and Decision Behavior*, T.S. Wallsten, Ed. (Hillsdale, NJ: Erlbaum, 1980) p. 15

encompasses and aggregates all of competing values and interests.⁷ High level of complexity therefore affects the quality of the decision process. The decision maker would feel more strain and less confidence when making more complex decisions. In crisis decision making, the environment is therefore subjective to the decision maker.

Structurally, decisions are made by national governments, organizations within the government and individuals.⁸ The national governments make decisions and act on rational grounds and their decisions result from various bargaining games among players in the national government. The organizations play an important role in crisis decision making because their decisions result from outputs of deliberations and interactions allowed by relevant organizational structure.

As Verba asserts, small groups play important role in governmental decision making.⁹ For example decisions reached by Cabinet and the National Security Council are all part of a decision making by organizations within the government. Verba posits that it is to the face-to-face group that one must look if one is to find the focus of decision making in political systems. The members of such small groups have the power and or influence to make decisions or choices that impact on the crisis. Furthermore, the governmental action is seen as a small group resolution.

A case in point was the Cuban Missile Crisis between the US and the Soviet Union. The major decisions the US made during the crisis grew out of the deliberations of the Executive Committee of the National Security Council (EXCOM). The advantage

⁷ George, A.L., "Toward a more soundly based foreign policy: Making better use of information." In Appendix D, *Appendices, Report of the Commission on the Organization of Government for the Conduct of Foreign Policy* (Washington, DC: U.S. GPO, June 1975) pp. 10-13

⁸ Graham Allison, *Essence of Decision* (Boston: Little, Brown, 1971), p. 6.

⁹ Sidney Verba, *Small Groups and Political Behavior*, (Princeton: Princeton University Press, 1961), pp. 17, 19.

of this small groups in crisis decision making is that the members know each other well although this does not mean divergent views and tensions do not arise during the decision making process. But not all of them have influence in getting the President's ear. The President might sometimes prefer listening to surrogates than established structures such as the military or intelligence experts.

3.2 Crisis as Occasion for Decision

Crisis situations are normally seen as occasions for decision. The notion of crisis as occasions for decision making is a dominant one in the scholarly literature on crisis management.¹⁰ It has been argued that crisis is the very moment of securitization.¹¹ Securitization in the context of crisis decision making is a situation that requires emergency measures and justifies actions/decisions outside the normal bounds of political procedure.¹² Occasions for decision can be anticipated or unanticipated, may involve short or long response time and sometimes involve low, medium or high threat to the goals or objectives of the decision making unit.¹³ However, the difficulty with the conceptualization of duration is that it is relative. What is short time for one problem may be more than ample for another¹⁴. In terms of the cognitive capacity, some decision makers are quick to reflect as compared to others who take a long time to arrive at a

¹⁰ Janis I. L. (1989) *Crucial Decisions: Leadership in Policy Making and Crisis Management*. New York: The Free Press.

¹¹ Ole Waever, "The EU as a Security Actor: Reflections from a Pessimistic Constructivist on Post-Sovereign Security Orders", in Morton Kelstrup and Michael C. Williams (eds.), *International Relations Theory and the Politics of European Integration: Power, Security and Community*, New York, Routledge, 2000, pp. 251-254.

¹² Bruce W. Dayton, "Managing Crises in the Twenty-First Century", *International Studies Review*, Vol. 6, Issue 1, (March 2004), pp. 165-167.

¹³ Charles F. Hermann, *Crisis in Foreign Policy* (Indianapolis: Bobs Merrill, 1969).

¹⁴ James A. Robinson and Richard C. Snyder, "Decision Making in International Politics", in Herbert Kelman, (eds.), *International Behaviour*. New York: Holt, Rinehart and Winston, 1965, pp. 440-442.

decision. In crisis, decision makers behave according to their interpretation of the situation.

Conventionally, crisis decision making occurred in bureaucratic backwaters and was seen to be the domain of middle level planners and operational agencies that design and implement prevention and preparedness policies.¹⁵ The modern crisis management has however metamorphosed into a political issue. Indeed, crisis planning has been taken seriously by leaders with prior crisis experience. Similarly, communities that have an emergency sub-culture borne out of the previous crisis have similarly taken crisis decision making seriously.

Crisis in the post-cold war has however become multifaceted in nature because of its trans-national and multidimensional form and character.¹⁶ The technological advancement globally has promoted a close-knit world that is susceptible to infestation by a single crisis whose threats are of a larger magnitude. It ranges from a variety of catastrophes such as earthquakes, epidemics, cyber-terrorism and the proliferation of weapons of mass destruction. The present-day crisis is therefore an amalgam of several modernization processes. A crisis and its existential threat therefore require the use of extra-ordinary means to manage the situation. This involves critical decision making.

3.3 Prediction and Forecasting of Crisis

For decisions to be made about a particular crisis, it must be preceded by a number of factors including but not limited to its prediction and forecasting. This is achieved through the search for relevant information which are subsequently analysed to guide the

¹⁵ Margaret G. Hermann and Charles F. Hermann, "Who Makes Foreign Policy Decisions and How: An Empirical Inquiry", *International Studies Quarterly*, Vol. 33, No. 4, (December 1989) pp. 376-377

¹⁶ Vamik Volkan, *Borderlines from Ethnic Pride to Ethnic Terrorism*, New York, Farrar, Straus and Giroux, 1997, p. 162

decision making process. There has been a raging debate on whether forecasting or prediction of crisis is indeed possible but there is no consensus among scholars as yet on what constitutes forecasting and prediction. Some choose either not to distinguish between the terms or to draw very nebulous distinctions¹⁷ although agreeing on the existence of a distinction.

According to Schuessler, prediction is used for deductions from known to unknown events within a conceptually static system and for statements about future outcomes based on recurring sequences of events.¹⁸ Choucri however argues that forecasts and predictions are distinguished from each other in terms of probabilities and contingent outcomes on conscious specification of alternatives.¹⁹ A prediction focuses upon one outcome or event and disposes with probabilities. A forecast, on the other hand, deals with contingent events to which probability ranges are assigned. Tanter defines a forecast as a derivative of a prediction; that is, a forecast is a description of an event or a trend given prior to its occurrence and identified as referring to a future time.²⁰

The modernization process and in particular the technological advances have impacted negatively on the prediction and forecasting of crisis. It has resulted in a situation where slight mishaps can rapidly escalate in unforeseen ways.²¹ Even those who argue that the signs of crisis are detected in the pre-crisis or the warning phase contend that the main problem for the decision makers is their pre-disposition to not

¹⁷ Harrison, D. (1976) *Social Forecasting Methodology*. New York: Russell Sage Foundation.

¹⁸ Schuessler, K. (1968) "Prediction," in *Encyclopaedia of the Social Sciences*. New York: Macmillan. pp. 418-425.

¹⁹ Choucri, N., "Forecasting in International Relations: Problems and Prospects", *International Transactions* 1: 1974, pp. 63-86.

²⁰ Tanter, R., "Explanation, Prediction, and Forecasting in International Relations", in J. Rosenau et al. (eds.), *The Analysis of International Politics*, New York: Free Press, 1972, pp. 41-57

²¹ Perrow, Charles. *Normal Accidents: Living with High-Risk Technologies*, (2nd ed.) Princeton, NJ: Princeton University Press, 1999, pp. 70-75

respond. This is because the crisis has not yet influenced the vital interests of the government. The dynamic nature of the international environment which is characterized by ever-changing international economic system, significant technological developments, natural disasters and international political factors makes it difficult not only to predict the crisis but also more difficult to control. Some decision makers or leaders illustrating the lower cognitive complexity cannot also predict whether their own actions can generate or lead to crisis.²²

The prediction and forecasting of crisis most often come in form of warning and most warnings do not speak for themselves. The process of recognizing such warnings may take too long with some threats never getting recognized at all. Sometimes warning of impending crisis never makes it to the decision making agenda of the bureaucratic and political leaders.²³ In spite of the fact that causes of crisis seem to reside within the system, they remain typically unnoticed, or key policy makers fail to attend to them.²⁴ In the process leading up to the crisis, seemingly innocent factors combine and transform into disruptive forces that come to represent an undeniable threat to the system. These factors which are sometimes referred to as pathogens are typically present long before the crisis becomes manifest.

But some crisis situations such as those that happen in a protracted conflict can be predicted and forecasted. Protracted conflicts are long lasting situations that can

²² Arjen Boin and Paul t' Hart, "Public Leadership in Times of Crisis: Mission Impossible?" *Public Administration Review*, Vol. 63, Nr. 5, (September/October 2003) pp. 545-546

²³ Parker, C. and Stern, E. K. (2002) "Blindsided? September 11 and the Origins of Strategic Surprise, *Political Psychology* 23: pp. 601-30.

²⁴ Turner, B. A. and Pidgeon, N. (1997) *Man Made Disasters*. 2nd ed. London: Butterworth Heinmann.

sometimes turn into war (crisis) and follow sinusoidal course.²⁵ For instance, the Arab Israel conflict and the Cyprus conflict are deep-rooted conflicts in which imminent signs of the crisis can be detected.²⁶ The modern crisis can also be detected through the techniques of scenario building, trend analysis and computer simulations among others. There is also an increasing shift by governments to establishing crisis centres, early warning systems and reaction or response forces in an effort not only to predict and forecast crisis but also manage it. Early warning systems have converted hitherto absolute factors such as the speed of onset into relative and partially controllable ones. Hewitt²⁷ further argues that the natural crisis/ hazards may be predicted than many social and political crises.

3.4 Types of Crisis Decision Making

Decision making in international crisis can be of high quality and defective or flawed: A high quality decision making process during an international crisis is likely to lead to a positive outcome.²⁸ The flawed or defective decision making may aggravate international crisis and lead to a negative outcome. A high quality decision-making process involves vigilant problem solving²⁹ in which the decision makers seek relevant

²⁵ Michael Brecher and Patrick James, "Patterns of Crisis Management", *The Journal of Conflict Resolution*, Vol. 32, No. 3, (September 1988), pp. 429-430.

²⁶ Vamik Volkan, *Cyprus – War and Adaptation: A Psychoanalytical History of Two Ethnic Groups in Conflict*, Charlottesville, University Press of Virginia, 1979.

²⁷ Hewitt, Kenneth, ed. 1983 *Interpretations of Calamity: From the Viewpoint of Human Ecology*. London: Allen and Unwin, p. 25.

²⁸ Herek, G. M., I. L. Janis, and P. Huth (1987) "Decision making during International Crises: Is Quality of Process related to Outcome, *Journal of Conflict Resolution*, Vol. 31(2) pp. 203-226.

²⁹ Janis, I. L. and L. Mann (1977) *Decision making: A Psychological Analysis of Conflict, Choice, and Commitment*. New York: Free Press.

information, viable policy alternatives, plan for contingencies, and tread with caution to avoid mistakes.³⁰

On the other hand, seven symptoms of defective/flawed decision making have been identified and include; gross omissions in surveying alternatives; gross omissions in surveying objectives; failure to examine major costs and risks of the preferred choice; poor information search; selective bias in processing information at hand; failure to reconsider alternatives previously rejected; and failure to work out detailed implementation, monitoring, and contingency plans. The decision makers may confine themselves/oneself to one alternative and drop additional alternatives. This is amply demonstrated in the Cuban Missile Crisis during which the US President, John F. Kennedy dropped the diplomatic alternatives proposed by the Executive Committee of the National Security Council, a group of advisors assembled to work out a response. Despite the range of alternatives, only two of them namely; limited quarantine and the massive air strike received sustained scrutiny by the president and his advisors³¹.

Likewise, the decision makers may sometimes fail to take into account a number of the major goals or values implicated by the choice. For instance, in the Cuban Missile Crisis, the president and his advisors did not discuss their ultimate objectives as such, nor attain closure on the relationships between the various means available and the goals or values they sought to further.³² The costs and risks of the preferred choice also needs consideration in crisis decision making because failure to calculate such risks and costs

³⁰ Herek, et al., (1987) "Decision Making During International Crises: Is Quality of Process Related to Outcome, *Journal of Conflict Resolution*, Vol. 31(2), pp. 203-226.

³¹ Welch, D. A. [ed. 1 (1989b), *Proceedings of the Cambridge Conference on the Cuban Missile Crisis*. Cambridge, MA: *CSIA Working Paper* no. 89-2, Center for Science and International Affairs.

³² Blight, J. G. and D. A. Welch (1989) *On the Brink: Americans and Soviets Re-examine the Cuban Missile Crisis*. New York: Hill & Wang.

may eventuate the escalation of crisis or prolong it thus the need for contingency becomes useful. The defective decision making is also sometimes marked by poor search of information in perfunctory and incomplete manner especially in evaluating the pros and cons of a particular decision. Human beings and governments are fallible, and it is inevitable that potentially useful information and potentially important assessments of costs and risks will be lost in the shuffle-more so under the pressures of a crisis than at any other time. To suppose that there is a static preferred course of action is to misunderstand the nature of a political decision-making process. Indeed, there are cognitive distortions in decision making and that the clinical data are far more persuasive than the anecdotal and highly subjective data from the real world of crisis management.³³ It is epistemologically impossible to make judgments about biases in information processing that affects decision making process. It is also important to reconsider the previously rejected alternatives when it is ripe to do so.³⁴ At the same time, ignoring possible problems in implementation by not developing monitoring or contingency plans is a sign of defecting decision making. Sometimes the implementation, monitoring, and contingency plans may be discussed but in a vague or incomplete manner by overlooking a number of difficulties or contingencies that are likely to materialize.

Starbuck criticizes the problem solving approach and asserts that top-level managers seldom engage in "reflective" problem solving and that a vigilant problem-

³³ Jervis, R., R. N. Lebow, and J. G. Stein, (1985) *Psychology and Deterrence*. Baltimore: Johns Hopkins Univ. Press.

³⁴ David A. Welch, 'Crisis Decision Making Reconsidered', *The Journal of Conflict Resolution*, Vol. 33, No. 3 (Sep., 1989) pp. 443-444

solving approach would not be effective even if it were used.³⁵ Attempts to use reflective problem solving will fail badly because policymakers rarely have enough information and understanding to find satisfactory solutions to the problems confronting their organizations. Furthermore, to follow unidirectional problem-solving sequences tend to be self-defeating, because they have weak provisions for correcting ignorance besides being less sensitive to negative results.

3.5 Effects of Crisis on Decision Making

Crisis has a number of effects on decision processes such as authority structure, alternative proposals, internal communication, external communication, and frequency of action.³⁶ In crisis, the number of decision makers assuming a major role in the decision will be reduced. There is a contraction in the number of individuals exercising authority.³⁷ In the 1950 Korean crisis and the 1962 Cuban Missile Crisis, both US Presidents made decisions with the aid of a dozen advisors rather than using the complex organization machinery designed for handling foreign affairs.

The consequences of crisis on decision making can also be seen within the number of alternative solutions to the situation. The number of alternative solutions identified by the national decision makers is significantly reduced. Although Wohlstetters and Schelling claim that the number of alternatives increases in crisis³⁸, it is argued that as stress increases, decision makers will perceive the range of alternatives open to

³⁵ Starbuck, W. H. (1985) "Acting first and thinking later: theory versus reality in strategic change." in J. M. Pennings (ed.) *Organizational Strategy and Change*. San Francisco: Jossey-Bass, pp.220-221

³⁶ Charles F. Hermann, *International Crisis: Insights from Behavioural Research*, The Free Press New York and Collier Macmillan Ltd, London, p. 195.

³⁷ Charles F. Hermann, "Some Consequences of Crisis Which Limit the Viability of Organizations," *Administrative Science Quarterly*, 8 (June 1963), pp. 20-21

³⁸ Albert Wohlstetter and Roberta Wohlstetter, *Controlling the Risks in Cuba*, Adelphi Paper No. 17, Institute for Strategic Studies (London), April 1965, p. 18; Thomas C. Schelling, *Arms and Influence* (New Haven: Yale University Press, 1966), p. 96.

themselves to become narrower.³⁹ In crisis, the rate of communication within the foreign policy agencies of a nation will increase in the sense that internal government communication increases significantly. In the same breath, the rate of communication by a nation's decision makers to international actors outside their country will increase.

3.6 Government/Leaders Decision Making

Governments and states play a leading role in crisis decision making because the governments and states have the advantage of exercising sovereignty over its people and territory apart from being in a position to provide the necessary leadership and the capacity to mobilize resources to manage a crisis of huge proportions. Also, government authorities engage in prompt decision making in nearly all cases. One of the major responsibilities and advantages of the government in crisis is that they intervene immediately through their officials in the belief that inaction and procrastination would have multiplier effect. In times of crisis, governments face crisis of legitimacy especially if their ineffectiveness in preventing crisis occurrence is exposed.⁴⁰ The citizenry look upon their government and its leadership to handle the crisis in the most appropriate manner.

But Stallings argues to the contrary and claims that abrupt decision making by governments is not always the case.⁴¹ The necessity for prompt decisions may be met by deliberate strategies of synthetic organization, concurrency, improvisation, temporary delay, avoidance, paralysis, delegation or, indeed, by an explicit decision not to intervene

³⁹ Ole R. Holsti, "The 1914 Case," *American Political Science Review*, 59 (June 1965) p. 365

⁴⁰ Kouzmin, Alexander, and Jarman, Alan M.G. 1989 "Crisis Decision-Making: Towards a Contingent Decision Path Perspective." In Rosenthal, Charles, and 't Hart, eds.

⁴¹ Stallings, Robert A., and Quarantelli, Enrico L. 1985, "Emergent Citizen Groups and Emergency Management". *Public Administration Review* 45(summer): pp. 93-100.

in the crisis. However, such inaction can lead to extreme time pressures and counter-productive response decisions. Despite the argument that governments may sometime provoke pseudo crisis, the role of the governments in crisis management cannot be wished away. Nonetheless, crisis decision making by governments does not necessarily imply that government actions are always function or beneficial. Sometimes even institutions set up to predict crisis reflects the political interests rather than the reality of the likely state of a crisis. Sometimes, government decisions may aggravate the situation by being hyper-vigilant and overactive.

The state or governments should not however be treated as a black box and there is need to explore the state actions as a function of human cognition of their leaders⁴². Furthermore, humans process information differently depending on time constraints, prior beliefs and experiences, limited searches for information and a dominant goal or value that heavily influences the decision process. Besides, governments and decision makers are challenged by the un-ness of crisis situations, unpleasantness in unexpected circumstance, representing unscheduled events, unprecedented in their implications and, by normal routine standards almost unmanageable.⁴³ The contemporary world structures are more complex and inter-dependent making them susceptible to crisis. Undeniably, the variety of crisis is stunning and poses problems for government decision making in crisis and its management.⁴⁴

⁴² Hagan, Joe. 2001. Does Decision Making Matter? Systemic Assumptions vs. Historical Reality in International Relations Theory, *International Studies Review* Vol. 3: pp. 5-46.

⁴³ Uriel Rosenthal and Alexander Kouzmin, ' Crises and Crisis Management: Toward Comprehensive Government Decision Making', *Journal of Public Administration Research and Theory*, Vol. 7, No. 2 (Apr.,1997), pp. 277-278

⁴⁴ Rosenthal, Uriel, and Kouzmin, Alexander, 1993 "Globalizing an Agenda for Contingencies and Crisis Management: An Editorial Statement." *Journal of Contingencies and Crisis Management* Vol. 1 No. 1: pp. 1-12.

Though public leaders in government make highly consequential decisions during crisis, this does not mean that there are no other people involved in the process of crisis decision making other than the government. Furthermore, other officials and pivotal people outside the government are also involved in the decision making process. Numerous organizations and groups are typically involved in the providing early warning, management and implementation of crisis decisions. In crisis responses, many more players within the government system play crucial roles than just its top policy makers. Despite these arguments however, crisis ultimately calls on a leader to make faithful choices about the government's course of action.

Government's face crises that is of two types namely; endogenous and exogenous. Therefore, the type of crisis at hand determines the course the government should take in crisis decision making. For instance, in crisis that exogenous, the government decision making is limited by some fundamental issues like sovereignty. In addition, territorial boundaries limit the government freedom and action as governments could not cope with threats imposed by events outside their control.⁴⁵ In crisis that is endogenous, the threats often bring tensions and have an escalatory power that threatens an organizational or political system. The decision making in such crisis is complicated especially if the decision makers are themselves among the threatening agents. However, the contemporary governmental decision making in crisis has been influenced regardless of whether the crisis is in endogenous or exogenous form. This is because even in domestic crisis, the military intervention of major powers can have a decisive outcome by deterring

⁴⁵ Czada, Rolard. 1990 "Politics and Administration during a 'Nuclear-Political' Crisis: The Chernobyl Disaster and Radioactive Fallout in Germany." In Uriel Rosenthal and Bert Pijenburg, eds. *Crisis Management and Decision Making: Simulation Oriented Scenarios*. Dordrecht: Kluwer. pp.14-15

the outbreak of war.⁴⁶ This has happened frequently in the post-Cold War era where major power interventions have remained central to the resolution of regional crisis. The examples of such interventions include; NATO intervention in the Bosnian conflict⁴⁷ in 1995 and US counter-intervention in the Iraqi-Kuwait conflict⁴⁸ of 1990 among others. In this case, government decision making in crisis reflects both internal and external dimensions. The Bosnian and Iraq-Kuwait conflict is a demonstration of the fact that the military interventions in both conflicts did not only involve crisis decision making on the part of the leaders of Bosnia and Iraq/Kuwait but also on the part of the leaders of major powers involved in the prevention of the crisis. Even then, it is argued that state leaders are rational foreign policy decision makers who seek to remain in power and therefore would be careful to pursue policies that undermine their domestic political position. But to construe that international intervention always come in the form of military intervention is to have a wrong perception. International intervention has sometimes been done through passive means such as the mediation between parties to a particular crisis.

The government decision making process during crisis has its own pitfalls. This is because some actors in or outside the government may actually attempt to create a crisis atmosphere in order to achieve personal, institutional, or political advantages through the creation of pseudo crises. The proponents of the domestic causes' thesis of international conflict explain that the aggressive foreign behaviour of nations can be illuminated by their leaders' desire to deflect attention from domestic adversities and opposition toward

⁴⁶ Huth, P. 1988, *Extended Deterrence and the Prevention of War*, New Haven, CT: Yale University Press.
⁴⁷ Gow, J. 1997. *Triumph of the Lack of Will*, New York: Columbia University Press.
⁴⁸ Freedman, L., and E. Karsh. 1993. *The Gulf conflict*. Princeton, NJ: Princeton University Press.

external opponents.⁴⁹ Crisis present leaders with decisional challenges because they affect core values and interests of the communities, and contain tragic dilemmas that may need resolution only through trade-off choices or tragic choices. Besides, crises present leaders with major uncertainties about the nature of the issues, the likelihood of future developments, and the possible impact of various policy options. Crisis also present leaders with time pressure as choices have to be made quickly.

In times of crisis, leaders are seen as quintessential man of the moment because even those criticised as lacking a grand vision have tended to become brilliant crisis managers.⁵⁰ In other words, they are comfortable making decisions under pressure. This type of leadership in crisis decision making believes that a decision has to be made and fast⁵¹. Fast decisions may not necessarily translate into good decisions. There are however those leaders who dread making decisions in crisis and see it as an excruciating predicament. They fear failure and making decisions in the face of conflicting advice apart from the fear that their decisions might disappoint or harm others. These challenges pave way on the discussions about the institutionalization of crisis response.

3.7 Institutionalization of Crisis Response

The institutionalization of crisis response started in the period between 1947-1950 when the three-footed war time structure of diplomacy, intelligence and defence was carried over and regularized. Some of the institutions that formed the basis and practises of international relations were formed on ad hoc basis but were later to become permanent

⁴⁹ Coser, Lewis. 1968 *The Functions of Social Conflict*. London: Routledge and Kegan Paul.

⁵⁰ Preston, T. (2001). *The President and His Inner Circle: Leadership style and the advisory process in foreign affairs*. New York: Columbia University Press.

⁵¹ Verbeek, B. (2003) *Decision Making in Great Britain During the Suez Crisis: Small Group and a Persistent Leader*. Aldershot: Ashgate.

after evolving from crisis period. Such institutions included; the multilateral organizations such as the League of Nations and its successor, the United Nations. They also included American security machinery which was in response to perceived soviet threats. Although some of the institutions were cast in terms of how to cope with crisis episodes in the cold war era, they later formed what can be described as crisis response systems.⁵² During the series of crisis periods, the response or management mechanisms of crisis also varied. They ranged from defensive posture, containment, appeasement, collective security like NATO and other regional commitments and alliances, deterrence, military balance, military assistance to third world nations and finally competitive diplomacy.

Institutionalization allows the resources and efforts of many governmental agencies to work together with a convergence of effort in the crunch of the crisis period. Kissinger captured the importance of institutionalization in crisis occasions by stating that issues are too complex and relevant facts too manifold to deal with on the basis of personal intuition.⁵³ An institutionalization of decision making is an in-avoidable by-product of the risks of international affairs in the nuclear age. But institutions can also be caught off-balance by the very unpredictable nature of crisis itself. For instance, whereas the American crisis institutions in the 1950s focused on the US-Soviet military capabilities in terms of constraints, the Sino-Soviet rifts brought uncertainty to the calculations of the military balance.

⁵² Charles A. McClelland, 'The Anticipation of International Crises: Prospects for Theory and Research', *International Studies Quarterly*, Vol. 21, No. 1.(Mar., 1977), pp. 7-8

⁵³ Kissinger, H. A. (1976) *American Foreign Policy*. New York: Pocket Books. P. 144

Crisis participants may also concur or differ as to the perceived necessity of response.⁵⁴

In crisis decision making, there is the problem of objective and subjective dimensions of crisis. Put it this way, the crisis are in the eyes of the beholders. If individuals define a situation as a crisis, it is crisis in its consequences. Also what certain groups within the society may deem a crisis may well be perceived by others as opportunity to induce change.

There is no specific design for managing crisis situations and crises are political events par excellence. They are also occasions for restructuring of power relations. Due to political connotations attached to crisis management, the decision makers of crisis institutions may even after recognizing a situation as a crisis disagree on the implementation strategies for crisis resolutions. Value conflicts may emerge as a result of differences on the basis of decisional trade-offs.⁵⁵ The differences could be in the form of approach, priorities etc. But in situations where the entire community is threatened by external forces, there seems to be little differences in the decision making though this rarely is the case.

Inter-governmental and bureau politics are part of the governmental decision making in crisis institutions. Some local governments may be given some say but as crisis becomes manifest, they are subordinated to leaders with nationwide appeal. This bureau-politics is generally seen within emergency organizations such as civil defence, police, fire squads and the military. These bureau-politics are connected to more prosaic sorts of allocative and budgetary considerations from civilian agencies. During different

⁵⁴ Hart, Paul 't; Rosenthal, Uriel; and Kouzmin, Alexander. 1993 "Crisis Decision Making: The Centralization Thesis Revisited." *Administration and Society* Vol. 25 No.1: pp.12-45.

⁵⁵ Dror, Yehezkel. 1994 "State craft as Prudent Risk Taking: The Case of the Middle East Peace Process," *Journal of Contingencies and Crisis Management* 2:3:126-35.

stages of a major crisis, different actors and agencies may actually pursue different courses of action. It is obvious that this diversity in perceptions, priorities, strategies, and criticism provides for complex inter-agency and inter-governmental relations.⁵⁶ Competing conceptions about the most appropriate means of implementation do generate controversies among different professional and bureaucratic groups.⁵⁷ These implementation conflicts especially when expressed under media scrutiny do with time influence a crisis agency's ability to maintain the resources and support required during prolonged periods of implementing crisis responses.⁵⁸

3.8 Constitution of Crisis Teams

In crisis situations, apart from the leadership who play a crucial role in decision making, the constitution of crisis teams is an important element. It is almost becoming a universal phenomenon that crisis decision making takes place in some type of small group setting in which political and bureaucratic leaders interact and reach some collective decision whether by consensus or majority. The crisis teams provide critical node of what often are vast and highly complex multi-organizational and inter-governmental networks that come into being in response to crises.⁵⁹ Even then, these small groups may have their own challenges as individuals in these groups may not share and use information effectively to reach a collective decision or in advising their leaders. While some may

⁵⁶ Peres, Leon. 1968 "The Resurrection of Autonomy: Organizational Theory and the Statutory Corporation." *Public Administration* (Sydney) Vol. 27. No. 4: pp. 361-70.

⁵⁷ Kouzmin, Alexander. 1983 "Centrifugal Organizations: Technology and 'Voice' in Organizational Analysis." In Alexander Kouzmin, ed. *Public Sector Administration: New Perspectives*. Melbourne: Longman Cheshire. pp.120-121

⁵⁸ Jarman, Alan M.G., and Kouzmin, Alexander. 1990 "Decision Pathways From Crises: A Contingency-Thleory Simulation Heuristic for the Challenger Shuttle Disaster (1983-88)." *Contemporary Crises: Law, Crime and Social Policy* Vol. 14. No. 4: pp. 399-433.

⁵⁹ t'Hart, P. Stern, E. K. and Sundelius, B. (eds.) (1997) *Beyond Group Think: Political Group Dynamics and Foreign Policy Making*. Ann Arbor: University of Michigan Press.

stick their loyalty to the leader, others may fall apart under crisis pressure thus paralyzing the decision making process and encouraging blunt adventurism as well.⁶⁰

As happens in crisis situations in general, in these small crisis response groups, procedural rules and institutional safeguards tend to disappear. Furthermore, the membership of the crisis response will not always be familiar to one another let alone having experience of working as a group. In other words, they suffer from new group syndrome.⁶¹ This means that group members are uncertain about their roles and status and fear the possibility of becoming a scapegoat and therefore shy away from expressing opinions different from the majority members or a leader. This leads to false cohesion that renders the group vulnerable to collective ignorance and a unanimity that is illusory.

Besides, leaders and embattled policy makers usually take shelter in the group to shield themselves from the dilemmas of the responsibility of managing or dealing with a crisis situation. This helps the leaders reduce the stress experienced during a crisis. For instance, in protracted crisis, crisis teams develop a more close-knit relationship and in the end develop into a bunker syndrome. They stick together in isolation from their organizational or external constituencies. In addition, crisis involves high stakes circumstances that may rekindle the pre-existing tensions and inter-agency pulling and hauling.⁶² It brings to the surface fierce rivalry and competition between officials of various agencies to have the leader's attention apart from attempts to destroy the credibility of the competitor. This is to say that crisis teams are largely politicized and

⁶⁰ Adomeit, H. (1982) *Soviet Risk-taking and Crisis Behaviour: A Theoretical and Empirical Analysis*. Boston: Allen & Unwin.

⁶¹ Stern, E. K. (1997a) "Probing the plausibility of newgroup syndrome: Kennedy and the Bay of Pigs," in t'Hart, Stern, and Sundelius (eds.) (1997) *Beyond Group Think: Political Group Dynamics and Foreign Policy Making*. Ann Arbor: University of Michigan Press, pp. 153-89.

⁶² George, A. L. and Stern, E. K. (2002) "Harnessing Conflict in Foreign Policy Making: From Devil's to Multiple Advocacy." *Presidential Studies Quarterly* 32: 484-508.

they become political arenas of domestic protagonists. This is why many leaders surround themselves with trusted and liked sources of information and advice. The non-favoured and forgotten one are thus precluded from airing their perspective in the top-level group.⁶³ For instance, during the handling of the Iran hostage crisis, there was infighting and a battle for President Jimmy Carter's mind between Zbigniew Brzezinski, the National Security Advisor and William Sullivan, the American Ambassador in Tehran.

These challenges notwithstanding, crisis response teams and groups are likely to work well especially in communities or governments where certain types of crisis are recurrent with policy makers and agencies having meaningful experience of working together, have pre-existing inter-organizational and inter-personal relationships premised on mutual trust.⁶⁴ Further, group composition is guided by institutionalization of procedures that creates conditions for optimal information sharing, frank discussions and procedures that discourage the temptation to manipulate the group process.⁶⁵ Relevant view points and information are laid on the table for effective debate and reflection before decisions are made in a responsible manner. As Meltsner put it, a ruler or a leader in crisis decision making must appear to the external world as a person who is in charge but who, within inner circle has created norms of equality to promote discussion, dissent and multiple perspectives.⁶⁶

⁶³ Milburn, T. (1972) "The Management of Crisis," in Hermann (ed.) *International Crises*, pp. 259-80.

⁶⁴ Wenger, D., Quarantelli, E. L. and Dynes, R. R. (1986) *Disaster Analysis: Local Emergency Management Offices and Arrangements*. Newark: University of Delaware.

⁶⁵ Janis, I. L. (1982) *Groupthink*. Boston: Houghton Mifflin

⁶⁶ Meltsner, A. J. (1990) *Rules for Rulers: The Politics of Advise*. Philadelphia: Temple University Press.

In conclusion, it is evident that the decision making process in crisis is fraught with challenges ranging from predictability, forecastability and surprising character of the crisis. The decision making environment serves as a critical node in analysing any crisis decision making process. Unlike in the past, the institutionalization of crisis response has helped somewhat in the management of the crisis but the erratic nature of the crisis would continue to pose serious management challenges. Consequently, governments and leaders may require investing heavily in creating the institutional and social conditions that facilitate effective network co-ordination during crisis. The next chapter will discuss the Kenya Government decision making in the electoral crisis of 2007-2008.

CHAPTER FOUR:

KENYA GOVERNMENT DECISION MAKING IN THE 2007-2008 POST-ELECTION CRISIS

4.0 Introduction

Kenya has traditionally conducted elections after every five years since 1964 save for 1983 when a snap election was called by President Daniel Arap Moi against the backdrop of the failed 1982 military coup. Whether these elections fitted the threshold of the western democracy is however debatable. A characteristic of Kenyan electioneering process shows a trend from latent conflict to violent conflict. However, during the one-party state, the violence was minimal, a factor attributed to the electoral process being single-handedly controlled by the government and the ruling party. Indeed, nominations for Civic, Parliamentary and Presidential seats were firmly controlled by the state as the distinction between the party and the government was blurred.

A trend analysis of the electoral process in Kenya shows intermittent violence has been a feature of the process since the advent of multi-party politics in the 1990s. Although an open large scale conflict was avoided until 2007-2008 elections, the recurrent violence in the preceding period is what eventually matured into the 2007-2008 post-election crises. Much of this violence was orchestrated by the state or the ruling elite to reinforce the argument that multiparty politics is alien to the country and is bound to entrench violence and ethnic divisions. To some extent, these assertions had some credence. The opening up of political space in 1991 escalated ethnic politics where even the political parties were not spared. The political parties were identified along regional/ethnic continuums. Therefore, it can be argued that democracy in Kenya had its own

constraints as elsewhere in the world¹. The fact that the Kenya 2007-2008 electoral crisis involved violent contest is a major irony in the democratization process as shown in this chapter.

4.1 The 2007-2008 Electoral Crisis: Trigger, Domestic, Regional and International Implications

The Kenyan 2007-2008 electoral crisis was triggered by the announcement of the presidential results on 30th December 2007. It was unprecedented in terms of destructions ever experienced in Kenya resulting in the deaths of over 1200 people, over 300,000 internally displaced and others fled to the neighboring countries of Uganda and Tanzania as refugees. It affected 6 out of the 8 provinces in the country and surprised many including the government. It threatened the very existence and foundation of the country as a sovereign state.

In line with Wiener and Kahn's argument regarding a crisis situation², the Kenyan crisis perfectly served as a turning point in the country's political landscape as the very characteristics of crisis became manifest. The government and the leadership involved in the management of the crisis were uncertain on when it would end besides suffering serious stress and anxiety. The relative importance of the values at stake³ for the crisis participants and decision makers was noticed. The values under serious threat for instance included; democracy, economy and the country's sovereignty. Besides, the crisis exposed inefficiency, frustration and scapegoating among agencies charged with the

¹ Dennis L. Cohen - see 'Elections and Election Studies in Africa', in Yolamu Barbgo (ed.), *Political Science in Africa: a Critical Review* (London, 1983), pp. 80-3.

² Anthony J. Wiener and Herman Kahn, *Crisis and Arms Control* (Harmon-on Hudson, N.Y.: Hudson Institute, 1962).

³ James A. Robinson, "The Concept of Crisis in Decision Making", *Series Studies in Social and Economic Sciences*, no. 11 (Washington D.C.: National Institute of Social and Behavioural Science, 1962).

responsibility of managing it.⁴ Although crisis is unto the beholder⁵, all the elements identified by Herman⁶ including; surprise, time pressures and the threat to the decision maker were present in the 2007-2008 situation.

The government faced serious legitimacy test both domestically and internationally. This brought about crisis in the normal operation of the state. As a result, the political, administrative and security bureaucracy shifted from a routine to a crisis mode of operation. This was amply shown by the declaration of the state of emergency whose manifestation included curfew, restrictions on the media and deployment of the military to avert internal crisis. In particular, the deployment of the military whose primary responsibility is to protect the country against external aggression⁷ shows the extra-ordinary level of the internal crisis.

The level of the Kenyan crisis was further magnified by its impact on international peace, security and stability. The crisis was felt beyond the Kenyan frontier in many ways. On the regional front, Kenya has been the fulcrum of economic activities in Greater Eastern Africa region some of whose members such as Uganda, Rwanda and Burundi are landlocked. The crisis in Kenya destabilized this subsystem economically⁸. A germane example is a statement by President Yoweri Museveni of Uganda that, "Kenya and the concomitant difficulties throughout the whole region have shown that the head cannot be independent of the neck; the neck cannot be independent of the chest; the

⁴ Kent Miller and Ira Iscoe, "The Concept of Crisis," *Human Organization*, 22 (Fall 1963), 195-201.

⁵ Kupperman, R. H., R. H. Wilcox and H. A. Smith (1975) "Crisis management: some opportunities." *Science* 187 (February 7): pp. 404-410.

⁶ Charles F. Hermann, *Crisis in Foreign Policy* (Indianapolis: Bobs Merrill, 1969).

⁷ The Armed Forces Act, Chapter 199 of the Constitution of Kenya.

⁸ Jonathan Wilkenfeld, Kathleen Young, Victor Asal, David Quinn, 'Mediating International Crises: Cross-National and Experimental Perspectives', *The Journal of Conflict Resolution*, Vol. 47, No. 3 (Jun., 2003), p. 279

chest cannot be independent of the abdomen; the abdomen cannot be independent of the limbs; and vice versa. Of course, you can have amputees and cripples. They however do not lead to a full life. Their potential is diminished to the extent of the loss of parts of their bodies".⁹

On the international front, Kenya has always cut out an image of being a harbinger of peace and a salient actor in conflict mediation in a region engulfed in conflicts but the crisis threatened not only domestic peace and stability but also that of the region. Kenya has served as a diplomatic enclave and hosted a number of multinational corporations from the west. The geo-strategic location of Kenya had made it easy for governmental and non-governmental organizations to use it as a launching pad for the humanitarian operations in the countries embroiled in conflict such as Somalia and South Sudan.

The implications of the crisis on the international strategic concerns can be detected in two major events that happened in the global scene at the height of the Kenyan crisis. Firstly, the US President, George Bush had increased the tempo in the fight against terrorism in the Horn of Africa with Kenya as a trusted US ally. A collapse of the Kenyan state would have undermined the war against terror led by the United States in a region that hosts one of the collapsed states in the name of Somalia widely seen to be an incubator of terrorist cells. Secondly, the incoming US President Barack Obama had his roots in Kenya, a factor that leveraged the US in marshaling international pressure to resolve the Kenyan crisis. Kenya has been viewed as a stabilizing factor within the region and the country's collapse would have jolted this stability and

⁹ Saturday Nation.' *Last Minute Effort that Led to Peace Deal*', March 01, 2008, p. 2

completed the dots of instability in the horn of Africa region. All these factors and interests combined played a role in motivating the international community to make a swift and robust decision to intervene in the crisis.

4.2 Kenya Government: Structure and Process of Decision Making

To start with, the state or government is not a unitary actor albeit a strong perception among the members of the public that it is a unitary actor. Similarly, a state or a government is not a black box and their actions are a function of the human cognition of their leaders¹⁰. In a democratic setting, the Government comprises of the three arms namely; the Executive, the Legislature and the Judiciary.

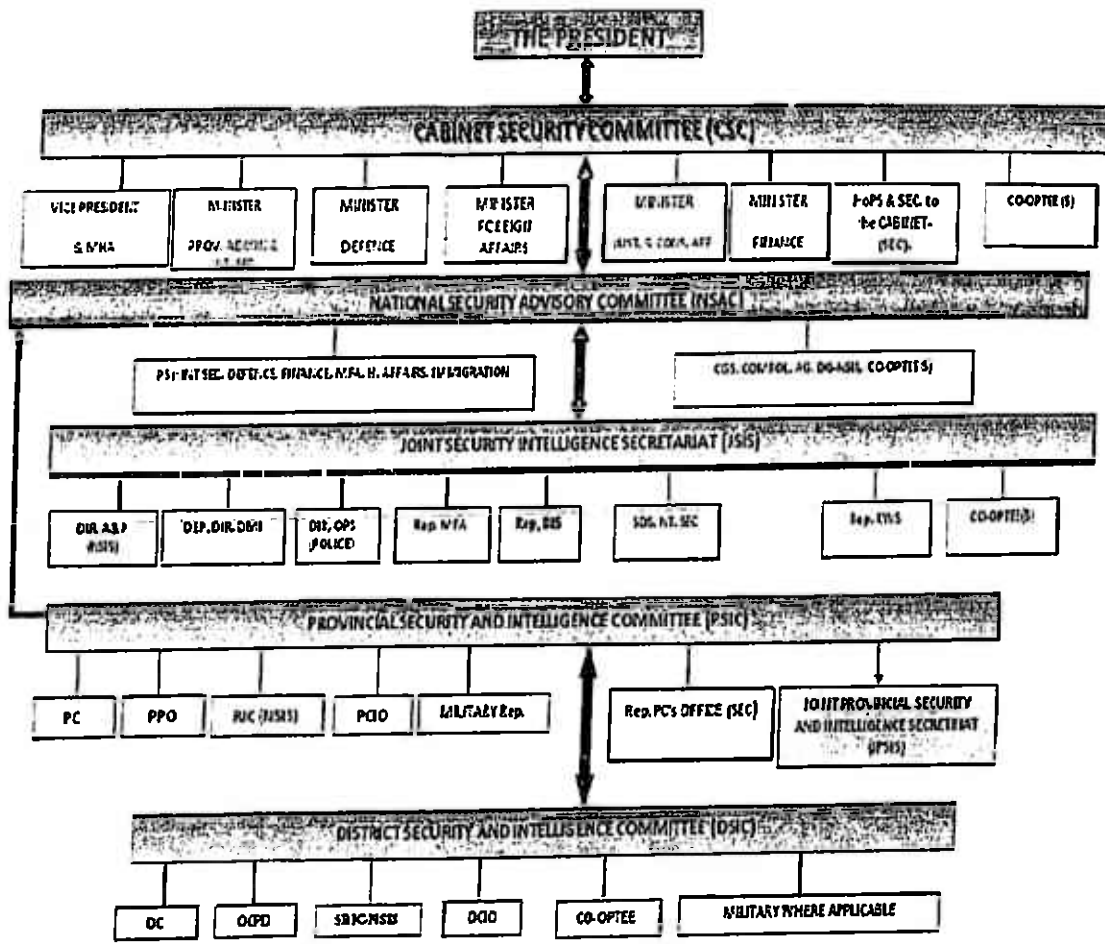
In Kenya, the government decision making structure varied along the fragmented and integrated continuum. As a democratic country, Kenya had a government with all the three structures of the Executive, Legislature and the Judiciary. During the 2007-2008 electoral crises however, the executive played a major role in the decision making than the legislature and the judiciary. While the legislature was not constituted at the time of the crisis, the judiciary's role was minimal as it was confined to the swearing in of the President. The Executive itself was not unitary in the sense that it was constituted by subsets of bureaucracies. Structurally, the Executive comprises the Presidency and the Ministries whose political heads are Cabinet Ministers while the Permanent Secretaries/Heads of Departments serve as accounting officers/technocrats.

During the 2007-2008 electoral crises, the Kenya government decision making ladder followed a four-layered structure and fell within the framework of the Kenya Security and Intelligence Machinery (KSIM). It was fashioned along the following lines;

¹⁰ Hagan, Joe. 2001. Does Decision Making Matter? Systemic Assumptions vs. Historical Reality in International Relations Theory. *International Studies Review* Vol. 3. pp. 5-46.

the President, Cabinet Security Committee, the National Security Advisory Council (NSAC), the Provincial Security and Intelligence Committee (PSIC) and the District Security and Intelligence Committee (DSIC). The Joint Security and Intelligence Secretariat (JSIS) sandwiched between NSAC and PSIC is not a decision making organ but rather serves as a coordinating mechanism. *The KSIM structure is as shown below.*

KENYA SECURITY INTELLIGENCE MACHINERY (KSIM) STRUCTURE



4.3 Co-ordination and Effectiveness of the Decision Making

4.3.1 Co-ordination

In a routine decision making milieu, the co-ordination of the Kenya government decision making was a two-way influence process and has been very effective. This was demonstrated by lack of a large scale electoral crisis in the period before 2007 general elections. The president occupies the top most ladder of the decision making structure and as a dominant leader, he made decisions concerning the management of the crisis. The other decision making structures also made some decisions concerning the crisis.¹¹

The Cabinet Security Committee which was chaired by the President gave guidance and direction on the decisions to be implemented by those below them in the decision making ladder. On the other hand, the National Security Advisory Council (NSAC) played the role of advising the Cabinet Security Committee chaired by the President on matters of national security. It also received tasking from the Cabinet Security Committee and the President from time to time. The NSAC further tasks the Provincial and District Security and Intelligence Committees apart from receiving reports from them to reinforce their advisory role. Equally, the Provincial and District Security and Intelligence Committees which are the only decision making units that were present even at the smallest level of public administration in Kenya relayed information to NSAC to guide their decision making.¹² By the way, there is no decision making institution as dispersed as the PSIC and DSIC including having presence in the far flanged remote areas of the country. It can therefore be argued that the decision making structure in

¹¹ Interview with a member of the Joint Security and Intelligence Secretariat (JSIS) in Nairobi, on August 15, 2011.

¹² Interview with District Officer, Nakuru, Rift Valley Province, on August 08, 2011.

Kenya was a two-way influence process involving interaction between those at the lower level and top level of the ladder.

The members of the Cabinet Security Committee were; the President (Chair), Vice President, Ministers of Internal Security and Provincial Administration, Foreign Affairs, Defence, Finance and Immigration Services.¹³ The members of NSAC are; Head of Public Service and Secretary to the Cabinet (Chair), Chief of Defence Forces, Police Commissioner, Director General of the National Security and Intelligence Service (NSIS) and Permanent Secretaries of Foreign Affairs, Internal Security and Provincial Administration, Defence, Immigration and Finance. The Provincial Security and Intelligence Committee (PSIC) members included; Provincial Commissioner (Chair), Provincial Police Officer, Regional Intelligence Co-ordinator, Provincial Criminal Investigation Officer (PCIO) and a representative of the military.

In a novel situation as was witnessed during the 2007-2008 electoral crisis in Kenya, the decision making structure did not certainly follow the above ladder and process. Some lower-level decision makers/institutions were given a leeway to make some decisions at their own levels. For instance, the District and Provincial Security Committees made decisions that they deemed appropriate in their areas of jurisdiction without reference to the top levels of the decision making structure. In fact, the two institutions were responsible for their decisions during the crisis.¹⁴ This however did not mean that information did not flow from this lower level decision making structures to

¹³ Presentation to the Commission of Inquiry into the Post-Election Violence by NSIS Director General on July 17, 2008, in Nairobi.

¹⁴ Interview with Mohamed Amin, the former Provincial Criminal Investigation Officer in Rift Valley, on August 04, 2011 in Nairobi.

the top level. Some of the decisions made by the top level decision makers were informed by the judgement or information that were provided by those at the lower level.

The NSAC and JSIS made and implemented some decisions at their levels as well without recourse to the Cabinet Security Committee.¹⁵ Several factors can be attributed to this phenomenon. Firstly, there is not enough time to complete the decision making chain during a crisis as the crisis becomes averse to the existing long bureaucratic structures. Secondly, the threat that was imminent did not allow the decision making process to proceed normally and therefore the chain was further broken to deal with the threat. Thirdly, the lower level decision making structures were closer to the scene or crisis environment and best placed to understand the dynamics. But still, NSAC continued to advise the President on the national security developments in the country.

Consequently, it is apparently clear that the co-ordination of the decision making continued even during the crisis albeit with some challenges. However, the impact of the crisis on the structure was manifested in the reduced number of the ladder and process in the decision making. In other words, there was contraction in the ladder during the decision making process by the government in the electoral crisis. The reduced number of actors and layer of the decision making were not surprising. This is because crisis always has its own effects on the decision making structure. Herman for instance identified effects of crisis on decision processes with regard to authority structure, alternative proposals, internal communication, external communication, and frequency of

¹⁵ Interview with key informant on August 09, 2011 in Nairobi.

action.¹⁶ In crisis, the number of decision makers assuming a major role in the decision will be reduced.¹⁷

4.3.2 The Efficacy of the Decision Making

The decision making structures received mixed results in terms of effectiveness of their co-ordination and subsequent management of the crisis. In some instances, they were very effective and in others they were not. The ineffectiveness resulted from the fractious nature of the ladder in view of the crisis and the dysfunctional nervous system of the country. For example the President experienced serious lack of information that would have guided him to make appropriate decisions. An important component of the decision making structure namely; the Provincial Administration was in itself in crisis. Some of its members became a victim of the crisis as they were unable to access their offices for operational purposes. Some of their members also became part of internally displaced persons.

The NSAC which plays the role of advising the Cabinet Security Committee chaired by the President on matters of national security continued to receive tasking from the Cabinet Security Committee and the President. The NSAC also effectively tasked the Provincial and District Security and Intelligence Committees. In some instances however, the NSAC faced serious shortage of information flow on which to base its decisions as the routine flow of information from the grassroots structures such as the Provincial and District Security and Intelligence Committees was interfered with by the crisis. In view of the progression of the crisis into dangerous levels and the lack of information, the NSAC

¹⁶ Charles F. Hermann. *International Crisis: Insights from Behavioural Research*. The Free Press New York and Collier Macmillan Ltd, London, p. 195.

¹⁷ Charles F. Hermann, "Some Consequences of Crisis Which Limit the Viability of Organizations," *Administrative Science Quarterly*, 8 (June 1963) p. 120.

instructed the security institutions to make appropriate decisions in their areas of operations.¹⁸

To be effective in terms of co-ordination and management of the crisis, the NSAC increased the frequency of meetings during the 2007-2008 Kenyan crises¹⁹, a sign of any decision making institution faced with a crisis situation. Under the normal decision making process, NSAC meets on the second week of every month. Among the very many NSAC meetings, one meeting made a decisive and effective step in the management of the crisis. During the meeting; the NSAC decided to ensure that law and order is maintained at grassroots levels through both formal and informal structures existing at provincial and district levels while at the same time advising the President to engage the opposition in dialogue.²⁰ This decision turned out to be the most effective in the co-ordination and management of the electoral crisis.. Indeed, the Coalition Agreement signed between the Government and the opposition on 28th February 2008 was the zenith of this decision.²¹ The institution was also instrumental in advising the President to name a half cabinet of 17 members at the height of the crisis.²² This is despite the insistence by close allies of the President urging him to ask those aggrieved (opposition) to seek redress through the established legal mechanisms.

The security agencies also received a mixed bag of results in terms of their effectiveness both in co-ordination of decision making and management of the crisis. The

¹⁸ Interview with Key informant on August 01, 2011 in Nairobi

¹⁹ Revelations made at the International Criminal Court (ICC) proceedings by Mwangi Thuita, the Permanent Secretary, Ministry of Foreign Affairs of Kenya on September 27, 2011. Mwangi who was a member of the National Security Advisory Council at the time of the crisis was taking a witness stand in defence of Ambassador Francis Muthaura, one of the six Kenyan suspects.

²⁰ Interview with key informant on August 02, 2011 in Nairobi

²¹ Interview with a provincial administration officer in Nakuru on August 04, 2011.

²² 'One step back from the Brink of anarchy' *Nairobi Star*, January 04, 2008. p. 2.

Kenyan 2007-2008 electoral crisis exposed the fractious nature of the security agencies in crisis decision making. The decision making by the country's mainstream security agencies namely: the Police, the Military and the Provincial Administration were marked by indecisiveness, biases, bureaucratic competition and internal wrangles. The chain of command that existed before the onset of the crisis quickly diminished in some areas while in some they remained intact depending on which part of the country the crisis hit most.

The NSIS which serves as the country's body charged with the responsibility of collecting, collating and disseminating intelligence to the respective decision making structures in the country was somehow effective in its co-ordination with other decision making structures.²³ Though not an implementing agency of its decisions, the organization took advantage of its vantage positions at the national, provincial and district levels to contribute significant amount of intelligence concerning the security situation prior to and during the electoral crisis. The NSIS also warned of the high potential for violence if the elections were not handled carefully as illustrated by the spy agency's letter to the Electoral Commission of Kenya.²⁴ The organization was therefore effective in providing early warning signs of the crisis before it became manifest in the 2007 general elections. A case in point is where the intelligence agency warned of possible violence in Trans Nzoia, Molo, parts of Uasin Gishu and other parts of the Rift Valley between the Kalenjin, the Kikuyu and the Kisii ethnic groups in its Situation and

²³ The National Security Intelligence Service Act, 1998, p. 5

²⁴ Exhibit 19A, submitted to the Commission of Inquiry into the Post Election Violence by the NSIS

Hot Spot analysis from June 2007 until February 2008.²⁵ Further, the intelligence agency gave an assessment of the elections, its likely outcomes and the possible consequences²⁶ which would have helped the security agencies forestall the crisis. The role of intelligence analysis in government decision making cannot therefore be under-estimated.

There is a remarkable congruence between intelligence and other decision making structures or actors in the government of Kenya. Although the NSIS collected, collated and disseminated intelligence regarding the crisis to decision makers at district, provincial and national levels, such intelligence was sometimes acted upon or ignored by the respective consumers. In instances where the intelligence was acted upon, the decision making structures at the district and provincial levels were able to contain the crisis. For example in Nyanza Province, the Provincial Security and Intelligence Committee (PSIC) received intelligence from NSIS on 28th December 2007 that predicted high levels of excitement if the results were in favour of ODM or protests if the results were not favourable.²⁷ The PSIC accordingly instructed all Provincial Police officers to mobilize the police to be alert while at the same time making arrangements to ensure law and order was maintained. In this respect, the co-ordination of the decision making was effective.

In other instances, some of the implementing agencies failed or ignored to act on the intelligence provided regarding the crisis. A case in point is where the District Commissioner and the Officer Commanding Police Division for Uasin Gishu district both

²⁵ "Situation Analysis Reports", 25 December 2007 to 2 January 2008 and "flashpoints/hotspots analysis" from 24 December 2007 to 11 February 2008 submitted to Commission of Inquiry into the Post-Election Violence by NSIS.

²⁶ Exhibit 19A, submitted to the Commission by the NSIS.

²⁷ Minutes of the Nyanza PSIC meeting dated December 28, 2007.

of whom denied having received any information on the potential for violence in their respective areas. Yet, the NSIS Uasin Gishu District Co-ordinator passed on some intelligence to the District Security and Intelligence Committee about the possibility of pre-election violence.²⁸

The NSIS however faced a number of pitfalls. It was not able to predict the exact magnitude of the crisis that unfolded in the country although it can be argued that crisis prediction and forecasting usually take the form of betting on or preparing for an uncertain future.²⁹ Also, institutions can be caught off-balance by the unpredictable nature of the crisis itself. Whereas the NSIS possessed actionable intelligence on the likelihood of the crisis in many parts of the country, the operational agencies failed or ignored to contain the crisis.³⁰ It is understood that a good analysis is most of the battle for good decision making. But it is also important to note that while analysis does count and tend to count for more the better it is done, it can never be enough to solve the problem at hand. This is because the complexity of the problem tends always to be more than can be handled, given the limit of intelligence, time, rationality and of course agreement on values among decision makers. This perhaps explains why the crisis engulfed the country despite its prediction and NSIS role in providing considerable amount of intelligence regarding it.

The police as an institution of crisis management are charged with the responsibility of maintaining law and order in the country.³¹ They are the first point of call in any crisis

²⁸ Interview with Sub-Regional Intelligence Co-ordinator Uasin Gishu on 1st August 2011

²⁹ La Porte T. R. (2003). "Anticipating Rude Surprises: Reflections on 'Crisis Management' Without End". *EUI/US Crisis Management Conference: Minowbrook Conference Centre, 6-10 August.*

³⁰ The report of the Commission of Inquiry into the Post Election Violence of 2008, p. 7

³¹ The Kenya Police Act.

situation and major consumers of the intelligence disseminated by the intelligence organization. The police comprise of the regular police and administration police who were both responsible to the Commissioner of Police. The administration police are headed by Administration Police Commandant and are perceived to lean towards the provincial administration in terms of its operations.

In the 2007-2008 crises, the action of the police in various instances was uneven, disjointed and lacked element of sound decision making. They were perceived as either indifferent or missing in action when they were most needed. These inaction and inefficiency on the part of the police decision making can be attributed to a number of issues. Such issues include; lack of action on the intelligence, internal divisions between the regular police and the administration police, morale issues, relations with the public, magnitude of the crisis and pressure from human rights agencies.

The police was overwhelmed by the magnitude of the 2007-2008 electoral crises. The massive numbers of the attackers and the relatively effective coordination of the attacks contributed to the police indecisiveness and an apparent collapse of institution. Nevertheless, the failure of the Kenya Police to act on intelligence and other early warning signs contributed more to the escalation of the violence

On the other hand, the provincial administration in modern Kenya is perceived to be a carry-over of the colonial administration which served the interests of the ruling elite. Due to this reason, it was facing a crisis as it was victimized by the opposition supporters. The institution faced a breakdown of the command structures in some parts of the country at the height of the crisis phase with the flow of information from the grassroots to the top level decision making and vice versa severely hindered. The lower

level decision makers such as the Divisional Officers (DOs), Chiefs and Sub-Chiefs became part of the Internally Displaced Persons (IDPs) either due to their ethnic affiliation or perceived association with the government³².

The provincial administration officers also failed on their part to anticipate some level of crisis in the post-election period. This was despite the warning by the NSIS that the pre-election period was extremely tense marked by inflammatory language, inferences about majimboism, pamphlets threatening war or evictions of those considered outsiders and statements from politicians bordering on whipping up their supporters' emotions.

The inaction and lack of anticipation of the crisis by the provincial administrators at the grassroots level was informed by past election trends. In the previous democratic elections in 1992 and 1997, low intensity violence were experienced in the traditionally restive areas of rift valley before elections. They did not therefore anticipate the debacle that engulfed the country after the elections in 2007. As Bernard Kinyua, Uasin Gishu District Commissioner candidly put it, they were extremely vigilant and had intensified patrols before the election in areas that had experienced pre-election violence in the past but did not anticipate the scale of the violence in the post-election period³³. There was an assumption on their part that immediately after elections were over, people would settle down, but the reverse happened³⁴. The Provincial administration was complacent after peaceful polling given past history of pre- rather than post-election violence.

³² Interview with Assistant Chief of Olerunguone in Molo District held in Nairobi on August 06, 2011.

³³ Presentation to the Commission of Inquiry into the Post Election Violence by Bernard Kinyua, the Uasin Gishu District Commissioner in Eldoret on July, 02, 2008.

³⁴ See exhibits 66A and 66B of the Commission of Inquiry into the Post-Election Violence.

4.4 Decision Points and the Influencing Factors

Some crucial decisions were made in the Kenyan electoral crisis of the 2007-2008 by either the decision making structures or individuals (leaders). Notable among them were; the Electoral Commission of Kenya and the Presidency. Those that fall under the realm of the Presidency and played a decisive role in the decision making were; the President, the National Security Advisory Council (NSAC), the Police and the Provincial Administration. The decisions made by each one of these actors would be analysed.

4.4.1 The Electoral Commission of Kenya

The Electoral Commission of Kenya was mandated to organize, supervise and subsequently announce the results of Presidential, Parliamentary and Civic Elections. Because of this mandate, the electoral body made a number of decisions. One of the major decision points was the announcement of Presidential results on 30th December 2007 that plunged Kenya into an unprecedented crisis in Kenya's electoral history. In the announcement, Samuel Kivuitu, the Chairman of the electoral body declared President Mwai Kibaki as the winner.³⁵

Kivuitu's decisions might have been influenced by several factors that were objective and subjective in nature to him. The operating environment was marked by anxiety, political-party pressure and heavy deployment of security personnel and delayed announcement of the Presidential results. The main political parties especially the Party of National Unity (PNU), Orange Democratic Party and Orange Democratic Party-Kenya

³⁵ Kanyinga K. and Okello D, 'Tensions and Reversals in Democratic Transitions', *The Kenya 2007 General Elections*, Society for International Development and Institute for Development Studies, University of Nairobi, 2010.

(ODM-K) were pushing him to declare the results in their favour.³⁶ Besides, he was operating in an environment where there was heavy deployment of security at the Kenyatta International Conference Centre (KICC), the venue where the overall Presidential results were announced. As a key decision maker of the moment, the heavy deployment of security at the venue was intimidating to him.

The background of Mr. Kivuitu as a politician was another factor that could have influenced his decision. Before his appointment as the Chairman of the electoral body, Kivuitu had served as a member of parliament for Parklands Constituency in Nairobi between 1969-1974 and 1983-1988.³⁷ As a politician, he was fully aware of the likely risks of making an announcement that is not amenable to the wishes of the state or the government. He felt it was in his interest to declare the incumbent as the President. Furthermore, crisis moments require quick decision making with or without reference to the existing or established rules and regulations.

Kenya's political arena is also heavily ethnic oriented and as a Kenyan, Kivuitu was not isolated from this operating environment. As a member of an ethnic community, Kivuitu had his own cognitive biases. He hailed from an ethnic group called Kamba that pre-dominantly occupied eastern part of the country that was identified with the political party called ODM-Kenya in the 2007 elections. The party which had fared poorly in the elections by garnering a paltry 800,000 votes decided to support the government at the height of the electoral crisis. Tacitly, it was Kivuitu's wish to have President Kibaki as the winner although he had a spectrum of alternatives to choose from. Such alternatives

³⁶ Isaac Ongiri, "Kenya: I Acted Under Pressure, Says Kivuitu", *The East African Standard* (Nairobi) January 02, 2008.

³⁷ http://en.wikipedia.org/wiki/Samuel_Kivuitu

included; declaring President Kibaki or ODM leader as the winner for a five-year term or push the whole contest to the courts.

The constitution played a role in the decision making by Kivuitu. Constitutionally, the last date of announcing the Presidential election results was 30th December 2007 and his failure to do so would have plunged the country into a constitutional crisis. Kivuitu understood this dilemma very well and made the decision to announce the candidate he saw as the winner to beat this dateline. With the decision, he simply left the rest (the disputes over the results) for other structures such as the courts to resolve.

Kivuitu appeared to understand that there was a crisis in the offing even before the announcement of the Presidential results as evidenced in some of his actions and pronouncements. Consequently he seemingly prepared the public and political parties for the situation by for instance asserting that he cannot reach some of his polling clerks and returning officers from the Meru region whose delayed Presidential results had raised tension. These assertions were seen as part of the meaning making strategy by Kivuitu to indirectly prepare the audience which included; the public, the political leaders/party officials for the likely consequences of a decision he was about to make.

Nonetheless, Kivuitu's decision making was sometimes erratic in the course of the crisis period. For instance, having declared President Mwai Kibaki as the winner of the Presidential elections, it was unwise on his part to later on turn around and claim that he did not know who won the elections. Apart from escalating the crisis, the statement lent credence to the argument by those who had insisted that the electoral process was flawed. Although, it has been argued that the media distorted the original question posed

to Kivuitu 'whether he believed Hon. Kibaki fairly won the elections' by removing the word 'fairly' in their publications.³⁸

4.4.2 The Presidency

The President is the chief political officer, decision manager, representative and protector. Politically, he is the top most official elected by the citizenry through a democratic election contest and therefore an ultimate decision maker. The President was also Member of Parliament representing a particular constituency and the protector in the sense that he is the Commander in Chief of the Armed Forces of the republic. President Mwai Kibaki made a number of crucial decisions during the course of the crisis which were at times characterized by disjointed incrementalism.³⁹

President Kibaki made continual re-adjustments in his decision making in favour of short term political goals due to the operating environment that entailed deterrence in the form of an imminent use of force by the international community. He therefore proceeded gradually and cautiously in order not to outstrip his understanding. His decisions were influenced by factors that were endogenous and exogenous in nature such as the crisis environment, value systems, domestic and international pressure.

One of the most salient decisions made by President Mwai Kibaki was the naming of a half cabinet of 17 members at the height of the crisis⁴⁰, yet he had earlier insisted that those aggrieved should seek redress through the established legal mechanisms. In naming half of the cabinet, the president took cognizance of the effects of the crisis on both domestic and external constituencies. For instance, several people were killed, there was

³⁸ 'Now ECK denies rigging polls in favour of Kibaki', *Daily Nation*, January 24, 2008, p. 8.

³⁹ Lindblom and David Bray-brooke, *A Strategy of Decision* (New York: The Free Press, 1963)

⁴⁰ 'One step back from the Brink of anarchy' *Nairobi Star*, January 04, 2008, p. 2.

shortage of essential commodities and the neighbouring countries of Uganda and Rwanda faced serious problems as a result of the Kenyan crisis.⁴¹

President Mwai Kibaki has been seen as a democrat throughout his political career having fought for democratic space in Kenya whether in the government or in the opposition. The onset of crisis involving a democratic elections contest at a time when he was the President hurt this important component of his value system. As an economist, President Mwai Kibaki was also widely seen to have steered the country from years of economic decline to economic growth when he assumed the Presidency in 2002. The 2007-2008 crises had reversed the gains with economic impact of the crisis being felt both within the country and the region as a whole. As an entrepreneur, the crisis did not bode well for his investment. In essence, an important component of his value system (economy) was severely threatened. Lastly, as a person, President Kibaki was part of an ethnic community (Kikuyu) that was largely hit by the effects of the crisis. They constituted a large component of the internally displaced people and their investments suffered substantially during the crisis.

The crisis that began as an internal crisis became rapidly internationalized. The internationalization of the crisis threatened the interests of the international community and consequently the west made a decision to exert sustained pressure on the President to reach an outcome.⁴² For instance, the UN Security Council stated on 31st January 2008 that it could get involved in the post- election crisis in the country if it persisted and if the

⁴¹ Tatu Butagira & Andrew Bagala, 'Fuel shortage bites in Uganda' *Daily Nation*, January 02, 2008, p. 28.

⁴² Paul Redfern, 'UK papers call "robust pressure" on Kibaki, Raila' *The East African*, 4-10 February, 2008, p. 11.

players did not reach a timely agreement.⁴³ This pressure from the west both allies and otherwise affected the President's decision making during the crisis. The half- cabinet appointment was a cautious approach on his part not to annoy the members of the international community who have been calling for the formation of an all-inclusive government.

Lastly, the cabinet appointment was an acknowledgement on the part of President Mwai Kibaki that there was crisis which required a resolution. Indeed, the President was faced with a situation where his Party of National Unity was a minority in Parliament and therefore harbingered a power-sharing arrangement to accommodate the opposition as part of an effective and cogent response to the crisis. While the opposition Orange Democratic Party had garnered 99 Parliamentary seats, the President's garnered 44 seats. In essence, this would have proved it difficult for the government to push through any legislative agenda. It was also a major indicator of his readiness to resolve the crisis but proceeded in a manner not to antagonize his constituents and allies both local and foreign. President Kibaki did not only structure his response by deciding to go into a power sharing agreement but also structured the situation by taking key ministries to his party. In other words, he did not box the opposition into a situation they could not emerge from with some measure of dignity.

4.4.3 National Security Advisory Committee (NSAC)

The NSAC as one of the decision making structures made certain decisions that defined the resolution or management of the crisis. Such decisions included; instructing

⁴³ Standard, February 08. 2008.

the security institutions to make appropriate decisions in their areas of operations⁴⁴ and advising the President to dialogue with the opposition for the maintenance of law and order at the grassroots.⁴⁵ Two major factors can be seen to have influenced these decisions. Firstly, NSAC members took the decision for the purpose of self-preservation as is the case with any decision maker faced with a crisis situation. All the members of NSAC are appointed by the government of the day and with an-incoming unfamiliar government, they were not sure of retaining their status. In advising the President to enter into dialogue, the members were sure of maintaining their influence and positions in any political arrangement that would have been hammered out of the mediation process. Some NSAC members were also under significant pressure from the members of the international community with the risk of intervention in the crisis becoming imminent, a situation that threatened their status as well. The NSAC two-pronged decision of maintaining law and order at the grassroots⁴⁶ and advising the President on the need for dialogue with the opposition can be seen within the domestic environment within which the crisis was taking place. The NSAC members had families, relatives, communities some of whom were suffering under the effects of crisis.

4.4.4 The Police

The 2007-2008 electoral crisis unfolded at a time when the morale issues within the police force was affecting their operations. The morale issues were a factor that explained their lethargic response to the crisis. The government failed to resolve these issues despite the warning of the likely go-slow by the Police. For instance on 13th

⁴⁴ Interview with Key informant on August 01, 2011 in Nairobi

⁴⁵ Interview with key informant on August 02, 2011 in Nairobi

⁴⁶ Interview with a provincial administration officer in Nakuru on August 04, 2011.

December 2007, the NSIS had warned that police officers planned a go slow on voting day to protest the Government's failure to award them salary and allowance increments⁴⁷. Indeed, the police officers planned to report to assigned polling stations but do nothing, a situation that compromised security during the election period.

The police force faced internal divisions pitting the regular police against the administration police. The bureaucratic politics within the two departments of the police was driven mainly by the perception among the regular police officers that the administration police was more favoured by the government at their expense. The Government reconstituted the Administration Police that was traditionally under the Police force into a fully-fledged force. It was well resourced and equipped thus gaining national limelight within a short period of time.⁴⁸ This did not bode well with not only the underfunded regular police officers but also with the members of the public who read sinister motive especially when the re-organization was being made when elections were approaching.

The sluggish response on the part of the police in the crisis was also attributed to the media which in the run-up to the 2007 general elections played a negative role in charging the already tenuous environment. It carried an exposé on Administration Police Officers being trained as polling agents and their subsequent transportation by Citi Hoppa Bus Services⁴⁹, a public transport company to the opposition strongholds of Nyanza and Rift Valley. Due to the outcry from the members of the opposition in reaction to this alleged development, the police largely remained onlookers in the crisis. Even in

⁴⁷ Brief to NSAC, December 13, 2007

⁴⁸ Interview with an administration police officer on August 04, 2011

⁴⁹ *Daily Nation*, December 20, 2007.

instances where they intervened to manage the crisis like in Kibera, Kisumu and Rift Valley, they were brutal or biased.⁵⁰

The pronouncements from opposition politicians also played a role in the lack of decisive action on the part of the Police. The opposition politicians had lost confidence in the police and saw them as serving their masters namely; the government at their expense. For instance, the utterances by Hon. Raila Odinga of the opposition Orange Democratic Movement that the police had been ordered to shoot members of certain ethnic communities created a hostile environment for them to intervene.⁵¹ The ethnic divisions that were witnessed during the crisis also influenced individual police officers decisions in terms of crisis management. As Kenyans, the officers cannot be separated from the dynamics of the crisis environment. The crisis environment at the time was politically ethnic-oriented, which made them have cognitive biases given that they were part of ethnic communities.⁵² Likewise, the relationship between the police and the public has not been good in the past with human rights organizations both national and at international level accusing them of human rights violations.⁵³ Their inaction in the crisis can be informed by the desire not to be incriminated in the human rights violations and the international community.

4.4.5 Provincial Administration

The “play it safe” attitude among the provincial and district officials contributed to the poor management of the crisis on the part of the provincial administration. There

⁵⁰ KNCHR post Mission Report for Rift Valley region dated 24th February 2008

⁵¹ Raila's interview with BBC's HARDtalk

⁵² Interview with a police officer on 2nd August 2011

⁵³ Mars Group Kenya, 'Kenya's Security Apparatus Severely Indicted by Post-Election Violence Report', Oct 15, 2008.

has been a tendency by powerful politicians who call the shots at the grassroots to punish provincial administrators who do not play to their interests⁵⁴. As is the case with any decision maker, the provincial administrators were looking at the implication of their decisions on their short term interests (jobs). Put in another way, they feared retribution and did not want to rock the boat. Also, the provincial administration officials were fatigued by the magnitude of the crisis. They had been engaged for days in manning the polls or counting votes.

4.5 Conclusion

From the literature it is clear that the study has achieved the objectives on which it was anchored. This was elaborated by the critical analysis of the Kenya government decision making process and structure during the 2007-2008. Indeed, the effectiveness of the decision making structures in relation to the crisis was encapsulated in addition to the factors that influenced the decision makers in arriving at certain decision within the framework of endogenous and exogenous factors. In the same breadth, the study was in consonant with the hypothesis outlined in the beginning of the study as demonstrated by the literature on the Kenyan crisis.

From the literature, it is aptly clear that Kenya's very foundation as a sovereign state and a unified one was severely threatened by the electoral crisis experienced in the year 2007-2008. The study reinforced this statement of the problem by outlining the impact of the crisis on the nation, decision makers and international intervention to reverse the descent of the country into anarchy and collapse.

⁵⁴ The Akiwumi Commission Report. p. 64.

Lastly, the study enumerated the usefulness of the Lindblom and Bray-Brook model of decision making in analysing the Kenya Government decision making. In particular, it brought out how the decision makers continuously re-adjusted their decisions in line with the crisis environment prevailing at the time. It also showed how decision makers can readjust to threats that are of short term nature especially to their goals and values. In essence, the model enhanced the analysis of decision making and helped me in creating or developing knowledge.

CHAPTER FIVE

CONCLUSIONS

Kenya's post-election crisis of 2007-2008 demonstrated that the western form of democracy has its own constraints in Africa. This is because the African environment is characterized by unique history, culture and geo-politics. The history of ethnic politics, competition for resources and power has provided a hinge for any democratic elections in the continent. The control of the state is equated to control of resources. The distinction between the state and ethnic elites in power is vague in that there is no clear cut distinction on where ethnic interests begin and where they end. Sometimes, ethnic interests can be interpreted as a representation of state interests because the person occupying an office has an ethnic tag and ends up manipulating state for ethnic reasons. This can be attributed to weaknesses in legislations and state institutions such as judiciary, parliament, executive institutions both national and local institutions in the security sector. Therefore democracy in Africa runs against the grain of fundamental precepts of western democracy. To equate democracy in Africa with that of the western world is simply of the mark.

This was contrary to other previous post-election related crisis across the continent including in Ethiopia (2005) and Zimbabwe which did not receive immediate international intervention. The Kenyan crisis was unique in the sense that it attracted prompt intervention from the members of the international community that subsequently influenced the Kenya government decision making in the resolution of the crisis. Several factors explain the unique prompt intervention in Kenyan post-election crisis. Firstly, Kenya's strategic importance is attested to by the presence of huge diplomatic

community and international organizations. Secondly, Kenya serves the geo-political and economic interests of the international community in the region. For instance, Kenya has been playing an important role in the war on terror in the region. The Kenyan crisis would have hampered the war on terror given the country's proximity to Somalia.

The Kenya government decision making proceeded in consonant with incremental argument fronted by Lindblom and Braybrook from the perspective of the different decision making strata. Lindblom asserts, in his description of incrementalism, that policy is not made once and for all; it is made and remade endlessly. Policy making is a process of successive approximations to some desired objectives in which what is desired itself continues to change under reconsideration.¹ The Kenyan decision making structures such as the President, the Electoral Commission of Kenya, National Security Advisory Council, the Police and the Provincial Administration proceeded along this incrementalism continuum. Indeed, the prominence of decision making in terms of safeguarding short term interests of the decision makers exhibited itself in the said structures.

Nevertheless, the decision making in the post-election crisis Kenya received a mixture of success and failures in the management of the crisis. In some instances, lack of preparedness, and poor coordination among, different state security agencies and decision making units informed the escalation of the crisis. The level of crisis interfered with the routine ladder of the decision making structure with the frequency of meeting increasing on ad hoc basis. The breakdown in communication flow and the lack of

¹ Lindblom, *The 'Science' of Muddling Through*. p. 86.

experience on the part of the decision makers to deal with crisis of such magnitude before can be seen to be a contributing factor on why the crisis was not contained promptly.

Several factors both endogenous and exogenous to the decision makers and the country at large played out in the management of the Kenyan crisis. These factors influenced the leaders and institutions involved in crisis decision making. For instance, the Police had endogenous factors in the form of competition between regular police and the administration police, ethnic affiliation, allegiance to government, the public with whom relations have not been good and the environment within which the crisis was taking place. The exogenous factors such as the international law and criticism from human rights organizations also influenced Police action or inaction in the crisis.

Kenya is not an Island in itself and was bound to interact with other members of the international community. Consequently, the external environment played a role in influencing the decision making process. There were issues of human rights that were being raised by states and multilateral organization of which Kenya is a member.² The role of International Law and the cloud of previous accounts of human rights abuses by leaders of states such as Yugoslavia which landed them in The Hague were also hanging over Kenya.³ Subsequently, the government decision making was shaped by exogenous factors as well.

The efficacy of the decision making structures in Kenya was heavily tested by the post-election crisis. Whereas some of the structures were effective in their co-ordination especially the intelligence, others were completely indifferent. There was lack of crisis

² 'Development Partners raise concern over election chaos' *Financial Standard* (Nairobi) 08 January 2008, p.5.

³ Interview with an IGAD official on August 10, 2011

response and early warning centres and the nervous system broke down. The fact that the crisis manifested itself albeit the intelligence available to the decision makers is a clear pointer of a weak co-ordination mechanism in some areas. With Kenya facing an election cycle every five years, the same signs that threatened the very existence of the country as a sovereign state are likely to re-emerge if the effectiveness of the co-ordination of decision making structures is not re-evaluated. This is not however to adjudge that the decision making structures in Kenya were completely ineffective in the management of the crisis. Otherwise, the crisis would have been prolonged.

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Interview with a provincial administration officer in Nakuru on August 04, 2011.

Interview with an administration police officer on August 04, 2011

Interview with an IGAD official on August 10, 2011

Interview with Assistant Chief of Olerunguone in Molo District held in Nairobi on August 06, 2011.

Interview with District Officer, Nakuru, Rift Valley Province, on August 08, 2011.

Interview with Key informant on August 01, 2011 in Nairobi

Interview with Key informant on August 01, 2011 in Nairobi

Interview with key informant on August 02, 2011 in Nairobi

Interview with key informant on August 02, 2011 in Nairobi

Interview with key informant on August 09, 2011 in Nairobi.

Interview with Mohamed Amin, the former Provincial Criminal Investigation Officer in Rift Valley, on August 04, 2011 in Nairobi.

Interview with Sub-Regional Intelligence Co-ordinator Uasin Gishu on 1st August 2011