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**“The Role of Good Governance in Conflict
Prevention: A Case of Kenya from 1992-2007.”**

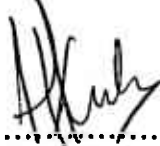
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DECLARATION

This dissertation is my original work and has not been submitted for a degree to any other university

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

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PROF. OLEWE NYUNYA

DEDICATION

This work is dedicated to all those who have made pursuit of a Master's degree possible. Special thanks go to my parents for their encouragement and support. Additionally, I extend my appreciation to the Institute of Diplomacy and International Studies (IDIS), without your assistance the dissertation would not have been possible. Lastly but not the least my appreciation goes to Elizabeth for her untiring support.

List of Acronyms

ALF	Anglo Leasing Financing
AU	African Union
DP	Democratic Party
FORD-A	Forum for Restoration of Democracy-Asili
FORD-K	Forum for Restoration of Democracy-Kenya
IPK	Islamic Party of Kenya
KAMATUSA	Kalejin Maasai TurkanandSamburuAssociation
KANU	Kenya African National Union
LDP	Liberal Democratic Party
NAK	National Alliance Kenya
NARC	National Rainbow Coalition
UN	United Nations

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ABSTRACT

The study attempts to look at the critical linkage between conflict prevention and good governance. It appraises how the two variables interact, with special focus on Kenya.

The study establishes that there is a strong positive correlation between conflict prevention and good governance. Where there is absence of good governance there are higher risks of violent conflict. The risks are an outcome of presence of multiple and reinforcing threat factors revolving around the issues of identity, legitimacy, participation and recognition.

The study is divided into five chapters. Chapter one looks at the background and the problem being studied, the hypotheses, conceptual framework as well as the methodology.

Chapter two engages with an attempt to develop an in-depth understanding of the concepts used in the study as well as establishing their linkages. The chapter recognizes that, to fully comprehend conflict, there is a need to master its meaning, acknowledge its pervasiveness and inevitability, and most importantly what enables or constrains conflict from escalating in behavioral violence.

Chapter three focuses on Kenya's political system as the unit of analysis. The chapter concerns itself with the three main impediments to good governance and by extension fuellers of violent conflict. The impediments are ethnicized political discourse,

corruption and violations of human rights. The factor creates individual's and groups' insecurities and encourages self-help as a survival strategy.

Chapter four offers a critical appraisal of Kenya's good governance record and how it links to conflict prevention. The chapter concludes that the failure of good governance in Kenya has negatively impacted on conflict prevention and if not addressed, the country runs a risk of conflagrating into violent conflict.

Chapter five concludes the study by emphasizing on the need to institute mechanisms which may entrench good governance and enhance Kenya's conflicts prevention capabilities.

CHAPTER ONE

INTRODUCTION

In San Francisco conferences 1945, political leaders met to develop the mechanism for which to protect the civilized peoples of the world from the ravages and miseries caused by wars. As the world witnessed one of the deadliest conflicts in humankind history, there was a yearning for peace; change of hearts and minds as well as strategy. War was to cease as an instrument of pursuing interest. Instead, the pursuits were to be realized within a political and diplomatic process.

Bearing this in mind, the leaders developed a truly international organization whose main mandate was to “take effective collective measures for the prevention and removal of threats to peace, and [to] suppress acts of aggression and other breaches of peace¹. The mandate envisaged a situation where states might go to war and overlooked the instances where majority of violent conflicts will be primarily intra-states in nature. This oversight is reflected in article 2 of the charter where paragraph 7 succinctly states “nothing contained in this charter shall authorize the United Nations to intervene in matters which are essentially within the domestic function of any state². This caveat has given, states an opportunity to pursue highly repressive policies against their citizens and when challenged by international community to raise the banner of sovereignty, only to later allow international community to intervene when such repressive policies leads to violent outbreak of conflict.

¹ United nations charter, chapter I, article 1, Para 2

² Ibid, article 2 (7)

The reality and presence of multiple ongoing violent conflicts in many parts of the world, has led to serious challenges to the paragraph seven of article two of the United Nations Charter. The primary ammunition used by the challengers of the above clause, is that claims to sovereignty is not only a right but a responsibility, by states to the citizens. Additionally, overtime, there has emerged moral and ethical cosmopolitan values which members of the civilized global communities are supposed to uphold, and perversion of such values, by any states, warrants intervention by international community, irrespective of claims to sovereignty by the perpetrators of such perversions. The above challenge has led to the emergence of the doctrine of responsibility to protect³.

The responsibility to protect doctrine which was popularized after the publication of a report by the International Commission on Intervention and State Sovereignty (ICISS) in 2001⁴, aims at providing ‘legal and ethical basis for humanitarian intervention, in other words, the intervention by external actors (preferable international community through the United Nations in a state that is unwilling or unable to fight genocide, massive killings and other massive human rights violations’. Its main components are responsibility to prevent, responsibility to react and responsibility to rebuild. Among the three components, priority is given to the responsibility to prevent, as indicated in the report, that ‘prevention options should always be exhausted before intervention is contemplated’.

³ For a discussion on the responsibility to protect see ‘*Whose Responsibility to Protect? Reflection on the Dynamics of an Abandoned Disorder in Somalia*’ by Sasaki Kioko, pg. 3-14 and ‘*The Responsibility to Protect as Enshrined in Article 4 of the Constitutive Act of African Union*’ by Tim Muriithi in *African Security Review*, vol 16 No.3 Sept, 2007,

⁴ *Ibid*, pg 4

However, though underscoring the importance of prevention like any other international instruments for conflict prevention, the reality is the international community has quite often failed to prevent transformation of conflict into violence. Consequently the world has witnessed violent outbreaks of conflict in spite of the various instruments developed to prevent the same. A case scenario is Africa, which has been a theatre of many violent conflicts waged mostly by non-state actors against the state or regime in power.

Kegley⁵ observes that, between 1960's and 1990's Africa has witnessed approximately 80 violent changes of government in 48 sub-Saharan African countries. Nana⁶, states that between 1968-2006, more than 42 wars were fought in Africa the vast majority of them being intra-state in origin. The presence of such a high incidence of violent conflict portrays Africa as a continent in turmoil, the sick man of the world. Additionally it raise a question of why such a high level of violence and why has the responsibility to prevent been unsuccessful, in styming the tendency of political crisis transformation into armed violence.

Different explanations have been developed especially concerning the presence of violence in Africa. The starting point often focuses on the crisis of state in Africa. Critics points out that Africa state is flawed both as a concept and in its logic. As a concept, rather than capturing the aspirations of the people who have constituted themselves as a state, it has often operated as a continuation of predecessor, the colonial state whose

⁵ Charles kegley et al *World Politics; Trends And Transformation (9th Ed)* Belmont: Wadsworth, 2005, p 425.

⁶ Nana K. Poku et al '*Human Security And Development In Africa*' in journal of international affairs, vol 83, No. 6, Nov 2007, pp 1155 -1170.

'administrations were designed to conduct excessive forms of governance and control of populations and territory that were crudely extractive and much less fine grained and less intensive than in the European homeland"⁷ Consequently as Mamdani⁸ has argued there has been "excessive centralization and bifurcation of rural and urban segments, habits of summary government at a distance, lack of independent judiciaries and heavy handed techniques to control the majority of population. In its logic, the post-colonial state pushed by the need for rapid modernization has often propounded ideas of stronger and more 'effective' government as a vehicle for modernization. Such a flawed logic tend to create authoritarian systems, which applying the 'very form of apparatus employed by colonialists tends to treat individuals and groups as subjects rather than citizens"⁹.

The conceptual and logical flaw of states has led to higher susceptibility to violent conflict. However, except in isolated cases such as Eritrea, Anglophone Cameroon, Casamance (Senegal), Civil violence does not aim at breaking up of states and creating new ones. Precisely, violent conflicts, do not employ the discourse of nationhood to frame their claims, instead, even in highly decayed states such as democratic Republic of Congo and Somalia, violent contestants aims at effective regime change, and belligerents often seeks to save the state as a single entity¹⁰. Such a trend shows that the crisis in Africa, is not a caused by presence of state, rather it is an outcome of an absence of "sensitive and informed statecraft capable of meeting the challenges" posed by various

⁷ Mamdan M. cited in Thomas Blom Hansen et al, *State of Imagination: Ethnographic Exploration Of First-Colonial State*, London: Duke University Press, pg 11.

⁸ Ibid, pg 11

⁹ Ibid, pg 13

¹⁰ Crawford Young 'Competing Images of Africa. Democratization and Its Challenges' in Okon Akiba (ed) *Constitutionalism And Society In Africa*. Ashgate: Ashgate publishers, 2004, pg 14.

and often competing interests. Hence “civil wars represent a partial breakdown of the social contract – the rules of the game that given the distribution of social pie, and the mechanisms of resolving conflict peacefully”¹¹

Basing its view on the social contract breakdown, the strategic plan of the African Union vol 1 2004¹² states” distrust for constituted authority, corruption and impunity coupled with human rights abuses have kept Africa in a situation of conflict. Schedler¹³ concurs, with the above view and observes that, the systematic corruption since 1980’s evidenced by lack of transparency and accountability produce the proximate causes of rebel wars, exclusive politics, violations of the rule of law, rural isolation leading to ethnic and regional grievances, extreme centralization economic decline and high unemployment”. The above view demands for managing of state affairs in manner capable of reinstating the social contract between the rulers and the ruled in order to achieve sustainable peace and reverse the risks presence in many states of violent conflicts.

Along the above view, the project has analyzed the role of good governance as a mediating variable between peace and violence. The project has used Kenya as a case study, concentrating on the nature of its political governance and evaluating how it has contributed to peace or violence form 1992, when the country became a multiparty state to 2007 when it had its third multiparty elections.

¹¹ Tony Adison et al, *Debt Relief and Civil War*. World Institute for Development and Economic Research .Discussion paper 2001, 157 August, pg 2.

¹² “*The Strategic Plan Of The African Union*” The African Union Commission vol 1, Addis Ababa, 2004, p14.

¹³ Schedler I, ‘*Conceptualizing Accountability*’ in Andreas Schedler et al (eds) *Self Restraining State: And Accountability In New Democracies* .London: Lynne Rienner, 1999, pg 92.

Statement of the Problem

*"The popular adage has it that 'prevention is better than cure". Given the heavy and enduring costs of armed conflicts, there is no disputing the fact that making efforts to prevent them from breaking out in the first place is better than waiting until it is too late. This entails two things: conflict prevention and early warning systems (conflict prevention) is anything that could be done to effectively address the root causes of conflict before it turns violent..... (The main thrust of conflict prevention is ensuring human security (Issaka)"*¹⁴

"One of the most remarkable features of 21st century is the globalization of independent statehood"¹⁵. By 1960, the age of colonialism was fading fast and independence had become a 'political aspiration of peoples around the world. Consequently the state has become a standard form of political organization. In Africa, the state as a focus of political organization has become a centre of violent struggle. The costs of the struggle are immense. Measured in terms of deaths, refugees and displaced persons as well as lost economic opportunities, Africa's civil wars are one of the greatest calamities of our era. Kaldor¹⁶ estimates that, the wars have killed seven million people and created nineteen million refugees. In economic terms it is estimated that a single civil war costs an average small country 54 billion dollars in terms of losses, in addition to ecological damage, infrastructure devastation and creating a generation of traumatized, poorly educated and violence prone youth.

¹⁴ Issaka K. *Conflict Prevention and Early Warning Mechanism in West Africa: A Critical Assessment of Progress* pp 96, in African Security Review, vol 16, No. 3, Sept, 2007.

¹⁵ Richard Jackson 'The Character of Independence Statehood' in Jackson Richard et al (eds) 'States In A Changing World: A Contemporary Analysis. Oxford: clarendon press, 1993, pg 3.

¹⁶ Mary kaldor 'New and Old Wars: Organized Violence in a Global Era Cambridge: mas polity, 1999, pg 5.

The 1997 final report by Carnegie Commission¹⁷ on preventing of deadly conflicts, estimated that in 1990's alone more than US \$ 200 billion were spent in seven major peace operations globally. These are Rwanda, Haiti, Persian Gulf, Cambodia, El Salvador, and former Yugoslavia. If we add the cost of the presence operations in Democratically Republic Congo, Sierra Leone, Sudan and Liberia, the costs are enormous especially, if one consider, the large contributions the amount can make if used in peace management effort in order to prevent violent conflicts.

Despite the huge costs incurred in terms of civil war costs as well as the management and reconstruction bill, the world community has been locked in tendency of engaging in reactive conflict management measures long after violence has broken, rather than proactively engaging in peace management or conflict prevention. However, there is a slow emergence of recognition that, the costs and benefits of prevention far outweighs the costs for conflict management after violence has broken out. Consequently, there has developed a widespread acceptance as echoed by Koffi Annan¹⁸ that "effective conflict prevention is a prerequisite for achieving and maintaining sustainable peace which in turn is a prerequisite for sustainable development (which leads to human security).

This has led to the rise of peace building as a key component in conflict management. Initially the concept of peace building which was popularized by the United Nations

¹⁷ Cited in the Issaka K. , op cit, pg 97

¹⁸ Anna K.: *Preventing War and Disaster: A Growing Global Challenge*, 1999 Annual report. New York: UN department of public information, 1999.

Secretary General's publication, the Agenda for peace¹⁹ was strictly restricted to post-conflict situations. Currently peace building has broadened to include conflict prevention measures. As such, it is essentially about 'removing or weakening factors that breed or sustain conflict and reinforcing factors that build positive relations and sustain peace.

Though widely acknowledged as a major tool for creating sustainable peace, peace building in practice has not effectively moved from being global to local. Instead the international community still captivated by the success of major global conferences, on peace from Westphalia in 1648 to San Francisco in 1945, has relied on top-down approach to create global peace. When the United Nations was formed, for instance, its creators believed that global order problems such as wars, human rights abuses and economic problems were 'macro' challenges that could be dealt with primarily through national economic and foreign policies that shaped relations among states²⁰. In contrast today's challenges especially on security are more 'micro' in nature. The main source of global insecurity in terms of armed conflicts is no longer inter-state warfare, rather, it is from 'non-state actors who are waging wars on localized scale and enjoys translational contacts, which tends to internationalize local insecurities²¹.

The changing sources of insecurity are undermining global order from below as 'more and more states become un-reliable players and partners because they are unable to

¹⁹ Boutros Ghali B. *An Agenda for Peace. Report Of The Secretary General Pursuant To The Statement Adopted By The Summit Meeting Of The Security Council* on 31st Jan, 1992, A/47/1/277-S/24111, 17th June, 1992.

²⁰ John Stremmlau, *Putting People First* in Muthoma P et al (eds) *Putting People First*, Johannesburg SAIIA, 2000, pg 14.

²¹ *Ibid*, pg 15

manage their domestic affairs. Thus, there is a demand for a bottom-up approach to global order. A view captured by Stremlau²², when he states ‘until civil strife can be prevented and resolved, not only will Africa remain poor and woefully underdeveloped, it will subvert efforts by international community to deal with many urgent transnational environment, criminal, public health, narcotics and terrorism issues. Issues that are likely to rank high on the global agenda in the decades ahead”.

Among the key components of such a bottom-up approach is conflict prevention at local level, so as to moderate divisive local forces that thwart or undermine the construction of viable political frameworks, capable of providing human security to its members. Conflict prevention entails mitigating the possibility of likely threat, use or diffusion of conflict by parties in a particular dispute. Conceptually it can be divided into light and deep prevention, Rasbotham²³, characteristics, light prevention as activities which involves engagement with the situation that led to a given crisis with an aim of preventing the crisis from flaring up into armed conflict; whereas deep prevention aims at addressing the root causes of conflict including underlying conflicts of interest and relationships. At a state level it may mean engaging in issues of development, community relations and political reengineering.

The study is concerned with the deep prevention of conflict through a process capable of transforming discursive realms from being parochial and exclusionary to being civic and cosmopolitan. It is informed by the view that “each Africa civil wars has been preceded

²² Ibid, pg 16

²³ Cited in Alfred N. (ed) *The Quest For Peace In Africa Transformation, Democracy And Public Policy*. Utrecht: International books, 2004, 212.

by grave errors of policy and conduct on part of regime". These errors affect people profoundly yet their protests are ignored and demands for consultation often blocked. This calls for a consociation arrangement which assure a voice at the governing table for all significant communal segments and the institutional means to block stated actions from inflicting harm on their community²⁴.

Such an arrangement demands for institutionalization of good governance practices. Institutions shape the goals political actors pursue and structure power relations among actors, acting as both means and constraints in pursuit of interests"²⁵. In addition exogenous changes can produce a shift in goals and strategies being pursued within existing institutions. One change is introduction of good governance which emphasize on developing network of reciprocity and exchange between the ruler and the ruled with an aim of enhancing public realm legitimacy and overcoming the estrangement between state and society.²⁶

General Objectives

1. To underscore the importance of conflict prevention as opposed to violent conflict resolution.
2. To enhance the understanding of the view that if you want peace prepare for peace.
3. To develop a framework applicable to creating sustainable peace.

²⁴ Arend Ljphart. *Democracy in Plural Societies*, Berkeley: university of California, 1977, pg 68.

²⁵ Sven steimmo et al (eds) *Structuring Politics*. Cambridge: Cambridge university press, 1992, pg 3

²⁶ Goran Hyden and Michael Bratton (ed) *Governance And Politics In Africa*. London; Lynne Rienner publishers, 1992, pg 178.

Specific Objectives

1. To find out the role of institutionalization of good governance in conflict prevention.
2. To contribute to a better understanding of the complex interactions between conflict, institutions and governance.
3. To enhance the linkage between human action and the structures existing in a society.

Hypotheses

1. Institutionalized good governance fosters a collaborative problem solving.
2. Weak governance structures are threat multipliers breeding violence
3. Bad governance creates adversarial political competition which engenders violence.

Justification of the Study

The importance of the study is both academic and policy based. Academic justification includes the need to be create a linkage between pre-violent conflict management, which is essentially in the realm of peace building and governance issues; a link which has not been largely explored in the literature of conflict management. Corollary to the above is the creation of deeper understanding why violence flares up in societies. This aims at bridging the gap between objective and subjective based paradigms of conflicts. In this endeavor, the study will introduce a concept of co-articulation in the conflict management debates. Importantly, the study hopes to bring the significance of historicity in explaining social phenomenon. Historical explanations helps us to contextualize violence in a given social-historical mediation spaces, for conflict is bred by fear of the future lived in the past.

At policy level, the main aim will be to advocate for a shift from the philosophy of if you want peace prepare for war to the philosophy of if you want peace prepare for peace. Such a shift is informed by the realities of today's violent conflict which are often complex, internationalized and intractable in nature. Additionally the easy accessibility of sophisticated military hardware, coupled with the ensuing brutalization of societies engaged in violent conflict, tend to create widespread human insecurity even long after the cessation of hostilities and there is always a higher risk of relapse. Finally, as earlier observed, the emerging transnational problems such as trafficking, terrorism, money laundering economic and ecological risks demand an international response. The required response is effective only in an environment characterized by politically stable and effective states. Stability and effectiveness is hinged on presence of a sustainable conflict prevention process.

Literature Review

Various studies have been done concerning the nature of post colonial states, the correlation between the type of political systems and vulnerability to conflict as well as the causes of civil wars globally and more specifically in Africa. The following section provides a review of various and often contending studies covering the above area. The review is broadly divided into two sections. The first section covers state as a concept and reality whereas the second section offers an analysis of causes of conflict.

The state

"Historically, state emerged out of dramatic processes of social changes that incorporated empires, cities, tribes and feudal lords²⁷. The crystallization of these previously discrete social formations culminated to the treaty of Westphalia in 1648. Among the key outcome of state formation was the concept of sovereignty. Sovereignty assumes that state governs autonomously, that is, it controls an economic resource base and has a capability of defending itself²⁸. Sovereignty was taken to reside in people on the ground that, "Law and order is constructed by the people's support to the governing bodies and the laws and regulations that they promulgate"²⁹.

The west- Phalia state in Europe underwent through three major processes: The consolidation of borders, the building of state's institutions and the creation of national consciousness. The processes did not follow any fixed line rather they differed depending on the nature of the society. In United Kingdom the process started with border consolidation, to state formation followed by attempts at national consciousness, whereas in German, the process started with national consciousness followed by state formation and later border consolidation. By the time the process was completed, the states had been constituted as 'self, and in group based on common cultural and ethnic heritage.

In different political discourses the state has been conceptualized differently. In Marxist scholarship the state is perceived is as executive of bourgeoisie class. It is a legal construct by the propertied class with a purpose of extracting from and exploiting the

²⁷ Fredrick Soderbaum et al (ed). *The New Regionalism in Africa*. Aldershot: Ashgate publishing. 2003, 32

²⁸ Ibid 32

²⁹ Ibid 32

property less class. Thus viewed in its concept and logic the state is a structure of domination created to serve the interests of a few within the society. Post-Marxist scholars conceptualize the state as "thoroughly socialized and epiphenomenal, that is, as an expression of social relation and ideological configuration"³⁰. Building on Marxist scholarship, the Gramscians see state and its power as an expression of "capacities, the will and the resources of class segment thereof. This will to class power give "birth to project of political - cultural hegemony and strategies of social transformation aimed at consolidation of class domination"³¹. Within the above schools of thought state is not an embodiment of citizens' sovereignty but a structure of domination.

Post-structuralism thinkers such as Laclau and Moliffe take state as an entirely political construct, that is 'alterable and floating and only appear as relatively stable 'nodal' points in discursive formations"³². Michael Foucault, argue that state is a product of modernity. According to Foucault" modernity was marked by a broader field of government of conduct of the self, of the family, of institution, of the body and so on. Hence the modern state is an ensemble of institutional forms made possible because of the general 'governmentalization' of societies, that is, the specific ways human practices objects of knowledge, regulation and discipline"³³. From Foucauldian argument, the state is not a source of power but the effect of a wider range of dispersed forms of disciplinary power that allow the state to appear as a structure that stands apart from and above society"³⁴.

³⁰ Thomas B. Hansen (ed) *States Of Imagination*. London: Duke University Press. 2007,4.

³¹ Ibid 3

³² Ibid 4

³³ Ibid 4

³⁴ Ibid 5

Pierre Bourdieu building on weberian conception of state as agency with a monopoly use of force over a given territory argues that in its formation and practices state condenses four types of capital: Violence, economic capital (tax and regulation) information capital (curricula, validation, knowledge and so on) and symbolic capital (juridical discourse, nomination, validation and so on). The four types of capital constitute Meta authority to validate or invalidate other forms of authority giving states the last word in the territory or the last judgments.

In exercising of Meta authority the state relies on the language of governance and symbolic language of authority. The language of governance is expressed via assertion of territorial sovereignty and monopolization of force, gathering and controlling of knowledge of the population, generation of resources and ensuring the reproduction and well being of its population through development and management of national economy.

The symbolic language of authority is created and enhanced through the institutionalization of law and legal discourse as the authoritative language of the state and the materialization of state in a series of permanent signs and rituals (building, letterheads, coats of arm, uniform and so on), the nationalization of territory, institutions and cultural practices.

Along this view the language of governance endows the government with practical aspects of governance, discipline and productive bio political governance. On the other hand, the symbolic language of authority enables the "reproduction of imagination of state as the specific authoritative center of a society, in principle capable of issuing the

last judgment³⁵. Integrating the post structural view, one can note that the defining moment of modern nation-state is when the "sovereign state (become) entrusted with expanding tasks of managing the social and economic well being of its people, to protect, reproduce and educate its citizens, to represent the nation, its history and its cultures and to reproduce boundaries and institution enabling the political community to be recognized by other states as a proper state³⁶.

From the above conceptualization of the state, roles of state can be deduced broadly as extractive, regulative, distributive and legitimating. Thus an effective state must be able to extract resource from the society and redistribute them so as to enhance human security rather than regime security³⁷. Additionally it must be able to authoritatively regulate the transactions especially those taking place within the public realm as well as to constantly create and recreate its legitimacy.

The post colonial state in Africa

Unlike the states in Western Europe which are products of historical crystallization, post - colonial state in Africa are products of colonialism. Consequently they are more of legal constructs than expressions of the will of the people living in a given territory to constitute themselves as a state. However despite its nature much of the failure of the

³⁵ Ibid 9

³⁶ Ibid

³⁷ Human security refers to protection of the worth, dignity and safety of the individuals as an integral part of humanity whereas regime security is concerned with the welfare and safety of leadership, safeguarding territory and state sovereignty. It is focused on the survival of the ruling elite and the conquest and keeping of power in the hands of specific clique of people and their cronies (Dorn 2001, 13-15, Davis Hubert) 2002, 299.

post-colonial state cannot be attributed to its construction. Rather the analysis of regimes which assumed power after independence, offers a better focus of analysis.

The modes of regimes has been characterized by personal rule (Jackson and Rosberg 1982), shadow state (Reno 1998) and neo-patrimonialism (1996). Consequently, rather than creating institutions characterized by Weberian impersonality and abstraction the states institutions have been personalized. As a result "politics becomes a kind of business because it is political resources that give access to economic resources"³⁸. Secondly, Brathen observes that the in a situation characterized by existence of personalization and patrimonialism , "in an (effort to reduce) colonial legacies of racially inherited privilege, the independence state, create a specific path of redistribution which divides the indigenous majority along regional, religious, ethnic and at times family (clan) lines"³⁹. These dynamic creates relatively weak states but authoritarian regimes.

The personalization of state is a continuity of the techniques and mentalities of control found in colonial state. The main characteristics of the colonial state in Africa were its preoccupation with extraction of resources and pursuing of a strategy of divide and rule. The strategy meant that the colonial administration was incapable of altering African states fundamentally and hence government and state remained as alien super imposition on traditional systems. More significantly, the indigenous populations were located as 'subject' rather than citizens.

³⁸ Morten Boas. '*Weak States, Strong Regimes: Towards A 'Real Political Economy of African Regionalization*' in J. Andrew Grant et al *The New Regionalism in Africa*. Aldershot: Ashgate Publishers, 2003. pg 30.

³⁹ Ibid pg 34.

In the post colonial state, the techniques have been repeated and reproduced. Henning, for instance observes that rather than "creating political identity rooted in the spirit of unity and diversity" owing to the Multiculturality of African states] identities are constantly, cultivated along narrow lines of (self-) definition and (self-) understanding. This is reflected in a dichotomy of polarized perceptions along the we-they divide, and any opposition is treated as hostile and antagonistic to the national interest⁴⁰. Secondly, personalization of the public realm gives the rulers the final judgment of defining national interest. As a result, "the 'national interest' serves the purpose of justifying all kinds of authoritarian practice so that 'anti-national' and unpatriotic can be defined basically as any group that resists the power of the ruling elite of the day⁴¹ as well as determining the individuals and groups that are allowed or refused to participate in nation building.

The polarization of the society as a strategy of regime survival coupled with exclusionary political discourse poses a serious challenge to being a citizen and exposes the regime to armed challenge by groups demanding for their citizenship rights. In Africa, citizenship is often conceived in an asymmetrical rather than reciprocal way. It is taken as a set of fixed non-negotiable obligations minus rights rather than a dynamic process which, "both in terms of its legal attributes and its social content is contested and constantly negotiated⁴² Along this view, Ann Mische has argued for conceptions which view citizenship as a

⁴⁰ Henning Melber (ed) *Reexamining Liberation In Namibia: Political Culture Since Independence*. Stockholm: Nordiska Afrikaistituted 2003, 10.

⁴¹ Ibid, page 11.

⁴² Thomas B. Hansen: *States of Imagination* London: Duke University Press, 2001, 203.

"historically contingent, interactive vehicle of articulation, conflict and dialogue"⁴³
Consequently citizenship has been subjected to various appeals from different and often competing social formation based on race, religion and ethnicity.. The appeal has had profound effect in altering the relationships between state and societal actors. In extreme cases the alteration has led to civil conflict.

Causes of Conflict in Africa

Byra defines conflict 'as a violent armed confrontation and struggle between groups and between two or more state'⁴⁴. This type of conflict has bedeviled African continent since Independence in 1960's and have picked pace after the cold war.

Various causes of civil war have been advanced by scholars and practitioners from various fields. Copson argue that the root of African wars lie in the problem of African state, that is, its failure to respond to Africa's heterogeneous reality. Independence, struggles revolved around aspirations for better and decent lives, freedom of participating and contributing to the society and a chance to manage affairs without being subject to colonial paternalisms. However, as earlier, indicated these hopes were turned into despair as patrimonialism, predatory and prebendalist politics became the norm in majority of African states. As a result, the regimes failure to reconnect with the aspirations of the people has contributed to the break-up of social order leading to conflicts.

Cultural differences, has also been attributed as a key cause of conflict. Copson observes that, polarized forms of contemporary ethnic consciousness could give rise to genocidal

⁴³ Ibid 204

⁴⁴ Alfred G. Nhema (ed) *Quest For Peace In Africa: Transforming Democracy And Public Policy*. Utrecht: International books, 2004, 12.

configurations of the sort unknown to Africa history⁴⁵. The cultural differences arguments give examples such as Rwanda and Burundi where ethnic cleansing took place in early 90's, and Kenya's 1992, 1997, 2007 ethnic clashes, and the currently, ended conflict in Ivory Coast which has polarized the country into Muslim North and Christian South. However, the argument tends to confuse the causes of conflict with the locus of conflict. Cultural differences do not lead to conflict; rather, they provide a social identity that people turn to as they define themselves in the struggle against policy errors and misconducts of regime⁴⁶.

Economists Collier and Hoeffler, in their Resource Curse model of the risks of conflict, states that 'political and social characteristics of a country prior to conflicts are surprisingly unimportant in determining the levels of risks⁴⁷ Instead, the two scholars advances a model which suggests that there is a strong correlation between conflict, level of income, its rate of growth and dependence on primary commodities exports. Their argument is based on two premises: civil war is concentrated in the poorest countries and two, when an economy is growing rapidly the returns to expanding the cake are higher relative to fighting over how to divide, hence growth has twin effect in reducing civil war incidences. The twin effects are growth rate effect and increase in income effect.

The model also brings in the concept of natural resources curse. They points out that, natural resources (primary commodities) are subject to economic booms and busts which tend to destabilize the economy and produce slower growths and rapid income decline.

⁴⁵ Raymond Copson. *Africa's Wars and Prospects for Peace*. New York ME – Sharp publishers, 1994, 80

⁴⁶ Bjorn Lomborg (ed) *Global Crises, Global Solutions*. Cambridge: Cambridge Press, 2004, 137.

⁴⁷ Ibid, 139

Second resources dependence by government as a source of revenue means that government does not have to rely on population to finance its operations. The absence of such reliance creates a distance between government and population, diminishing the demands for transparency and accountability, making governments corrupt. Third, grand corruption incentivises governments to enter into deals with extractive companies which are beneficial to them and political elites at the expense of the country as a whole. This in turn leads to regional secessions as much of the resources are found at the periphery of a country 'where usually there will be some romantic ethnic separatist movement even prior to resources discovery'⁴⁸. The movement utilizes discontent to fuel secessionist demands especially if the central government can plausibly be presented as corruptly looting the resources rents. Additionally, such resources provide opportunities for extortion rackets⁴⁹.

The Resource Curse model recommends transparency and accountability in the use of revenues generated by the resources. An example is Extractive Industries Transparency Initiative (EITI) which is a global campaign backed by NGO's, G-8 countries, International Financial Institution (IFI's). In addition measures should be instituted to curtail rebels' access to international markets for arms and trading in resources. An example of such a measure is the Kimberly process which has been used to curtail the flow of blood diamonds' from conflict zones⁵⁰.

⁴⁸ Ibid, 139

⁴⁹ Ballentine Karen. *The Political Economy of Armed Conflict: Beyond Greed and Grievances*. Boulder Lynner Rienner 2003, 259-83.

⁵⁰ Paul Collier and Anke Hoeffler 'Conflicts' in Lomborg Bjorn 9ed) *Global Crises, Global Solutions*. Cambridge: Cambridge University, 2004.

The Resource Curse model has been critiqued by scholars who questions whether it is greed or grievance which leads to conflict. Azzam et al argue that, the "onset of violent conflict is triggered by the interaction of the economic motives with long standing grievances over the mismanagement of inequitable distribution of resource wealth, exclusionary and repressive" political systems, inter group disputes and security dilemmas exacerbated by unaccountable and ineffective states⁵¹ Ballentine rejects the correlation between wars and resource dependence or even their presence. "Rather critical governance failure by state appears to be the mediating variable between resources abundance and the risks of armed conflict⁵². She point out that rich resource nations' mismanagement of a resource is a key variable in Sudan, Democratic Republic of Congo, Nigeria, Liberia and Sierra Leone. This phenomena termed as resource curse, does not cause war, rather its is issues of bad governance that tend to corrode regime legitimacy leading to insurgency, and resource war often occurs later in the conflict stages as economic consideration overrides political consideration.

From the above arguments the issues of governance come to the fore. It shows that civil wars represent a partial breakdown of the social contract-the rules of the game that govern distribution of social pie and the mechanism of resolving conflicts peacefully⁵³ This failure to make fair provision encourage individual to rely more on ethnic ties or ethnic capital (akin for social capital)..... [and] facilitates use of ethnicity as an

⁵¹ Azzam J P and A. Mensard. 'Civil War And The Social Contract' paper presented at the Royal Economic Annual Conference, Durham 9-11th April 2001.

⁵² Karen Ballentine, 'Beyond Greed And Grievance: Reconsidering The Economic Dynamics of Armed Conflict' in Ballentine K and Sherman J (eds). *The Political Economy of Conflict: Beyond Greed and Grievances*. Boulder: Lynner Reinner, 259-83.

⁵³ Azzam J P 'The Redistributive State and Conflicts in Africa' Journal of peace research 38, 2001,429.

organizing mechanism for violence⁵⁴ Also when good governance is lacking there is always a risky of shadow states which are products of personal rule, usually constructed behind the facade of *de jure* state sovereignty and which expropriates public goods and gives them to only those who are loyal in the hope that the deprived will be persuaded to pledge loyalty to him on promise of access to the same resources⁵⁵.

Jain Wedel observes that, shadow states create informal networks which circumvent the formal institutions. Such informal networks 'work in and mediate different domains, that is, they liaise between state and private domains, bureaucracy and formal private enterprises, legal and illegal, central and peripheral levels⁵⁶. Additionally there lacks allegiance to formal institutions and if allowed a free reign they can even reorganize the political and economic institutions and their authorities. The reorganization leads to a captured state whose purpose is to serve the interests and whims of a particular elite class. Consequently, the excluded population often loses faith in the political system leading to demands for revolution or transformation. When the elite class fails to respond to the demands and open up a mediating space, military solutions becomes the only practical strategy of effecting regime change.

Conclusion

From the literature review, it is observable that the mere presence of ethnic diversity, superimposed state or resource abundance does not suffice to explain why Africa has

⁵⁴ Ibid, pg 2

⁵⁵ Jain R. Wedel. *Clans, Cliques and Captured States: Rethinking Transition in Central and Eastern Europe and Former Soviet Union*. World Institute of Economic Research. Discussion paper 2001/58 August, 2001, pg 7.

⁵⁶ Ibid, 2

experienced widespread instances of communal violence. Rather can be argued tentatively that, though the above factors offers plausible explanations of the violent conflict there is a missing link. The link can be established by analyzing how the regime(s) in power respond and manage the apparatus of the state. Central to the analysis involves assessing how the present patterned rules of interaction (institutions) are underpinned by a state system which guarantees inclusion and security of individuals and groups.

Conceptual Framework

The study has relied on an integrated conceptual framework. The framework integrates institutions, good governance, peace building and human security. The integrated framework is informed by the following views: Institutional stability helps to predict outcome and institutional crisis precipitates intense conflict over the shape of new institutional arrangement⁵⁷. Secondly, sustainable peace is predicated on the presence of a responsive and effective regime. Such a regime is not only capable of demanding but also creating legitimacy... legitimacy is a variable whose presence or absence determine whether peace or conflict⁵⁸. Thirdly, the study which has conceptualized peace building as activity which aims at addressing the root causes of conflict assumes that the main marker of success in peace building process is generation of social capital (trust and cooperation). The level of trust and cooperation is determined by the nature of the political system, and the degree of legitimacy accorded to it by the citizens. Further assumption is made that social capital is generated by citizens belief that though there may exists human insecurity as a result of social, political and economic relations present, there exists a commitment by the regime in power to address the insecurities through creation of structures, agencies and practices, capable of addressing the sources of insecurity.

Integrating the above views, the study has argued that effective conflicts prevention addresses itself to human security through creation of institutional structures based on good governance practices. Good governance enhances the effectiveness and

⁵⁷ Sven Steimmo op cit, pg 15

⁵⁸ Goran Hyden et al op cit, pg 6

responsiveness of the regime and this in turns generates social capital which fosters cooperation and trust among various political forces. Cooperation and trust makes social actors (individuals and groups) to prefer political as opposed to military strategies when resolving problems facing them (human insecurities). Such preference leads to sustainable peace.

The study framework defines institutions as patterned rules of interactions in given context. Approaching institutions as patterned rules of interactions achieves various aims. First it enhances the analysis of how institutions structures interest' battles and in so doing influence their outcome. Two, such an analysis helps to unmask how objectives are shaped and the extent which institutional distribution of power determines the strategies employed, to pursue one's objectives and 'veto' other(s) objectives. Third, by focusing attention on institutions, one is able to link the role of structure and human agency in explaining certain outcome. For instance period of crisis can be analyzed through a combination of the institutional context and inherent contradictions therein on one hand and the role of human agency in exploiting these contradictions to achieve certain goals.

Good governance has been taken to refer to the effective management of the political regime. Regime refers to the explicit and implicit rules governing political interactions distribution, recognition and inclusion. Easton⁵⁹ notes that regimes provide the structural framework with which resources are authoritatively allocated. The study has used the governance model developed by Goran and Hyden, which divides governance into three dimensions: actors, structural and governance realm dimensions.

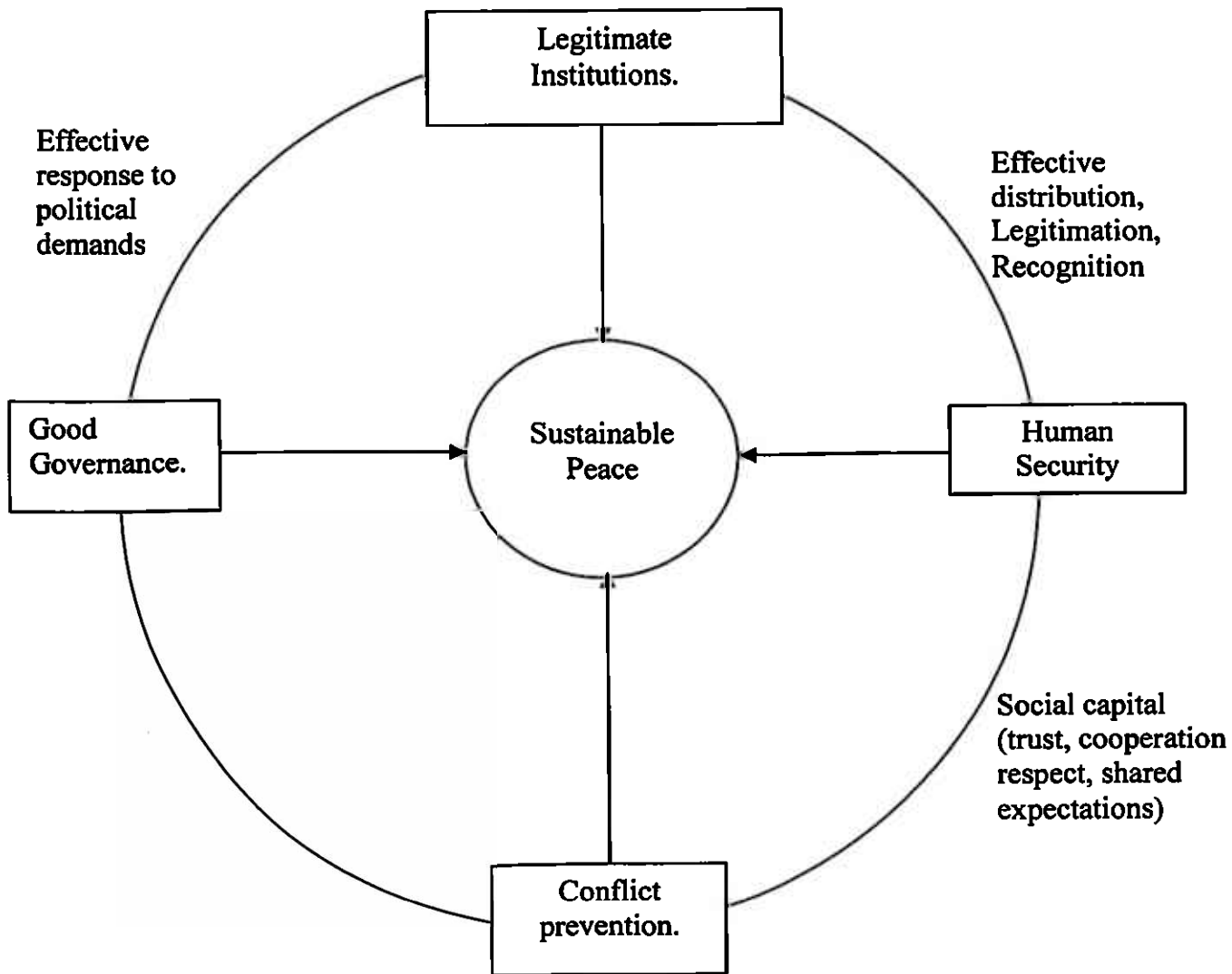
⁵⁹ Cited in Ibid, pg 65

Peace building as earlier noted refers to activities which aim at addressing the root causes of conflicts. Importantly, it is therefore used to refer to activities undertaken in a pre-violent conflict environment with an aim of responding to demands which if not met may lead to violent outbreak of conflict.

Human security is a contested concept owing to the fact that different groups have different conceptions of what constitutes good life, and uses that conception to determine whether they are secure or not. For the purpose of this study the concept is operationalized teleologically. That is, by identifying the generally occurring politically produced sources of human insecurities. These are legitimacy, identity, participation and distribution issues⁶⁰.

The above concepts are linked in the model below which though not exhaustive, is important to show the linkages between the above concepts.

⁶⁰ Stedman S 'Conflict and Conflict Resolution in Africa: A Conceptual Framework' in Deng F and I W Zartman (eds) *Conflict Resolution In Africa* Washington DC. The Brookings Institution, 1991.



(A graphical representation showing the linkages between good governance and conflict prevention)

Limitations of the Study

The study is limited to Kenya as its unit of analysis. Additionally it has not illuminated on all apparatus of the state. Instead the study focuses on the nature of Kenya's political order and benchmarks it against the concepts developed in the conceptual framework and elsewhere in the project's in order to illuminate the ontological realities in Kenya's political sphere. Political sphere has been used to refer to that space where resources are authoritatively allocated.

The assumption of the study is that when a regime in power measures low in institutionalized good governance, it becomes unable to respond to citizens demands, breeding human insecurity which engenders violent conflict.

Methodology

The study will rely on a methodology that uses secondary data. The data will be sourced from text books, journals and other sources such as websites, which host academic information and current affairs. The study will to a greater extent rely on the university of Nairobi library and resource centers, the World Bank, United Nations and Kenyatta University libraries.

Data Analysis

The study will use qualitative methods of data analysis. The data gathered will be analyzed qualitatively. The information yielded will then be integrated and tested against the research hypothesis.

Chapter Outline

Chapter One: This contains background of the study, statement of the research problem, objectivity of the study, literature review, conceptual framework, limitations of the studies and the chapter outline.

Chapter Two: Issues and debates in conflict, and governance and institutions.

The chapter analyzes mostly at conceptual levels the various issues and debates informing the study the study area.

Chapter Three: Politics in Kenya and their impact on conflict prevention.

Chapter Four: Critical Analysis of Good Governance as a Conflict Prevention Mechanism in Kenya

Chapter Five: Summary, Conclusion and Recommendations.

CHAPTER 2

Conceptual Issues in Conflict, Conflict Prevention, Governance, and Institutions

The following chapter deals with the various and often contending debates and issues. As the title indicates, there exists various ways of understanding and analyzing social processes. This is occasioned by presence of various perspectives which are a reflection of the fact that 'social phenomenon involving human beings are not given to rigid scientific explanations. As such there is no single paradigm which can help to capture the totality of human action⁶¹ hence, the rise of multiple approaches. However the multiplicity of approaches provides a rich source of ideas and practices which enhances the explanatory ability of the project.

Broadly the issues tackled are the in the field of what constitutes conflict. To answer that question, attention is given to the debates between the objectives, who argue that conflict is a question of perception between parties involved. In addition the chapter will engage in issues surrounding the emerging debate on conflict prevention with special emphasis to peace building⁶² in a pre-violent conflict society. As noted elsewhere, peace building overtime has moved from strictly a post-conflict process, and now refers to any activity which aims at addressing the causes of conflict. An equally important emphasis is on governance issues. In daily speak good governance is usually equated with democracy. However, democracy in most case tend to be more concerned with form rather than substance and in extreme circumstances leads to what Fareed Zakaria terms as illiberal democracy. Democracy attracts the criticism that it is an externally induced phenomena

⁶¹ Stedman, Ibid, pp 105.

⁶² For discussion on peace building, see Tschiringi N, *Peace Building as the Link between Security and Development .Is The Window of Opportunity Closing?* New York: International peace academy, 2003.

whose main aim is to serve the external interest read western interests. As such the project avoids the term democracy and seeks to conceptualize good governance as political arrangement which is based on recognition, reciprocity and responsiveness to people's demands and operationalize it using Goran ,Hyden and Bratton model.

Further, in chapter, the role of institutions and how it shapes the objects and strategies of various political actors is brought to the fore. The main argument is institutions shape how interests are formed and pursued by creating 'windows of opportunities' to pursue them or by closing the political space where the same should happen. Creating 'windows of opportunity' enhances the peoples belief in the legitimacy of the political system whereas, foreclosing of mediation spaces leads to institutional crisis which breeds violence.

As noted in the first section of the problem statement at the heart of conflict prevention is the issue of human security. Human security⁶³ is a shift from the traditional notions of security which were state centric to modern understanding that secure individuals leads to secure communities which translates to state security. However, human security as a concept is a slippery customer. What constitutes human security is subjectively perceived depending on one's values and expectations. Nevertheless, the concept is a slippery customer. What constitutes human security is subjectively perceived depending on one's values and expectations. Nevertheless, the concept as it will be shown can be approached teleological, in the sense that sources of insecurities can help one to determine sources of

⁶³ See Nana K Poko et al op cit, 2007, pg 1155-1170, also Barry Buzan, *People, States, And Fears: The National Security in International Relations*. Brighton :Harvester Wheat Sheaf,1983.

security, in other words you must know what evil is in order to know good when you see it.

The final section wraps up the issues and develops an integrated approach to conflict prevention through creating linkages among the four broad concepts of conflict prevention, institutions, good governance and human security.

Conceptualizing Conflict

Human interactions irrespective of time and space have always been characterized as either conflictual or cooperative. As such one can posit that from simple to complex society, the presence of conflict is inevitable⁶⁴. The mere presence of more than one being implies that existence of multiple interests, and where interests converge, the question of how to pursue the interest emerges. Hence, the moment a person enters into contact with the significant other(s) there is a potential for conflict which depending on how it is approached can either turn to be peaceful, or violent.

The pervasiveness of conflict in human action has captured the interest of scholars and practitioners in the field and ultimately has led to different conceptualization of what constitutes conflict, Nhema⁶⁵ observes that conflict is an inevitable and intrinsic aspect of social change. It is an expression of heterogeneity of interests, values and beliefs that arise as new social formations come up against inherited constraints. Hence conflict is a

⁶⁴ See Bercovitch A.Houston *'The Study Of International Mediation :Theoretical Issues And Empirical Evidence'*in J Bercovitch (ed)*Resolving International Conflict: The Theory And Practice Of International Mediation* (Boulder:LynneRiener,1996,pg15.

⁶⁵ Alfred Nhema,*The Quest For Peace In Africa Transformation ,Democracy* see Nana K Poko et al op cit, 2007, pg 1155- 1170,op cit ,pg 175.

generated by emergence of new discursive spaces which are resisted by the pro status-quo group. Authority de Reuck⁶⁶ defines a conflictual situation as the one characterized by presence of parties (however defined or organized) who perceive that they possess mutually incompatible goals. In this definition the key word is incompatibility of goals, which implies presence of competing alternative visions of how things should be. As the above two definitions – which captures other semantically altered definitions, shows, any attempt to conceptualize conflict converges at two key points. Dixon⁶⁷ identifies the two points as, conflict arises from mutual recognition of competing or incompatible material interests and basic values and, second conflict is a pervasive feature of all social relations.

Though there is convergence or an agreement on definition of conflict, there exists a major inter-conflict paradigm debate. The debate has pitted the so called objectivists versus the subjectivists. The main contention has always been ‘whether for a conflict to exist, it has to be perceived by participants in the situation⁶⁸. To the objectivists, conflict is an objective phenomena. As Schmid⁶⁹ puts it, conflict is conflict of interest. Interest is not seen as a matter of subjective definition but is determined by the social structure. In other words, conflict is incompatible interest built into the structure of the system where conflict is located”. Such an approach has led to the concept of structural violence. Structure violence is a form of violence which is embedded within the socially created structures, and tends to blight the individual and groups potentials to achieve. This type

⁶⁶ Authority De Reuck, *The Logic of Conflict: Its Origin, Development And Research* in M.Barlis(ed) *Conflict In World Society: A New Perspective In International Relations*.Sussex:Harvester,1984,pp97-113.

⁶⁷WilliamDixon,*Third-Party Techniques For Preventing Conflict Escalation And Promoting Peaceful Settlement* in International Organisation ,50,4,Autumn 1996,pg 655.

⁶⁸ Jong youl you. ‘*Structural Violence And Definition of Conflict*’ in World Encyclopedia of peace, vol2.oxford,pergamon press,1986,43 l.

⁶⁹ Cited in Ibid,pg 43.

of violence may not be noticeable to its victims and may indeed be legitimized. The view is similar to Gramsci's concept of hegemony⁷⁰. Within structural violence scheme, there is a shift from the usual dichotomization of society as either peaceful or violent. Instead, objectivists argue that there exist societies which are unpeaceful. Jong⁷¹, terms such society as characterized by absence of behavioral violence, but where relations between groups are such that the development potential of some members of the society may be impaired".

On the other hand, the subjectivists, argues that, though conflict is usually an issue of actors' perception of the environment it is a learned behavior triggered by circumstances and to the extent that the environment can be manipulated, so can conflicts behavior which is dysfunctional⁷².

Without necessarily having to engage with the critiques leveled on the two conceptualization of conflict, it is paramount to observe that their importance lies in the type of debate they elicit in conflict prevention or peace building. Conflict prevention does not operate in a vacuum. It is based on a given paradigm which informs the strategies to be used.

⁷⁰ See Roland Bleiker. *Popular Dissent ,Human Agency and Global Politics*. Cambridge University press,2000,pp174-178.

⁷¹ Jong Youl You, 'op cit, 431.Also,J.Galtung *Violence ,Peace And Peace Research*.Oslo:international peace Research,1969,169.

⁷² For objectivist and subjectivists debate, see AJR Groom, *Paradigms In Conflict: The Strategist, The Conflict Researcher and The Peace Researcher* in J Burton et al(eds)*Conflict: Reading In Management And Resolution*.London:Macmillan,1990,pp71-96.

Objectivists such as the peace researchers who focus on structural violence will advocate for a total overhaul of those structures which generates violence manifested in form of the gap between individuals' potential and their actual position. The aim will be creating of a society characterized by positive peace. However it is worth noting that positive peace is an ideal situation for no society can exist without some degree of structural violence. Towards this goal, an objectivist becomes a revolutionary⁷³ who would on the extreme advocate for violence in order to change violence breeding structures and create of more justiciable and potential enhancing structures.

On the other end, the subjectivists such as the conflict researcher, who rejects the objective nature of conflict, will pursue a conflict prevention strategy aimed at altering the perceptions of the parties in conflict with an aim of legitimizing⁷⁴ their relationships. To the subjectivists, resolution of conflict is the main goal. Resolution is about rational decisions. It is about converting conflicts into problems involving search for alternative futures and accommodations among the parties involved.

From the above conceptualization of conflict some observations can be made. First, conflict is endemic in society, two, conflict is about interests and goals incompatibility. Third, there exist different views of conflict existence. The last observation is of relevance, especially for it has implications on conflicts prevention. The objectives-subjectivists debate can be reconciled through recognition that conflict is not a static

⁷³ Jong Youl, op cit, pg 433. also A.J.R Groom, op cit.

⁷⁴ A.J.R Groom,op cit.

social phenomenon. As Vayrynen states ⁷⁵conflicts are always growing, as they do they transform themselves sometimes in an unexpected way. From dynamicity of conflicts emerges the idea of conflict cycle. Within this cycle, structural violence (violence embedded in structures) can be seen as merely a stage in the evolution and development of conflict, which given time will emerge as behavioral violence. The emergence of behavioral violence will be an outcome of change in circumstances which will bring into reality long held perceptions of structural violence.; as such any outbreak of behavioral violence is often an interaction of both root and proximate factors which are felt by a given social group to be unjust, exclusive, repressive and so on, hence the need for them to be violently countered.

Peace Building

From the above section, there is an acknowledgement of the inevitability of conflict in society, as well as recognition of conflict as rooted in desire for social change. As such conflict is not necessarily bad. When dealt with in a constructive way it can lead to positive developments. One of the constructive ways of dealing with conflict is peace building whose aim is not to avoid conflicts as such, but to avoid having conflicts turn into violence⁷⁶.

⁷⁵ Cited in Mwagiru M *Conflict ,Theory, Practices, and Institutions of Management*. .Nairobi:Watermark publication,2000,pg 2

⁷⁶ See Thania Paffenholz, *Community Based Bottom Up Peace Building*. Life and Peace Institute,2003,pg14

Initially, the concept of peace building evolved as strictly a post-conflict situation and was given coinage after the publication of the secretary general's report Agenda for peace⁷⁷. It then comprised of a sustained co-operative work to deal with underlying economic, social, cultural and humanitarian problems in post-conflict situation. However over time the concept has become more encompassing. Currently it includes as a concept preventive measure. Hitchcock⁷⁸ posits that peace building is essentially about removing or weakening factors that breed or sustain conflict and reinforcing factors that build positive relations. Hence the concept as Tschiringi⁷⁹ states refers to integrated approaches to address violent conflict at different phases of the conflict cycle.

Within the conflict cycle, peace building⁸⁰ performs different roles at different phases. Prior to escalation, it aims at conflict prevention, and when conflict has transformed into behavioral violence, peace building activities will aim at transforming conflict into peaceful ones. If conflict is at civil strife, the main aim of peace building will be to end wars. In a post conflict environment, peace building pre-occupies itself with making peace sustainable and preventing a relapse into violence. Being a process that transverses all phases of conflict, peace building usually acquires different terms in different stages e.g conflict or crisis prevention, conflict settlement or peacemaking.

⁷⁷ Boutros Ghali, op cit 1992

⁷⁸ Hitchcock w, *DDR: Disarmament, Demobilisation, And Reintegration: The Case Of Angola*. Conflicts' Trends, 1:36-40

⁷⁹ Tschiringi, op cit ,2003.

⁸⁰ Thania Paffemholz, op cit, pg 15

Approaches to peace building, are actors defined⁸¹. They can be state-based top-down approach (back 1) or non-state based bottom-up approach (track 2) or a combination of both. State-based approaches are usually outcome oriented. ‘The aim is to identify the representatives of the conflicting party and to bring them together to negotiate’. The assumption is when peace is achieved among conflicting parties; it will trickle down to the leaders’ constituencies. This approach has been critiqued by various scholars and practitioners. Central to the critique as Hoffman and Lederach notes is that the approach overlooks the deep causes of conflicts and hence cannot generate long term stability⁸².

In contrast, peace building approach by non-state actors, aims at ‘working on the deeper causes of conflict in order to develop long term solutions. The aim is not to side either any party in conflict but to empower them to find their own solutions’⁸³. Within track II the approaches are ‘long term relationships oriented between the conflicting parties. If the relationships between the parties are restored and the root causes of conflict are tackled, there will be peace within the entire society’. As such peace building should aim at addressing actors at various levels of leadership rather than concerning itself with only the top leadership.

The above two approaches are not mutually exclusive. They can be combined, in practice, out of the reality, that both approaches make important contribution to peace building. The key outcome of combining two has being the use of transformation oriented or peace building approaches. The task of these approaches is to transform violent

⁸¹ Ibid,pg 15

⁸² Ibid,pg 15

⁸³ Ibid pg 18

conflict into non-violent conflicts. This is based upon realization that there exists irresoluble conflicts, and hence the aim should not be attempt resolution but to transform the conflicts.

Prominent model of transformation oriented approaches is John Paul Lederach⁸⁴ model of conflict transformation/ peace building. The aim of this model is to identify representative individuals or groups on the middle range level and empower them by means of mediation and other peace building measures. The role of external actors is limited to supporting the internal actors by means of empowerment". A related aim is to build long term infrastructure for peace building through supporting the available mediation and reconciliation potential of the society.

The model divides the society into three levels, and each level can be approached using different strategies. Top-leadership can be accessed state level using outcome-oriented approach; middle range leadership can be accessed using problem solving workshops, conflict resolution and civic education training, peace commissions or partial insiders". The third level grass roots – which constitutes majority of the population can be approached using local peace commissions or grass root training.

The model as Paffenholz⁸⁵ notes in a milestone in peace building. It is switch from conflict resolution to conflict transformation and focuses not on external actors but on internal actors. This creates an understanding, that 'peace can only be achieved with the

⁸⁴ Lederach John Paul. *Building Peace -Sustainable Reconciliation in Divided Societies*. US Institute for Peace. Washington, 1994

⁸⁵ Paffenholz, op cit pg 22

society at conflict, and not though external actors dominated process. Though developed as a post-conflict peace building model, its relevance transverses all the stages of conflicts and hence can be applied in pre-conflict prevention. At the centre of this model, is the need to create new legitimized social relations. Though the model does not clearly develop a blue print of the nature of the relations, one can extend it. As it will be discussed later, conflict, arises out of human insecurities. Central among them as Stedman observes are insecurities arising out of participation legitimacy, recognition and distribution. Hence in the project, it has been argued in subsequent section that, the best possible solution the above sources of insecurity is good governance, which can best deliver human security.

Human Security

*'peace cannot be waged with war, it is possible only with intelligent policies that do away with breeding ground for violence'*⁸⁶.

Mwagiru⁸⁷ observes that, in the traditional thinking, security meant physical security. As such, Buzan⁸⁸ note, there has been a militarized interpretation of security, especially during the cold war period. Such militarized interpretation is essentially narrow and hollow. In response to the narrow interpretation, in the post-cold war period, there has been an expanded definition of security to locating the security to an individual. However, despite of the shift, the conceptualization of security is essentially contested.

⁸⁶ Ralf Fucks 'Security in Our One World' in Mwagiru M et al (eds) *Rethinking Global Security: An African Perspective*. Nairobi, Heinrich Boll Stiftung, 2006, pg 13.

⁸⁷ Makumi M' *Refugee Protection and the Diplomacy of National Security in Kenya* in refugee consortium of Kenya, 2008, pg 23.

⁸⁸ Barry Buzan, *People, States And Fears: An Agenda For International Security Studied In The Post-Cold War Era*. Washington: American institution for peace, 1994, pg 5.

The contestation revolves around two questions. What constitutes security (substance) and whose security (locus). At one extreme are the realists⁸⁹, who argue for state-centric approaches to security. This power politics approach, observes that all states irrespective of their internal constitution are pursuing similar interests defined as power, and hence, there should be no concern for the non-state actors who are of little consequence. Extending the argument, means that security refers to state security and all other pre-occupation with security is inconsequential, if their aim is not to enhance state power. On the other extreme is the world society as well as critical security studies. Scholars in this school of thought, reject the dominance of state, and advocate for a problem-oriented approach to security and other issues. It further argues that, when one talks of security, the only irreducible locus of security is individuals⁹⁰, and thus should be given priority if there is going to be sustainable peace. The latter debate has led to increased prominence of the concept of human security.

Makinda⁹¹ argues that human security is rooted in the view that people are the foundation of political communities and states. Therefore the security of state is derived from that of people. More so, state's legitimacy should be predicated on its ability to protect the people within its boundaries, since the only irreducible locus of sovereignty is the individual. Precisely put, a claim to sovereignty is not only a source of right but importantly a responsibility to protect⁹² members within the sovereign territory. The

⁸⁹ A.J.R Groom op cit.

⁹⁰ Ibid

⁹¹ Paul D Williams 'Thinking About Security In Africa' in International affairs, vol 83, No 6, Nov 2007, 1021-1038

⁹² Samuel Makinda: *African Thinkers And The Global Security Agenda* in ., Mwagiru M et al (eds) op cit, pg 34

argument for human security is convincing in two senses. First, it is reflection of the universalisation of certain moral and ethical standards, which has created a new set of responsibilities for state. These include respect for human rights and liberties, basic standards of human decency and living as well as acknowledge of the fact that security is indivisible.. Two, it acknowledges, that, the main threat to global stability is what realists term as the 'poor man's war'. Wars, whereby principal actors are non-state . Moreover, the dominant mode violence is guerrilla or civil violence. These wars arise out of human insecurity⁹³.

Though there exists an agreement of the need to focus on human security, there lacks a consensus on conceptualization of the same. Oche⁹⁴ terms the concept as novel. To show its novelty, it is important to quote it at length, Hubert⁹⁵, states, in essence human security means safety for people from both violent and non-violent threats. It is a condition characterized by freedoms from pervasive threats to people's rights, their safety or even their lives ... it is an alternative way of seeing the world, taking people as a point of reference, rather than focusing exclusively on the security of territory or governance. Like other security concepts national security, economic security, food security – it is about protection. Human security entails taking preventive measurements to reduce vulnerability and minimize risk, and talking remedial action where prevention fails”.

⁹³ See A.J.R Groom, op cit

⁹⁴ Ogaba Oche 'Human Security in Africa: an Agenda for the Next Millennium' in Mathoma P et al (eds) op cit, pp 44.

⁹⁵ Hubert D 'Human Security: Safety for the People in a Changing World'. A paper presented at regional conference on the management of African security in the 21st century, Nigeria Institute of international affairs, Lagos 23-24 June, 1999, pg 3.

Though the definition is encompassing enough attempts to operationalize it is muddled. It relies on concepts which are essentially contested such as people's right, pervasive threats and safety. As earlier observed, different communities have different expectations of good life, and as such it is fundamentally not possible, to subsume multiculturalism and its diverse appreciation of good life and replace it with an all encompassing definition of human security. Consequently, as noted elsewhere, there is a need to approach the concept from teleological perspective as well as disentangling the concept from ethnocentric bias. Such an approach will enable one limit the scope of human security to a manageable level, without rejecting that there exist other notions of human security.

As indicated in the introductory section of the chapter, there are four main sources of insecurities, and also causes of conflict within the political system. Stedman⁹⁶ identifies them as: identity, participation, distribution and legitimacy. Asefa⁹⁷ defines identity as an abiding sense of selfhood, the core which makes life predictable to an individual. Stedman points out that, identity involves self-conceptualization and self-definition of an individual with respect to his/her membership in and allegiance to a particular community which may itself be defined in social, political and economic territorial terms as well as in relations to other selves. Participation revolves around voluntary actions and choices that are open to individual for making demands of government and expressing support or lack of support for government policies. Denial of participation in affairs affecting individuals or groups, in the long term leads to insecurity as well as conflict as exclusion and marginalization makes exit options more viable.

⁹⁶ Stedman 1991, op cit.

⁹⁷ Hizikias Assefa 'Ethnic Conflict in the Horn of Africa' in Adebayo Adedeji (ed) *Comprehending And Mastering African Conflicts* London: Zed books, 1999.

Distribution according to Stedman⁹⁸, refers to those who benefit from access to and the spread of values and resources in society and those who do not derive any such benefits. If politics can be defined as who gets what, when and how, it can be argued that distributive issues are centre of any political community. Oche⁹⁹ notes that the manner which resources are distributed determines the degree of justice, fairness and equity that is attributed to government. (More so) conflict that develops as a consequence of perceptions of inequality and relative deprivation are casually linked to the manner in which values are distributed by the government.

Legitimacy can simply be termed as the individual belief in the rightness of the rules governing political competition within the society. According to Goran¹⁰⁰ legitimacy is a function, of four properties: authority, reciprocity, trust and accountability. Trust refers to the normative consensus on the limits of action present in a political community; while reciprocity refers to the nature and quality of interactions among members of a political community. Accountability, is presence of normative and enforced value which demands public affairs, the degree of legitimacy bestowed on an regime in power determine the extent of its acceptability or unacceptability by groups opposed to it or by the general populace Oche¹⁰¹ notes that, as a rule, any conflict is always preceded by legitimacy crisis manifested by presence of deep seated perceptions that the configuration of power in the state is unacceptable.

⁹⁸ Stedman op cit, pg cit, 37

⁹⁹ Ogaba Oche, op cit, 48

¹⁰⁰ Goran Hyden, 'Governance and Study of Politics' in Bratton Michael et al (ed) *Governance and Politics In Africa* London: Lynne Rienner Publishers, 1992.

¹⁰¹ Ogaba Oche, op cit, 48

Linking Sources of Insecurity to Human Security

Central the literature of conflict in Africa, are issues of legitimacy, participation, distribution and identity. Hence violent conflict has been characterized as an expression of state failure to honor its contract with the people, as well as ineffective response to its heterogeneous reality. As such there exists widespread insecurity generated by the above four set of factors. The section seeks to argue out that addressing the above factors will lead to acceptable and sustainable standards of human security, which is necessary for peace.

The issues of identity can help explain the other three issues. These are legitimacy, participation and distribution. In 1954, Kwame Nkrumah remarked, if we get self-government, we will turn Gold Coast into paradise in ten years. In the same breath, Tunisia first president argued that “Africa was capable of running its own affairs, fighting its own battles, and developing own people”¹⁰². Despite such optimistic pronouncements, Africa has being a theatre of violent conflict decades later. Much of the conflict revolves around demands for recognition of different primordial identities; an indictment of Africa’s failure to accommodate diversity, through enhanced participation, equitable distribution, and creation of legitimacy.

Instead, the leading groups which are often ethnically defined since independence have tended to appropriate the political space, with an aim of becoming the core of the new nation. In the process other ethnic groups are marginalized. As a result, there exists widespread, suspicion, hatred and desire to isolation. Such mutually suspicious relations

¹⁰² Neil Renwick et al, *Human Security and Development in Africa* in international affairs, op cit, 1156.

often lead to violent conflict. As Adedeji¹⁰³ observes, conflicts are consequences of the fear of the future lived in the past. It is a collective fear of the future based on the history of social uncertainty due to the failure of the state to arbitrate justly between or provide credible guarantees of protection for groups, resulting in emerging anarchy and societal fractures. One can add that, the anarchy and societal fractures are a product of identity based insecurity dilemma, whereby groups historical relation to significant others, have often been characterized by discrimination, injustice, exclusion and at times repression and pogroms.

With such a tumultuous past, there has emerged a belief that the only guarantee of a secure future, is through the capturing of regimes in power. In this goal, identity is the main instrument. Layton¹⁰⁴ notes, when identity becomes the boundary marker of inclusion and exclusion, then identity based contestations become the only rational strategy to pursue. He persuasively states, adoption of identities (become) a rational strategy when, resources allocation, and personal survival (depends) on how the government is constituted, and in whose name. If the government is redefined, an average citizens need to redefine their way of accessing it and (have) reasons to fear being left out in the cold (insecurity) in prospective power allocation along (identity) lines.

The fear of being left out is a manifestation of inequitable distribution and foreclosed participation spaces. As a result there is legitimacy crisis, as a remarkable section of the population often treats political institutions with indifference. How then does legitimacy

¹⁰³ Adebayo Adedeji 'Comprehending African Conflicts' in Adedeji A (ed), op cit pg 10.

¹⁰⁴ Robert Layton, *Order and Anarchy: Civil Society, Social Disorder and War*. Edinburgh: Cambridge university press, 2006, pg 34.

crisis link to identity? An illumination of game theory and specifically prisoners, dilemma¹⁰⁵ can offer a plausible explanation. First some observations need to be made. As Venn¹⁰⁶ notes, identity forms can best be understood in the context of ‘situated action’ such as effects of power, or distribution of resources, whereby, for instance, the performativity of power, or distribution of resources, influences subjects positions. Venn¹⁰⁷ describes such contexts as the inter-subjectivity of socialites. Related to the above, is that identity as an entity, is an ‘imagined community’ which emerges in relation to an other or others, and it forms in a co-articulated process. Co-articulation refers to a dynamic of interactions between actions such that the outcome or state of affairs in any one of them at any particular time is the result of the reciprocal effects. Hence it can be argued that, identities are not fixed, rather they are fluid, and the nature they acquire is a co-articulated one and emerges out of inter-subjective context.

How then do conflictual and at times violent identity based relations emerge? The process can be explained by a prisoner’s dilemma game. In the game, players have two strategies, either to co-operate or defect. In a simple structure of the game, where there are two players, either of them can opt to co-operate, or defect, and both can co-operate or defect, or one can cooperate and the other one defect. Different strategies have different outcomes. In a zero-sum context, characterized by mutual defection both prisoners loses, whereas in no-zero games characterized by cooperation, out of realization that there is a ‘situation’ in which no player can improve his or her position, by pursuing another strategy, both prisoners gain.

¹⁰⁵ Ibid, pp 64-70

¹⁰⁶ Couze Venn. *The Post-Colonial Challenge Towards Alternative Visions* London: SAGE, 2006, pg 181.

¹⁰⁷ Ibid, pg 181

The dilemma shows that if each prisoner pursues their immediate private interests any time they are arrested they do not achieve the best long term outcome for themselves, let alone for the other prisoner? However, the question is what would make them cooperate? In an initial state, perhaps the most viable option would be to defect, but as the outcome shows, defection is costly, hence need to cooperate. Co-operation is brought about by repeated practices which aim at maximizing mutual positive outcomes. This calls for a prior knowledge of the other which indicates he won't defect. The prior knowledge is determined by the history of previous arrests, and how each prisoner reacted.

When extended to the real life situation, one can argue that people uses various strategies to survive. The choice of the strategy is made in relation to the others. If there is a history of defection, the most viable strategy though costly is to defect and vice versa. Defection thus becomes a form of exit as well as a 'threat to self-regulated social order, whereas co-operation enhances trust through repeated reciprocities'¹⁰⁸.

Using the analogy of prisoners, dilemma, it can be argued that identity is a rational mobilization strategy, arising out of history of relation to others, and its utility lies in its political usefulness. In an inter-subjectivity of socialites characterized by co-operation, identity based relations are cooperative, whereas where defection is the norm, conflict and eventual violence is unavoidable, unless, there is a change in rules of the game. The view is in line with Ferguson¹⁰⁹ statement that, when current conditions are unstable,

¹⁰⁸ Robert Layton, op cit pg 64-70

¹⁰⁹ Ferguson 2003 cited in Robert Layton, op cit

people are vulnerable to claims by aspiring leaders, that those currently in power cannot protect them and they (would be better off if they fell back to their identities). This can be reinforced by Layton argument that, ‘the ability to convince an identity based group they can dispense with an other or others help in future is determined by the history of past relations. Similarly Adedeji¹¹⁰ observes that conflict is the fear of the future lived in the past. The above explanation can be wrapped up by Deutsch’s crude law which states that, ‘a social relation based on suspicion and hostility strengthen a structure in which such behavior is produced and vice versa’; a behavior characterized by openness and willingness to cooperate contribute to a structure that is supportive to cooperation and vice versa”¹¹¹.

The ascendancy of a malignant form of identity links to legitimacy, participation and distribution. Where identity is used as a boundary marker, there will be a tendency as Melber¹¹², notes of cultivating identities along narrow lines of (self)- definition and (self)- understanding as well as couching of national interest along the we –they divide. Consequently, the ‘anti-national’ and un-patriotic (are defined) as any group that resist the power of the ruling elite of the day. More so the anti-national/anti-patriotic label filters out those who should participate and benefit from the distribution of resources. The final outcome is a serious crisis of legitimacy, which as Oche¹¹³ notes, precedes violent contestations for control of the public institutions.

¹¹⁰ Adedeji A, op cit, pg 10

¹¹¹ Eva Senghaas ‘*Social Learning and Conflict Resolution in Changing Europe*’ in Boulding E (Ed) *New Agendas For Peace Research: Conflict And Security Re-Examined*. London, Lynne Rienner, 1992, pp 15.

¹¹² Henning Melber (ed). *Reexamining Liberation in Namibia*, op cit, pg 10.

¹¹³ Ogoba Oche op cit, p 48.

Hence the project argue that, rather than looking for novel conception of human security, the starting point of understanding human security, is to analyze, the main sources of insecurity, then proceed with developing a mechanism which can help eliminate such insecurities. To effectively develop such a mechanism, there should be a locus which it revolves around. A suggested locus is citizenship. The suggestion is rooted on various observations as given below Venn¹¹⁴ observes that the unity of a community has a character of narration sedimented in the history of community and in memory. To the imagined aspect of narration of a people must be added the materiality or worldliness of a constituted life world in which embedded subjects enacts the inter-subjectivity density of real communities. The life world is a historically particularized entity. Hence what is important is not to deny the unity of a given community around a given identity, but to modify the life world, in which inter-subjective relations takes place, so as to reduce prioritization of a given identity as a vehicle of mobilization for violence. Venn argument is reinforced by Heidegger¹¹⁵ view that being (identity) is not fixed but is rather temporal. It contains the elements of its past (custom, language, education) and the future alternative possibilities of becoming. As such the aim is to influence alternative possibilities of becoming. To do so there is a need to acknowledge as Roland¹¹⁶ does that individuals have fragmented and hyphenated identities which move back and forth between such terrains of identity as class, race, gender, nationality, language and sexual preferences. Multiple identities offer a possibility for transformation. The use of hyphenated identities opens up chances for redrawing identity boundaries, for it makes individuals aware of the arbitrariness and excluding tendency embedded in identity

¹¹⁴ Couze Venn, op cit pg 181

¹¹⁵ Cited in Roland Bleiker, *Dissent, Human Agency and Global Politics*, op cit 100.

¹¹⁶ Ibid, pg 185

tendencies, and hence the risks of overemphasizing a socially malignant identity such as ethnicity.

Roland's possibility of transformation offered by hyphenated identities or Heidegger, view of future alternative possibilities of becoming or Venn modification of the constituted life world, can be addressed via citizenship. It is not the purpose of the project to address itself to the theories of citizenship, rather, the aim is to show how citizenship as an ontological reality can enhance human security. The need for ontological reality¹¹⁷, is necessary, for in all African states like Kenya included, there exists broad proclamations in the constitutions, which upholds citizenship. However, such proclamations are more honored in breach, than in observance.

To reverse this, and make citizenship a reality, there is a need as Mische¹¹⁸ and Bridge argue to view citizenship as historically and culturally contingent and particularistic in nature. The understanding helps us to shift our focus from claims to audience-independent truths about human nature – such as man is born free or with liberties to historically and culturally contingent truths which can be mobilized and transformed to serve the purposes of creating sustainable power relations. Central to such truths is acceptance of multiculturalism and its attendant trappings as a fact in multinational states, and hence the need to promote a political culture that supports the exercise of civic virtues such as tolerance of difference, disposition to resolve disputes rationally and

¹¹⁷ See Thomas Bridge. *The Culture Of Citizenship: Inventing Post Modern Civic Culture (2nd Ed)*. Washington: Council for research in values and philosophy, 1997, pg 27.

¹¹⁸ Cited in Thomas B. Hansen, *States of Imagination*, op cit, pg 204.

personal acceptance and attribution to individual (as opposed to group or collective) responsibility for actions¹¹⁹.

The shift from viewing citizenship as audience – independent, helps to inject the element of persuasion in promoting of a cohesive national identity, which can be capable of subsuming other ascendant identities. The persuasive strategy in crafting of citizenship, is informed by the reality that failure to develop a national culture (rooted in citizenship) erodes legitimacy and intelligibility of institutions created to maintain the state”¹²⁰. More so, the persuasive strategy acknowledges that the target audiences have different view points, and hence they need to be hospitable to an alternative view point of themselves, others and the social universe that transcends their particularism.

One of the most persuasive strategies will be injection of good governance, as a form of political culture. The argument for good governance arises out of realization as observed in the literature review that the critical failure of governance is the single most important explanatory variable of violent conflict; which in Africa more often manifests itself as an identity based conflict. As such, good governance, can inject the necessary transformation for sustainable human security and consequently peace. Every culture as Bridge¹²¹ observes is created, transformed and reproduced by processes of persuasion, which aims at integration of a given set of propositions, values, convictions and truth. Additionally, the process of persuasion should be backed by a particular set of resources

¹¹⁹ Bridge op cit. pg 8

¹²⁰ Ibid, pg 3

¹²¹ Ibid, pg 27

which incentivises individuals and groups to interiorize the new viewpoint into a reality. Good governance can play the transformative and incentivisation role.

Good Governance and Related Concepts

As earlier pointed central to Africa's crises is crisis of governance. Its manifestation is loss of political institutions legitimacy and intelligibility, as regimes in power become sources or creators of grievances rather than providers of human security, through enhancement of citizenship rights and entitlement. In response to this reality, the concept of governance and more specifically good governance, have gained currency. However, like other concepts discussed, above, is essentially contested.

The concept has occasioned various definitions, from different organizations for their own purposes. The African Development Bank¹²². 1994 observed that good governance is a narrative concept, comprising of six norms of governance. These are legitimacy of the government (based on popular sovereignty and international recognition); an appropriate legal framework (to guarantee the rule of law); popular participation; freedom of association and expression; accountability and transparency and rationality of the governmental organizational structures. Official development assistance (ODA) assigns four components to good governance. These are legitimacy of government – government which depends on the existence of participatory process and the consent of the governed; the accountability of both the political and the official elements of government for their actions; the competence of the government to formulate policies,

¹²² *African Development Bank (ADB)*, Africa Development Report 1994: Infrastructure Development, Bank, 1994

make timely decisions; respect for human rights and rule of law to guarantee individual rights and security". In 1989, the World Bank defined governance as the exercise of political power to manage national affairs. The UNDP views governance as 'the exercise of economic, political and administrative authority in the management of country's affairs at all levels of the state. It encompasses the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights meet their obligations and mediate their differences.

From the definitions above, some similarities can be observed. Central to good governance concept is the question of participation in decision making, responsiveness of those in positions of power, legitimacy, transparency and accountability. The lack of agreement on what the above concepts such as justice (is it about fairness or equality), transparency and accountability, legitimacy and such, the subsequent section will seek to develop the concept of good governance along Hyden, Bratton, Rothchild line.

Hyden¹²³ defines governance as 'the conscious management of regime structures with a view, of enhancing the legitimacy of public realm, that is, the arena in which state and society act and interact to make authoritative decisions. He further notes that, regime refers to the explicit and implicit rules that define who the relevant political actors are, and through which channels and with which resources they actively seek political positions. Additionally regime set the rules of the game in determining who has access to

¹²³ Goran Hyden, 'Governance And Study Of Politics' in Bratton Michael et al (eds),. *Governance and Politics In Africa*. London, Lynne viewer, 1992.

political power and how those who are in power deals with those who are not. Easton¹²⁴ argues that regimes provide the structural framework with which resources are authoritatively allocated”.

Bratton and Rothschild¹²⁵ observe that governance is concerned with political management and underscores the importance of creating networks of reciprocity and exchange among actors in a given political space. It seeks to institutionalize mutually agreed upon rules of the game to regulate transactions within the state and between the state and other important actors on good governance. Central on good governance is state’s responsiveness and accountability, as well as, the impact of these factors on political stability and economic development. Foley et al¹²⁶, on defense of good governance argue that how regime in power manages its responsibilities determines whether the society will overcome or be defeated by socio- political and economic difficulties. In case a bad governance there will be weak state which engenders myriad of problems such as economic, scarcity, decaying social-economic infrastructure, the enfeeblement of the rules of political game, the decline of regularized intercommunity relations, deep cleavages between the state and society, overdeveloped state structures, insufficient state legitimacy and inadequate state and society, overdeveloped state structures, insufficient state legitimacy and inadequate state coercive power”

The above scholar, view good governance, as an expression of creative potential of politics; the creativity is in ability to rise above the ordinary and create alternative visions

¹²⁴ Cited, *ibid*, pg 19

¹²⁵ Cited in Bratton Michael and Hydren G, *Ibid*, 263.

¹²⁶ Foley 1983, cited in *ibid*, pg 263.

of future, capable of enhancing human potential. As such, good governance consists of three dimensions: actors dimension, structural dimension and governance realm. Goran, observes that the concept of governance has three dimensions: Actors dimensions, Structural dimensions and Governance realm. The actors dimensions consist of human agency, and power - the ability of an actor in a social relationship to carry out his own will or make others act against the will which implies presence of conflict and compulsion. In exercising of power, governance demands that human agency should be guided not by desire to 'will themselves to power' but by reciprocity in their actions.

This calls for reconciliation of power imperatives with reciprocity through injecting the concept of authority as a mediating variable. Authority means legitimate power which involves voluntary acceptance of asymmetrical relationships between the governing and governed and such a relationship should be rooted in a symmetrical normative consensus. The structural dimension is constituted of a "normative framework created by human being to pursue socio-economic and political ends. In this dimension, governance demands that civic institutional structure should not be created by government fiat but through consensus between the rulers and ruled. Additionally such institutional structures should be effective, efficient and built upon trust and accountability"

The governance dimension or realm is bounded by four properties: Authority, reciprocity, trust and accountability. Effective management of this realm helps to generate legitimacy not only to the regime in power but to state itself. To achieve such legitimacy, governance should be based on: one, trust which refers to the normative consensus on the

limits of action present in a political community; two, reciprocity which refers to the nature and quality of interactions among members of a political community, It should go beyond short term maximization of benefits and extend to acts that are welfare generating and consensus enhancing so as to reaffirm and reform rules of politics; three accountability which Schedler¹²⁷ argue that it has two basic elements: Answerability (the obligation of public officials to inform and explain) and enforcement (accounting agencies capacity to impose sanctions on power holders who have violated their public duties). He further adds that accountable persons tell what they have done and why, and more importantly, accept the consequences for those actions including censure and fourth, authority which implies two variables: How are decisions effective in solving problems and how these decisions are carried out. Goran¹²⁸ observes that, a policy might be effective in solving a problem but carried out in a wrong way runs the risk of creating alienation of some groups in the society. Hence authority manifests itself in compliance with not only given policies but also the process by which they are arrived at, that is, the extent to which leaders respect rules or change them in ways that are acceptable to the governed.

Institutional Governance can be measured along three broad categories as suggested by Goran et al¹²⁹. These are citizens influence and oversight; responsive and responsible leadership and social reciprocities.

Citizens influence and oversight refers to 'means by which individuals can participate in the political process and thereby express their preferences about public policy.....and

¹²⁷ Schedler 1 'Conceptualizing *Accountability*' in Andreas Schedler et al (ed) *The Self Restraining State Power and Accountability in New Democracies* London: Lynner Rienner. 1992, 92.

¹²⁸ Ibid, pg 15

¹²⁹ Ibid, pg 16

the extent of holding governors accountable for the decisions'. It can be measured in terms of degree of political participation, means of preferences aggregation and methods of public accountability.

Responsive and responsible leadership refers to the "attitude of political leaders toward their role as public trustees¹³⁰". It can be measured at three levels: Degree of respect for civic public realm, degree of openness for public policy making and degree of adherence to the rule of law.

Social reciprocities means the extent to which citizens or groups of citizens treat each other in an equal fashion, how such groups demonstrate tolerance to each other in pursuit of politics, and how far voluntary associations are capable of transcending the boundaries of such primary social organizations such as kinships, race or ethnicity¹³¹. It can be operationalized in terms of degree of political equality, degree of inter group tolerance and degree of inclusiveness in associational membership.

Africa's main challenge is how the post colonial state can regain legitimacy and respond to sub-national challenge which are contesting the control of state apparatuses in response to 'exclusionary and marginalizing' state's or regime's policies. This can be achieved through institutional governance for it entails two variables: The individual and groups' expectation of each others' behaviour and the institutionalized procedures or rules of the game operative in a particular policy.

¹³⁰ Ibid, pg 18

¹³¹ Ibid 17

Good governance thus defined is an important factors in ensuring human security and sustainable peace for it promotes emancipatory politics, by reinforcing the social contract between the governing and governed. Additionally, it helps to make claims to citizenship an ontological reality. By strengthening citizenship, with its attendants rights and entitlement, the 'state is capable of delivering economically as well as creating mediation spaces through which, citizens can champion, their own visions of the future. However, for good governance take root and thrive it must be under girded by a supportive institutional framework.

Institutions

Good governance does not operate in a vacuum. Rather, it is channeled through a set of institutional complex, which sets the framework for action. As a rule potential beneficial project or programme often fails if it is undertaken in a hostile institutional environment. Hence any analysis of the above factors - conflict, good governance, human security- and their inter-linkages is inadequate if institutions are not illuminated. Such illumination helps us to focus on actors in public realm and as Omondi notes, open up the black box of state.

What then are institutions? Simply defined institutions are patterned rules of interactions which sets the boundary between the acceptable and unacceptable actions and modes of behaviour. As such institutions are action enhancing as well as limiting social artifacts. To borrow from Giddens' s¹³² theory of structuration, institutions sets the structures which set limits on individuals by influencing options open to them through mutual dependence

¹³² Cited in Robert Layton op cit, 2006, pg 75.

characterized either by reciprocity and domination. The limits are function of distribution of power in society which constrain and enables interaction, opening up some possibilities for agency while precluding others.

Within the political arena, an analysis of institutions helps to illuminate how political battles are shaped and mediated by institutional settings which they take place. Kathleen et al¹³³ observes that, institutions shape the goals of political actors privileging some and putting others at disadvantage. More importantly institutions structure 'interest' battles and in so doing influence their outcome. For instance an analysis of institution will measure how given institution respond to demands by citizens, the extent which citizens have a right to demand answerability for actions undertaken by a given regime in power.

An understanding of the distribution of power within a given institutional set up is crucial in understanding how politics becomes a means of exclusion and marginalization. As the project has shown the factors which determine human security and sustainable peace revolves around distribution, identity, participation and legitimacy. To understand the crises occasioned by ineffective and inadequate managing of these factors one has to understand how institutions operate in concrete moment. As the World Bank 1997¹³⁴ observed, in countries where institutions are weak, policy making and resource allocation proceed in non-transparent ways, with decisions often skewed in favour of those who are well connected to sources of power.

¹³³ Kathleen et al, op cit, 1992, pg 75

¹³⁴ *World Bank Governance and Development* .Washington DC. The World Bank, 1992 (a)

Contrary to the above, is the relational character of institutions. Importantly, the formal characteristics of either state or societal institution and how a given institutions configuration shapes political interaction¹³⁵. In this aspect the main concern is not the 'veto groups' but the 'veto points' in a given institutional system. Veto points are areas of institutional vulnerability, that is, points in the policy process where the mobilization of opposition can thwart policy. As observed elsewhere, each African civil war has been preceded by grave errors of policy and conduct on the part of the regime'. The reality reflects the absence of veto points which can give the affected segment an opportunity to reject within the political process, a policy which is injurious to their interest.

In addition, by analyzing institutions one can be able to explain how they have influenced the formation of the strategic context. In politics 'strategic context' brought about by institutions define (or constrain) means used by political actors to pursue their interests. Means of pursuing opportunities and constraints are created and reproduced by persistence of practices which are self-sustaining. Consequently, institutions will not only create strategic context but will influence formation of actors in terms of goals they want to pursue and the most cost effective strategy. Finally, institution approach enables one to link the role of structure and human agency in explaining a certain outcome. For instance periods of crisis can be analyzed through a combination of the institutional context and to inherent contradiction to achieve a certain goal.

To conclude on institutions, it can be argued that, institutions play an integral role in determining political system adaptive capacity. A strong institutional base, allows for

¹³⁵ Kathleen et al op cit, 1992, pg 7

positive adaptation, which involves, reduction of vulnerabilities, enhancing resilience as well as a shift in practices, perceptions and functions. Positive adaptive capacity helps to create and recreate legitimacy borne out of belief that, even in moments of vulnerabilities, the political system is capable of overcoming the problems. The creative ability of institutions is analogous to a process of queuing¹³⁶. When people queue, the faith in the queue is maintained only if those behind believes that they will have an 'equal' chance of benefiting from queuing as the people on the front. As long as the faith remains, even when the queue is disturbed, people will still queue again, but when the faith is shattered, via unfair practices or expectations that those following behind will not benefit, the queue turns into a chaotic rush and scramble for the desired goods.

Integrating institutions, good governance, human security and conflict prevention

The starting point is recognition of heterogeneity of society. In 21st century, the most universal quality, presence in every state is cultural diversity. As such, there is an imperative to pursue creative and emancipatory approach, capable of ensuring human security, and sustainable peace, through creation of justiciable, empowered and equitable society. To achieve this, the first step is to move from community to society (*Gemeinschaft to Gesellschaft*)¹³⁷. The analytical distinction between the two is that society is about rational agreement over mutual adjustments of interest. It is based on sort of shared values that allow actors to make contacts governing their behaviour and interaction; on the other hand community is about feeling of belonging, together, constituting a 'we' that differentiates itself from others. Hence, community is bound

¹³⁶ Paul D. Williams, op cit, 2007, pg 1155.

¹³⁷ Ann Akerhed *Transforming Conflicts And Building Peace* Stockholm: Sida Studies, 2007, pg 75

together by traditions or affections, whereas society is rooted in the calculation of interest.

A sustainable society calls for rational linking of pursuit of interests and values. Different communities have different conceptions of good life. The conception determines the interest they seek to pursue. The pursuit is informed by desire for human security, and the desire may at times be couched, in a manner which it times turns violent. The reality raises the question of how to guarantee mutual security for all actors within the political system, a key prerequisite to conflict prevention.

The answer lies in the political system ability to develop 'empowered people' and effect across the board shift in the nature of authority structures and political relationships. Such a shift is informed by the view that a sustainable peace is only achievable if peace is actively and continuously built and managed through focusing on human security for secure individuals creates secure nations and subsequently states. Towards this aim, the four factors discussed above as sources of insecurity, need to be addressed. The starting point is enhancing of good governance, which is concerned, with conscious and rational management of political affairs. A political system, underpinned by good governance is effective and responsive to political demands at all levels of society, and provides a room for mutual accommodation. However, good governance as a normative value system has to be institutionalized. Institutionalization helps to create and recreate legitimacy through enhancing of the rules of the game, governing allocation of values in the society.

Additionally it provides mediation spaces where all significant groups in the society can participate in determining the way they should exist as citizens.

Through legitimate institutions people develop faith that though there exists vulnerabilities which threaten their security, the institutional framework is resilient enough to adapt to the challenges. When this resilience, is ontologically manifest, it leads to the enhancement of human security. The enhancement of human security, in turn will engender social capital in form of trust, cooperation, respect, and shared expectations, which will translate into self-sustaining political process of conflict prevention.

Conclusion

The chapter has broadly dealt at conceptual level with the themes presence in the terrain of effective conflict prevention. The main idea running through the chapter is the need to explore the transformative potential of politics as a mechanism of achieving peace, through a human centered approach when allocating values to the society. Conflict is about the fear of the future lived in the past, and can only be resolved through a political process, capable of changing the context of inter-subjective relations, as well as persuasively changing the interpretative framework of social-historical experiences and relations.

CHAPTER 3

Politics in Kenya and its Impact on Conflict Prevention from 1992-2007

Introduction

The post-colonial Africa was marked by the rise of authoritarian regimes whether civilian or military as the new men in power trashed the hastily drawn democratic constitutions left by departing colonialist¹³⁸. In Kenya since independence in 1963, there was a systematic creation of an authoritarian – hegemonic regime. The newly formed government, in abuse of the goodwill extended to it by liberated Kenyans, through a series of constitutional amendments embarked on an ambitious project to centralize power. The main argument was that, the tasks of building a modern nation required strong political leadership. Consequently, Kenya was saddled with an overarching regime characterized in dominating executive, public bureaucracy and coercive apparatuses. Additionally the art of statecraft became mainly an exercise of careful maintenance of support of key ethnic and other interests through judicious allocation of public resources while at the same time preventing overt opposition or hostility to government from the less favored through skillful threat or application of coercion¹³⁹.

As a result, marginalization and exclusion, public apathy to politics, public mismanagement, rise of poverty and insecurity, as well as deep social cleavages became prevalent, and demands for political reforms inevitable. The chapter seeks to analyze how the demands for political reforms shaped from the early 1990's within the framework of

¹³⁸ See Donald Rothchild et al, *Politics And Society In Contemporary Africa (2nd Edition)* Boulder: Lynne Rienner Publishers, 1992

¹³⁹ Jackson H. cited in *ibid* pg 139

conflict and good governance. Towards this aim, the main focus will be on the political response to issues of distribution, identity, legitimacy and participation and to what extent such response has impacted on conflict. To achieve this aim the chapter is divided into two sub-sections. The first section focuses on how the demand for political reforms developed in the early 1990's. The second section locates the reforms within the broader framework of conflict and governance, and analyzes to what extent the much hoped for 'good governance' has impacted on conflict prevention through addressing the above sources of human insecurities. The third section draws up a conclusion through wrapping up the salient issues from preceding sections.

The politics of Liberation in Kenya

Kenya¹⁴⁰ at independence started with a multiparty political system, but in 1964 the two independent parties KANU and KADU merged making Kenya a *de facto* one party state. Additionally the federalist state was abolished and replaced by a unitary one. This marked the initial steps of authoritarianism. In response to the creeping authoritarianism, the socialist leaning Jaramogi Oginga, challenged the *de facto* one party state through the formation of KPU in 1966. Through the infamous little general elections of 1966, Oginga and his allies were kicked out of the political system, and in 1969, the KPU was dismantled and its leaders jailed. Kenya thus remained a one party state. In 1982, the one party state was legalized via a constitution amendment which made Kenya a *de-jure* one party state, until 1992, when the section 2(a) of the constitution was repealed, after sustained demands for reforms.

¹⁴⁰ See Kennedy Masime and Gichara Kibaara 'Regime Transitions and Institutionalization of Democracy in Kenya: The December 2007 Elections and Beyond' The East African journal of human rights and democracy. Vol 1 No. 1 2003, pp 12-29.

Various explanations have been formulated to explain how the reform process came about. Keylor¹⁴¹ observes that, the disappearance of Soviet threat after the spectacular collapse enabled the western nations to apply greater pressures on friendly regimes in Africa to reform autocratic systems previously tolerated in the interest of combating communism. Larry¹⁴² adds that, demands for pluralism were a response to the developmental crisis facing Africa. The crisis led to new thinking among bilateral donors who begun to give attention to political reasons for Africa's problems. Consequently they saw the need for political prescriptions as the answer. A key prescription was good governance under the broader umbrella of democratization. Ake¹⁴³ attributes the clamor for reforms to the failure of developmental state. He argues that, one party rule in Kenya encouraged the demise of other centers of power that check government excesses. This led to blatant disregard of accountability in the management of state resources, and resultant plunder of resources with impunity making a mockery of participatory politics, precipitating development failure which led to the democratization demands. Azenga¹⁴⁴, identifies that Moi's government tribalism, nepotism, kleptocracy and general poor economic management of the country as one of fundamental basis of hue and cry for reintroduction of competitive politics which was seen as an antidote to the problems of one party regime which had become anonymous with corruption and authoritarianism.

¹⁴¹ W. Keylor. *The Twentieth Century World: An International History* New York: oxford university press, 1999, pg 493.

¹⁴² Larry Diamond, *Promoting Democracy in Africa: Us and International Policies of Transition* in J. Haberson and D. Rothchild *Africa In World Politics. Post-Cold War Challenges*. Boulder: West view press, 1999, pg 35.

¹⁴³ Claude Ake *Democracy and Development In Africa*. Washington: Brooking institution, 1996, pg 137.

¹⁴⁴ Dennis Azenga *The Growth Of African Democracy: A Case Study Of Kenya 1963-1992*. MA Dissertation, IDIS

From, the above views, the clamour for good governance via democratization of the political space was as a result of both external and internal pressures. The external was due to the changed geo-political realities following the demise of Cold War, which made western support for friendly authoritarian regime untenable. In addition the multilateral donor organizations such as World Bank had come to a belated realization that, you cannot delink development from politics. As such sustainable development was only possible in a climate characterized by good governance. This explains why the institutions prioritized on meeting set political conditionalities as a prerequisite for accessing loans and grants. Internally, the demand was a manifestation of people's loss of faith with an inefficient, corrupt one party authoritarianism which had failed to match people's expectations.

The convergence of the above democratization forces placed Kenya on a historical watershed, as voices for reform became more louder. Mutahi¹⁴⁵, observes that a wave of protest emerged mainly led by churches which surrounded themselves with various ephemeral group that were organized in reaction to the authoritarianism of the Moi regime at the end of 1980's. The first salvo was thrown by Rev. Dr. Timothy Njoya during the New Year sermon at St. Andrews Church in 1990. He called for the end of the one party system in Kenya in view of what was happening in Eastern Europe. In April, Bishop Henry Okumu of Maseno South Diocese, called for constitutional change and suggested two five year terms limit for future presidents. The calls were echoed by civil society groups in reaction to the torture of hundreds of middle class citizens in Nyayo

¹⁴⁵ Herve Mutahi 'Religion and Elections' in Mauvrie et al (eds). *The Moi Succession Elections 2002*. Nairobi Trans African Press, 2005

House basement under the pretext that they belonged to Mwakenya Movement (a proscribed organization linked to exile Marxist opposition). Leading the group civil society groups was the Law Society of Kenya, which called for respect for human rights. This was followed by mothers for political prisoners, Mothers in Action and other groups which demanded change in the political system¹⁴⁶.

The quest of change also included politicians such as Kenneth Matiba, Charles Rubia, who had been expelled from KANU. The duo demanded for a political referendum to determine the country's future. In response, they and other politicians such as Raila Odinga were arrested. Their arrest, coupled with the murder of the highly respected Minister Robert Ouko, the fatal and very mysterious accident of anti-establishment Bishop Alexander Muge, the deterioration of middle class and degrading proletariat living conditions and rampant insecurity in all slum areas created conditions for mass action. The democracy genie was out of the bottle.

In July 1990¹⁴⁷, the fervour for change which had gripped the imagination of Kenyans coupled with KANU's intransigent led to the deadly Saba Saba riots which left 20 people dead and over 60 injured in Nairobi alone. In response the government instituted a commission of party members to review the organization and procedures of the ruling party. In public hearings conducted countrywide diverse citizens raised broad concerns notably elite corruption and ethnic favouritism. This confirms Wanyande¹⁴⁸ view that, in Africa politics, the interest of the governing elite and those of the ruled are not

¹⁴⁶ Ibid

¹⁴⁷ Ibid

¹⁴⁸ Peter Wanyande, Democracy and One Party State. 'The African Experience'

congruent.... Rulers have tended to use their power and institutions they control not only to promote their individual and group interest as rulers and in some cases sectional as opposed to national interest but also manipulate and undermine the rights and the freedom of the rest of the society.

The pressure for change had become a reality. To make it a fact, in August 1991, the late Oginga Odinga, Martin Shikuku, the late Masinde Muliro, George Nthenge, Phillip Gachoka and Ahmed Baharizi announced the formation of FORD as a pressure group. Bowing to multiple pressures, such as the formation of FORD, the KANU special delegate conference held on 3rd December, 1991, recommended the repeal of section 2A of the constitution. On 20th of December 1991, the amendment Act entered into force and on 29th August 1992, the constitution was amended to provide for participation. On 29th of December the same year, the first multiparty elections after twenty six years were held, and Kenya joined the community of democratic states.

Having provided brief outline of Kenya's road to good governance the following sections analyzes issues which have been central to Kenya's politics since 1992. The main emphasis would be on ethnic identity, corruption and human rights, which can help illuminate how good governance has fared as a mechanism for conflict prevention.

From One Party System to Ethnicised Politics

Wachira¹⁴⁹ observes that ethnicity has become pervasive, and supplies the grammar and metaphor of African politics even for the middle class which frames its political and

¹⁴⁹ M. Wachira Kenya: The States' Donors and The Politics of Democratization in A. Van Rory (ed) *Civil Society and Aid Industry* London: Earthscan publications Ltd, 1998 pp 135-167.

social demands through ethnic discourse. Sahili¹⁵⁰ argues that the introduction of multipartyism in Africa did not usher nationalism but rather seems to have intensified ethnic tension. Kanyinga¹⁵¹ attributes the spectre of ethnicized politics to 'presidentiasis' an appetite for presidency by each ethnic group brought about by history of marginalization and exclusion of ethnic groups perceived to be anti-regime. As such historical ethnic relations especially at the centre of power have moved ethnic identity from being peripheral to being constitutive of Kenya's politics.

Right from the beginning of clamour for multipartyism, ethnicity became a handy tool. The incumbent regime faced by the opposition force, invoked the risks of political pluralism by predicting that the country would disintegrate into tribal lines leading to anarchy and chaos. Consequently, KANU's Members of Parliament mostly from Rift valley started advocating for forceful removal of other ethnic groups from the province, as they were viewed as opposition supporters. In addition they started calling for majimboism¹⁵². In series of political rallies prior to the elections, politicians incited their supporters to kick out the 'others' who were labeled foreigners. Dr. Misoi an Assistant Minister in Moi regime publicly proclaimed that once we introduce majimboism in the Rift Valley, all outsiders will have to move and leave the same to our children. Lotodo, a cabinet minister, in his push for Kikuyu to leave the Rift Valley justified it by arguing that it is a response to Kikuyus demand for Moi to vacate the presidency. The ethnic

¹⁵⁰ Sahil, cited in J.m Mwaurvie, *Ethnic Imbalances In African State: A Challenge To Ideals of Nationalism and Democracy* in B.A Ogot (ed) *Ethnicity, Nationalism and Democracy In Africa*. Maseno Institute of Research and Post-graduate studies, 1996.

¹⁵¹ Kanyinga K 'civil society and democratization in Kenya' in S. Wanjala et al (eds) *Yearning For Democracy: Kenya at Dawn of the A New Century*. Nairobi, clari press, 2002, p 43.

¹⁵² Report of the Task Force on the Establishment of Truth, Justice, and Reconciliation Commission, Nairobi: 2003.

sentiments were solidified further by the formation of KAMATUSA. This was an ethnic alliance by Kalenjin, Maasai, Turkana and Samburu and was fronted by Nicholas Biwott, George Saitoti and William ole Ntimama.

The opposition was no different from the incumbency. By the time of the 1992 elections, it had been reduced to multiple parties each enjoying a solid ethnic base. For instance the original Ford split into two. Ford-Kenya led by Odinga Oginda became a party of Luo and Ford-Asili led by Kenneth Matiba became a party of Kikuyu. As a result¹⁵³ during the 1992 general elections various presidential candidates got the highest percentage of their votes in their respective ethnic strongholds. Kibaki got the majority of his votes (38percent and 35 percent, respectively) from parts of Eastern and Central provinces, the Mt. Kenya region. Odinga got the bulk of his votes from central province (64 percent) from Nyanza. Matiba got most of his votes from central (43 percent and Rift Valley 20 percent. The Rift Valley vote largely came from the Kikuyu in Diaspora, most of who have settled in the province. Moi also garnered majority of his votes (50 percent) from the expansive Rift Valley province where Kalenjin are the most populous.

The divided opposition handed the incumbency the necessary victory in 1992. The same pattern was replicated in 1997¹⁵⁴, when despite a concerted effort by reformists to go beyond section 2A of the constitution, in order to create an institutional framework for good governance, the again divided opposition lost. Mr.Moi got 40-6 percent of the total vote and the combined opposition presidential contenders got 59.4 percent of the valid

¹⁵³ Kennedy Masime and Gichara Kibaara, op cit

¹⁵⁴ Ibid

presidential vote cast. The factionalized politics was a manifestation of divided country plagued by ethnic security dilemmas and bankruptcy of political leadership who instrumentally mobilized ethnicity as the cheapest strategy of realizing their political ambitions.

In 2002¹⁵⁵ the elections were hailed as a milestone in Kenya's quest for good governance. Learning from the past mistakes, the opposition at last found sense in forming a unified front. In a bid to defeat KANU, the opposition leaders Mwai Kibaki of Democratic Party, Charity Ngilu of National Party of Kenya and Kijana Wamalwa of Ford Kenya, together with other smaller parties formed the National Alliance of Kenya (NAK). On 21st October 2002, the NAK, was further strengthened by defecting politicians from KANU. The disgruntled elements who felt betrayed and labored presidential ambitions within KANU-NDP alliance – the alliance was formed after merger between KANU and NDP to form New KANU- were unhappy with imposition of a Moi preferred successor Uhuru Kenyatta as the party's presidential contender. They were led by Raila Odinga, and then KANU stalwarts such as George Saitoti, Joseph Kamotho, Kalonzo Musyoka, William Ntimama and Moody Awori¹⁵⁶.

The defectors formed Liberal Democratic Party (LDP) which entered into coalition with NAK to form National Rainbow Coalition (NARC). Campaigning under the slogan Yote yawezekana bila Moi (everything is possible without Moi) the party portrayed itself as the vehicle to drive Kenyans out of pit of mismanagement including political violence

¹⁵⁵ Ibid

¹⁵⁶ See Patrick Mutahi 'Political Violence In The Election' in Herve Mauvrie op cit

veiled as ethnic clashes which characterized Moi regime. Under the leadership of Mwai Kibaki, the party handed KANU a resounding defeat. Mwai Kibaki got over 60% of votes cast in all but two provinces, that is, Rift Valley and North eastern province, where he got 43.2 percent and 28.1 percent, respectively.

Kibaara¹⁵⁷ observes that the electorates substantially voted for change the major political actors based their strategies on 'presidentiasis' logic, and the elections did not fundamentally depart from the ethno demographic patterns witnessed in the 1992 and 1997 elections. NARC's impressive nationwide scores was a function of the political alliances between various regional ethnic opposition leaders. As such, in kanyigan terms, the NARC government was basically an experiment on corporate 'presidentiasis'. Though in his 2003, acceptance speech, the newly elected president, had stated, I believe the government exists to serve the people..... To chart a common path and create an enabling environment for its citizens and residents to fulfill themselves in life¹⁵⁸ the Kibaki regime became a hostage to ethno-logic. Plagued and threatened by, the accusation of dishonoring the memorandum of understanding by one of the coalition partners LDP the new regime resulted to patronage and ethnic favoritism. Vices, which impede good governance and breed conflict. As Masime¹⁵⁹ states other than superficial tinkering, the basic structure of the government remained the same, highly unitary with the president (and his cabinet minister) as focal point. By 2005 the coalition disintegrated

¹⁵⁷ Kibara Gichara op cit

¹⁵⁸ Human Rights House and Human Rights in Kenya: *The Post Moi Era 2003-2007*, Nairobi: Claire Press, 2007, pg 2.

¹⁵⁹ Masime op cit

and during constitutional referendum and in 2007 elections the constitutive power of ethnicity in Kenya's politics reared its ugly head again.

From the brief de tour of ethnicized politics, one can posit that personal and tribal interests rather than change for better governance is the central motivation of every political movement in Kenya. G.G Kariuki terms it as the most disturbing phenomenon for Kenyans. Worse still, ethnic competition spilled beyond the boundaries of peaceful political process into violence. Mutahi¹⁶⁰ notes that, between the period 1991-2001, over 4,000 people died due to political violence and 600,000 people were displaced. Political violence since 1992 begs the question of why uniquely peaceful community turns upon itself after so many years of peaceful coexistence. More so, why did violence coincide with introduction of multi-partyism.

An analysis of Kenya's political violence indicates that, the so called ethnic clashes are instrumental manipulation of identity politics by the elites for purposes of political gain. The report to Justice and Constitutional Affairs Ministry by a task force on the establishment of Truth, Justice and Reconciliation Commission' stated, 'throughout 1990's, the Moi government instigated and at times directed the ignition and execution of ethnic clashes against communities that were deemed to be in opposition to it.

Kagwanja¹⁶¹ compartmentalizes the cycles of violence around the electioneering period and provide explanation for violence in each cycle. The 1992 violence, which was

¹⁶⁰ See Patrick Mutahi op cit pg 68

¹⁶¹ Kagwanja P. *Killing the vote. The State sponsored Violence and Flawed elections in Kenya*: Nairobi, human rights commission

broadly concentrated in the Rift Valley provinces sought to fulfill four broad reasons: one, to self-fulfill the prediction that multipartyism would lead to chaos; two, to displace 'foreigners' from Rift Valley in order to make the majimbo agenda successful, three; to provoke mass reaction in support of the incumbent president Moi and KANU among the Kalenjin sub groups such as Nandi and Kipsigis and forth; to displace the perceived opposition supporters in order to ensure that KANU won in areas where it had slim chances of winning.

In 1997, Coast Province was added to the list of regions prone to political violence. In addition the 'KANU violence zone' was expanded to cover Pokot and Maasai zones. Kagwanja observes that in coast, traditional warriors were used to displace and intimidate upcountry people mainly Luhya, Luo, Kikuyu and Kamba. In Pokot regions, non-Pokot were evicted from West-Pokot while non-Maasai were intimidated in Transmara and Gucha districts. More so, in Marakwet, those who started criticizing the government were subjected to violence through cattle rustling along Marakwet/West-Pokot border. The aim of violence in 1997, especially in Coast was: one, to curtail the dominance of Islamic Party of Kenya (IPIK) which had denied KANU substantial votes in 1992; two, to break the Swahili-Arab and Mijikenda elite undermining the electoral demographics of IPK and opposition.

In 2002, the violence had lessened. Though faced with imminent defeat, KANU did not resort to violence. However in the year running to the general elections estimated 209 people lost their lives due to politics.

Politically instigated violence have contributed to human insecurity as identity becomes a boundary marker for inclusion and exclusion. The problem of malignant identity politics has further been exacerbated by another prevalent qualifier of Kenyan politics, that is, expropriation of public resources for personal gains, commonly termed as corruption.

Corruption

In 2005, the then British ambassador to Kenya Edward Clay claimed that, corrupt ministers were eating like gluttons. Later he apologized for the moderation of language, for underestimating the scale of looting and for failing to speak out earlier. He further stated that he had handed over a dossier to the government detailing 20 corruption scandals¹⁶². Around the same period, the then United States ambassador to Kenya, William Bellamy¹⁶³ noted that the missing money could fund anti-retroviral treatment for HIV-positive Kenyans for the next ten years. The Transparency International has for successive years rated Kenya in its Annual Bribery index as rampantly corrupt. The economist characterized corruption in Kenyan as a culture that permeates every level of Kenyan society. Korwa. G. et al¹⁶⁴ characterized Moi regime as muddled with inefficiency, mismanagement and corruption among other host of vices.

The above views reflect the pervasiveness of corruption in Kenya as a source of political patronage. The political leadership props itself up by creating patron-clients networks from the highest echelons of power to grass roots. As the following section shows the

¹⁶² Economist, February, 2005

¹⁶³ Economist, February 2005

¹⁶⁴ Korwa G. Ader cited in *The Human Rights In Kenya: The Post Moi Era 2003-2007*, op cit

quest for politics in Kenya by individuals is highly extractive and driven by personal gains than desire to serve the people.

Since 1992, the use of land as a source of patronage expanded. When faced with declining patronage resources, Moi and his clique turned to public lands, which are less fettered by international scrutiny, as patronage resource and instrument to maintain control. Towards this end, president Moi illegally converted his constitutional power as trustee of public lands (on behalf of the public) to de facto ownership powers. Consequently, public land was open for grabbing, as the president sustained his clients by giving them free rein in amassing parcels of land¹⁶⁵.

For instance in Karura and Ngong forest a total area of 1125.5 hectares was hired off and illegally allocated to politically exposed persons (PEPS). According to Ndung'u report the plunder of Karura Forest is a destruction of critical carbon sink for Nairobi Industrial area, as well as a vital water catchments area. The estimated cost of the grabbed land was Kshs. 8.015 billion for Karura and Kshs 9.173 billion for Ngong forest. If the 9.173 billion, was used to upgrade Kibera slum which is adjacent to Ngong forest, it would have sufficed to build 18,345 low cost housing at five Kshs. 500,000 each. Assuming each house accommodated five people the right to housing for over 91,000 people would be realized¹⁶⁶.

¹⁶⁵ Kenya national Commission Human Rights and Kenya Land Alliance, *Unjust Enrichment: The Making of Land Grabbing Millionaires*, 2006

¹⁶⁶ Ibid

Kaptagich forest¹⁶⁷, in Nakuru district is a part of critical Mau forest complex which is an important water catchments area. According to Ndung'u report 2,588 hectares of forest land was excised illegally. Landlessness is one of the primary causes of poverty in Nakuru and land resource competition a main source of insecurity for it often leads to violence. If prudentially used, the illegally excised land would have helped to settle 2,596 households each obtaining 2.5 acres. This will have gone a long way in alleviating the explosive land question in Nakuru.

The report by the Kenya National Human Rights Commission concludes that the total value of the excised forest land (Karura, Keptangich and Ngong) is worth Kshs. 18.47 billion, which was equivalent to the combined development expenditure of the Transport, Health, Cooperative Development and Marketing, and Agriculture ministries.

Another main source of patronage resources has been financial corruption. Even after the NARC government pledged zero tolerance to corruption, it has been plagued by corruption. Following the footsteps of Moi's cronies, who invented huge scandals such as the Goldenberg¹⁶⁸ which cost Kenya an estimated 1 billion US dollars, (at 1990's exchange rates) and involved illegal export of fictitious gold and diamonds, the Kibaki regime was caught with scandals such as Anglo Leasing scandal. In December 2003, the senior civil servants agreed to pay 837 million shillings for secure passport equipment previously valued at 10 millions shillings. The deal was to be financed at 4 percent rate of interest by a British registered firm Anglo Leasing and finance (ALF)¹⁶⁹. In 2001, the Moi government had signed another contract with ALF to finance and obtain forensic

¹⁶⁷ Ibid

¹⁶⁸ The Economist, January, 2006

¹⁶⁹ Ibid

laboratory for 59 million shillings. Without any evidence of work on the ground the government paid ALF five million on the deal.

Upon investigation by Mr. Githongo, the Permanent Secretary for Ethics and Governance, it was established that ALF did not exist at the three addresses given for it in Britain and Switzerland, and no Kenyan involved in the deal admitted to knowing the identity of the ALF directors. Coincidentally the ALF Liverpool address was traced to a small property Company Sagaar Associates owned by an Asian-Kenyan family of Deepak Kamami, a tycoon who gained notoriety for providing the Kenyan police with 1,000 crummy Mahindra jeeps at inflated prices.

Within the same period, the Kenya Navy was buying a vessel at a cost of \$ 57 million. Using the claim of secrecy in military equipment procurement, the Navy was buying at inflated prices what one diplomat “termed as a little more than a civilian ship with grey Paint”¹⁷⁰

According to Githongo claims, the Minister for Justice Kiraitu told him that the culprits were the government itself and the money was aimed at creating a campaign slush fund. Indeed following sustained public outrage the money was secretly refunded to the Central Bank. A company called Infotalent Limited refunded \$ 6.3 million dollars, and Silverson Forensic refunded \$ 110,000 dollars from a bank in Liechtenstein. This shows the depth of corruption in Kenya.

¹⁷⁰ Ibid

Any illegal exploitation of public fund exerts an opportunity cost on development. Apart from saddling tax payers with a debt burden arising from fictitious services to the government, corruption undermines economic development. Additionally it leads to flawed distribution of resources and transform politics into business, whereby the pursuit of political office is mainly for the purposes of self-enrichment rather than service to the public. More so it leads to legitimacy crisis and pervasion of public institutions. Importantly the opportunity cost on development gives rise to poverty. Poverty produces non-economic fruits of economic development such as fundamentalism, suspicion, fanaticism and narrow mindedness. All the necessary ingredient for violence; and human rights violation. Human rights violations leads to insecure society and individuals, an issue discussed below.

Human Rights

The enjoyment of human rights is critical to the well being of any human being. Basic freedoms and rights such as Food, shelter, expression and movement need to be guaranteed by government that is interested in the welfare of its citizens. In Kenya's road to good governance and sustainable peace, human rights have often been breached especially by those in power. Korwa characterized Moi regime as riddled with continuous human rights violations by police such as arbitrary arrest and detentions, judicial interference by the state, failure to serve the citizens as well as insecurity and social malaise. In 2000, the UN special rapporteur on torture, Sir Nigel Rodley concluded that the use of torture by law enforcers in Kenya was widespread and systematic.

Indeed, though Kenya has domesticated majority of the international human rights instruments this has not prevented human rights violations. The presence of legislations, have been watered down by weak enforcement and protection mechanisms. For instance, the judiciary, which often serves a crucial role in safeguarding human rights, has been characterized as “eclectic, unprincipled, vague, pedantic, vague, inconsistent and conservative in its interpretation of law. More so, the domesticated instruments of human rights protection are riddled with claw back clauses which ensure a rather fluid interpretation of those rights¹⁷¹. The weak enforcement mechanisms explained below has made human rights violation possible.

The single biggest human rights violation is violating the right to life. When the right to life is violated, it makes no sense to speak of other rights. As such, the right to life is a fundamental and non-derogable entitlement recognized both under international law and under section 71 of Kenya’s constitution¹⁷². Hence the government has a supreme duty to protect the lives of its citizens. However on several instances the government has been reluctant or unable to control instances of violence which consequently lead to loss of lives. This is exemplified by the complicity of government in the ethnic clashes discussed above. In addition there have been other numerous instances of loss of human lives. In 2005, “the clashes over land and water in Northern Kenya between Garre and Merille clans of Mandera resulted in more than 30 fatalities and about 30,000 internal

¹⁷¹ Ibid

¹⁷² *The Constitution of Kenya*

displacements. The Turbi Massacre pitting members of Borano/Oromo community against Gabra re-emerged in July 2005 resulting to over 300 deaths¹⁷³.

At individualized level the government has indirectly encouraged extra-judicial executions". In fact, in 2005, the then minister for Internal Security publicly told police to shoot on sight those found in possession of firearms. Though the instructions can be defended on the basis that possession of firearms by authorized people indicates an intention to take others lives, the argument is indefensible for, the shoot to kill orders are often abused. Additionally, such a policy tends to gloss over the root causes of rising insecurity. For instance, between 2003 and 2004 the police shot and killed 40 youths aged thirteen and twenty five years in the Nairobi Eastland's area. The question is whether all those youths were indeed guilty and deserving to die, and if they were, what are the underlying dynamics pushing them to crime¹⁷⁴.

The right to association and expression of political opinions is a prerequisite ingredient for good governance. Central to good governance process is participation. Among its various functions, participation provides citizens with an opportunity to voice their dissatisfaction with given policies. Unfortunately in Kenya, the government often has responded forcefully to demonstrations especially if they are anti-regime. A prime example was the inaugural saba saba riots in the formative period of multipartyism whereby police often responded with excessive force leading to loss of lives. Even in post-Moi era, forceful reactions have not been dispensed with. In 2008, during a

¹⁷³ Kenya National Commission on Human Rights: *Annual Reports and Accounts 2004/2005*.

¹⁷⁴ *Human Rights in Kenya: Post Moi era 2003-2007*, op cit

demonstration in Kisumu, police shot dead individuals who included teenagers such as Paul Limera (aged 14), Hillary Ochieng' (aged 17), Vincent Otieno (aged 13), George Ogada and Peter Mwela¹⁷⁵.

Instances of human rights violations in Kenya are legion, as the above brief outline indicates. They range from violations of right to life, property, to participate, human decency (access to basic needs such as clothes, food and shelter, and security). The sad thing is the violators of those rights are rarely brought to account for their actions. Whether police officers involved in extra judicial killings to corrupt leaders who fail to protect public funds, Kenya has not witnessed a sustained prosecution of such agents. Rather, citizens are subjected to commission of inquiry theatrics. Such commissions include Kiliku Commission which clearly implicated politicians in the 1992 ethnic violence, Bosire Commission which was investigating one of the biggest corruption scandals in Kenya, the Goldenberg, to Ndung'u Commission which was tasked with investigating land issues in the country. All this commissions came up with strong evidence against individuals and recommended for their prosecution. Importantly, they often offer remedial or restitutive measures which are often ignored by regimes in power.

Conclusion

One of the basic functions of modern state is to provide internal order and security to its citizens. The desire for security of individuals and groups is what pushes them to agitate for a new political framework which is both inclusive and enabling. Though couched in different words and aims, the clamor for good governance in Kenya was essentially about

¹⁷⁵ Ibid

a need for protection of individuals and groups. The protection need explains the pillars of good governance, which are rooted on transparency and accountability, participation, reciprocity and presence of a normative institutional framework.

As the chapter has indicated without disregarding the good governance gains in Kenya the presence of ethnicised political discourse which often leads to political violence, veiled as tribal clashes, rampant corruption, which diverts scarce public resources from providing for distribution and access of public goods to lining up individuals purses, coupled with institutional weakness which allows for violations of human rights have remained as major obstacles to good governance. Importantly, the triple evil has stifled the realization of sustainable peace rooted in consistent addressing of human insecurities, which is a prerequisite for conflict prevention.

CHAPTER FOUR

Critical Analysis of Good Governance as a Conflict Prevention Mechanism in Kenya

The project aimed at critically appraising the role of good governance in conflict prevention in general and Kenya in particular. The main concern was informed by the realization that the current threat to peace and security globally emanates from violence undertaken by non-state actors contesting the control of state apparatus. Hence, for peace and security to be realized there is a need to address the potential for outbreak of localized conflicts. Localized conflicts whose root cause are presence of insecurities real or perceived which emanates from presences of structures which tend to marginalize individuals and groups. When these structures are not addressed there is always a risk of structural violence escalating into behavioral violence.

The cost of addressing behavioral violence is exceedingly high financially¹⁷⁶. Importantly, there exist immeasurable hidden costs such as severance of social relations, loss of human lives and post-conflict society brutalization effect. This calls for a shift in emphasis from attempts to build peace long after conflict has turned into violence. The shift involves creating of structures and processes capable of addressing the root causes of violence long before it has turned out into behavioral violence. Towards this end- pre-conflict peace building – the main goal involves addressing human insecurities which revolves around the issues of “participation recognition, legitimacy and distribution”¹⁷⁷. The issues can best be addressed through creation of a normative institutional framework

¹⁷⁶ See *Carnegie Commission Report on prevention of deadly conflicts*, op cit

¹⁷⁷ See Stedman op cit

under girded by good governance. The view is informed by the realization that normative institutional framework provides institutional constraints. Institutional constraints¹⁷⁸ are broad underlying patterns of political authority and constitutional structure of the state. They denote the extent which institutions limit the actions of actors in relation to the others. The definition of the nature and extent of relations within a given polity helps to create predictability and acts as a boundary marker of inclusion and exclusion, access to entitlement and denial of the same and to what extent citizens views the regime in power as well as the others within the state.

Towards establishing the link between good governance and conflict prevention, the study hypothesis were that, institutionalized good governance fosters collaborative problem solving; weak governance structures are threat multipliers; and bad governance creates adversarial political competition which engenders violence.

The quest for good governance in Kenya was a response to the excesses of an authoritarian regime which had engaged in divisive politics, human rights violations, mismanagement of public resources and general inefficiency. More so it relied on ethnicity as a boundary marker of those deserving access to public goods and those who were deemed to be unqualified for the same. Consequently, the legitimacy of the regime in power was questioned by groups which felt marginalized. This led to a push for institutionalization of good governance which it was hoped will lead to a more inclusive political system.

¹⁷⁸ See David Carmet and Patrick James 'Third party states in ethnic conflicts' in Leobbel et al *Ethnic Conflict and International Politics: Explaining Diffusion and Escalation*. London: Macmillan, 2004, pg 18.

From the pulpit to the streets, individuals and groups demanded to be given a voice in shaping their destiny. The demands were voiced in good governance parlance. However as the previous chapter has shown, the opening up of the political space did not necessarily lead to good governance. Instead three main obstacles remained unresolved. These are: ethnicized politics, human rights violations, and unaccountable distribution of public resources. The triple evils have perverted the quest for good governance and hence hindered conflict prevention.

Ethnicised Politics

Ethnicity has continued to provide the grammar and metaphor of Kenyan politics. The opening up of the political space in 1992, has led to an increase in ethno-based competition for political offices. The political parties participating in the electoral competition enjoyed solid ethnic base. This is as a result of what Kanyiga terms as presidentiasis. A belief by every community that its interests are best secured, if they occupy the presidency. Presidentiasis is a product of the fear of the future lived in the past. Saidemann¹⁷⁹ notes that, if the state cannot protect the interest of all ethnic groups, then each group will seek to control the state, decreasing security of other groups, and decreasing the ability of the state to provide security for any group. Consequently, the society is plagued by ethnic security dilemmas.

¹⁷⁹ Saideman Stephen M. *The Ties that Divide: Ethnic Conflicts, Foreign Policy and International Politics*. New York: Columbia University Press, 2001 b.

Starting with 1990's call for Majimbo by operatives of the KANU regime which felt threatened by their opponents, to the presence of cycles of violence especially during the electioneering period, there exist deep social cleavages. The cleavages have led to continued presence of ethno-definition of people as opposed to presence of a national definition of citizens. People's retreat to their ethnic identity is a result of successive regimes loss of legitimacy which is a function of four properties: authority, reciprocity, trust and accountability.

When a regime in power acts in a way violating pre-existing ethnic contract, through the use of the state's apparatus as a platform for punishing and defining opponents as anti-national, trust between the rulers and the ruled is severed. The severance of the trust, due to lack of reciprocity especially on the part of the rulers exposes their authority to contestations. In the process of contestations, the regime often responds with more repressive tactics such as the state sponsored ethnic clashes in Kenya- which tend to coincide with opposition to the regime and to target its opponents-which in turn erodes its claim to authority.

The challenge to authority and by extension legitimacy of the regimes in Kenya has caused massive human insecurity. Since the repeal of section 2(A) of the constitution which allowed for multiparty competition, communities viewed to be sympathetic to anti-regime forces in Moi era have often been subjected to violence which has wrongly been described as ethnic based. The targeting of the groups, has led to citizens retreating to

their ethnic identity as a source of security after loosing faith in state's ability to protect them.

In applying the strategy of violence to intimidate opponents, the main loss has been in the state's ability to prevent conflict. Been a source or sponsor of violence, the states ability to exercise monopoly in the use of force in Kenya has been challenged, through development of community militias. Loebell et al¹⁸⁰ observes that, state's loss of control over society creates a commitment problem that arise when two or more ethnic groups find themselves without a third party that can credibly guarantee agreements between them. More so, when the state's fails to take measure to guarantee security among its co-ethnics there develops ethnic security dilemmas. Ethnic groups take measures to protect themselves, practicing self-help to ensure their security. Ethnic security dilemmas explains the prevalence of violent conflict flare up un Rift Valley, Western and Coast Provinces, whereby, when communities are subjected to attacks by their co-ethnics, rather than relying on the government to be a fair arbiter, they often raise their militias or defensive purposes. The outcome has been escalation of violence leading to loss of lives running into thousands, human displacements and loss of properties.

Importantly, the regime in power promotion of ethnicity and violence against specific ethnicity challenges the very notion of citizenship. As Layton¹⁸¹ argues, adoption of identity as a boundary marker is a rational strategy employed by groups which are excluded on the basis of that identity. He argues that such adoption becomes a rational strategy when resources allocation and personal survival depends on how the government

¹⁸⁰ Loebell et al op cit

¹⁸¹ Layton R, op cit pg 34

is constituted, and in whose name. Hence in Kenya, the politicization of ethnicity has continued to thwart the development of citizenship. As earlier argued, human beings derives their identity not only from their history and memory but more importantly from the worldliness of a constituted life world in which embedded subjects enacts the inter subjectivity density of real communities. Additionally identity is not fixed, rather it contains both elements of its past and the future alternative possibilities of becoming.

A constituted life world characterized by ethnic insecurity can only provide future alternative possibilities of becoming which is particularistic rather than inclusive. Hence it can be observed that the continued ethnicization of politics has stemmed out of the state failure to use good governance as a persuasive strategy capable of making Kenyans more accommodating to an alternative view of themselves, others and the social universe which transcends their particularism.

The failure has continued to erode the legitimacy of the institutions created to maintain the state. Bridge observes that in the face of particularistic culture, the state need to develop a counter culture supportive of citizenship. The counter culture should be a set of ideas which can be embodied effectively in cultural representations, for the purposes of shaping specific civic identities. The counter culture must be capable of subordinating groups' particularisms to a higher form of expression which conceives individuals as equal and free citizens with guarantees to entitlements and responsibilities. Such a task calls for creation of a governance space characterized by sensitive institutional, representational and discursive means of sustained persuasion. The sustenance of persuasion is only possible when people individually and collectively perceive that they

have a chance of realizing human security within a given society. Such perception is not possible when the daily exercise of politics is poisoned by primordial hatreds and an attitude of winning power at whatever cost. More so, when 'citizens' are continuously dichotomized as 'indigenes' and 'foreigners' within the same sovereign jurisdiction, and are actively targeted for displacement and dispossession, due to their political preferences, and the very state's institutional apparatuses for protection are turned against them, the idea of being a citizen becomes a myth rather than an ontological reality. This has led to a divided society which is often on the brink of violence, especially when political competition is heightened around electioneering period.

Expropriation of public resources for personal gains

Adedeji¹⁸² observes that competition for public resources is a key factor in fuelling conflicts. Politics become a kind of business strategy whereby victors of political competition privatizes public resources in the furtherance of economic well being whereas losers are excluded, marginalized and their resources extracted by victors and then privatized. The major casualty of such 'privatization' of public resources is development.

When resources which are remarked for development are illegally transformed to private interest, poverty becomes inevitable. Poverty¹⁸³ is not only a major cause of human misery – intolerable living conditions, shortened life span, human indignity – but also a major contributor of human insecurity. More so, poverty is a major fuelling factor of discontent, as well as increased vulnerability to propaganda, manipulation and prejudices.

¹⁸² Adedeji Adebayo op cit

¹⁸³ See Ho-won Jeong, *Peace and conflict studies: An introduction* Ashgate: Aldershort, 2000, pg 2007

The latter aims at dehumanization of the other, a necessary condition for violent conflict, as enemy imagery become the main prism of looking at the others. Hence, a major effort of addressing conflict prevention should aim at addressing poverty.

The connection between bad governance and poverty is attributed to lack of transparency and accountability in distribution of public resources. This explains the centrality of transparency and accountability as qualifiers for good governance. The two attributes where present, leads to more justiciable access and spread of values and resources in society. Importantly it creates a belief in the people that, even if they may be faced by insecurities, there exists a fair arbiter in the name of regime in power, committed to addressing the insecurities. This discourages resorting to self-help; which is often a precursor to violence, as resources are scarce.

In Kenya, transparency and accountability has been missing. As the analysis indicates, corruption is rampant and permeates almost all levels of society. From allocation of public resources for patronage purposes to diversion of tax payers' money to fictitious projects, corruption has led to decline in development which is necessary if structural and behavioral violence is to be resolved. Resources which could have been used to generate material security, through programs such as availing of land to landless households or upgrading the poor slum area have been siphoned through mega scandals such as Goldenberg and Anglo-leasing.

Oche¹⁸⁴ notes that, the manner which resources are distributed determines the degree of justice, fairness, and equity that is attributable to government. Conflict that develops as a consequence of perceptions of inequity and relative deprivation are casually linked to the manner in which values are distributed by the government. In Kenya the privatization of public resources by leaders, has led to intense competition for political power by elites. The outcome of such intra-elite struggles has exacerbated political ethnicity, as elites resort to ethnic mobilization to secure political positions.

The violence which has characterize the electioneering period, as the analysis, shows, is instigated by political leaders as a strategy of retaining political positions. The length and breadth, the leaders are willing to go to secure political power is an indicator of how intra-elite competition for political power, in order to secure private interest, in absence of transparency and accountability, can lead to societal conflagration.

Human Rights Violations

Today's human rights violations are tomorrow's refugees' movement. The connection between human rights violations and refugee is borne out of fact that human rights are essential for achieving peace and development, and specifically are inseparable from the access to survival, self-realization and satisfaction of other types of needs¹⁸⁵. Their violations create a security threat to individuals and various social groups.

¹⁸⁴ Oche op cit

¹⁸⁵ Ho Won Jeong op cit

The quest for good governance in Kenya was to a large extent a reaction to the human rights violation by the authoritarian KANU regime. The willingness of people to engage the authorities violently such as during Saba Saba riots indicates the extent which people were willing to go in order to achieve a political system capable of guaranteeing their rights .More so the employing of human rights discourse, and the willingness to cause temporary insecurity by activists in order to realize a more secure society, shows the link between human rights and human security. Where there exists continuous violation of individual and groups' rights human security is impossible. Both are about protection of individuals and groups and are mutually inclusive.

The central pillar of human rights is the right to life. The Kenyan Constitution Section 71 (1)¹⁸⁶ of the Constitution states: No person shall be deprived of his life intentionally, save in the execution of criminal offence under the law of Kenya of which he has been convicted. The section is a water tight prohibition of taking away someone's life and section 71 (2)¹⁸⁷ spell out other circumstances under which death would not be construed to be in contravention of the law. These circumstances are: when resulting from force used for the defense of any person from violence or destruction of property; when resulting from force exerted during a lawful arrest; when resulting during a suppression of a riot or mutiny and when resulting from efforts to prevent the victim from committing a criminal offence or as a result to lawful wars. In any other circumstances, taking away person life amount to violations of human rights.

¹⁸⁶ *The Constitution of the Republic of Kenya*

¹⁸⁷ Ibid

In Kenya, the politically instigated ethnic clashes plus other politically motivated violence have led to loss of more than 4,000 lives. Importantly, there lacks sustained effort to bring to account the persons implicated in the political violence. More so, the regime in power have been found to have participated in the violence either through the failure to protect innocent Kenyans, actively supporting the perpetrators or through direct involvement through law enforcement agencies. This has led to a situation whereby impunity reigns. Since early 1990's political leaders have publicly incited their supporters to engage in acts of violence. Their boldness is a reflection of institutional sclerosis. They know to well that there lacks a credible institutional complex capable of not only investigating the activities of violence but also exacting answerability from those implicated in the violence.

Good governance, demands answers from public officials for their actions. As earlier noted accountability demands that public officials be willing or compelled to answer for their actions. More importantly, they must be willing to pay for their actions. Where accountability is absent, impunity flourishes generating insecurity which eventually will lead to violence.

Another important right is the freedom of assembly and association. The freedom is paramount if participation in the political process is to be meaningful. In Kenya, freedom of association and assembly is guaranteed under section 80(1)¹⁸⁸ of the constitution which states that, 'except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association. The constitutionally guaranteed freedom has been violated especially if the regime in power perceives such assembly and association

¹⁸⁸ Ibid

as a threat its power. The inquiries into the ethnics clashes such as Akiwumi and Kiliku Commissions attributes the clashes as reaction by the ruling elite to disrupt political associations which may threaten it. The view is reinforced by Kagwanja, analysis of the motives of the ethnic clashes in 1992, 1997 and 2002 elections. The instigators – regime in power- sought to hinder formation of opposition, intimidate its opponents and disenfranchise those perceived to hold alternative views. Such action denies persons from participating in a political process such as electing the leaders they want as well as making other choices regarding the future they want. Steadman notes, the denial of participation in the long term leads to insecurity as well as conflict as exclusion and marginalization make exit options more viable. Additionally, the regime in power resorts to maintaining its control through repression and brutality – such as shooting of demonstrators – instead of voluntary support. The repression results to distrust of regime in power, individual and groups insecurity and denial in recognition of the people involved in opposition. All these breed violence.

The other human rights violation in Kenya regards the freedom of residence. Section 81 (1)¹⁸⁹ of Kenya's constitution provides for the freedom to reside anywhere in Kenya provided the residence is legally acquired. The guarantee of residence indicates a definition of every person who is legally categorized as Kenyan, as possessing equal rights within the law as a citizen. Unfortunately the right of residence has always pitted 'natives' or 'indigenes' versus foreigners. The natives are persons enjoying cultural and historical connection to a given territory and who belong to an ethnic group, whereas the 'foreigners' are persons who have immigrated from elsewhere.

¹⁸⁹ Ibid

In moments of heightened political competition, inhabitants of various regions have been dichotomized as either 'indigenes' or 'foreigners'. In 1992, the 'foreigners' in Rift Valley were subjected to massive dispossession and displacement in order to pave way for Majimboism which translated to ethnically pure homelands for the indigenous communities. The formation of ethnic alliances such as Kamatusa aimed at pushing the Majimboism agenda. Consequently Kikuyu and other non-Kalenjin and Maasai tribes were violently evicted from their legally acquired residences. In 1997, the up country people (mainly Luhya, Luo, Kikuyu, Kamba) were violently chased from Coast Province. At the same time evictions were taking place in Rift Valley where for instance in Pokot inhabited regions, non-Pokots were displaced. Mutahi observes that between 1991-2001, more than 600,000 Kenyans have been displaced.

The other main source of human rights violation is the denial of right to development. Jeong¹⁹⁰ observes that, human rights violations originates in not only political oppression, but also deteriorating economic and social conditions. A key indicator of such deterioration is poverty. The United Nations General Assembly resolution 51/97 of 12th September 1996¹⁹¹ noted that widespread poverty is no less demeaning than physical inflicted violence as a threat to life and to the full and effective enjoyment of rights. Hence, there regime in power has a duty to reduce and eliminate poverty through fair distribution of resources.

¹⁹⁰ Jeong op cit, pg 208

¹⁹¹ Cited in Jeong, Ibid

In Kenya, the right to development has been undermined through corruption, where billions of shillings have been expropriated for personal gains leading to scarcity of development resources. More so, fictitious contracts have continued to place debt burdens on Kenyans, leading to flawed expenditure of government revenue.

The development loss occasioned by corruption is further compounded by presence of physical violence. Such violence has led to displacement of persons, which prevents them from participating in economic activities, through which they earn their livelihoods. Additionally, violence has led to loss of productive individuals, breadwinners and properties. The losses condemn thousands of households to poverty, and engender insecurity.

Conclusion

Conflict prevention is about elimination of the causes of behavioral violence. Though not rejecting the pervasiveness of conflict, the aim is to ensure that conflict does not escalate into violence. The goal can be realized through good governance which aims at creating a normative institutional complex capable of enabling human security. Towards this end, good governance seeks to institutionalize mutually agreed upon rules of game to regulate transactions within the state and between state and other important actors on good governance. Central on good governance is state's responsiveness and accountability, as well as, the impact of these factors on political stability and economic development. The success of good governance is determined by regimes in power ability to overcome socio-political and economic difficulties which breeds violence.

In Kenya the presence of multiple political difficulties such as ethnic based violence, failure to respect human rights, and a culture of expropriation of public resources for personal gains at the expense of development. indicate a failure in good governance project. The failure has led to presence of conflict-both latent and manifest – which has generated widespread insecurities among individuals and groups. Such insecurities increase the risk of conflict in the near future unless concerted efforts are put in place to make good governance an ontological reality.

CHAPTER FIVE

Summary, Conclusions and Recommendations

Summary

The study's objective was to investigate the link between good governance and conflict prevention in Kenya. The assumption of the study was when regime measures low in institutionalized good governance it becomes unable to respond to citizen's demands breeding human insecurity which engenders violent conflict. Using a conceptual framework based on a pluridisciplinary approach to conflict and governance, the study developed concepts which can help illuminate the linkage between the two variables. The concepts are good governance, conflict and conflict prevention alternatively referred to as pre-conflict peace building, institutions and human security. The concepts were further enriched through injection of other concepts such as citizenship, distribution, participation, recognition and legitimacy, accountability, transparency and reciprocity.

The introductory part of the study reflected on the various debates concerning conflict, it causes critique of the debates and tentatively suggested that central to the presence of violent conflict is the absence of good governance. Additionally, the section included a conceptual framework capable of addressing the linkages between the conflict and good governance. Lastly the section addressed itself to the methodology of the study.

Chapter two offered an in-depth development of the concepts introduced in chapter one, and established their cyclical interconnections. More so, it operationalized the concepts to make them intelligible to the task.

Chapter three addressed the development of good governance in Kenya since the re-introduction of political pluralism. Specifically, rather than dealing with the overall analysis of Kenya's politics the chapter prioritized on the social-political dynamics which the study identified as the main impediments to good governance and by extension conflict prevention. The dynamics are ethnicized political discourse, corruption and human rights violations. Factors, providing a fertile breeding ground of violent conflict.

Chapter four linked chapter two and three through an analysis of Kenya's good governance project based on the background of the factors which generate human insecurities. The analysis was premised on the view that good governance goal is protection of individuals within a given political system. Protection seeks to enhance human security. As such any analysis of good governance linkages to conflict prevention aims at asking whether the protection goal has been achieved and if not, how the failure does impact on conflicts. Towards this goal, the analyses focused on the extent which generators of human insecurities have been addressed. The analysis verdict is the continued presence of activities which compromises human security, indicates failure of good governance and hence, failure to prevent violent conflict.

In a world where the greatest threats to international peace and security are localized conflicts which are inevitably internationalized, conflict prevention is a necessary imperative. Measures taken long after conflict has escalated into violence are costly, and by the time their success is registered, there is always immense individual and group sufferings, destruction of society and its economy. Hence there is a need to enhance the

society and states responsive ability to respond to conflict long before it escalates into violence. The ability entails persuading the conflicting parties that a political solution as opposed to military solution is possible. The possibility should be guaranteed by presence of actors willing to play by the rules, which is only feasible when there exists a credible, inclusive and enabling normative institutional framework capable of constraining action which are detrimental to others' welfare.

The most constraining normative institutional framework should be rooted in good governance. Preceding any violent conflict, there is a critical failure of good governance. A failure characterized by human rights violations, skewed distribution of resources leading to exclusion and marginalization, deep social cleavages and a political culture which relies on primordial identities as boundary markers for defining those who qualifies to access state's resources (security, public goods, respect of human dignity e.t.c) and those who do not qualify. To address poor governance, there is a need for creating a political system which is inclusive, respects citizenship, allows for participation and significantly capable of ensuring protection for all irrespective of their political preferences. Such a system must be based on good governance which demands transparency and accountability, reciprocity between the ruler and the ruled, participation and legitimacy.

In Kenya, if good governance has flourished, every Kenyan will be able to claim entitlement as a citizen. The entitlements such as protection, respect of individual and group rights, equal access to public goods and right to participate in political process in

order to be able to shape one's destiny. Unfortunately the failure of good governance has led to ethno-based definition of citizenship, characterized by dichotomization of Kenyans as either 'indigenes' or 'foreigners'. The duality encourages treating of 'foreigners' as second class citizens in their area of residences. These leaves them vulnerable to prejudices, dispossession and in some cases to loss of lives.

Additionally absence of good governance has encouraged impunity. Politicians instigate their kiths and kins to turn against their neighbors if they are perceived to be a threat to leader's interest in preserving their power. Significantly, lack of accountability has meant that, even when there exist evidence linking leaders to various crimes such as instigating violence where lives are lost, ordering the security agencies to respond with excessive force against opponents of the regimes in power, and expropriation of scarce public resources, no action has been taken against them .Culture of impunity expands the boundaries of what is politically acceptable eventually leading to human insecurity expressed through distrust and suspicion of the others, pursuit of political power at all cost ,pursuit of personal or sectional interests at the expense of public interest, and disregard of human rights. Impunity inevitably breeds violence as a consequence of citizens' distrust of the constituted leadership.

As the study has indicated the opening of political space is not enough to guarantee good governance. In Kenya, the opening coincided with rise of deepened social cleavages, the rise of ethnic identity as the metaphor and grammar of political discourse, rampant

expropriation of public resources for patronage purposes and persistence of human rights violations. The findings confirm the hypotheses of the study.

The first hypothesis was that good governances foster a collaborative problem solving. The presence of good governance tends to create a mediation space where individuals and groups can engage each other, and legitimately solve the problems existing among them. In Kenya the failure to institutionalize good governance has led to actors opting for self-help as opposed to collaboration. The self help strategies have led to increased human insecurity which has multiplied the threat of conflict escalation into violence. Additionally, collaborative problem solving is not possible when transparency and accountability are conspicuous for their absence. The absence continues to encourage: impunity or perverted view that politics is a business strategy- a means for personal aggrandizement rather than a responsibility to prudently manage public affairs – leading to intensive political competition whereby the rule is win at all cost; and a belief that one's interest is best protected when his kiths and kins control the seat of power.

The second hypothesis was that weak governance structures are threat multipliers breeding violence. The study concludes that there exists a positive relationship between bad governance and violent conflict. Public instigation of ethnic violence, human rights violations, expropriation of public resources for personal gain, denial of fair participation and advocating for ethnically pure homelands via majimboism eventually lead to violent confrontation.

The third hypothesis which stated that bad governance creates adversarial political competition engendering violence is confirmed by the first hypothesis. The strategies employed especially around the electoral period such as violent disenfranchisement, displacement of perceived oppositions and use of public resources for patronage, would not be possible and viable in an environment characterized by institutionalized good governance.

Recommendations

The inevitability of conflict demands that measures should be instituted to enhance the society's ability to address conflicting demands peacefully. This entails developing of structures capable of responding to social, political and economic factors which engenders conflict, as well as enhancing its resolution peacefully.

In Kenya these structures should be able to:

Address 'presidentiasis' syndrome through devolving of power to various sub-state units through the principle of subsidiarity. Devolution of power will provide a primary form of power sharing, in order to make individuals and groups feel represented in the political system. More so, multiple centers of power will reduce the allure of capturing the presidency by groups, which in itself is important in taming the culture of winning power at whatever cost. It will mean that the capture of a single office or institution does not permit any group to control power and destiny of the other groups.

Enhance consociational arrangements through sharing of power by groups in proportion to their power. Representation in key government institutions coupled with minority rights guarantees will enable groups to participate in joint exercise of governmental power.

Facilitate accountable and fair distribution of resources.

Distributive policies should be formulated in a more inclusive and just manner. They should aim at addressing delivery of public goods to all, as well as, providing specific amelioration measures to the excluded, and marginalized groups. Importantly there is a need to create institution capable of enforcing transparency and accountability so as to end the culture of 'privatization' of public resources.

End the culture of impunity

Conflict is the fear of the future lived in the past. This demands that the past need to be addressed and resolved. This process should include the formation of truth, justice and reconciliation commission to address past violations, bring perpetrators to account and retribute individuals and groups that have suffered due to bad governance.

Social-cultural transformation;

Good governance is not an event but a process whose success is dependent on ability to use persuasive strategies so as to effect change of hearts and minds. Constitutional structures are not enough to secure good governance. Good governance requires a supportive social-cultural milieu. A suggested way of creating such a supportive social-cultural milieu is through enhancing of citizenship entitlements and responsibilities so as to convince Kenyans that good governance has dividends.

Issues for Research.

There exists a need to research on how the institution of citizenship can be enhanced as a tool for conflict prevention, in divided, multicultural societies. If conflict is about human needs, which revolves around the issue of distribution, recognition, legitimacy and participation, to what extent can the institution of citizenship address these needs.

Bibliography

- Adebayo Adedeji (ed) *Comprehending and Mastering African Conflicts*. London: Zed books, 1999.
- African Development Bank (ADB), *Africa Development Report 1994*
- Alfred N. (ed) *The Quest For Peace In Africa: Transformation, Democracy and Public Policy*. Utrecht: International books, 2004.
- Anna K.: *Preventing War and Disaster: A Growing Global Challenge*, 1999 Annual report. New York: UN department of public information, 1999.
- Arend Ljphart. *Democracy in Plural Societies*. Berkeley: university of California, 1977.
- Azzam J P 'The Redistributive State and Conflicts in Africa' *Journal of peace research* 38, 2001.
- Azzam J P and Mensard A. 'Civil War and the Social Contract' paper presented at the Royal Economic Annual Conference, Durham 9-11th April 2001.
- Ballentine K and Sherman J (eds). *The Political Economy of Conflict: Beyond Greed and Grievances*. Boulder: Lynner Reinner, 1998.
- Barlis.M(ed) *Conflict In World Society: A New Perspective In International Relations*.Sussex: Harvester, 1984.
- Barry Buzan, *People, States and Fears: An Agenda for International Security Studies In The Post-Cold War Era*. Washington: American institution for peace, 1994.
- Bercovitch J (ed) *Resolving International Conflict: The Theory And Practice Of International Mediation* .Boulder: LynneRiener, 1996.
- Bleiker.R. *Popular Dissent, Human Agency and Global Politics*. Cambridge University press, 2000.
- Boulding E (Ed) *New Agendas For Peace Research: Conflict And Security Re-Examined*. London, Lynne Riener, 1992.
- Boutros Ghali B. *An Agenda for Peace: Report of The Secretary General Pursuant To The Statement Adopted By The Summit Meeting Of The Security Council on 31st Jan, 1992, A/471/277-S/24111, 17th June, 1992.*
- Bridge.T. *The Culture of Citizenship: Inventing Post Modern Civic Culture (2nd ed)*. Washington: Council for Research in Values and Philosophy, 1997.
- Burton.J.(eds)*Conflict: Reading In Management and Resolution*. London: Macmillan, 1990.
- Buzan.B *People, States, and Fears: The National Security in International Relations*. Brighton: Harvester Wheat Sheaf, 1983.
- Charles kegley et al *World Politics; Trends and Transformation (9th Ed)* Belmont: Wadsworth, 2005.
- Claude. A. *Democracy and Development in Africa*. Washington: Brooking institution, 1996.
- Copson. R *Africa's Wars and Prospects for Peace*. New York ME – Sharp publishers, 1994.
- Couze V. *The Post-Colonial Challenge: towards Alternative Visions* .London: SAGE, 2006.
- Deng F and I W Zartman (eds) *Conflict Resolution In Africa* Washington DC: The Brookings Institution, 1991.

- Dennis Azenga *The Growth Of African Democracy: A Case Study Of Kenya 1963-1992*. MA Dissertation, IDIS
 Economist, February 2005
 Economist, February, 2005
- Galtung J. *Violence, Peace and Peace Research*. Oslo: international peace Research, 1969.
- Grant A et al *The New Regionalism in Africa*. Aldershot: Ashgate Publishers, 2003.
- Haberson J and Rothchild D *Africa in World Politics: Post-Cold War Challenges*. Boulder: West view press, 1999.
- Hansen T (ed) *States of Imagination*. London: Duke University Press. 2007.
- Hitchcock w, *DDR: Disarmament, Demobilisation, and Reintegration: The Case of Angola*. Conflicts' Trends.
- Hubert D 'Human Security: Safety for the People in a Changing World'. A paper presented at regional conference on the management of African security in the 21st century, Nigeria Institute of international affairs, Lagos 23-24 June, 1999.
- Human Rights House *The Human Rights in Kenya: The Post Moi Era 2003-2007*, Nairobi: Clare Press, 2007.
- Hyden G and Bratton M (eds) *Governance And Politics In Africa*. London: Lynne Rienner publishers, 1992.
- International affairs, vol 83, No 6, Nov 2007.
- Jackson R et al (eds) *States in a Changing World: A Contemporary Analysis*. Oxford: clarendon press, 1993.
- Jain R. Wedel. *Clans, Cliques and Captured States: Rethinking Transition in Central and Eastern Europe and Former Soviet Union*. World Institute of Economic Research. Discussion paper 2001/58 August, 2001.
- Jeong.H. *Peace and Conflict Studies: an Introduction* Ashgate: Aldershort, 2000.
- Kagwanja P. *Killing the Vote: The State Sponsored Violence and Flawed Elections in Kenya*: Nairobi, Human Rights Commission
- Kenya National Commission Human Rights and Kenya Land Alliance. *Unjust Enrichment: The Making of Land Grabbing Millionaires*, 2006
- Kenya National Commission on Human Rights: *Annual Reports and Accounts 2004/2005*.
- Keylor.W. *The Twentieth Century World: an International History* New York: oxford university press, 1999, pg 493.
- Layton.R *Order and Anarchy: Civil Society, Social Disorder and War*. Edinburgh: Cambridge university press, 2006.
- Lederach John Paul. *Building Peace: Sustainable Reconciliation in Divided Societies*. US Institute for Peace. Washington, 1994.
- Loebel et al' *Ethnic Conflict and International Politics: Explaining Diffusion and Escalation* London: McMillan, 2004.
- Lomborg.B (ed) *Global Crises, Global Solutions*. Cambridge: Cambridge Press, 2004.
- Makumi M' *Refugee Protection and the Diplomacy of National Security in Kenya* in Refugee Consortium of Kenya, 2008.
- Mary kaldor *New and Old Wars: Organized Violence in a Global Era* Cambridge: mas polity, 1999.

- Melber H(ed) *Reexamining Liberation In Namibia: Political Culture Since Independence*. Stockholm: Nordiska Afrikaistituted 2003.
- Muriithi.T *African Security Review*, vol 16 No.3 Sept, 2007,
- Muthoma P et al (eds) *Putting People First*, Johannesburg: SAIIA, 2000.
- Mwagiru M *Conflict, Theory, Practices, and Institutions of Management*. Nairobi: Watermark publication, 2000.
- Mwagiru M et al (eds) *Rethinking Global Security: An African Perspective*. Nairobi, Heinrich Boll Stiftung, 2006.
- Mwaurvie et al (eds). *The Moi Succession elections 2002*. Nairobi: TransaAfrican Press, 2005.
- Nhema A (ed) *Quest For Peace In Africa: Transforming Democracy And Public Policy*. Utrecht: International books, 2004.
- Okon Akiba (ed) *Constitutionalism and Society In Africa*. Ashgate: Ashgate publishers, 2004.
- Paffenholz .T. *Community Based Bottom Up Peace Building*. Life and Peace Institute, 2003.
- Report of the Task Force on the Establishment of *Truth, Justice, and Reconciliation Commission*, Nairobi: 2003.
- Rothchild D et al, *Politics and Society in Contemporary Africa (2nd Edition)* Boulder: Lynne Rienner Publishers, 1992
- Saideman M. *The Ties That Divide: Ethnic Conflicts, Foreign Policy and International Politics*. New York: Columbia University Press, 2001b
- Schedler. A et al (eds) *Self Restraining State: Transparency and Accountability In New Democracies*. London: Lynne Rienner, 1999.
- Soderbaum F et al (ed). *The New Regionalism in Africa*. Aldershot: Ashgate publishing. 2003.
- Sven S et al (eds) *Structuring Politics*. Cambridge: Cambridge university press, 1992.
- The African Union Commission "*The Strategic Plan of the African Union*" vol 1, Addis Ababa, 2004.
- The Constitution of Kenya
- The East African journal of human rights and democracy*. Vol 1 No. 1 2003.
- The Economist, January, 2006
- The World Encyclopedia of peace*, vol2.oxford,pergamon press,1986.
- Tony Adison et al, *Debt Relief and Civil War*. World Institute for Development and Economic Research Discussion paper 2001.
- Åschiringi N, *Peace Building as the Link between Security and Development: Is The Window of Opportunity Closing?* New York: International peace academy, 2003.
- United Nations charter, chapter I, article I, Para 2
- Van Rory (ed) *Civil Society And Aid Industry* London: Earthscan publications Ltd, 1998.
- Ogot.B.A (ed) *Ethnicity, Nationalism and Democracy In Africa*. Maseno Institute of Research and Post-graduate studies, 1996.
- Wanjala.S. et al (eds) *Yearning For Democracy: Kenya at Dawn of the a New Century*. Nairobi, clare press, 2002.
- Wanyande. P. *Democracy and One Party State*. 'The African Experience'
- William.D *Third-Party Techniques For Preventing Conflict Escalation And Promoting Peaceful Settlement*' in *International Organization*, 50, 4, Autumn 1996.