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Post Election Violence in Kenya: A Case Study of Uasin Gishu District, Rift Valley Province, 2007-8

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Declaration

Declaration:

This thesis is my original work and has not been presented for a degree in any other institution and/or University.

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This Master of Arts degree in International Conflict Management thesis has been presented with my approval as University Supervisor.

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Professor Makumi Mwagiru

Abstract

Multiparty elections in most cases have been associated with violence that takes various forms depending on the number of actors, the root causes, and the embedded interconnectivity with other forms of conflicts. In most cases, election violence; especially after the elections occur to indicate the disapproval of the election results and/or incumbent regime by the general population irrespective of whether the reasons are ideological, structural or ethnic oriented. The 2007 post election violence in Kenya elicited paranoia and heightened suspicions among neighbors who had lived and worked together for many years and it recorded the highest number of deaths, property destruction, displaced people. In addition, it took a longer duration than the previous election violence of 1992 and 1997 and it is after an international mediation process that calm was restored. The fact that the magnitude and effect of the violence was much felt in Uasin Gishu District necessitated the study to fill the gap in knowledge as to what caused the violence and the extent to which the violence has been managed. The study sought to achieve the following objectives: to establish the dimensions of the 2007 post election violence in Uasin Gishu District; to find out the causes of post election violence in Uasin Gishu District; and to establish how post election violence has been managed in Uasin Gishu District. The study was guided by structural theory of conflict. It was established that the post election violence in Uasin Gishu District targeted members of the Kikuyu community who occupy Lelmolok and Bindura farms which are Settlement Transfer Fund schemes; was caused by inadequate ECK legal and administrative framework, poor governance structures and poor land tenure systems; and that the post election violence was poorly managed by the government as it didn't take into the consideration the underlying causes of the violence.

List of Acronyms and Abbreviations

CDC- Centre for Disease Control

CIPEV- Commission of Inquiry into the Post Election Violence in Kenya

DP- Democratic Party of Kenya

ECK- Electoral Commission of Kenya

EMRC- Election Monitoring and Response Centre

FORD- Forum for the Restoration of Democracy

IDPs- Internally Displaced Persons

IED- Institute for Education in Democracy

IPPG- Inter Parties Parliamentary Groups

GoK- Government of Kenya

KADU- Kenya African Democratic Union

KAMATUSA- Kalenjin, Maasai, Turkana and Samburu communities

KANU- Kenya African National Union

KHRC- Kenya Human Rights Commission

KICC- Kenyatta International Conference Centre

KPU- Kenya Peoples Union

MoU- Memorandum of Understanding

MP- Member of Parliament

NARC- National Rainbow Coalition

NCCK- National Council of Churches of Kenya

ODM- Orange Democratic Movement

ORN- Operation Rudi Nyumbani

PNU- Party of National Unity

SPSS- Statistical Package for Social Sciences

STF- Settlement Trust Funds

WHO- World Health Organization

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Chapter One

Introduction to the Study

1.1 Introduction

Recent development and characteristics associated with violence reveals a trend in which there is an increasingly closer relationship between physical violence and multi party elections especially in third world countries. A number of cases have been witnessed in Madagascar (2009), Zimbabwe (2008), Turkey, Ghana (1996),Afghanistan, Nigeria, Mali, Pakistan, Uganda, Cote d'Ivoire, Liberia (2006), Nigeria(2007), Ecuador, and lately Kenya. The occurrence of election violence takes several forms depending on the number of actors, the root causes, and the embedded interconnectivity with other forms of conflicts[1].

In most cases, the general population resort to violence to register their disapproval of the incumbent regime whether the reasons are ideological, structural or ethnic oriented. Besides, certain systems under which elections are conducted have been pointed out to be exacerbating violence, particularly ethnic conflicts. For instance, in Europe, elections often create heightened anxieties between majority and minority ethnic groups particularly in Northern Ireland between Irish Protestants and minority Catholics. Similarly, in America, elections create tension between the black minority and the dominant whites; while in the former Yugoslavia, tension develops between ethnic Serbs and the Croats, who are the majority[2]. Accordingly, election violence is not an exception in Africa.

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[1]Reynolds A. and Sisk, D.T. 'Elections and Electoral Systems: Implications for Conflict Management', in T. D. Sisk and A. Reynolds, (eds.), *Election and Conflict Management in Africa,* (Washington, D.C: United States Institute of Peace Press, 1998) pp.11-13

[2] Mwagiru M. *et al, Understanding Conflict and Its Management: Some Kenyan Perspectives,* (Nairobi: Watermark Printers Limited,1998)p.25

In African countries which include Kenya, election violence occur not only as a result of election rigging, but also as a result of a host of deep rooted issues that transcend corruption, negative ethnicity, unbalanced resource allocation, human rights abuses and cultural hegemony that has been in existence and still continue to exist[3]. The causes of political conflicts and election violence in Africa are certainly complex and multifaceted. In Ghana, for instance, the elections of 1996 were characterized macabre and melodramatic incidences that threatened peace. There were the detonation of bombs and loss of life as a result of communal rivalry and politics of patronage where most of the electoral commissioners were appointed without widespread consultation[4]. This situation is replicated in most countries in Africa, including South Africa, Zimbabwe, Liberia, Nigeria, Ivory Coast, Ethiopia and Kenya. In Kenya, immediately the 2007 presidential election results were announced in favor of President Mwai Kibaki, the country quickly started witnessing spirited spate of national protests which were marked by physical violence that rapidly engulfed the whole country and within a short period of time, resulted into unprecedented loss of life and destruction of properties[5].

The post election violence took a new dimension when it targeted ethnic groups and to this end, it was directed mainly against the Kikuyu people living outside their traditional settlement areas, especially in the Rift Valley Province. Similarly, some of the members of the Kikuyu community also engaged in violence against groups supportive of Odinga, primarily Luos and Kalenjin living in areas surrounding Nakuru and Naivasha. Moreover, in the North Rift, the effects of the riots were felt heavily as people were killed, maimed, raped and houses set

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[3] Boadi, G.E., 'Managing Electoral Conflicts: Lessons from Ghana', in T.D. Sisk and A. Reynolds, (Eds.), *Elections and Conflict Management in Africa*, (Washington, D.C: United States Institute of Peace Press, 1998) pp.10

[4] Ibid

[5] International Crisis Group, *Kenya in Crisis: Africa Report* No. 137-12, February, 2008.

on fire. The violence peaked with the killing of over 30 unarmed civilians in a church at Kiambaa near Eldoret on New Year's Day. Consequently, more than 120,000 people were displaced from their farms and forced to seek refuge in camps[6].

1.2 Statement of the Research Problem

The return to multi-party election in Kenya in 1991 saw the emergence of elections related violence with almost predictable pattern in which electioneering periods were marked by situations of heightened tension and anxiety which would then be followed by some physical violence pitting groups of different candidates, parties and even ethnicities.

The 2007 election violence in Kenya was a departure from the previous election violence of 1992 and 1997 in the sense that while the previous election violence took place in some parts of the country especially in the Rift Valley Province in 1992 and 1997 and in Coast Province in 1997, the 2007 election violence took place in large scale immediately after the announcement of the presidential election results; engulfed nearly every part of the country; continued for almost two months; and recorded the highest number of deaths, property destruction and displaced people. In addition, the 2007 post election violence elicited paranoia and heightened suspicions among neighbors who had lived and worked together for many years. Accordingly, Rift Valley Province, in which Uasin Gishu District is situated, was the epicenter of the post election violence. It is against this backdrop that the study sought to find out the underlying causes of post election violence in Uasin Gishu District.

Accordingly, although the government and other stakeholders through the Operation Rudi Nyumbani (ORN) have tried to resettle and/or compensate victims of post election violence, little is known of how those who have resumed their pieces of land are coping and/or

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[6] Waki P., *Commission of Inquiry into the Causes of Post Election Violence in Kenya* (Nairobi: Government Printer, 2008)

co-existing with their neighbors. In addition, there are still Internally Displaced Persons (IDPs) in Camps. The study therefore sought to establish why displaced persons are still in camps even after the violence has ceased. The fundamental question that the study sought to answer was: are displaced persons still in camps because of poor management of post election violence or because the underlying causes of the post election violence have not been adequately addressed?

1.3 Objectives of the Study

The study sought to achieve the following objectives:

1. To establish the dimensions of the 2007 post election violence in Uasin Gishu District;
2. To find out the causes of post election violence in Uasin Gishu District; and
3. To establish how post election violence has been managed in Uasin Gishu District.

1.4 Literature Review

1.4.1 Political Dimensions of Kenya

In 19th century the area that became Kenya could be described as stateless, but was made up of various nationalities. Some commentators have claimed that peoples' civility and ethnicity was shaped by their subsistence farming or herding, or some mixture of both". By late 19th century most of the people of Kenya resisted British conquest and land grabbing when white settlements began in the fertile highlands of Rift Valley and central province. Administrative structures were designed and to-date, have been effectively used as part of state machinery to impose illegitimate authority on the people. Besides land, there were conflicts over forced "labour" and hut tax[7] . These conflicts led to the 1923 Devonshire White paper, which stated that 'Kenya is an African country and the interest of the natives must be paramount'. The Africans especially the Kikuyu in Central province, Maasai and Kalenjin in the Rift Valley, lost much of their best land to the

[7]Otieno O. A, The Post-election Violence in Kenya: An overview of the underlying factors in http://pambazuka.org/en/category/comment/46094

white settlers and the growing population meant increasing land hunger and discontent. A new land redistribution scheme was introduced under Lyttleton constitution of 1954 followed by other constitutional changes however this scheme did not adequately address the land question[8].

When Kenya gained "independence" from Britain in 1963, it inherited non-democratic institutions and cultures, which later fell into the hands of corrupted politicians and governments. This exemplifies the de-colonization programme that retained the colonial apparatuses of security forces and political repression in the post-colony[9] and compromise over the land question. Post-colonial "officials" lavished themselves with political and economic favors in a pattern that has extended into the post-post-colonial era. This process has been captured by some analysts who have pointed out that these developments mirrors what was a distinctly colonial view of the rule of law, which saw the British leave behind legal systems that facilitated tyranny, oppression and poverty rather than open, accountable government[10].

1.4.2 Concept of Violence

Violence is the expression of physical force against self or other, compelling action against one's will on pain of being hurt. Accordingly, the Centre for Disease Control and Prevention (CDC) defines violence as injury inflicted by deliberate means, which includes assault, as well as legal intervention, and self-harm while the World Health Organization (WHO) defines violence as the intentional use of physical force or power, threatened or actual, against oneself, another person or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation[11]. Besides, variant uses of the

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[8] Ibid
[9] Otieno O. A, The Post-election Violence in Kenya: An overview of the underlying factors in http://pambazuka.org/en/category/comment/46094
[10] Ibid
[11] World Report on Violence and Health, October 3, 2002

term refer to the destruction of non-living objects. Worldwide, violence is used as a tool of manipulation and also is an area of concern for law whose main functions is to regulate violence[12]. According to sociologist Max Weber, state power is the monopoly on the legitimate use of physical force on a specific territory and thus enforcing law is the main means of regulating non-military violence in a society. In this regard, governments regulate the use of violence through legal systems governing individuals and political authorities, including the police and military.

Violence can take many forms anywhere from mere hitting between two humans where there can be bodily harm, to war and genocide where millions may die as a result. It can be non-physical as well. German political theorist Hannah Arendt noted that:

> Violence can be justifiable, but it never will be legitimate ... Its justification loses in plausibility the further its intended end recedes into the future. No one questions the use of violence in self-defense, because the danger is not only clear but also present, and the end justifying the means is immediate[13].

1.4.3 Election and Violence

Elections can be defined as instruments under which ordinary citizen choose among contestants for top political offices. They are meant in essence to promote participation and competition which are believed to be vital for human development and democratization[14]. Elections are therefore the defining institution of democracy and where they are held frequently in a free and fair manner, democracy is believed to be exercised[15]. Similarly, elections have been used as a

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[12] Joseph E. David, 'The One who is More Violent Prevails - Law and Violence from a Talmudic Legal Perspective', *Canadian Journal of Law and Jurisprudence*, Vol. 19, No. 2, (2006)

[13] Arendt Hannah, *On Violence*, (New York: Marine Books, 1970) pp. 52

[14] Braton M. & Pasner D.N. 'A First Look at Second Election in Africa, with illustration from Zambia' in J. Richard (ed.) *State Conflict, and Democracy in Africa*, (London: Lynne Rienner Publishers, 1998) pp377

[15] Schumpeter J., *Capitalism, Socialisms and Democracy*, (New York: Harper & Row, 1990) pp57

peace building initiatives in areas of deep violent political conflicts such as Angola, Liberia, Sudan, Kosovo and Montenegro[16].

This has the informing reason why western donors insist on the emerging democracies to hold elections. However elections are also a source of serious conflict globally. A chronological look at selected elections reveals disturbing circumstances of hate, suspicion and physical violent in most regions of the world. The recent presidential election in America, Russia, and Italy exhibited how racial hate and other form of prejudice still exist among extremists. Some people were killed in America and in Africa over election. In Zimbabwe, over three hundred people have died from election violence. Certainly the hallmark of elections is that they create uncertainty about who will govern and this could be the source of violence that it exhibited as groups compete for power. The January 2009 election in Madagascar is a case where the main contenders scrambled over who to over throw the country leading to violence that has claimed the lives of 400 people.

It is therefore not difficult to draw inferences as to the origin of election violence in the world; precisely elections (particularly multiparty one) often threaten to reallocate power from one group to another. This threat, real or imagined, generates strong incentives for the incumbent to exploit available resources to prevent their replacement by challengers[17]. The level of democratization and its basis of good governance, prudent economic choice and respect of human rights are normally judged upon the extent of free and fair elections which was used to put a regime into power. Elections also give the desired legitimacy for the incumbent to exercise

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[16] UN Secretary General Report, An Agenda for Peace: Preventive, Diplomacy, peacemaking, and peacekeeping, (UN, doc.A/47/277S/24111, June 17, 1992), para 14-17

[17] Richard, J., *State, Conflict and Democracy in Africa (ed.)*, (London: Lynne Rienner Publishers, 1999), pp4, 8-10

governance for the benefit of the citizenry. Furthermore, as a tool of international intervention, elections can be very robust and effective instrument for accentuating democratization and ameliorable conflicts that afflict countries, particularly in Africa[18].

Elections also play other important roles that include: promoting cooperation between citizens and the government, legitimizing the government, giving life and flexibility to the political system, allowing for alternation in governance which is healthy and necessary as it induces fresh ideas to governance and specific approaches to public policies, and provides incentives for political minorities to participate in governance[19]. Convening of scheduled multiparty election serves the minimal function of making democracy in a given country since it allows for wider participation of the citizen.

Elections also exhibit competition and often pose serious threat to the incumbent on the possibility of his or her replacement. This brings about fear that sometimes brings conflict and violence[20]. Formal procedures for election do not necessarily create democracy as election can exist with systematic abuses of human rights and disenfranchisement of large segment of the population and popular sentiments[21]. As pointed by scholars such as John Barkan and John Okumu, the initial elections in Kenya during Kenyatta regime were geared towards the regulation of political competition and emancipation of sectoral participation in national

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[18] Sisk D., 'Election and Conflict management in Africa,' in D Timothy, Sisk and A. Reynolds (eds) *Election and Conflict Management in Africa* (Washington DC: US Institute of Peace Press, 1998) pp 146 – 147

[19] Reynolds, A. & Sisk, D.T, 'Elections and Electoral Systems', in A. Reynolds and D.T. Sisk (eds), *Elections and Conflict Management in Africa*, (Washington DC: United States Institute of Peace, 1999) Pp15-19

[20] Alamin Mazrui, 'Ethnic Voices and Trans-ethnic Voting: The 1997 Elections at the Kenya Coast' in Ruttern *et al* (eds), *Democracy in Kenya*, (Kampala: fountain Publishers, 2001) pp 291-293

[21] Carothers P., 'In search of democracy' in Herman and Brodhead (eds.), *Demonstration in Elections*, (London: Oxford Press,1999) pp. 40

politics[22]. Political opponents and some regions were alienated from mainstream politics in Kenya. This view is apparent in Africa where out of the 53 elections held between 1992 and 2007, 40 have been declared flawed and hence not free and fair[23] .

For democracy to exist and for the citizen to attain the real peace[24] and maturity in the demands of democratic tenets, civil rights, due process of the law, independently functioning public institutions, proactive legislature, and efficient judiciary must be allowed to take root[25]. On the other hand according to Schumpeter, democratic election methods are institutional arrangement for arriving at political decisions in which individual acquire the power to decide by means of a competitive struggle. The scholar argues further that electoral method is practically the only one available for communities of any size to secure leadership[26].

1.4.4 The Basis of Election Violence

Individual organized institutions, state and systems are made of structures that govern their operations and that the existence of these institutions, states or groups is often characterized by conflicts that take various forms which include structural, physical, environment and resource based conflicts. The definition of conflict as a case of violence depends upon the context of its application and aspect of analysis that it is meant to fulfill. Functionally, conflicts arise where

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[22]Barkan, J.D. 'Comment: Further reassessment of conventional wisdom: Political knowledge and voting behaviour in rural Kenya', The America Political Science Review, Vol 70 No.2 (1999) pp 452-55.

[23] Ibid, pp 175

[24] Galtung J., 'Violence, Peace and Research', *Journal of Peace Research* Vol 3 (1969) pp 167-191 and Galtung J. 'Cultural Violence', *Journal of Peace Research* Vol 27, (1991) pp 291-305

[25] Wafula Masai, 'Search for Democracy and Good Governance: Kenya's Africa Peer Review Self Assessment Process,' In A. Bujra, *Democratic Transition in Kenya: The Struggle from Liberal to Social Democracy*, (Nairobi: ACEG Publication, 2005) Pp. 265 – 267

[26] Schumpeter J. , *'Democracy'* (New York: IDS Publication, 1975) pp 217

two or more people have incompatible goals about something. Each party believes that their point of view is the only correct one[27]. Thus in most circumstances, conflict results into negative effect when it becomes physical leading to injuries, loss of life and breakdown of social order within a given society[28].

Conflicts, in most circumstances, are triggered by a rise in negative ethnic sentiments; flawed elections and weak electoral processes; deprivation and exclusionist tendencies; racial discrimination, and political manipulation[29]. Election violence is usually a political outcome occasioned partly by authoritarian regimes and poor governance. According to Tarimo, S.J.A and Manwelo, S.J.P, "a democratic Governance challenges personalization of power paternalism, authoritarianism and unaccountability[30]". Effective governance and democracy should therefore be more than the satisfaction of the interest of those in position of authority but rather the general public. It should be a kind of governance and democratic practice in which the citizens have real decision making power above the formal consent of electoral choice. According to Claude Ake, "effective governance and democracy place emphasis on concrete political, social and economic rights for all citizens which must be practiced by political leadership in all times and places[31].

Further still, proper governance that ensures peace and stability lavishly in the application of mutuality, accountability, equality and legitimacy find their roots in elections. When electoral

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[27] Mwagiru M., *'Conflict: Theory, Process and Institution Management'*, (Nairobi: Watermark Publications, 2000) pp3

[28] Kizito S., *et al*, 'The Somali Peace Process from Arta to Eldoret to Mbagathi: Opportunities and Challenges', in A. Nhema, & P. T. Zeleza (eds) *The resolution of African conflicts* (Malaysia: James Currey, 2008) pp 134-156.

[29] Zartman, I.W, (ed) *'Collapsed States; the Disintegration and Restoration of Legitimate Anthony'*, (London: Lynne Reinner, 1995) pp 12-19

[30] Tarino SJA and Manwelo, SJP, *'Africa Peacemaking and Governance'*, (Nairobi: Action Publishers, 2005) pp 123

[31] Ake C., *'Democracy and Development in Africa'*, (Washington, D.C: Brookings institution, 1996) pp124-125

process is abused to accentuate the egocentric nature of the ruling elites, conflict occur that at times may develop into violence because the ruling class may not be willing to let go some of the interests they hold dear[32].

1.4.5 Characteristics of Election Violence

African experience with election has been marred by serious conflicts. Most of the violence in elections arises as a result of bitter rivalry brought about by multi-party politics. According to the late Claude Ake, "African elections are geared towards simple liberal multi-party electoral competition[33]". It has severally been argued that the trauma carried over time during the past abuses or violence has the effect of concessioning further violence at the slightest provocation. This is what Galtung, referred to as the effect of mind and spirit [34] [35]. Accordingly, Galtung argues that post election conflict could be viewed as a structural violence and that it arises from uneven life chances, inequitable distribution of resources and unequal decision making power within human relationships thereby resulting into poverty, hunger, repression and social alienations[36]. Weakness in the structures of an institution is therefore a recipe for election chaos. Accordingly, the use of violence is often a source of pride and a defense of honor, especially among males who often believe violence defines manhood[37]. Similarly, Stephen Pinker argues

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[32]Heywood A., *'Political Ideologies, An Introduction'*, (London: Palgrare, 1998) pp78-79

[33]Klopp, J.M., "Kenya's Internally Displaced: Managing Civil Conflict in Democratic Transition", in A. D.Bekoe, (ed), *East Africa and the Horn of Africa: Confronting Challenges to Good Governance*, (London: lynne Rienner Publishers, 2006) pp 15

[34]Galtung J., 'Cultural Violence', *Journal of Peace Research* ,Vol 27, (1991) pp 291-305

[35] Galtung J., 'Violence, Peace and Research', *Journal of Peace Research,* Vol 3, (1996) pp 167-191

[36] Ibid

[37]Obsatz M., 'Emotional Competency: From Shame- Based Masculinity to Holistic manhood' in R. Morgan, *The Demon Lover on the Sexuality of Terrorism*, (W.W. Norton, 1989) Chapter 5.

that clashes are more frequent in tribal violence and that the percentage of men in the population who fight is greater, and the rates of death per battle are higher[38].

1.4.6 Causes of Election Violence

Conflict or violence may engulf the whole country especially where the country is balkanized into ideological or ethnic boundaries. The public will most likely resort to violence[39] especially when elections are perceived to be flawed. A number of scholars have written on election violence in general terms, especially on the root causes. In study on election and democratization in Ghana, E. Gyimah- Boadi, found out that multiparty elections can be greatly improved if there is accountability and sound legal framework that guarantee fairness. Such elections would be considered legitimate and acceptable. The elections will then build confidence in the community and act as a facility towards democratic consolidation. He concludes that attempts to manipulate elections by employing dirty tricks such as registering children to vote are danger signs for physical violence[40]. His views were supported by Shaheen Mozaffar, who added that elections which are properly conducted through proper electoral systems can serve as vehicle for deeper and long lasting intervention in helping manage deadly internal conflicts[41].

Among the theoretical peculiarities that explain election violence, lack of inclusivity, historical ills, lopsided social and economic order and weak institutional arrangement are often pointed as major areas of concern. Scholars such as O' Donnell, posit that "any administration undertakings that exclude the democratic election are a recipe for chaos and violent conflicts."

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[38] Pinker Steven, '*The History of Violence*', in http://www.pinker.wjh.harvard.edu/articles/media/2007

[39] Ibid

[40] Boadi, E.G., '*Elections and Democratization in Ghana*', (London: Rienner, 1998) pp 443-444

[41] Mozaffar S. *et al*, '*Electoral Institutions: Ethnopolitical Cleavages and Party Systems in Africa*', American Political Science Review (2003), 97. No 3, pp379-390

He further explains that election violence is a form of social behaviour to register citizen rejection or maintaining of illegitimacy, vested ethnic interest in political dispensation or protection of ideological rights[42].

Some scholars such as Collins Reece, points out that certain sections of the citizenry and regions in Kenya were purposely denied their rights not only in politics but also in economic resource allocation. These earlier exclusionist tendencies and ethno political arrangements explain the suspicion and heightened tension between ethnic communities in Kenya especially during elections[43]. Other scholars on democracy and election violence such as Schumpeter explain that "demographic elections are not only about citizen as agents but them as legal inhibitors of its very nature and virtues[44].

The other cause of violence, according to Freire, is oppressive tendency of state agencies such as the law enforcement officers and other security agents[45]. These agencies and other government structures are discriminative and often lead to the denial of people's implicit rights such as freedom of speech, economic opportunities, political equality and social respect[46]. In addition, Mwagiru adds that; "If the parties in structural conflict at some points find the structures impossible to bear, they will resort to physical violent to overthrow the structures[47]

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[42]Guillermo O' Donnell, *'Democracy Law and Comparative Politics'*, (Brington (UK): IDS Publications, 2000) pp4-5

[43]Reece C., *'Economic Underdevelopment during Kenyatta Regime'*, (Nairobi : Oxford University Press, 1982) pp 109

[44] Schumpeter, J., *'Democracy'* (New York: IDS Publication, 1975) pp 242

[45] Freire Paulo, (30th Anniversary Edition)*'Pedagogy of the Oppressed'*, (Maiden Lane, New York: Continuum International, 1993) pp 68

[46] Ibid

[47]Mwagiru M., *'Conflict in Africa theory process and institutions of management'*, (Nairobi: CCR Publication, 2006) pp3-6

As pointed by Kjetil Tronvoll, "the perspective of structural violence provides useful insights into election violence. The root causes often arise from deficient structures in the society that prevent a substantial proportion of the population from achieving their basic rights[48]. Accordingly, leadership entails accrued benefits and as such certain group may want to access it by whatever means while others see nay attempt to dislodge them from power as a call of war. If this competition or "war" has something to do with legal, ethnic, economic or moral principles of the incumbent, then any small detour or abuse will lead to conflict, rivalry and eventual election violence, particularly where rival supporters think that the process may not be free and fair[49].

Basically, violence may also arise in situations where opposition forces create challenges to the power of authorization government which can be felt during campaign period. This argument is supported by Jacqueline Klopp who contends that "key government actors may take advantage of the monopoly on the use of force to ensure their survival; thus creating stiff resistance from the masses"[50].

1.5 Justification of the Study

This study aimed at fulfilling the gap in knowledge as to the underlying causes of the 2007 post election violence in Kenya given that the election violence witnessed in Kenya in 2007 was uniquely different from the previous ones as it challenged the notion that the country was an island of peace and as such; was often seen as a show case of stability. The study therefore

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[48]Tronvoll Kjetil and Negash Tekeste, '*Brothers and war: Making Sense of the Eritrean-Ethiopian war*' (Oxford: James Currey Press, 2000) pp 95

[49]Tarak Barkawi, 'War Inside the free world: The Democratic peace and the cold war in the third world' in B. Tarak and M. Laffey (eds), *Democracy Liberalism and war: Rethinking the Democratic peace Debate*, (London: Lynne Rienner Publishers, 2001) pp 119-120

[50] Klopp, J.M. (2006), "Kenya's Internally Displaced: Managing Civil Conflict in Democratic Transition", in Bekoe,A.D. (ed), East Africa and the Horn of Africa: Confronting Challenges to Good Governance, London: lynne Rienner Publishers, p. 59

examines the dimensions of the post election violence with the aim of establishing the underlying causes so as to prevent any form of violence; especially election violence in future. In addition, the study fills the gap in knowledge that arises with limited literature on post election violence in Kenya.

At policy level, the study is of great benefit to the government as it provides for the adoption of sound governance and electoral policies that ensure fairness and guarantee peace and national cohesion. In addition, information gathered herein is useful to the citizenry and grass root players in peace building and reconciliation measures.

1.6 Theoretical Framework

1.6.1 Structural Theory of Conflict

According to Johan Galtung, violent conflict is a symptom of a sick state but this does not necessarily mean that the absence of warfare is a sign of good health. He postulates that structural violence which links cultural distinction to direct violence[51] is the process of deprivation of needs. He further argues that structural violence is characterized politically as repression, and economically by exploitation[52]; both of which are administered from the top downwards and as a result of this, persons at the bottom of the structure have their needs deprived disproportionately with those on higher levels.

The structural theory, according to Galtung has four aspects namely; penetration, segmentation, marginalization and fragmentation. Both penetration and segmentation aspects are grouped together as 'preventing conscience forming' or inhibiting the development of a group

[51] Galtung J., '*Peace by Peaceful Means: Peace and Conflict Development and Civilization*', London, United Kingdom: SAGE Publications, 1996) pp 200

[52] Ibid, pp 93

identity while marginalization and fragmentation aspects are linked as 'preventing mobilization'; hence perpetuate the condition of subservience of one group to another[53].

According to structural theory, all the violence and conflicts Kenya has been experiencing during electioneering and/or election periods are symptoms of an ailing state where the citizenry are deprived of their needs. Kenya has therefore been in unpeaceful condition as a result of repression and exploitation on its citizenry by the government of the day. This is manifested by unemployment crisis, land problems, overtaxing, negative ethnicity, social exclusion, insecurity, deficient constitution and impunity; all of which are exacerbated by weak governance, legal and economic structures. Based on this, Kenya needs to 'overcoming the contradiction at the root of the conflict formation[54]' so as to attain positive peace or peace building; otherwise, the unpeaceful state will continue and direct/physical violence will always occur during election periods.

1.7 Hypotheses

This study sought to test the following hypotheses:

- Post election violence in Kenya targeted a specific tribe;
- Post election violence in Kenya was as a result of deficient structures in the society; and
- Post election violence in Kenya has been adequately managed.

1.8 Research Methodology

1.8.1 Research Design

This study employed a descriptive research design. According to Gay, descriptive research is a process of collecting data in order to test hypothesis or to answer questions concerning the

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[53] Ibid, pp 93

[54] Galtung J., '*Peace by Peaceful Means: Peace and Conflict Development and Civilization*', London, United Kingdom: SAGE Publications, 1996) pp 103

current status of the subjects in the study[55]. This type of design determines and reports things the way they are. With respect to this study, the hypothesis has been tested. The design was appropriate for this study as it reported on the dimensions, causes and the management of post election violence in Uasin Gishu District.

1.8.2 Study Area

The study was carried out in one selected Division within Uasin Gishu District of Rift Valley Province. The District has six administrative Divisions namely; Ainabkoi, Kapsaret, Kesses, Moiben, Soy and Turbo and its administrative Headquarter is based in Eldoret Town. Accordingly, the District borders Trans-Nzoia District. Rift Valley Province was selected purposively given the fact that it witnessed the highest magnitude of the post-election violence in which 744 people lost their lives. Similarly, Uasin Gishu District was selected given the fact that Internally Displaced Persons are still present in the District and also because it recorded the highest number of deaths (230). In particular, the study was carried out in Kesses Division.

1.8.3 Study Population

The target population for this study comprised of victims of post election violence who had resettled as well as the members of the communities living in Uasin Gishu District.

1.8.4 Sample Frame

According to the 1999 national population censures, the population and approximate number of households for Kesses Division were 84, 894 and 5650 respectively (Census, 1999).

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[55] Gay L. *et al*, *' Educational Research: Competencies for Analysis and Application'*, (8th ed), (Columbus: Prentice-Hall, 2006) pp 32

1.8.5 Sample Size

A total of 100 respondents were selected for this study. The respondents were selected from Kesses and Megun Locations. At Kesses Location, twenty five resettled respondents were interviewed as well as twenty five respondents from the host community. Accordingly, fifty respondents from the host community were interviewed at Megun Location. This was because the Location is inhabited by Kalenjins alone; unlike Kesses Location whose inhabitants are heterogeneous.

1.8.6 Sampling Techniques

Three sampling methods were employed in this study:

1.8.6.1 Purposive Sampling

In purposive sampling, knowledge, experience and judgement is used to select the most desirable elements for a given study. It was the method used in selecting the area of the study; that is, Rift valley, Uasin Gishu District, Kesses Division and Kesses and Megun Locations. Kesses Division was selected among the six Divisions given that it holds resettled victims of post election violence who were part of the targeted population for the study. Accordingly, this method was used to select the key informants for this study since it allowed the selection of sample elements who gave in-depth understanding on matters to do with the post election violence.

1.8.6.2 Stratified Sampling

The population that was studied was not a homogeneous one. It comprised of a number of distinct categories; hence the sample frame was arranged into separate strata with regard to administrative Locations of residence from which population samples were selected. The method ensured that the sample for the study was drawn from all villages in Kesses and Megun

Locations. Accordingly, the sampling method was employed because it ensured that the gathered information about post election violence in Kenya was representative of the selected study area.

1.8.6.3 Simple Random Sampling

This sampling technique was used to select samples from the selected two Locations of Kesses Division. The sample population shown in Table 1.1 above was selected randomly. This method ensured that all the settled victims of post election violence and the members of the host community were given equal chances of being included in the population sample.

1.8.7 Data Collection Methods

Diverse methods of data collection were employed at various stages of this study. The study triangulated methods of data collection where possible so as to acquire reliable data. The data collection methods included the following:

1.8.7.1 Survey Method

This was the main method of data collection. Interview schedules were issued to 100 selected respondents as shown in Table 1.1. The interview schedules had both open and closed ended questions and they were used to generate both quantitative and qualitative data. In addition, the interview schedules provided a basis for generalization given the fact that they gathered standardized results that have been tabulated and analyzed statistically.

1.8.7.2 Focus Group Discussions

This is a method that capitalizes on group dynamics and allows a small group of respondents to be guided by a skilled moderation into increasing levels of focus and depth on the key issues of the research topic. The study employed two units of focus group discussions in each of the selected Locations where one session belonged to the resettled victims of the post election violence while the other belonged to the members of the host community. The method enriched

the information gathered from other methods of data collection. The focus groups comprised of 6-12 respondents. Accordingly, note taking techniques was employed to gather qualitative data. The method was suitable for this study as it prompted discussions on the post election violence.

1.8.7.3 Key Informant Interviews

Key informants constitute the oral source of information; they are repositories of knowledge from which researchers retrieve information. The key informants in this study included village elders and chiefs of the selected Locations. The method, just like the focus group discussions, generated qualitative data as well as in–depth understanding of the causes of post election violence.

1.8.7.4 Structured Observation Method

Structured observation method was used to observe the non-verbal communications during interviews so as to understand and grasp the objective meaning of the respondents' responses. The method provided information on the nature of the physical and human environment of the resettled victims of post election violence.

1.8.7.5 Secondary Data

This method was employed at the first phase of the study which included the development of background information, problem statement and literature review. The data helped in identifying the gaps in knowledge related to election violence, verification of previous studies and generation of new knowledge. Accordingly, secondary data were collected from various sources namely; personal and institutional libraries, internet, Akiwumi Report on the 1992 ethnic violence causes, the Kriegler Report, the Waki Report on the Post 2007 election violence and the Kenya National Land Alliance.

1.8.8 Data Analysis Techniques

The information gathered for this study have been analyzed both quantitatively and qualitative. Qualitative analysis involved deriving explanations and making interpretation of the findings based on the description. Quantitative analysis on the other hand involved deriving statistical description and interpretation of data by use of inferential statistics. Data from the field was coded and frequency tables produced by use of Statistical Package for Social Sciences (SPSS) computer programme and the various relationships between variables including testing of the hypothesis have been analyzed by use of Chi – square.

1.9 Chapter Outline

Chapter one introduces the topic of the research study by providing the broad context of election violence, statement of the problem, objectives of the study, literature review, justification of the study, theoretical frame work, hypotheses and research methodology.

Chapter two explores the emergence of conflicts and violence in a society and underpins the causes of election violence to weak structures in the society. In addition, the chapter documents on the link between physical and structural violence.

Chapter three documents on the election violence that have occurred in Kenya since independence, 1963 to 2007

Chapter four analyses data collected from the field and it describes the socio-economic characteristics of the population sample interviewed and highlights on the dimensions of post election violence; the causes of post election violence; and the management of post election violence in Uasin Gishu District

Chapter five provides a critical analysis of the whole study and on this respect it analyzes the background of the study, the need for elections, structural and physical violence, the findings of the study and achievement of the study's hypotheses and chapter six captures the conclusion.

Chapter Two

Structural and Physical Violence

2.1 Introduction

This chapter explores the emergence of conflicts and violence in a society and underpins the causes of election violence to weak structures in the society. Conflicts grow in conditions in which the somatic and mental realization of human beings are beyond their potential and as a result of this, causes of physical violence are embedded on structures underlying social relationships. Accordingly, anomalous structures in the society always result into violence at a given point in time.

2.2 The Concept of Structural Violence

According to Johan Galtung, structural violence exists in those conditions in which the somatic and mental realizations of human beings are below their potentials[1]. In such situations, conflicts are always growing, and as they do so, they transform themselves, sometimes in very unexpected ways[2]. In this respect, structural violence can be seen as merely a stage in the revolution and development of conflict, which given time, will emerge as behavioral conflict[3]. Besides, according to Ramsbotham and Miall, conflicts evolve through phases as structures keep deteriorating[4]. The existence of structural conflict thus means that it is necessary to look beyond

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[1] Galtung J., 'violence, Peace and Peace Research', *Journal of Peace Research* Vol. 3 (1969)

[2] Vayrynen R. (ed), *New Directions in Conflict Theory: Conflict Resolution and Conflict Transformation* (London: Sage Publications, 1991)

[3] Mwagiru M., *Conflict in Africa: Theory, Processes and Institutions of management* (Nairobi: CCR Publications,2006)pp 28

[4] Ramsbotham O. *et al, Contemporary Conflict Resolution*,(Cambridge: Polity, 2005) pp.45-60

the immediate physical violence and take into account the structure that underlies social relationships, since it might itself be a source of conflict[5].

Moreover, structural violence is embedded in the structure of relationships, and hence the actors might not immediately recognize it[6]. Accordingly, if structural violence is not attended to, and the conflict generating structure continues, life in that structure can become so intolerable that violence is the only reasonable way out. Similarly, if the parties in a structural conflict at some point find the structure impossible to bear, they will resort to physical violence to overthrow that structure. Exponents of structural violence, such as Adam Curle argue that while societies can be in conditions of peace, or of war, they can also equally be in situations which are neither, a condition characterized as unpeaceful[7].

According to Curle, in unpeaceful societies, there is little or no physical violence in evidence, yet there is no peace. This is attributed to the fact that the relations in such societies are organized in such a way that the potential for development of some (significant) numbers of the society is impeded by factors which may be economical, social or psychological[8]. This is the state in which Kenya was prior to the 2007 general elections. In a move to reform the structures exacerbating the unpeaceful conditions in the country, Kenyans voted overwhelmingly in the general elections of 2002 to usher in a new government: NARC government, but their expectations were never to be as wrangling started in the new government that saw the shelving of the promises made to Kenyans with regard to institutional reforms.

The failure of the National Rainbow Coalition (NARC) government to bring about the much anticipated institutional reforms aggravated the social, economical, political and legal

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[5] Ibid
[6] Ibid
[7] Adam Curle, *Making Peace* (London: Tavistock Publications, 1971)
[8] Ibid

inequalities; hence the unpeaceful state in the country was not solved. In this respect, Kenyans voted in the 2007 general elections with the aim of ushering in a new government. This is manifested by the defeat of the government-led constitution: the Wako draft, which most Kenyans believed could not bring the much needed reforms in the year 2005 referendum as well as the opinion poll results prior to the botched general elections which showed that Orange Democratic Movement (ODM) party would win the elections. Given that the expectations of the majority of Kenyans as far as the presidential elections results were concerned was not to be and that many felt the elections were 'rigged', hell broke loose as almost the whole country was engulfed with violence.

2.3 Relationship between Structural and Physical Violence

Theorists often believe that structural violence has a transactional relationship with other forms of violence, especially physical/direct violence. Usually, those who are chronically oppressed by the system often easily resort to physical violence. Structural violence and direct violence are therefore highly interdependent in the sense that structural violence inevitably produces conflict and subsequent direct violence, including family violence, racial violence, hate crimes, terrorism, genocide, and war. Besides, whenever people are denied access to society's resources, physical and psychological violence exists. The 2007 post election violence in Kenya was both direct and structural in nature. According to groups of realist such as Ho-won Joeng, direct violence involves physical injuries and the infliction of pain on an individual or group of people by a specific person or persons[9] . In this circumstance therefore, killing and beating which occur during war or interpersonal conflict situation constitutes direct violence[10]. In this kind of conflict, clear subject action -object relationship are established where someone hurts people by

[9] Ho-won Jeong, *Peace and Conflict Studies: An Introduction* (England: Ashgate Publishing 2000) pp 19-20
[10] Ibid, pp22

violent act. Moreover, direct violence generally works fast and dramatically. In Kenya, individual neighbours turned against each other and/or against their neighbours' property merely because they were perceived to have voted for rival candidates[11]. Moreover, if structural violence is not addressed for prolonged periods of time, it may eventually lead to physical violence as life in the structures become unbearable[12].

According to Adam Curle, the primary causes of violence are embalmed in anomalous structures such as weak constitution, excessive presidential powers, poor laws, and governance tendencies such as discrimination against section of the society by the ruling elites. He goes further to posit that the presence of the anomalous structures and the already built up conflicts continue in the society for proximate period; thereby resulting into heightened tension and loss of faith in the societal system. During these two phases, there is no visible violence but the situation is so volatile that just a small provocation would trigger physical violence, a phenomenon Galtung refer to as the trigger situation[13]. The relationship between structural and physical violence is illustrated in the Figure 2.1.

According to Figure 2.1, anomalous structures in the society characterized by weak constitution, excessive presidential powers, poor laws, exploitation, repression, discrimination and social exclusion lead to deprivation of needs on the part of the citizenry characterized by poverty, unemployment, gender and income inequalities and unequal distribution of resources. During the period of needs' deprivation, tension builds up among the citizenry for a given period of time and when the conflict generating structures continue, life in the society becomes so intolerable that a mere provocation which Johan Galtung calls the 'trigger situation' results into

[11] Ibid, pp 43
[12] http://www.reliefweb.int
[13] Galtung J., 'violence, Peace and Peace Research', *Journal of Peace research* Vol. 3 (1969) pp 179

physical violence characterized by protests, physical and psychological harm, death and destruction of properties. Moreover, if the anomalous structures are not addressed, the whole situation will keep on recurring until the conflict generating structures are eliminated.

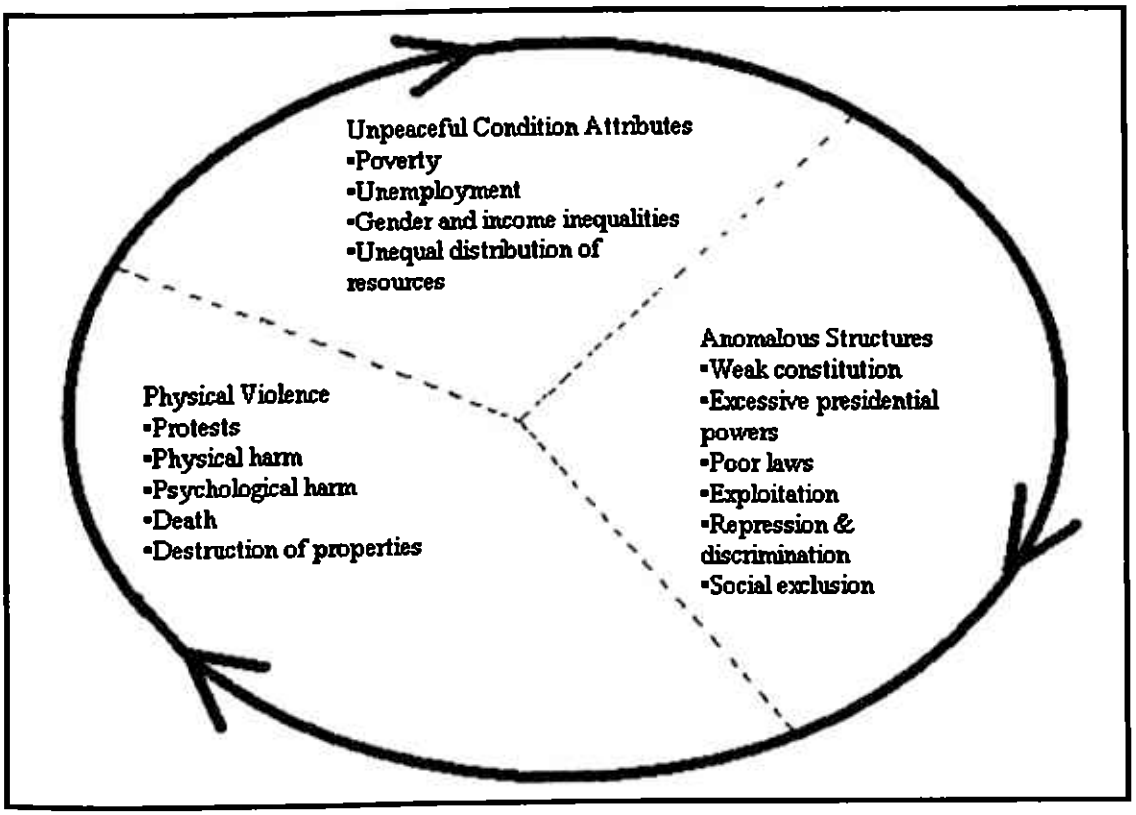

Figure 2.1: Relationship between Structural and Physical Violence

2.4 Structures Generating Structural Conflict in Kenya

In Kenya, various structures including the legal, economic, and governance structures are responsible for creating structural and sometimes violent conflict. These structures have created inequalities in various categories and sectors including health, education, income, life expectancy, employment among others[14]. The idea of structural violence can help us trace the causes of post election violence that took place in Kenya in general and in Uasin Gishu in

[14] Mwagiru M., *Conflict in Africa: Theory, Processes and Institutions of management* (Nairobi: CCR Publications, 2006) pp 32

particular. A number of structures present in Kenya in the period preceding the 2007 elections give valuable insight into their role in the violence that ensued.

2.4.1 Legal Structures

The Kenya constitution, which ideally is a statement of the way in which relations in Kenyan society should be organized, has always been a source of many problems as it was at some point overtaken by events to the extent that it ceased to reflect the society it was intended to mirror[15]. This is manifested by the fact that during the one party state era, it was the source of many conflicts which were by and large structural[16]. Although citizens of the country in 1991 agitated for provision of multipartism in the constitution after realizing the structural conditions they were living under, the structure was not changed comprehensively. Moreover, the constitution confers unduly great powers on the president and on the executive in general [17] [18]; hence has resulted into tension and general disenchantment. This partly explains why structural conflicts still remain in Kenya[19].

With regard to administration of justice, wealth seems to be the only guarantee for access to justice. This is evidenced by the fact that the judicial system is plagued with Corruption[20]. In addition, although the constitution of Kenya provides for separation of powers between the executive, legislature and the judiciary, the president still has influence on the judiciary given

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[15] Mwagiru M., 'The Constitution as a Source of Crisis: A conflict Analysis of Democracy and Presidential Power in Kenya' in L. Chweya (ed), *Constitutional Politics and the Challenge of democracy in Kenya* (1999: 173-195)

[16] Ibid

[17] Constitution of Kenya, article 23(1)

[18] Ibid, article 24

[19] Mwagiru M., *Conflict in Africa: Theory, Processes and Institutions of Management* (Nairobi: CCR Publications, 2006) pp 33

[20] Kibwana K., S. Wanjala and Oketch-Owiti, *The Anatomy of Corruption in Kenya: Legal, Political and Socio-Economic Perspectives* (1996)

that he is the appointing authority of the chief justice. Moreover, the president also appoints judges, of course with the recommendation of the chief justice. Given that there are no adequate legal frameworks that inhibit the executive from interfering with judicial engagements, the president's appointees tend to be loyal to the incumbent government so as to safeguard their tenure. This is done at the expense of justice, transparency and accountability[21].

The structures of Electoral Commission of Kenya (ECK) are also inadequate. According to the Kriegler report that recommended the overhaul of ECK, there are massive legal and administrative weaknesses that led to the bungling of the 2007 general elections. For instance, there are no follow up mechanisms put in place to authenticate election results both at the polling stations and the constituencies. This is manifested by the fact that the final election results for some constituencies were not tallying with the figures announced at the constituencies but the ECK went ahead and used the inaccurate figures. In addition, the independence of electoral commissions is questionable as they can be manipulated by the executive. The main causes of electoral violence are therefore, lack of transparency in the electoral process and insufficient voter education. Accordingly, the structures guiding the formation of political parties are also weak as they promote political parties to be ethnic based as opposed to being national. This has the influence of promoting negative ethnicity[22].

2.4.2 Economic Structures

The weak economic structures in Kenya have led to serious inequalities in the society as manifested in minimum wages, the conditions of work, tax and marketing systems for goods produced[23]. The taxation structures in Kenya have been and continue to be a source of severe

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[21] Constitution of Kenya, article 61(1)

[22] http://africandemocracyforum.org

[23] Mwagiru M., *Conflict in Africa: Theory, Processes and Institutions of Management* (Nairobi: CCR Publications, 2006) pp 33

structural conflicts given that they are such that those who should pay the highest taxes end up paying the least, when they pay at all[24]. To this end, poverty estimates for Kenya reveal that poverty varies widely by region and its incidence is particularly high in semi-arid areas of the country[25]. Overall, the Kenya poor are disproportionately found; rural areas; households headed by widows and less educated people; large households; and certain types of occupations such as subsistence farming, unskilled public and private sector workers and unpaid family workers. Some of the reasons attributed to high poverty levels include: lack of income earning opportunity; inadequate human capital investment; unfavorable agro- climatic conditions, HIV/AIDS pandemic and weak implementation of ant-poverty interventions[26]. Thus, in Kenya, poverty reduction requires putting in place mechanisms that will address inequality and economic structures in addition to sustaining high levels of economic growth[27].

2.4.3 Governance Structures

The political power in Kenya has been personalized around the presidency and this has been increased by changes in the constitution under the subsequent presidents since independence. This is the main cause of the country's political restlessness. Laws were passed to increase executive authority, and other laws seen as being in the way of an executive presidency are often changed or even ignored. By 1991, the constitution had been amended about 32 times; hence, the checks and balances normally associated with democracies are deliberately weak in Kenya. Individuals in various parts of government whether in the civil service, the judiciary, and even in Parliament, understand that, irrespective of the laws, the executive arm of government determines what happens given that the governed have little to say in decision making. Hence,

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[24] Ibid
[25] http://www.ke.undp.org
[26] Ibid
[27] http://www.ke.undp.org

the State is not seen as neutral but as the preserve of those in power. As such, government institutions and officials lack in integrity and autonomy.

Given the power of the president and the political class, the perception on the part of the public is that everything flows not from laws but from the president's power and personal decisions. This is manifested by the fact that the incumbent president before the 2007 general elections appointed electoral commissioners unilaterally, contrary to the IPPG deliberations which provided for consultation with political parties on the same. This also has led the public to believe a person from their own tribe must be in power, both to secure for them benefits and as a defensive strategy to keep other ethnic groups, should these take over power, from taking jobs, land and entitlements. All of this has led to acquisition of presidential power being seen both by politicians and the public as a zero sum game, in which losing is seen as hugely costly and is not acceptable. Hence, there is tendency on the part of a variety of political actors to do anything, including engaging in violence to obtain or retain political power. This has created a climate of fear and suspicions which politicians easily exploit and use to mobilize violence. Fears over rigging of the 2007 presidential results were a culmination of these tensions[28]. It raised suspicion on anything that the government was doing.

President Kibaki's government was perceived as unwilling to abide by its pre-election agreement with its partners and as retreating into an ethnic enclave. This was criticized by the public and was seen as an attempt by the so-called "Mount Kenya Mafia" to keep power to themselves rather than share it. Even though the MoU was not a legal agreement, the Kibaki's government turning away from it and removing from government the group of Ministers associated to Odinga had the effect of increasing the polarization of politics along ethnic lines. With the ethnic political fault lines clearly marked after the 2005 constitutional referendum, and

[28] http://www.ke.undp.org

the need to win the presidency seen as paramount, tensions began to mount. The post election violence therefore is, in part, a consequence of the failure of President Kibaki's government to exert political control over the country or to maintain sufficient legitimacy as would have allowed a civilized contest with him at the polls to be possible. Kibaki's regime failed to unite the country, and allowed feelings of marginalization to foster into what became the post election violence[29].

Land issues are a fundamental aspect of structural conflicts in Kenya but they have also often degenerated into physical violence. The country has witnessed killings before previous elections in both 1992 and 1997, when alleged enemies of the Moi regime became victims of violence, using arguments over the contrasting land rights of 'immigrants' and 'local communities'. Central to land conflicts in Kenya are issues of ownership, access and use. Land has been the crux of economic, cultural and socio-economic change in Kenya. Following years of an inappropriate land tenure system, a large segment of the population continues to have difficulties not only in adapting to the modern agrarian economy but also in coping with the increasingly fragile and marginal environment, land degradation, low agricultural output and intensifying conflicts over access to and control of land. Inadequate resolution of the land question is also a major cause of poverty in Kenya. Violence over land conflicts has occurred sporadically in different parts of the country, and doubts over the worthiness of land titles cause major economic instability[30]. It is therefore appropriate to look into the previous election violence in Kenya with the aim of identifying the structures responsible for the violence and therefore ascertain whether they were also responsible for the 2007 post election violence.

[29] http://www.ke.undp.org
[30] Ibid

Chapter Three

Election Violence in Kenya

3.1 Introduction

The previous chapter demonstrates that the underlying causes of election violence lies in relationships within the societal structure and in order to establish the causes of election violence in Kenya, there is need to look at the situations in the previous elections in Kenya. This chapter therefore documents on the election violence that have occurred in Kenya since independence. Analysis of the same is vital as it provides the basis upon which the nature, dimension and underlying causes of election violence may be determined. Since independence, Kenya has had elections in 1963, 1966, 1969, 1974, 1979, 1983, 1988, 1992, 1997, 2002 and 2007 and not all the elections were marred by violence as it will be illustrated in this chapter.

3.2 The General Elections of 1963 – 1988

At independence in 1963, Kenya held its first general election under multipartism in which Kenya African National Union (KANU) won. There were two main parties by then: KANU and Kenya African Democratic Union (KADU) and although there were tension between the two parties, there were no incidences of violence. Later on, supporters of KADU all defected to KANU and Kenya became a single party state.

The elections in 1966 were necessitated by the formation of the opposition Kenya Peoples Union (KPU), and the passage of a rushed constitutional amendment which stated that any Member of Parliament (MP) who crossed to another party after elections automatically lost his/her seat and thus a by-election was mandatory[1]. During the 1966 elections, the KPU

[1] Ghai Y. P. and McAuslan J. P. W., *Public Law and Political Change in Kenya: A Study of the Legal Framework of Government from Colonial Times to the Present*, (Nairobi, London, New York: Oxford University Press, 1970) pp 43-48

candidates were subjected to considerable official harassment as they were not on the whole, granted licenses for campaign rallies and their passports were impounded. Accordingly, the registrar of societies denied KPU registration until nomination day and this resulted into tension between the supporters of KPU and those of KANU. The elections revealed that the government of the day could manipulate constitutional and electoral law in order to secure its advantage in an electoral contest[2]. Accordingly, despite the fact that the general elections of 1969, 1974 and 1979 were state controlled and semi-competitive, they were not marred with violence. Likewise, the general elections of 1983 were not marred by violence although unlike the previous elections, it was state controlled and non-competitive.

Nonetheless, the general elections of 1988 were termed the most controversial elections in Kenya owing to the fact that queue-voting system was introduced to replace secret ballot at the nominations. In the queue voting system, a candidate with 70% and above of the total votes would be declared elected unopposed while in the event that none of the candidates get 70% of the total votes, then the first three candidates would be subjected to secret ballot. Just like the 1983 general elections, the 1988 elections were state controlled and non-competitive elections[3]. Accordingly, the genesis of election violence in Kenya started during the 1988 general elections.

There were protests by people from Koni, Kipkelion and Belgut constituencies over nomination malpractices. The protesters had gone to the Kericho District headquarters to register their objections to the District Commissioner (DC) but they were dispersed by riot police. It was alleged that some of the agents from Koni constituency were not given copies of the return sheets after the counting was done[4]. Similarly, supporters of retired chief of general staff, general

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[2] The report of the National Election Monitoring Unit, *the Multiparty General Elections in Kenya,* (Nairobi: General Printers Limited, 1993) pp 7-11

[3] Ibid

[4] National News, 'Nomination Malpractices' *The Standard,* (Nairobi), 24 February 1988, pp19

Jackson Mulinge and minister for Livestock Development by then Mr. Paul Ngei clashed at Mbilini trading centre in Kangundo constituency. At least six people sustained injuries during the stone-throwing incident but the two warring factions were restored to order by the police although there were no arrests made[5]. In addition, election violence was reported in various parts of the country. Accordingly, violence erupted in Kisii District on the Election Day on March 21, 1988 when a rowdy group of voters demanded from the presiding officers that the ballot boxes be checked in public before the voting exercise. The group confronted the police with stones when they fired in the air to disperse them[6].

3.3 The General Elections of 1992

3.3.1 1992 Pre-election Violence

Ethnic violence first broke out in Kenya in November 1991 at Miteitei, a small settlement scheme on the border between western, Nyanza and rift valley provinces[7]. Simultaneously, violence escalated and spread to all multi-ethnic districts in the Rift Valley and Western Kenya. There was evidence that the KANU government was involved in provoking ethnic violence in order to confirm the prediction by President Moi that a return of multi-party system would result in an outbreak of tribal violence that would destroy the nation[8].

The Kalenjin, Maasai, Turkana and Samburu collectively went under a new acronym of KAMATUSA to mean 'the indigenous' people of Rift Valley Province and as a result categorized and demonized non-kalenjins who included Kikuyu, Luo, Luhya and Gusii as non-citizens or 'aliens'[9]. Accordingly, the systematic attacks were carried out by warriors who

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[5] Awiti N. O., 'Supporters of Ngei and Mulinge Clash', *The Standard*, (Nairobi), 27 February 1988, pp 1

[6] Standard Reporter, 'Election Chaos in Kisii' *The Standard*, (Nairobi), March 22 1988, pp1

[7] Kagwanja P. M, 'Politics of Marionettes: Extra-legal Violence and the 1997 Elections in Kenya' in M. Rutten, A. Mazrui and F. Grignon (eds), *Out for the Count: The 1997 General Elections and Prospects for Democracy in Kenya*, (Kampala: Fountain Publishers, 2001) pp 74

[8] Human Rights Watch/ Africa Watch, 1993:1

[9] *Daily Nation* (Nairobi) June 30, 1993

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embraced Kalenjin traditional symbols, carried bows and arrows which are the traditional weapon and painted their faces with clay marks used during the Kalenjin rite of initiation. The warriors burned down houses and crop fields and stole livestock from their target groups, raped their women and forced thousands to flee their homes for safety[10].

The initial attacks had three broad aims: to 'silence' the ruling elite's critics within the Kalenjin community; to provoke a mass reaction in support of President Moi and KANU; and to drive away thousands of non-Kalenjin workers at the tea plantations thought to be associated with the opposition[11]. The second phase of the violence which was most violent and horrifying was against the Kikuyu in Molo, Rongai, Narok North, Eldoret North, South and East constituencies and the Luhya in Eldoret South, Transnzoia and Bungoma. At this point, the members of the host community were promised by their politicians that they would acquire land occupied by non-Kalenjins once they evicted them. The non-Kalenjins therefore fled and this generated into a humanitarian crisis in post independent Kenya in which out of the estimated total of 240,975 internal refugees before the 1992 elections, 82,000 and 40,700 were from Uasin Gishu and Nakuru Districts respectively[12].

Likewise, violence broke up during the nominations of parliamentary and civic leaders on December 9, 1992. The violence resulted in the failure of a number of candidates presenting their nomination papers[13]. The violence was characterized by reports of kidnappings, blockades, actual beating, abductions and snatching of nomination documents from agents of certain

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[10] Human Rights Watch/ Africa Watch, 1993:11
[11] Throup D. and Hornsby C., *Multi-party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the Systems in the 1992 Elections,* (Oxford: James Currey, 1998)
[12] National Election Monitoring Unit, 1993 pp 96-104
[13] Ibid, pp 51-52

candidates. In all this mess, the security apparatus appeared helpless and no one was reported arrested or charged before a court of law for the perpetration of violence[14].

A case in point is where an agent of a Democratic Party of Kenya (DP) aspirant in Turkana Central constituency was physically prevented from presenting nomination papers by an administration policeman who snatched his briefcase. Similarly, DP agents in Baringo North constituency were severely beaten and nomination papers snatched from them. Accordingly, a FORD Asili candidate for Samia constituency was reported to have been kidnapped at a police road block near Marigat in Rift Valley while traveling to present nomination papers. Interestingly, of all the 188 candidates fielded by KANU, none was a victim of nomination violence. Nonetheless, the main opposition parties: FORD Kenya, FORD Asili and DP were variously affected by the violence, especially in many areas of Rift valley Province which was constantly described as a KANU zone[15].

Accordingly, during the August campaign period in the 1992 general elections, politically instigated clashes displaced people in Namubila, Lwandanyi, Sirisia and Chwele in Bungoma District; thus the displaced were denied registration and consequently participation in the elections. Likewise, Maasai morans terrorised market attendants and stole cattle after being incited by the area member of parliament against especially the Kikuyu living in the area. Similarly, in September, one man was killed and five others injured as armed KANU supporters attempted to stop FORD branch elections in Narok[16].

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[14] Ibid
[15] National Election Monitoring Unit, 1993 pp 96-104
[16] Ibid, pp 63-65

3.3.2 1992 Post-election Violence

The election violence in 1992 also continued after the presidential results were announced and it was aimed at punishing the Luhya community in Transzoia and Bungoma who voted for FORD-Kenya and the Kikuyu in Nakuru, Uasin Gishu and other parts of the Rift valley who were perceived to have voted for FORD-Asili or Democratic Party (DP) of Kenya. It was alleged that the two groups made KANU not to capture 8 seats out the 44 seats in Rift Valley. The post election violence was meant to 'punish' the two communities and as a result of this, administration police and KANU youth squads demolished 600 kiosks belonging to Kikuyu hawkers in Nakuru town in may 1993[17]. The most brutal assault on a kikuyu settlement occurred on the night of October 15, 1993 in Narok North when Maasai moran, security forces and Narok County Council game rangers attacked Kikuyu settlers in Enoosupukia, killing at least 30 people and displacing 30,000 others[18]. At the end of 1993, it was estimated that vigilante violence in the Rift Valley and parts of western Kenya had claimed over 1,500 lives and driven over 300,000 people associated with the opposition from their homes and communities[19].

3.4 The General Elections of 1997

3.4.1 1997 Pre-election Violence

The road to the second multi-party elections that were held on December 29, 1997 was a dangerous minefield of vigilante violence. This was a continuation of the orgy of 'ethnic cleansing' that engulfed parts of the rural Kenya from late 1991 and which was partly

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[17] *Daily Nation,* (Nairobi) May 11, 1993
[18] *Daily Nation,* (Nairobi), October 20, 1993
[19] Human Rights Watch/ Africa Watch, 1993:71

responsible for the flawed elections of December 1992[20]. The state sponsored the vigilante violence which went under the epithets of 'ethnic', 'land clashes', 'cattle rustling', 'border dispute' or 'gangsterism'[21]. Violence was employed to displace and disenfranchise groups associated with opposition and also to create divisions within the ranks of the opposition groups by instigating border clashes or cattle rustling between pro-democracy groups and thus preventing the solidification of inter-ethnic political alliance, and to punish those sections of society that didn't vote for the government in the elections[22].

Before 1997, ethnic violence focused on the Rift Valley Province and its boarders with Nyanza and Western Provinces. From mid 1997, there occurred a spatial expansion of ethnic violence into virtually all provinces. A month to the elections, Kenya was a cesspool of all genres of communal violence. In the Rift Valley Province, KANU regime used violence to intimidate and disenfranchise rival communities and to suppress resistance within its own ethnic constituency[23]. In Nyanza Province, ethnic violence ensured that the existing ethnic groups did not unite under one opposition party as this would lock KANU out of the Province. Accordingly, in the traditionally insecure northern Kenya, violence escalated making it impossible for the opposition to penetrate the area. A combination of vigilantism, legal coercive force from security forces and the structural vestiges of the one-party state enabled the ruling elite to compromise the election and to wring out yet another 'flawed mandate'[24].

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[20] Marcel Rutten, Alamin Mazrui and Francois Grignon (eds), Out for the Count: The 1997 General Elections and Prospects for Democracy in Kenya, (Kampala: Fountain Publishers, 2001) pp 72

[21] Human Rights watch/Africa Watch 1993 and 1995a

[22] Kagwanja P. M, 'Politica of Marionettes: Extra-legal Violence and the 1997 Elections in Kenya' in M. Rutten, A. Mazrui and F. Grignon (eds), *Out for the Count: The 1997 General Elections and Prospects for Democracy in Kenya,* (Kampala: Fountain Publishers, 2001) pp 72-73

[23] Ibid, pp 74

[24] Southhall R. 'Moi's Flawed Mandate: The Crisis Continues in Kenya' *Review of African Political Economy*, Vol 75,(1998) pp 101-111

Consequently, a few days after the National Convention Executive Council (NCEC) rally in Mombasa on July 26, 1997, 'ethnic' violence erupted at the Coast and on August 13, 1997, between 200-500 Mijikenda warriors dressed in short pants, red headbands and traditional kanzu (cotton robe) attacked and burned down the Likoni Police Station, a nearby tourist police booth and a block that housed the Likoni District officer and the area chief, killing six police officers and making away with 30-50 guns and 3000-5000 rounds of live ammunition[25]. The target of the violence, however were up-country people who included Luo, Luhya, Kikuyu and Kamba. Armed gangs attacked and razed businesses and houses belonging to up-country people in Ukunda, Matuga and Msambweni in Kwale District.

Likewise, leaflets which read: "the time has come for us the original people of the coast to claim what is rightfully ours. We must remove these invaders from the land". The warnings and attacks were strikingly similar to the ethnic violence which had taken place prior to the 1992 elections in the Rift valley[26]. It was revealed that key actors in the KANU government were the underwriters of the violence. According to the London based body; African Rights, that carried out extensive study of the violence at the coast, nearly 100 people were killed and over 100000 forced to flee their homes for safety[27].

Violence at the coast in 1997 seemed to revolve around three inter-related political objectives: the KANU elite sought to break the political dominance of the unregistered Islamic Party of Kenya (IPK) in Mombasa; it was designed to undermine the unfolding regional political alliance at the coast between the large sections of the Swahili-Arab and Mijikenda elite; and it intended to displace and disenfranchise up-county people in Mombasa and Kwale in order to

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[25] African Rights, 1997
[26] Human Rights Watch/ Africa Watch, 1998:42
[27] African Rights 1997: 15

undermine the electoral demographic basis of the IPK alliance with other opposition parties. During the violence, even the church refuge was invaded as terrorist gangs continued to intimidate those inside the Likoni Catholic Church compound. In a daring move on august 22, 1997; raiders attacked the displaced within the church compound, killing two people and injuring a policeman[28].

3.4.2 1997 Post-election Violence

Just like the 1992 elections, there was also post election violence in the aftermath of 1997 general elections. This was prompted by refusal of opposition parties to concede defeat and especially, the filing of a petition challenging President Moi's re-election by Mwai Kibaki; the DP presidential candidate. This resulted into violence erupting in Laikipia where 57 people were killed and 5000 people fled their homes. The violence later ceased by the end of January 1998 but no sooner had the killings in Laikipia stopped than 'fresh killings' started in Njoro Division of Molo Constituency in Nakuru District. Both attacks at Laikipia and Njoro targeted the kikuyu[29].

3.5 The General Elections of 2002

Incidences of ethnic violence were not witnessed in the 2002 general elections, however, it was reported that the campaign period was marred with violence where supporters of same and/or different parties clashed. Accordingly, unlike the 1992 and 1997 general elections, there was no violence after the presidential results were announced. Also to note is the fact that in 2002, there was a coalition: National Rainbow Coalition (NARC) unlike the previous elections where single parties would go it alone to the polls.

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[28] African Rights 1997:6-7

[29] Marcel Rutten, Alamin Mazrui and Francois Grignon (eds), *Out for the Count: The 1997 General Elections and Prospects for Democracy in Kenya*, (Kampala: Fountain Publishers, 2001) pp 536-559

3.6 The General Elections of 2007

3.6.1 2007 Pre-election Violence

In the pre-elections period, 72 incidences of electoral violence were reported to the KHRC, with Central province leading with 19 incidences; Coast (3); Rift Valley (17); Nyanza (3); North Eastern (3); Rift Valley (14); Western (4); and Eastern (7). There was electoral violence throughout the pre-election period, which worsened in the post-election period[30]. In some cases, the incidences of violence were incited by politicians. In all provinces save for Coast, there were reported cases of incitement to violence. Comparing the violence to the incitement, variations existed from province to province. While Central and Rift Valley, had the highest cases of violence, the highest correlation between the number of cases and incitement to violence were in North Eastern and Nyanza provinces, where the incitement to violence accounted for about 60 per cent of the violence[31].

The violence was manifested differently, through the disruption of rallies, theft and destruction of property and gender-based attacks, among others. Of the cases reported, there was one incidence of disrupting rallies, eight incidences of theft, 12 incidences of destruction to property and 14 incidences of gender-based attacks. In all the incidences of physical attacks, there was use of both crude and conventional weapons. The use of clubs (*rungus*) accounted for 13 per cent, machetes (eight per cent), spears (one per cent), stones (42 per cent), pick axe (three per cent), use of firearms, especially in Rift Valley and Nyanza (13 per cent), wooden sticks (15 per cent) and whips (5 per cent). Use of such weapons resulted in deaths or injuries, where seven

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[30] KHRC, *Violating the Vote: A Report of the 2007 General Elections,* (Election Monitoring and Response Centre Data, 2008)

[31] Constitution and Reform Education, *Political Thuggery: The State of Kenya Elections 2007 Report: A Verdict* pp 16-18

deaths were reported, while 80 injuries (35 cases of lacerations and 2 cases of bullet wounds) were reported countrywide[32].

According to Kenya Human Rights Commission (KHRC), pre-election violence took place in different times and places. For instance, on 3rd November 2007 at Kerugoya Town Kirinyaga Central Constituency, at Kagumo market, a group of young men shouted and threw stones at the convoy of the then incumbent MP thereby disrupting his rally. Five vehicles were damaged. Some individuals escaped with minor injuries. Similarly, in Mukindori village, the then incumbent MP was accosted by a rowdy group of people throwing stones and shouting but he escaped unhurt while five other vehicles were damaged. Accordingly, on the 27th October 2007 in Imenti South Constituency, a meeting/rally/gathering organized by ODM was disrupted. Crude weapons such as pangas were recovered but no suspect was arrested. On the 15th November 2007, in Katulani market in Kitui Central Constituency, supporters of Mwendwa Munyasya mobilized a gang which confronted PNU supporters forcing them to retract the claim that Mwendwa had decided to step down for the PNU candidate Paul Mutisya[33].

Similarly, police officers recovered crude weapons from supporters of Water assistant minister Raphael Wanjala after Mr. Wanjala's (PNU) supporters clashed with those of his rival Mr. Ababu Namwamba (ODM) at Mukhobola area. One person was seriously injured while several others sustained light injuries during the skirmishes. The weapons were confiscated by Mr. Namwamba's supporters who handed them over to the police. On 16th December 2007, Belgut MP Charles Keter escaped death narrowly when eight armed gangsters accosted him as he was leaving Unilever International Training Centre hotel on the outskirts of Kericho town. On

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[32] KHRC, *Violating the Vote: A Report of the 2007 General Elections*, (Election Monitoring and Response Centre Data, 2008)

[33] Ibid

the 23rd November, 2007, in Banana Town, Kiambaa Constituency, violence broke out after an alleged confrontation between the aspirants, SM Githunguri and Hon Njenga Karume[34].

Likewise, on the 16th November, 2007, during the nominations in Westlands constituency which were scheduled to take place at St. Marks Catholic Church hall, it is alleged that the venue was changed by Hon. Fred Gumo to his offices at Brookside off Waiyaki Way. This was done without informing the other candidates and by 8:30 a.m the stations were not yet open and the exercise had not started. It is alleged that Hon. Fred Gumo declared himself the unopposed ODM candidate at around 11:20 am. It is also alleged Amin Walji Jr, who was also an aspirant, came in with three vehicles, two range rovers and a Nissan *matatu* full of hired youth. The youth went on the rampage and destroyed window panes and chased away everyone on sight. At the Kangemi City Council Social Hall, hired youth, armed with pangas and stones engaged in violence, but were repulsed by the public. It is alleged that one of Mr. Waljis bodyguards drew a gun and threatened to shoot as they were hit by stones. A number of people were injured[35].

Accordingly, on the 7th November 2007, during a political rally in Marani division, Kitutu Chache constituency attended by Musalia Mudavadi, PNU supporters allegedly threw stones and sticks at Mudavadi's ODM convoy, leaving about 15 people injured. The alleged perpetrator, Nicholas Bengo Mango, who had apparently hired the youth, appeared in court on November 8, 2007. On October 27, 2007, in Embakasi constituency, Mugabe Were allegedly hired youth who violently disrupted a PNU rally at Soweto. On the 19th November 2007 in

[34] KHRC, *Violating the Vote: A Report of the 2007 General Elections,* (Election Monitoring and Response Centre Data, 2008)
[35] Ibid

Kandara constituency, Alice Wahome was beaten by alleged Maina Kamau supporters at PNU headquarters. She was taken to hospital with serious injuries[36].

Similarly, the 16th, November 2007, PNU and ODM nominations in Isiolo North Constituency were marred by violent protests and demonstrations owing to irregularities in the nomination process such as lack of electoral materials. In one instance, ten people were injured when supporters of two civic aspirants fought over allegations of rigging. This degenerated into a violent clash between the Turkana and Ajuran (Somali speakers) community. Weapons such as stones and rungus were used. On 16th October, 2007, during the nominations at Kibera Primary School in Langata Constituency, a fight allegedly broke out between two aspiring councilors, Christopher Odhiambo and Mohammed Gore. The weapons used were umbrellas. Two people were injured[37].

Violence was also reported in the eve of Election Day when perceived or suspected PNU election thieves were reportedly posted to various ODM strong hold regions of Nyanza. The PNU claimed that the people being suspected were actually party agents who were only going to engage on legitimate election duties in Nyanza. A number of these would be agents or whatever they were, became the panacea of most violence in Nyanza province. The violence entailed marauding gangs who attacked and even killed some of these agents who were later on confirmed to be administration police officers detailed to carry out some "election duties" in Luo Nyanza[38].

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[36] KHRC, *Violating the Vote: A Report of the 2007 General Elections,* (Election Monitoring and Response Centre Data, 2008)

[37] Ibid

[38] Waki Philip *et al, Report of the Commission of Inquiry into the Causes of Post Election Violence in Kenya, 2008, pp 21*

3.6.2 2007 Post-election Violence

After the announcement of the disputed presidential results, chaos erupted in ODM strongholds of Rift Valley, Coast, Nairobi, Nyanza and Western provinces. Street protests turned into orgies of looting, destruction of property, destruction of road and railway infrastructure in urban as well as in rural areas and unleashing of violence against members of ethnic communities perceived to have supported certain political parties[39].

Initial attempt by the security forces to quell the unrest bore no fruit as they were overwhelmed by sheer numbers or simply took sides with the protesters and as a result were not taking action out of indecision and/or complicity. The escalating violence unfolded into a major humanitarian crisis, following displacement of about 350000 persons in the affected regions. The Internally Displaced Persons (IDPs) sought refuge in camps opened for this purpose or in police stations, church compounds and provincial administration premises where they felt secure[40].

As the violence spiraled and got out of hand, the country witnessed the reemergence of organized militia ostensibly for purposes of either attacking the perceived enemy tribe or defending their victimized community. To this end, Kalenjin warriors were active in most parts of Rift valley, Mungiki in urban slums of Nairobi and parts of Central Province bordering the Rift Valley, Taliban in Nairobi slums and Chinkororo in Kisii among others[41].

The violence seemed to abate after the international community commenced a mediation process in early January 2008 as demanded by ODM. However in mid January, a second wave of violence by the Mungiki hit Naivasha, Nakuru and Limuru areas, targeting perceived supporters

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[39] Institute for Education in Democracy (IED), Catholic Justice and Peace Commission (CJPC) and National Council of Churches of Kenya (NCCK), *Report on the 1997 General Elections in Kenya, 29-30 December 1997,* pp 32-33

[40] Ibid

[41] Institute for Education in Democracy (IED), Catholic Justice and Peace Commission (CJPC) and National Council of Churches of Kenya (NCCK), *Report on the 1997 General Elections in Kenya, 29-30 December 1997,* pp 32-33

of 'enemy' parties. This was a retaliatory measure against the displacement of Kikuyus in Nyanza and Rift Valley Provinces. Skirmishes between the Maasai, Kipsigis and Kisiis flared up in the South Rift region, rekindled by previous conflict over land and cattle rustling. In Laikipia, Kalenjin/ Samburu warriors carried out similar attacks against other communities[42].

The descriptions above indicate that although elections of 1988, 1992, 1997 and 2007 were marred with violence, they took different dimensions. However, a common trend emerges where the violence were aimed at displacing people from a given community depending on the political party they were inclined to. Nonetheless, the causes of election violence are varied and those from 1992 seem to revolve around land issue and ethnic hatred instigated mainly by the politicians. This prompts the study to zero down to the post election violence in Uasin Gishu District which was the epicentre of the violence in an attempt to finding the underlying causes.

[42] Ibid

Chapter Four

Post Election Violence in Uasin Gishu District

4.1 Introduction

The previous chapter indicates that incidences of election violence in Kenya have been in existence since 1988 and that the causes of these violence are varied. This chapter presents empirical information on post election violence in Uasin Gishu District as gathered from the respondents. The data gathered from the field has been presented by use of frequency tables and cross tabulations. Accordingly, the chapter describes the socio-economic characteristics of the respondents and highlights on the dimensions of post election violence; the causes of post election violence; and the management of post election violence in Uasin Gishu District.

4.2 Socio-economic Characteristics of the Population Sample Interviewed

This section highlights on the characteristics of the respondents which are vital in providing the contextual base of the respondents' responses with regard to the underlying causes of the post election violence in Uasin Gishu District. The section describes the location of residence, sex, age, marital status, occupation and ethnic affiliation of the respondents as well as the duration the respondents have stayed in the District and how the respondents acquired their lands. These characteristics are of interest to this study.

4.2.1 Location of Residence of the Population Sample Interviewed

Table 4.1: Location of Residence of the Population Sample Interviewed

		Frequency	Percent	Cumulative Percent
Valid	Kesses	50	50.0	50.0
	Megun	50	50.0	100.0
	Total	100	100.0	

The findings of the study reveal that equal number of respondents from Megun and Kesses Locations were interviewed. This is in accordance with methodology section in chapter one, which stipulated that equal sample populations be interviewed from the selected Locations. Given that Megun and Kesses Locations are homogenous and heterogeneous respectively, they provided the study with a base on which to understand the dimensions and causes of post election violence in Uasin Gishu District as will be demonstrated in the following sections.

4.2.2 Sex of the Population Sample Interviewed

The findings of the study reveal that 64% of the respondents were females while 36% were males. This information is summarized in Table 4.2.

Table 4.2: Sex of the Population Sample Interviewed

		Frequency	Percent	Cumulative Percent
Valid	Male	36	36.0	36.0
	Female	64	64.0	100.0
	Total	100	100.0	

The results of the study show that the majority (64%) of the respondents were females. There were explanations for this in that more females were at home because there was no much farm work given that residents were preparing for the harvest season. As a result of this, females were found occupied with domestic chores at the places of residences. Accordingly, most males were found to be away engaged in personal commitments or were at their places of work.

4.2.3 Age of the Population Sample Interviewed

The findings of the study reveal that the majority (53%) of the respondents were within the age bracket of 35-54 years, 41% were within the age bracket of 15-34 while 6% of the respondents were above 54 years of age. The results show that 94% of the respondents were in the middle

age and that they had not attained retirement age; hence are capable of getting employment opportunities. This information is shown in table 4.3.

Table 4.3: Age of the Population Sample Interviewed

		Frequency	Percent	Cumulative Percent
Valid	15-34 Years	41	41.0	41.0
	35-54 Years	53	53.0	94.0
	Above 54 Years	6	6.0	100.0
	Total	100	100.0	

4.2.4 Marital Status of the Population Sample Interviewed

The findings of the study reveal that the majority (88%) of the respondents were married, 9% were widowed and 3% of the respondents were single parents. The results of the study therefore show that the respondents of the study are responsible given they have to care for their families in terms of basic needs provisions as well as social and emotional support. This information is summarized in Table 4.4.

Table 4.4: Marital Status of the Population Sample Interviewed

		Frequency	Percent	Cumulative Percent
Valid	Single Parent	3	3.0	3.0
	Married	88	88.0	91.0
	Widowed	9	9.0	100.0
	Total	100	100.0	

4.2.5 Occupation of the Population Sample Interviewed

The findings of the study reveal that the majority (71%) of the respondents are farmers, 17% are business persons, 6% are teachers, carpenters and security guards were 2% each and tailors and plumbers were 1% each. This information is summarized in Table 4.5.

Table 4.5: Occupation of the Population Sample Interviewed

		Frequency	Percent	Cumulative Percent
Valid	Farmer	71	71.0	71.0
	Farmer and Business person	17	17.0	88.0
	Farmer and carpenter	2	2.0	90.0
	Farmer and tailor	1	1.0	91.0
	Plumber	1	1.0	92.0
	Security Guard	2	2.0	94.0
	Teacher	6	6.0	100.0
	Total	100	100.0	

It was established from the interviews that even respondents who are skilled in plumbing, carpentry, tailoring, teaching or security guard engage in farming. This is attributed to the fact that Uasin Gishu District is an agricultural setting with rich soils. On this basis, crops such as maize, wheat, vegetables and tomatoes among others do well in this area.

4.2.6 Ethnic Affiliation of the Population Sample Interviewed

The findings of the study reveal that the majority (71%) of the respondents were Kalenjins, 24% were Kikuyus and 5% of the respondents were Luhyas. This information is summarized in table 4.5.

Table 4.6: Ethnic Affiliation of the Population Sample Interviewed

		Frequency	Percent	Cumulative Percent
Valid	Kalenjin	71	71.0	71.0
	Kikuyu	24	24.0	95.0
	Luhya	5	5.0	100.0
	Total	100	100.0	

It was established that among the Luhyas who were interviewed, four were females married to the Kalenjins while one respondent who is a male had own land. Information gathered from the focus group discussion reveals that people from various ethnic background stay in Kesses

Division; they include the Luo, Kisii, Luhya, Kalenjin, Kikuyu and Teso. However, at the time of the study, the only group that was found in the homesteads were those from Luhya, Kalenjin and Kikuyu communities.

With regard to specific location of residences of the respondents with respect to ethnic affiliations, the findings of the study reveal that all Kikuyus and Luhyas who were interviewed reside in Kesses Location while only Kalenjins reside in Megun Location. This information is shown in Table 4.7.

Table 4.7: Cross tabulation of Location of Residence of the Respondents with Ethnic Affiliation

			Ethnic Affiliation of the Respondents			Total
			Kalenjin	Kikuyu	Luhya	
Location of Residence	Kesses	Count	21	24	5	50
		% within Location of Residence of the Respondents	42.0%	48.0%	10.0%	100.0%
	Megun	Count	50	0	0	50
		% within Location of Residence of the Respondents	100.0%	.0%	.0%	100.0%
Total		Count	71	24	5	100
		% within Location of Residence of the Respondents	71.0%	24.0%	5.0%	100.0%

Data gathered from the respondents revealed that Kesses Location has lands once occupied by the white settlers. In particular, Lelmolok farm which is one of the lands acquired by Settlement Transfer Funds (STF) and Bindura farms were initially owned by the white settlers. Consequently, majority of the heterogeneous population in Kesses Location occupy farms once owned by the white settlers.

4.2.7 Duration of Stay of the Respondents in the District

The findings of the study reveal that 36% of the respondents had stayed for over 19 years in their respective places of residences, 28% had stay for a period between 5-9 years, 23% had stayed

between 0-4 years, 11% had stayed between 10-14 years while 2% of the respondents had stayed in their respective places of residences for a period of 15-19 years. This information is summarized in Table 4.8.

Table 4.8: The Duration the Population Sample Interviewed have Stayed in Uasin Gishu District

		Frequency	Percent	Cumulative Percent
Valid	0-4 Years	23	23.0	23.0
	5-9 Years	28	28.0	51.0
	10-14 Years	11	11.0	62.0
	15-19 Years	2	2.0	64.0
	Above 19 Years	36	36.0	100.0
	Total	100	100.0	

The results of the study show that majority (51%) of the respondents had stayed in their places of residences for a period ranging 0- 9 years. This is attributed to the fact that the females who were the majority (Table 4.2) acquired possession of their current residences by marriage rights as opposed to birth rights. Accordingly, males who were interviewed were born in their respective places of residences; hence have stayed for more than 19 years.

4.2.8 How the Population Sample Interviewed Acquired Land Ownership

The findings of the study reveal that the majority (71%) of the respondents inherited land from their parents or incase of females, their husbands inherited the lands they are occupying from parents, and 25% were settled/resettled by the government while 4% of the respondents purchased the land in which they are residing in. The results reveal that some of the inhabitants of Kesses Division are not the original owners of the land they are currently residing in having been settled/resettled by the government in 1974 or bought from the original owners. This information is shown in Table 4.9.

Table 4.9: How the Population Sample Interviewed Acquired Land Ownership

		Frequency	Percent	Cumulative Percent
Valid	Inherited from Parents	71	71.0	71.0
	Purchased	4	4.0	75.0
	Settled/ Resettled by the Government	25	25.0	100.0
	Total	100	100.0	

With regard to ethnic affiliation, the study revealed that 94.4% of the Kalenjins inherited land from their parents while 5.6% purchased land; all the Kikuyus were settled/resettled by the government while one male Luhya was also settled /resettled by the government. This is shown in Table 4.10.

Table 4.10: Cross tabulation of Ethnic Affiliation of the Respondents with How the Respondents Acquired Land Ownership

			How the Respondents Acquired Land Ownership			
			Inherited from Parents	Purchased	Settled/ Resettled by the Government	Total
Ethnic Affiliation	Kalenjin	Count	67	4	0	71
		% within Ethnic Aff	94.4%	5.6%	.0%	100.0 %
	Kikuyu	Count	0	0	24	24
		% within Ethnic Aff	.0%	.0%	100.0%	100.0 %
	Luhya	Count	4	0	1	5
		% within Ethnic Aff	80.0%	.0%	20.0%	100.0 %
Total		Count	71	4	25	100
		% within Ethnic Aff	71.0%	4.0%	25.0%	100.0 %

Information gathered from the focus group discussions with the respondents revealed that the non Kalenjins who own land in Kesses Location were settled by the government in 1974 through the STF scheme. According to the initial agreement, the settled citizens were to pay for the land

but they all defaulted given that none of the settled individuals is servicing the 'loan'. Similarly, the individuals have also defaulted in paying for the land rates to the county council of Wareng as stipulated in the Rating Act[1].

From the description of the socio-economic characteristics of the respondents interviewed for this study, it was revealed that most of the respondents were females, middle aged, married and that they are farmers. Accordingly, Kesses Location is a heterogeneous setting having Kalenjins, Kikuyus, Luos, Kisiis, Tesos and Luhyas among others as opposed to Megun Location which is occupied by Kalenjins alone. In addition, the Kikuyus have stayed in Kesses Location for more than 19 years having been settled/ resettled by the government in 1974 through the STF scheme.

4.3 Dimensions of the Post Election Violence in Uasin Gishu District

This section provides the dimensions of the post election violence in Uasin Gishu District, particularly in Kesses Division. In order to capture the dimensions of the post election violence, the nature of the post election violence, the weapons and the methods of violence used have been studied in detail. The dimensions of the post election violence have provided a basis on which the underlying causes of the post election violence may be established.

4.3.1 Nature of Post Election Violence

Using a Likert scale rating of Strongly Agree (SA), Agree (A), Undecided (UD), Disagree (DA) and Strongly Disagree (SDA), the respondents were asked to state the extent to which they agreed or disagreed with the following statements regarding the nature of post election violence. Their scores were recored as follows:

[1] Constitution of Kenya, Cap 267

Table 4.11: Nature of the Post Election Violence

	Statement		SA	A	UD	DA	SDA	Total
a.	Males participated in the post election violence	n	63	37	0	0	0	100
		%	63	37	0	0	0	100
b.	Females participated in the post election violence	n	0	0	0	19	81	100
		%	0	0	0	19	81	100
c.	The post election violence was more widespread in homogenous rural settings	n	0	0	0	0	100	100
		%	0	0	0	0	100	100
d.	The post election violence was more intense in cosmopolitan areas	n	100	0	0	0	0	100
		%	100	0	0	0	0	100
e.	Election violence began before the election day	n	0	0	0	63	37	100
		%	0	0	0	63	37	100
f.	Election violence began on the election day	n	0	0	0	46	54	100
		%	0	0	0	46	54	100
g.	Election violence started soon after the election day	n	100	0	0	0	0	100
		%	100	0	0	0	0	100
h.	Post election violence took place during the night	n	91	9	0	0	0	100
		%	91	9	0	0	0	100
i.	Post election violence took place during the day	n	28	9	0	36	27	100
		%	28	9	0	36	27	100

4.3.1.1 Perpetrators of Post Election Violence

The findings of the study in Table 4.11 (a) reveal that all respondents interviewed acceded to the fact that males participated in the post election violence. According to the information gathered from the Focus group discussions, the male youths and middle-aged men were the ones engaged in post election violence and that they were being instructed on what to do by elderly males. Similarly, it was revealed that on the day the post election violence broke up, the males smeared the whole of their bodies with ashes before putting on their clothes so as to conceal their identity. The participation of males in the post election violence is partly attributed to their physique and masculinity; hence are viewed as stronger and energetic than females. Likewise, the involvement of only males in the post election violence is partly attributed to initiation rituals which are

entitled to only males where they are orientated on how to protect the community in times of war and/or crisis.

Accordingly, Table 4.11 (b) show that all the respondents interviewed denied the fact that females participated in the post election violence. Information gathered from the Focus group discussions revealed that during the post election violence, women stayed with little children at home. This is partly attributed to the fact that females are perceived to be both physically and emotionally weak as well as not socially orientated to use weapons of war such as machetes and bows and arrows.

4.3.1.2 Settings Affected by the Post Election Violence

The findings of the study revealed that the post election violence did not take place in homogenous rural settings (Table 11 [c]). This is manifested by the fact that Megun Location of Kesses Division in Uasin Gishu District was never affected by the post election violence. This is partly because all the residents are Kalenjins. However, the results of the study in Table 4.11 (d) reveal that all the respondents interviewed acceded to the fact that the post election violence was more intense in cosmopolitan areas. This is evidenced by the fact that the intensity of the post election violence was high in Lelmolok and Bindura farms where individuals from different ethnic background reside.

4.3.1.3 Commencement of Election Violence

The findings of the study in Table 4.11 (e) and (f) reveal that all the respondents interviewed denied the fact that the election violence started before and/or on the Election Day respectively. This opinion was also supported by key informants and focus group discussion participants who confirmed that peace prevailed in Kesses Division before and on the Election Day. Nonetheless, all the respondents interviewed acceded to the fact that election violence started after the

Election Day (Table 4.11 [g]); particularly on the evening of December 30, 2007; soon after the presidential results were announced.

4.3.1.4 Timing of Post Election Violence

According to the findings of the study, all the respondents interviewed acceded to the fact that the post election violence took place mainly during the night (Table 4.11 [h]). This is partly attributed to the fact that it was not possible to identify perpetrators of violence under the cover of darkness; hence the culprits had high chances of not being arrested by the security officers whose intervention; the respondents claimed, came after all the 'damages' had been done. Accordingly, Table 4.11 (i) reveals that the majority (63%) of the respondents denied the fact that the post election violence took place during the day while 37% of the respondents agreed to the same. It was established that during the day, the 'residents' of Kesses Division took part majorly in street protests and barricading of roads; especially the tarmac ones so as to disrupt transport. Besides, incidences of post election violence were few during the day partly because the 'targeted citizens' were already at the Divisional headquarters under tight state security.

4.3.2 Weaponry Used During the Post Election Violence

In order to find out the types of weapons that were used during the post election violence in Kenya, the respondents selected in Kesses Division were asked to state using the scale: Widely Used and Least Used; the extent to which the following weapons were used. Their responses were recorded as follows:

Table 4.12: Weaponry Used During Post Election Violence

	Types of Weapons		Widely Used	Least Used	Total
a.	Stones/ rocks	n	0	100	100
		%	0	100	100
b.	Bows and arrows	n	100	0	100
		%	100	0	100
c.	Firearms/guns by the police	n	0	100	100
		%	0	100	100
d.	Firearms/guns by the civilian aggressors	n	0	100	100
		%	0	100	100
e.	Machetes/pangas	n	100	0	100
		%	100	0	100
f.	Rungus (Clubs) and other blunt objects	n	0	100	100
		%	0	100	100

According to the findings of the study as shown in Table 4.12 (b) and (e); bows and arrows as well as machetes/pangas were widely used during the post election violence while stones/rocks (Table 4.12 [a]); firearms by both the police and civilian aggressors (Table 4.12 [c] and [d]) as well as Rungus (clubs) and other blunt objects (Table 4.12 [f]) were least used. Given the types and nature of weapons that were widely used in the election violence, the perpetrators of the post election violence were out to kill or cause grievous harm to their victims thereby demonstrating that the victims of the post election violence were never wanted in their places of residences.

4.3.4 Forms of the Post Election Violence

Using a Likert scale rating of Strongly Agree (SA), Agree (A), Undecided (UD), Disagree (DA) and Strongly Disagree (SDA), the respondents were asked to state the extent to which they agreed or disagreed with the following statements regarding the forms of post election violence. Their scores were recored as follows:

Table 4.13: Forms of Post Election Violence

	Statement		SA	A	UD	DA	SDA	Total
a.	Incidences of rape occurred during the post election violence	n	0	0	0	28	72	100
		%	0	0	0	28	72	100
b.	There was arson during the post election violence	n	91	9	0	0	0	100
		%	91	9	0	0	0	100
c.	There was assault during the post election violence	n	100	0	0	0	0	100
		%	100	0	0	0	0	100
d.	There was murder during the post election violence	n	100	0	0	0	0	100
		%	100	0	0	0	0	100
e.	Public property were damaged during the post election violence	n	0	0	0	18	82	100
		%	0	0	0	18	82	100
f.	Private properties were damaged during the post election violence	n	91	9	0	0	0	100
		%	91	9	0	0	0	100
g.	Physical harm occurred during the post election violence	n	54	46	0	0	0	100
		%	54	46	0	0	0	100
h.	There were street protests during the post election violence	n	72	28	0	0	0	100
		%	72	28	0	0	0	100
i.	There were incidences of theft during the post election violence	n	73	27	0	0	0	100
		%	73	27	0	0	0	100
j.	People were displaced during the post election violence	n	100	0	0	0	0	100
		%	100	0	0	0	0	100
k.	There were incidences of verbal intimidation during the post election violence	n	0	18	0	82	0	100
		%	0	18	0	82	0	100

The findings of the study in Table 4.13 (a) and (e) reveal that all the respondents interviewed denied the fact that there were incidences of rape and damage to public properties during the post election violence. However, Table 4.13 (b), (c), (d), (f), (g), (h), (i) and (j) reveals that all the respondents acceded to the fact that there were incidences of arson, assault, murder, damage to private properties, physical harm, street protests, cases of theft and displacement of people respectively during the post election violence. Accordingly, the results of the study show that the majority (82%) of the respondents denied the fact that there were incidences of verbal intimidation while 18% of the respondents acceded to the same (Table 4.13 [k]).

Information gathered from the focus group discussions as well as interviews carried on respondents during the administration of the interview schedules revealed that upon the announcement of President Kibaki's re-election for the second term, an enormous group of male youths and middle-aged men who were partly invisible given that they had smeared themselves with ashes were shouting and chanting towards the kikuyus' residences and started torching their houses. It was reported that the perpetrators used dry maize stocks as well as petrol to burn houses belonging to the Kikuyus and leaving the houses belonging to other tribes such as the Luos and Luhyas. Nevertheless, a Luhya man whom the Kalenjins perceived to be a witch and thus was accused of killing one of the kalenjins' sons was among the victims of post election violence. Accordingly, it was reported that the perpetrators were singing war songs taught during initiation ceremonies and that some of them were heard saying: "Mwanamume, kazi iendelee" (men, continue with what you are doing) as they torched more houses. Given that the Kikuyus and some of the Luhyas who were perceived as witches were running away from their houses which were being torched, they ended up being internally displaced in their own country.

It was also established that the perpetrators of the post election violence stole properties belonging to the Kikuyus such as domestic animals which included goats, sheep and cattle; inventories; doors; windows; iron sheets and farm produce during the night before setting the houses on fire. In addition, all the trees with exception of fruit trees belonging to the kikuyus were all cut down using power saws during the night. Accordingly, it was established that the Divisional Officer (D.O) of Kesses Division together with a Sergeant he was traveling with were all killed by the rioters when it was alleged that the sergeant had killed one of the protesters, although it was not true. Likewise, a section of the victims of the post election violence reported that they were verbally intimidated before the election results were announced. These

respondents reported that they were informed that no matter who won the presidential elections, they were to be evicted from their land.

The fact that there were no cases of rape and damage to public property and that properties of only the kikuyus were destroyed and/or stolen and their houses burnt down to ashes shows that the perpetrators of post election violence were aiming at wiping out the Kikuyus from their places of residences. Similarly, the fact that the perpetrators were in enormous group, chanting and carrying even petrol on the night of December 30, 2007 when torching houses belonging to the Kikuyus demonstrates that the attacks were planned. This is evidenced by the fact that it was claimed that the youths carrying out the operations were being instructed by elderly persons on what to do and how to do it.

4.4 Causes of Post Election Violence

This section, which is the crux of the study highlights on what caused post election violence with particular reference to Kesses Division of Uasin Gishu District. In order to examine the underlying causes of post election violence in Kenya, the respondents selected in Kesses Division were asked to state using the scale: major cause and minor cause; the extent to which land issue, unequal distribution of public resources, vote rigging, ethnic hatred, unemployment, poor governance and provocation by security officers led to the causation of post election violence of 2007. Their responses were recorded as follows:

Table 4.14: Factors that Led to Post Election Violence in Uasin Gishu District

	Factor		Major Cause	Minor Cause	Total
a.	Land issue	n	100	0	100
		%	100	0	100
b.	Unequal distribution of public resources	n	68	32	100
		%	68	32	100
c.	Vote rigging	n	100	0	100
		%	100	0	100
d.	Ethnic hatred	n	82	18	100
		%	82	18	100
e.	Unemployment	n	18	82	100
		%	18	82	100
f.	Poor governance	n	73	27	100
		%	73	27	100
g.	Provocation by security officers	n	9	91	100
		%	9	91	100

4.4.1 Unemployment

The results in Table 4.14 (e) show that the majority (82%) of the respondents were of the opinion that unemployment least caused the post election violence while 18% of the respondents agreed to the fact that unemployment was a major cause for the post election violence. As demonstrated in section 4.3.2.1, the perpetrators of post election violence in Kesses Division were male youths some of whom were not engaged in any occupation partly due to unemployment crisis in Kenya; hence were idle and therefore used the opportunity to enrich themselves by stealing properties belonging to the victims of post election violence who were mainly the Kikuyus. However, given the fact that Uasin Gishu District is known to be the food basket of Kenya, most of the residents are engaged in farming as illustrated in Table 4.5; hence gain economic power from agricultural produce. Unemployment therefore did not play a major role in the causation of post election violence in the District.

4.4.2 Provocation by Security Officers

The findings of the study reveal that the majority (91%) of the respondents agreed that provocation by security officers least caused the post election violence while 9% of the respondents were of the opinion that it was a major cause (Table 4.14 [g]). It was established that although some form of 'provocation' from the security officers caused the death of Kesses Divisional Officer and a sergeant as explained in section 4.3.4, this came later after the post election violence had broke up; hence the provocation by security officers had minimal impact in the causation of post election violence.

4.4.3 Land Issue

The findings of the study in Table 4.14 (a) also reveal that all the respondents interviewed for the study agreed that land issue was a major cause of post election violence in Uasin Gishu District. As demonstrated in section 4.2.8, the beneficiaries of STF scheme farms defaulted paying for the land as initially agreed and therefore have no title deeds for the pieces of land they are occupying. As a result of this, the host community which is Kalenjin feel they were robbed of 'their' land and given that the soil in the area is fertile, land issue has always generated tension between the host community and those staying in the STF scheme farms; hence according to Adam Curle, these communities have always been in unpeaceful conditions since 1974 when the settlement and/or resettlement of people into the STF scheme farms took place. This is manifested by the fact that the Kalenjins bordering the Kikuyus in the SFT scheme farms have been interfering with the boundaries with impunity in the sense that nothing is done whenever such cases are reported to the chiefs of the Locations. In addition, as indicated in section 4.3.4, the Kikuyus were initially warned before the elections that they would be driven out of 'their' land no matter the outcome of the presidential results.

Land issue was therefore a major underlying cause of the post election violence. In support for this proposition is the fact that the ethnic clashes of 1992 and 1997 in Uasin Gishu and Rift Valley in general revolved mainly on land. The problem of land in Kenya and Rift Valley in particular may partly be attributed to deficient land reforms in which few individuals acquire immense pieces of land fraudulently with impunity when the majority of the citizenry lack the same.

4.4.4 Vote Rigging

Accordingly, the findings of the study in Table 4.14 (c) reveal that all the respondents interviewed for the study agreed that vote rigging was a major cause of post election violence in Uasin Gishu District. This is evidenced by the fact that post election violence commenced on the evening of December 30, 2007; soon after the presidential elections results were announced. Information gathered from the key informant interviews as well as focus group discussions revealed that tension began to build when the Electoral Commission of Kenya (ECK) was taking too long to announce the presidential elections results and that the citizenry were also concern about allegations of vote rigging at the tallying centres as was being alluded to by the media and politicians mainly from the party of ODM, which the majority of the host community was supporting.

According to the respondents, there lacked transparency and accountability in the tallying of results by the ECK, which tilted the presidential elections results; a fact supported by both the local and international observers. The lack of transparency and accountability in the electoral process, especially the tallying process demonstrate that the Kenyan Electoral structures are inadequate. This is partly manifested by the fact that the electoral process legal framework in the Kenyan constitution gives the president the power to appoint the electoral commissioners

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unilaterally. In addition, the deficient electoral structures in Kenya is evidenced by lack of transparency and accountability in elections held in 1988, 1992 and 1997 which were characterized by gross flaws. Besides, although through the IPPG the president is to appoint the electoral commissioners in consultation with other political parties, this was never observed in 2007 and therefore the commissioners were perceived to be loyal and sympathetic to the appointing authority.

4.4.5 Ethnic Hatred

Table 4.14 (d) reveals that the majority (82%) of the respondents were of the opinion that ethnic hatred was a major cause of post election violence while 18% of the respondents agreed that it was a minor cause. It is noted that the ethnic hatred in Kenya escalated during the 2005 constitutional referendum when a draft constitution which had contentious issues as far as executive powers and land issues were concerned was defeated.

Enemity therefore grew between those who supported and those who opposed the draft constitution and it became worse when a section of the ministers who opposed the draft constitution were sacked or resigned from the government. Accordingly, ethnic hatred in Uasin Gishu District is manifested by the fact that only communities which were perceived to have voted for PNU were affected, especially the Kikuyu community where the president hails from. The ethnic hatred can therefore be attributed to weak political parties' statutes which tend to be liberal and thus encourage formation of political parties along ethnic background as opposed to national outlook.

Another factor that is exacerbating ethnic hatred is the culture of impunity given that perpetrators and/or inciters of election violence in the previous elections especially 1991, 1992 and 1997 'ethnic cleansing' were never prosecuted; hence there is no public deterrence. This

demonstrates that the legal structures of this country are either deficient or they are not being adhered to.

4.4.6 Poor Governance

The results of the study reveal that the majority (73%) of the respondents interviewed agreed that poor governance was a major cause for post election violence while 27% of the respondents were of the opinion that it was a minor cause (Table 4.14 [f]). Data gathered from the host community through focus group discussion as well as key informant interviews revealed that the residents of the District were not impressed with the performance of NARC government given that it had relieved most of the members of the community who were in public service of their jobs. They perceived this as witch-hunting; hence yearned for a change of government. In addition, the respondents were concerned about the unfulfilled promises of the NARC government such as creation of 300,000 jobs annually; having a new constitution within the first 100 days of power; zero tolerance to corruption; and reforms in the government institutions. Accordingly, the respondents also attributed the high cost of living to poor governance.

Moreover as indicated in section 2.4.4, the political power in Kenya is personalized around the presidency because the constitution provides for an imperial president. This is exacerbated by the fact that checks and balances normally associated with democracies are deliberately weak in Kenya. All of these have made acquisition of presidential power to be seen as a zero sum game, in which losing is seen as hugely costly and therefore not acceptable. As a result of this, political actors will do anything including engaging in violence to obtain or retain political power. The need for political power among the main political parties therefore led to the 2007 post election violence.

4.4.7 Unequal Distribution of Resources

Accordingly. the results of the study show that the majority (68%) of the respondents were of the opinion that unequal distribution of public resources was a major cause of post election violence while 32% of the respondents agreed that it was a minor cause (Table 4.14 [c]). It was established that the respondents, mainly drawn from the host community termed the settlement and/or resettlement of Kikuyus in the STF scheme farms during the Kenyatta government as a manifestation of unequal distribution of resources. According to the respondents, the land was given to the Kikuyus free of charge at their expense owing to the fact that the president at the time was a kikuyu.

From the analysis above, it is evident that the post election violence in Uasin Gishu District was as a result of weak structures underlying social relationship such as governance, legal and economic structures and on this basis; 'vote rigging' became the situation that triggered the physical violence witnessed during the post election violence in the aftermath of the 2007 general elections.

4.5 Management of Post Election Violence in Uasin Gishu District

This section illustrates how the post election violence witnessed in Kenya and Uasin Gishu District in particular was settled and/or resolved. The section does this by describing how the Internally Displaced Persons (IDPs) have been cared for during the period of the crisis as well as factors that played role in restoring calm in the country.

4.5.1 Care for the Internally Displaced Persons in Uasin Gishu District

According to the data gathered from key informants and focus group discussion sessions, the victims of post election violence who were mainly Kikuyus in Lelmolok and Bindura farms fled

their homes in the evening of December 30, 2007 following the announcement of the presidential elections results. This was prompted by the fact that the Kalenjin youths and middle aged men were shouting, chanting and torching their houses. In order to avoid physical harm and death, the victims sought refuge in a homestead belonging to an army officer in Cheptiret Location from where they were escorted in the night by state security officers to Kesses Division Headquarters.

It was established that the victims of post election violence spent eight days at the Divisional Headquarters where they stayed in the premises therein. However, it was reported that there was no humanitarian assistance and the displaced persons were starving until one of the local pastors brought them floor and water that they used to prepare porridge for the children. Accordingly, it was revealed that after eight days at the Divisional headquarters, military personnel were brought in by aircrafts and the displaced persons were taken to Eldoret Cathedral church by use of military transport. It is at the Catholic Church that the displaced persons were provided with tents and basic necessities. All these were provided for by the Catholic Church in collaboration with the Red Cross Organization. According to the displaced persons, they were well cared for during their stay at the Cathedral which lasted two weeks before they were transferred to the Eldoret Show Ground to join other displaced persons from various localities in the District.

The victims of post election violence interviewed reported that they were well taken care of at the Eldoret Show Ground where they stayed for a year before the government through the 'Operation Rudi Nyumbani' (ORY) initiative gave them Ksh 10000 (Ten thousand) and encouraged them to return to their farms owing to the fact that the post election violence had ceased. However, it was established that not all the displaced persons heed the government's call

and due to security fears, those who moved to their farms built tents in one of the victims' farm where they stayed for six months.

Observational analysis shows that although most of the victims who initially lived in one locality as a result of security fears have since moved to their farms, there are still others who have not moved; especially those whose farms border those of the host community. Accordingly, the observational results show that some of the victims who had moved to their farms were able to cultivate their land and therefore were looking forward to harvest this year. It was noted that the government has been supportive of the displaced persons who returned to their farms although the support was found to be inadequate. It was established that the government provided them with seeds which were sowed this season and that the displaced persons receive maize every month from the Divisional Headquarters.

At the time of the study, security was enhanced in Kesses Division given that various police posts were put up in strategic locations. For instance, there were police posts at the Divisional Headquarters as well as at Chepkoiyo which was adversely affected. It was also reported that the displaced persons occasionally receive donations from church organizations some of which the displaced persons sold to get money so as to cater for basic needs. For instance, it was established that the displaced persons sold iron sheets provided to them by a church organization in order to buy essential necessities.

4.5.2 Factors that Led to Restoration of Calm during the Post Election Violence in Kenya

Using a Likert scale rating of Strongly Agree (SA), Agree (A), Undecided (UD), Disagree (DA) and Strongly Disagree (SDA), the respondents were asked to state the extent to which the following factors led to the restoration of calm during the post election violence. Their scores were recored as follows:

Table 4.15: Management of Post Election Violence in Uasin Gishu District

	Factor		SA	A	UD	DA	SDA	Total
a.	Power deal between the presidential rivals	n	81	19	0	0	0	100
		%	81	19	0	0	0	100
b.	Appeal by political leaders	n	27	64	0	0	9	100
		%	27	64	0	0	9	100
c.	Pressure from international community	n	9	91	0	0	0	100
		%	9	91	0	0	0	100
d.	Enhanced security in conflict areas by the government	n	73	27	0	0	0	100
		%	73	27	0	0	0	100

4.5.2.1 Power Deal between the Presidential Rivals

The findings of the study in Table 4.15 (a) reveal that all the respondents interviewed acceded to the fact that power deal between the presidential rivals stopped the post election violence. It was noted that the respondents, especially the displaced persons who were still at the Eldoret Show Ground were relieved after the signing of the National Accord by the two principals. According to the respondents, given the flawed presidential elections, a coalition government between the two principals was the appropriate rational alternative. It is after the power deal that the displaced persons agreed to resettle in their farms.

4.5.2.2 Appeal by the Political Leaders

According to the findings of the study, the majority (91%) of the respondents agreed to the fact that the post election violence ceased after the political leaders; especially the ODM leadership petitioned the citizens to stop the violence while 9% of the respondents denied the same (Table 4.15 [b]). It was reported that the protesters heeded the call by the ODM leadership to stop the violence so as to pave way for mediation which was to be presided over by the African eminent persons led by former UN secretary general Dr. Kofi Annan.

4.5.2.3 Pressure from the International Community

The findings of the study in Table 4.15 (c) reveal that all the respondents acceded to the fact that pressure from the International Community played a role in the signing of the National accord that culminated in the formation of coalition government. It was noted that the International Community rooted for the legal method of peaceful management that led to the amendment of the constitution to create room for the post of prime minister and giving it powers.

4.5.2.4 Enhanced Security in Conflict Areas by the Government

Accordingly, the results of the study reveal that all the respondents agreed to the fact that enhanced security in areas adversely affected by the post election violence by the government has played a role in ensuring that calm remain in these areas after the resettlement of the displaced persons (Table 4.15 [d]). As indicated in section 4.5.2, the presence of police posts at Kesses Divisional Headquarters as well as at Chepkoiyo has provided security to displaced persons who have since resettled in the Division. This is manifested by the fact that there have not been reported cases of violence since the displaced persons relocated to their farms.

4.5.3 Local Management of Post Election Violence in Uasin Gishu District

According to data gathered from the focus group discussions as well as key informant interviews, the local community has tried to employ non-legal methods of peaceful management so as to stem out conflict that broke up during the post election violence. It was established that various religious organizations have been to Kesses Division to preach peaceful existence and forgiveness among the various communities in the Division. Likewise, the provincial administration through the Divisional Officer and chiefs has held both separate and combined barazas for the various groups living in Kesses Division. In these forums, the chiefs and

community elders explore on ways in which peaceful co-existence between the various communities living in the Division may be realized. In addition, the chiefs use this opportunity to encourage the various communities to forgive one another. All these peace building efforts by the religious groups, provincial administration as well as community elders are aimed at reconciling the various groups that were in conflict during the post election violence.

However, none of the peace building management efforts that are currently being employed or have been employed have addressed the underlying causes of the post election violence in Uasin Gishu District and Kesses Division in particular as stipulated in section 4.4. As a result of this, the unpeaceful condition state in the District and Kesses Division in particular is likely to continue and may result into another conflict in future when a trigger situation emerges.

Chapter Five

Critical Analysis of Post Election Violence in Kenya

5.1 Introduction

In the previous chapter, it was established that the post election violence in Kenya and in Kesses Division in particular, took various dimensions in terms of the perpetrators of the post election violence, settings affected, commencement of the post election violence, the timing of the election violence, weaponry used during the skirmishes and the forms in which the post election violence manifested itself. Accordingly, the underlying causes of the post election violence were found to be issues of land, vote rigging, ethnic hatred, poor governance and unequal distribution of resources. In addition, it was established that the management of the post election violence took the form of provision of humanitarian needs, mediation and peace building and reconciliation. This chapter therefore, critically analyses the major issues arising from the findings of the study.

5.2 Dimensions of Post Election Violence in Kenya

Almost all communities in Kenya especially those who circumcise have warriors whose mandate is to protect the respective communities during the times of conflicts but the warriors have always been involved in perpetrating violence during elections. This was the case in 1992 general elections where Kalenjin warriors embraced traditional symbols and painted their faces before attacking non-Kalenjins in the Rift Valley Province. Similarly, Mijikenda warriors perpetrated the 1997 pre-election violence that erupted at the Coast Province[1]. In the 2007 post election violence, also it's the warriors and the male youths who were involved in the violence. The perpetrators of election violence in Kenya are mainly youths and warriors with no or little education who are not meaningfully employed and are therefore idle. Such groups are vulnerable

[1] African Rights, 1997

to manipulation by politicians who engage them in disrupting their political rivals' rallies upon payment. It is therefore imperative that all youths get basic education and be provided with employment opportunities to avoid being manipulated by the politicians especially during elections.

Accordingly, election violence in Kenya always takes place in cosmopolitan settings. In 1991, ethnic violence broke out on the border between Western, Nyanza and Rift Valley Provinces[2]. The attacks in the Rift Valley Province was aimed at driving away thousands of non-Kalenjin workers at the tea plantations thought to be associated with the opposition parties at the time[3]. Similarly, the 2007 post election violence was widespread in cosmopolitan areas where various ethnic groups voted differently. A trend is emerging in Kenya where those who belong to different parties view each other as enemies. This shows that the electoral system in Kenya is deficient given that the voters have no right to freely elect political leaders and parties of their choice.

5.3 Causes of Post Election Violence in Kenya

According to the findings of the study, the major causes of post election violence in Uasin Gishu District included:

(a) Land Issue

It was established that the Kalenjins who believe that Kesses Division is their ancestral home and that the land therein belong to them feel that the settlement scheme farms currently occupied by non-kalenjins should have been theirs but were fraudulently used to settle and/or resettle mainly

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[2] Kagwanja P. M, 'Politics of Marionettes: Extra-legal Violence and the 1997 Elections in Kenya' in M. Rutten, A. Mazrui and F. Grignon (eds), *Out for the Count: The 1997 General Elections and Prospects for Democracy in Kenya,* (Kampala: Fountain Publishers, 2001) pp 74

[3] Throup D. and Hornsby C., *Multi-party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the Systems in the 1992 Elections,* (Oxford: James Currey, 1998)

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the Kikuyus by the Kenyatta government in 1974. It was established that the occupants of the Lelmolok farm in Kesses Division had long defaulted in paying for the land they are occupying although the initial plan was that they were to pay for the land in installments. Accordingly, it was revealed that the inhabitants of the farm also had defaulted paying land rates to Wareng County Council. The host community therefore feel that those occupying the farms once occupied by the white settlers were given those land for free when they were the ones who should have benefited because the land were initially acquired from them by the colonialists. The election violence therefore provided the host community with an opportunity to evict all non-kalenjins and acquire what 'rightfully' belong to them.

The issue of land has always been a fundamental aspect of structural conflicts in Kenya. The country has witnessed killings before previous elections in both 1992 and 1997, when alleged enemies of the Moi regime became victims of violence, using arguments over the contrasting land rights of 'immigrants' and 'local communities'. Central to land conflicts in Kenya are issues of ownership, access and use[4] that needs to be addressed. With inappropriate land tenure system, a large segment of the population continues to have difficulties in coping with intensifying conflicts over access to and control of land[5].

(b) Vote Rigging

It was established that the residents of Uasin Gishu District who voted for ODM almost to a man felt bitter when all indications showed that the presidential vote tallying was not transparent. The residents therefore resorted to violence to register their disapproval of the presidential election results; confirming the notion that election violence especially after the elections occurs to

[4] Otieno O. A, The Post-election Violence in Kenya: An overview of the underlying factors in http://pambazuka.org/en/category/comment/46094
[5] http://www.ke.undp.org

indicate the disapproval of the election results and/or incumbent regime by the general population[6]. Elections play vital role in the society which include: promoting participation and competition which are believed to be vital for human development and democratization[7], hence are the defining institution of democracy; promoting peace building initiatives in areas of deep violent political conflicts[8]; giving the desired legitimacy for the incumbent to exercise governance for the benefit of the citizenry[9]; and providing incentives for political minorities to participate in governance[10]. Thus, when elections are perceived to be flawed, the public will most likely resort to violence[11]. There is therefore a need to have free, fair and transparent elections because as Shaheen Mozaffar agues, 'elections which are properly conducted through proper electoral systems can serve as vehicle for deeper and long lasting intervention in helping manage deadly internal conflicts'[12].

The cause of election violence in Kenya can therefore be attributed to inadequate legal and administrative framework. This was manifested by the fact that in 2007, the electoral process was abused to accentuate the egocentric nature of the ruling elites when the president elected the commissioners of the electoral commission of Kenya unilaterally. In addition, there was lack of

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[6] Mwagiru M. *et al, Understanding Conflict and Its Management: Some Kenyan Perspectives,* (Nairobi: Watermark Printers Limited,1998)p.25

[7] Braton M. & Pasner D.N. 'A First Look at Second Election in Africa, with illustration from Zambia' in J. Richard (ed.) *State Conflict, and Democracy in Africa*, (London: Lynne Rienner Publishers, 1998) pp377

[8] UN Secretary General Report, An Agenda for Peace: Preventive, Diplomacy, peacemaking, and peacekeeping, (UN, doc.A/47/277S/24111, June 17, 1992), para 14-17

[9] Sisk D., 'Election and Conflict management in Africa,' in D Timothy, Sisk and A. Reynolds (eds) *Election and Conflict Management in Africa* (Washington DC: US Institute of Peace Press, 1998) pp 146 – 147

[10] Reynolds, A. & Sisk, D.T, 'Elections and Electoral Systems', in A. Reynolds and D.T. Sisk (eds), *Elections and Conflict Management in Africa*, (Washington DC: United States Institute of Peace, 1999) Pp15-19

[11] Pinker Steven, *'The History of Violence'*, in http://www.pinker.wjh.harvard.edu/articles/media/2007

[12] Mozaffar S. *et al, 'Electoral Institutions: Ethnopolitical Cleavages and Party Systems in Africa'*, American Political Science Review (2003), 97. No 3, pp379-390

follow up mechanisms to authenticate election results both at the polling stations and at the constituencies since there were discrepancies between the election results announced at the constituencies and those announced at the national level by the Electoral Commission of Kenya. There is therefore a need to carry out electoral reforms that will ensure free, fair and transparent elections.

(c) Ethnic Hatred

Ethnic hatred has always been a problem in Kenya since the general elections of 1992 and it takes place between communities supporting different political parties. During the 1992 pre-election violence, the Kalenjin, Maasai, Turkana and Samburu collectively went under a new acronym of KAMATUSA and categorized and demonized non-kalenjins who included Kikuyu, Luo, Luhya and Gusii as non-citizens or 'aliens'[13] because majority of them were supporting opposition parties. Accordingly, the post election violence of 1992 was aimed at punishing the Luhya community in Transzoia and Bungoma who voted for FORD-Kenya and the Kikuyu in Nakuru, Uasin Gishu and other parts of the Rift valley who were perceived to have voted for FORD-Asili or Democratic Party (DP) of Kenya. In 2007 post election violence, the residents of Uasin Gishu District evicted and displaced people mainly from the Kikuyu and Kisii communities who were viewed to have voted for Party of National Unity (PNU) that was accused of stealing the election.

The ethnic hatred is attributed to poor governance and deficient legal framework for political parties. This is because in Kenya, the presidency has been personalized and given the immense powers that the executive wields, each community is aiming at ensuring that one of their own ascends to power as it is believed that it is only through that, that they will have a taste

[13] *Daily Nation* (Nairobi) June 30, 1993

of the national cake. Moreover, public appointments in Kenya are marred with nepotism. As a result of this, political parties have been formed along ethnic lines; hence every community sees others as stumbling block to ascend to power. This explains why those who were perceived to have not voted for KANU in 1992 and 1997 and for ODM in 2007 were adversely affected by the election violence.

(d) Poor Governance

According to the findings of the study, poor governance by the NARC government during its first term in office contributed to the election violence in 2007. It was revealed that the residents of Uasin Gishu District felt that members of their community were unjustifiable relieved of their public service jobs when the new government took course. In addition, the residents were concerned about the unfulfilled promises by the new government which was voted in on the premises of constitutional reforms. Given the poor rating of the government by the residents of Uasin Gishu District which was mainly manifested by the intent to pass unpopular draft constitution that was defeated by the majority of Kenyans, the residents of the District wanted a new regime and when it was not forth coming, they resorted to violence to register their disapproval of the Kibaki government.

The poor governance in Kenya is attributed to deficient governance structure that provides more powers to the executive which are abused. For instance, in 1966, a constitutional amendment which stated that any Member of Parliament (MP) who crossed to another party after elections automatically lost his/her seat and thus a by-election was mandatory[14] was passed to discourage members of parliament to join the newly formed Kenya Peoples Union (KPU)

[14] Ghai Y. P. and McAuslan J. P. W., *Public Law and Political Change in Kenya: A Study of the Legal Framework of Government from Colonial Times to the Present,* (Nairobi, London, New York: Oxford University Press, 1970) pp 43-48

opposition party. As pointed by scholars such as John Barkan and John Okumu, the initial elections in Kenya during Kenyatta regime were geared towards the regulation of political competition and emancipation of sectoral participation in national politics[15] and therefore, political opponents and some regions were alienated from mainstream politics in Kenya.

In order for Kenya to realize effective governance and democracy, Claude Ake suggests that there is need for concrete political, social and economic rights for all citizens which must be practiced by political leadership in all times and places[16]. In addition, there is need to have an efficient electoral system because proper governance that ensures peace and stability lavishly in the application of mutuality, accountability, equality and legitimacy find their roots in elections[17].

(e) Unequal Distribution of Resources

It was established that the residents of Uasin Gishu District and Kesses Location in particular, termed the settlement and/or the resettlement of Kikuyus in the Settlement Transfer Fund schemes during the Kenyatta government as a manifestation of unequal distribution of resources given that the land ought to have been returned to its original owners. The unequal distribution of resources in Kenya is attributed to deficient economic structures manifested in inadequate minimum wages, poor conditions of work, and poor taxation structures in which those who earn more money like the members of parliament have their allowances not taxed. As Galtung argues, the post election conflict could be viewed as arising from uneven life chances, inequitable

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[15] Barkan, J.D. 'Comment: Further reassessment of conventional wisdom: Political knowledge and voting behaviour in rural Kenya', The America Political Science Review, Vol 70 No.2 (1999) pp 452-55.

[16] Ake C., *'Democracy and Development in Africa'*, (Washington, D.C: Brookings institution, 1996) pp124-125

[17] Heywood A., *'Political Ideologies, An Introduction'*, (London: Palgrare, 1998) pp78-79

distribution of resources and unequal decision making power within human relationships thereby resulting into poverty, hunger, repression and social alienations[18].

In addition, weak implementation of anti-poverty interventions by the government is also responsible for the regional imbalance where semi-arid areas are neglected and majority of the citizenry are poor especially houses headed by widows and the less educated. These earlier exclusionist tendencies and ethno political arrangements explain the suspicion and heightened tension between ethnic communities in Kenya especially during elections[19].

Given the above factors, the root causes of post election violence arise from deficient structures in Kenya that prevent a substantial proportion of the population from achieving their basic rights[20] thus confirming the notion that in African countries, election violence occur not only as a result of election 'rigging', but also as a result of a host of deep rooted issues that transcend corruption, negative ethnicity, unbalanced resource allocation, human rights abuses and cultural hegemony[21].

5.4 Management of Post Election Violence in Uasin Gishu District

The findings of the study revealed that the displaced persons in Uasin Gishu District were adequately taken care of while they were at Catholic Cathedral church in Eldoret and also at the Eldoret Show Ground. However, their initial stay at Kesses Divisional headquarters was challenging because they had to do without food until a local pastor brought them food items

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[18] Galtung J., 'Violence, Peace and Research', *Journal of Peace Research,* Vol 3, (1996) pp 167-191

[19] Reece C., *'Economic Underdevelopment during Kenyatta Regime'*, (Nairobi : Oxford University Press, 1982) pp 109

[20] Tronvoll Kjetil and Negash Tekeste, *'Brothers and war: Making Sense of the Eritrean-Ethiopian war'* (Oxford: James Currey Press, 2000) pp 95

[21] Boadi, G.E., 'Managing Electoral Conflicts: Lessons from Ghana', in T.D. Sisk and A. Reynolds, (Eds.), *Elections and Conflict Management in Africa*, (Washington, D.C: United States Institute of Peace Press, 1998) pp.10

which was not adequate. The victims of the post election violence stayed away from their land for a period of one year and four months when they returned to their farms following the government's assurance that security had been enhanced. At the time of the study, all the victims who had resettled were still living in tents and that some of them had planted crops using the seeds provided by the government and that they were looking forward to harvest.

Accordingly, various factors were found to have brought about calm during the post election period. The factors included: the power deal struck between president Mwai Kibaki and Raila Odinga; appeal by political leaders especially the ODM leadership who requested their supporters to stop protesting in order to pave way for the international mediation; pressure from the international community; and enhanced security in the conflict affected areas. It was also established that there are peace building initiatives being undertaken at the grassroots by the local leaders and the provincial administration to bring about reconciliation between the host community and the victims of the post election violence although there was still animosity and tension between the two groups. Nonetheless, the efforts and peace building initiatives that have been or are being employed so far in the management of the post election violence do not address the underlying causes of the violence and this is a major challenge because the government is also slow in the implementation of the Agenda Four of the National Accord that would see many of the deficient structures eliminated.

5.5 Testing of the Hypotheses

The first hypothesis of the study stated that the post election violence in Kenya targeted a specific tribe. This hypothesis was proved right by the fact that the post election violence was more intense and widespread in cosmopolitan area of Kesses Division which is mainly inhabited by people from various ethnic backgrounds (Chapter Four, section 4.3.1.2). The fact that a given

tribe was targeted during the post election violence in Kesses Division was demonstrated by the fact that the perpetrators of the violence were torching houses belonging to the Kikuyus and leaving those belonging to Luos and Luhyas.

The second hypothesis of the study stated that the post election violence in Kenya was as a result of deficient structures in the society. This hypothesis was also proved right given that the post election violence was caused by weak structures such as poor land tenure; deficient ECK legal framework which allows for manipulation of election results and makes transparency and accountability in election a mirage; inadequate political parties legal framework that promotes the formation of parties along ethnic circles; and poor governance structure that personalizes the presidency and gives it more powers thus leaving the citizenry with limited space for participation in government engagements and only limits them to be recipients of government decisions which may not reflect their school of thought.

The last hypothesis of the study which stated that the post election violence in Kenya has been adequately managed was proved wrong. This is attributed to the fact that although calm has returned in the country, tension and animosity is still high between communities that were in conflict during the skirmishes. This is because the underlying causes of the post election violence have not been addressed as stipulated in the Agenda Four of the national accord. In addition, although the welfare of the IDPs at the camps was well addressed with regard to basic needs provision, their resettlement has been poorly carried out. This is manifested by inadequate compensation provided by the government and the forced eviction of IDPs by the security officers from the camps before they are shown where to settle. Consequently, the study achieved all its objectives given that the dimensions, causes and management of the post election violence in Uasin Gishu District have been adequately addressed and analyzed as indicated above.

Chapter Six

Conclusions

6.1 Introduction

The previous chapter dwelt on the critical analysis of the post election violence in Uasin Gishu District where it is revealed that the post election violence targeted mainly people from the Kikuyu community; was caused by deficient structures in the society; and that it was poorly managed. In this chapter, the study has been looked at in retrospective in which the prevailing condition of the country has been reflected upon. The chapter also provides an insight view through a prism into the future perspective of the country in the event that the anomalous structures are not addressed.

6.2 Conclusions

It is stated in the Bible that a house built on sand collapses and gets ruined completely when rain, flood and wind buffets it[1]. On a similar front, Kenya seems to have been founded on sand since independence. This is attributed to the fact that the seed of ethnicity was planted during the colonial period when the colonialists pitted one community against the other using the principle of 'divide and rule'. Those who collaborated with and those who revolted against the colonialists viewed each other as enemies, a trend that continued even after gaining independence. Accordingly, when Kenya gained independence in 1963 from the British, it inherited non-democratic institutions and cultures such as legal systems that facilitated tyranny, oppression and poverty, which later fell into the hands of corrupted politicians and governments who lavished themselves with political and economic favors in a pattern that has extended into the post-post-colonial era.

[1] Holy Bible, Mathew 7: 24-27

At the initial stage of governance, following the publication of the Sessional Paper No. 1 of 1965, Kenya was in the stage of 'take off' as described by Rostow[2]. However, the Sessional Paper was either partially or was never implemented. Instead, the political leadership at the time started to marshal wealth for themselves with impunity at the expense of the populace and as a result of this, corruption and nepotism became a common phenomenon in Kenya. This explains the inequality that is currently prevailing in Kenya. In addition, the political class at the time kept on amending the constitution to consolidate power around the presidency and also to justify their immoral actions; a fact that created an imperial president who has control over both the judiciary and the legislature.

Besides, although it is stated in Kenya's national anthem that 'justice be our shield and defender', the political class rarely adhere to the laid down laws of our country. The judiciary was used before the re-introduction of multi-party era to convict without trial those who were seen to be critical of the government; to gag the media; and to deny the populace the bill of rights such as freedom of speech. In addition, land tenure systems in use in Kenya is very poor as it empowers the politically correct and corrupt individuals to get land without necessarily paying for them when a considerable number of the populace are living as squatters and/or IDPs in their own country.

The electoral system in the country is also wanting as it is not transparent and accountable. All the general elections of 1988, 1992, 1997 and 2007 were marred with 'vote rigging' and all resulted in violence. Moreover, elections play a vital role of legitimizing a government. Hence when the verdict of the electorate is respected, it is less likely that violence will ensure. This is evidenced by the fact that there were no incidences of election violence

[2] Rostow W. W., *The Stages of Economic Growth: A Non-Communist Manifesto,* (Cambridge: Cambridge University Press, 1960) pp 4-16

except for some few pre-election ones during the 2002 general elections. This was because the verdict of the electorate was upheld.

As a country whose core value is to 'dwell in unity, peace and liberty' as articulated in the national anthem, one would not have expected the tribal animosity and violence witnessed in the 2007 post election violence. Thus, the causes of the crisis as revealed in this study show that the leadership has failed to build a true national unity in the country that would foster a desired structure for good governance and sustainable peace and cohesion. This is partly attributed to the fact that the government seems to be promoting the culture of impunity given that individuals in government who have been adversely mentioned in corruption charges and the perpetrators of previous election violence have never been prosecuted; hence the general public is never deterred from engaging in the vices and on this basis we need to take the advice of Martin Luther King who once said:

> The whirlwinds of revolt will continue to shake the foundation of our nation until the bright day of justice emerges. But there is something that I must say to my people who stand on the warm threshold which leads into the palace of justice. In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred[3].

Given that the government structure(s) Kenya has had since independence have failed to liberate its citizens, the citizenry must rise up and act because as Pope John II once said, "The way out in whatever dimension-economic, social, political- must happen first in man given that man cannot remain with no way out"[4]. As a way out therefore, Kenya needs to borrow a leaf from the words of John F. Kennedy, former US president who asserted that:

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[3] Luther Martin, "I have a Dream-1963" in E. Beare (ed), *Speeches that Changed the World*, (London: Bounty Books, 2005) pp 114

[4] John Paul II., "Our lady of Jasna Gora-1983" in E. Beare (ed), *Speeches that Changed the World*, (London: Bounty Books, 2005) pp 135

> We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force....[5]

Kenyans must therefore not hate each other or any ethnic community because their destiny is tied up with the destiny of all of all the entire populace and their freedom is inextricably bound to the freedom of all the citizens. On this ground I invoke the call by President John F. Kennedy who said that, "Let both sides (all communities in Kenya) explore what problems unite them instead of belabouring those problems which divide them"[6]

From the descriptions earlier highlighted in this chapter, it is evident that the main causes of violence in Kenya lie in the structures which are deficient and inadequate. This confirms the tenets of structural theory of conflict which stipulates that violent conflict is a symptom of a sick state. Thus, the structures being used in Kenya are those that deprive the citizens of their needs such as employment opportunities, land, political participation, decision making, conscience forming, mobilization and peaceful coexistence among others; thereby resulting into structural violence. Based on this, Kenya needs to 'overcome the contradiction at the root of the conflict formation' so as to attain positive peace or peace building; otherwise, the unpeaceful state will continue and direct/physical violence will always occur during election periods.

It is therefore high time Kenyans called enough is enough to governance structures that repress and exploit them economically and also those that divide them along ethnic lines. Just

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[5] Luther Martin., "I Have a Dream-1963" in E. Beare (ed), *Speeches that Changed the World*, (London: Bounty Books, 2005) pp 114

[6] Kennedy J. F., "Ask not What Your Country Can Do for You" in E. Beare (ed), *Speeches that Changed the World*, (London: Bounty Books, 2005) pp 98

like Prime Minister, Yitzhak Rabin once quoted from King Solomon's words in the book of Ecclesiasticus[7]:

> ...to every thing there is a season, and a time to every purpose under heaven: A time to be born, and a time to die; A time to kill, and a time to heal; A time to weep, and a time to laugh; A time to love, and a time to hate; A time of war, and a time of peace[8]

The time to make peace and reconcile communities that were in conflict during the post election violence is therefore now and all Kenyans irrespective of age, class, tribe, gender and power must rise up to foster and exhibit peace initiative in order to rejuvenate hope among the populace and also for the generations to come in the future since as John Milton puts it, ".....where peace and rest can never dwell, hope never comes"[9]. In order to achieve this, Kenya needs to: ensure that the return and resettlement of victims of the post election violence takes place alongside a substantive process aimed at promoting reconciliation and addressing the structural underlying causes of displacement, such as land tenure and also to ensure that all IDPs, including long-term IDPs who have been waiting to be resettled for many years are treated equally in terms of the re-settlement package; support constitutional reforms in order to improve the incentives for good governance and reduce the winner-take-all nature of Kenyan politics; advocate for fundamental reform of the ECK to create a trusted and independent institution that will ensure transparency and accountability; carry out reforms of the security forces which is crucial in addressing both the causes and consequences of violence as well as ensuring that law and order are upheld and therefore will be a key determinant of whether future triggers of violence will spread and threaten state stability as was the case in 2007 post election violence; address land reforms with a

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[7] Holy Bible, Ecclesiasticus 3:1-8

[8] Rabin Yitzhak, "The Oslo Accords -1993" in E. Beare (ed), *Speeches that Changed the World*, (London: Bounty Books, 2005) pp 134

[9] Milton John, 'Paradise Lost' in R. Bates (ed), *Prosperity and Violence: The Political Economy of Development*, (New York: Norton, 2001)

conflict-sensitive lens; support peace building from below which is critical in maintaining sustained peace as advocated for by John Paul Lederach[10], support local-level reconciliation and also to build more robust national conflict prevention committee; develop interventions aimed at addressing regional inequalities and youth unemployment; and put in place mechanisms that will address inequality and economic structures in addition to sustaining high levels of economic growth. Good governance is thus a priority for the country to be on track with reference to development, peace and democracy.

[10] Lederach J. P., *Building Peace: Sustainable Reconciliation in Divided Society,*(Washington: US Institute of Peace, 1997) pp 23

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APPENDIX A: INTERVIEW SCHEDULE

I am a student pursuing a Master of Arts degree in International Conflict Management and am carrying out a study on **"Post Election Violence In Uasin Gishu District Of Rift Valley Province, Kenya"** The study seeks to establish the causes, dimensions and the management of the post election violence in Uasin Gishu District. The information that you will give will be treated with uttermost confidentiality. For questions where there are no numbers to be ticked you are required to write answers in your own words in the spaces provided. Thank you for your time

Yours Faithfully,

Onyango Olivia Liliane Achieng
M.A Student
Institute of Diplomacy and International Studies
University of Nairobi

PART A: DIMENSION OF 2007 POST ELECTION VIOLENCE

1) On a scale of 1-5, where 1 is strongly Disagree, 2-Disagree, 3-Undecided, 4-Agree and 5-Strongly Agree, indicate the extent you agree with the following statements regarding the nature of violence.

	Statement	5	4	3	2	1
a.	Males participated in the post election violence					
b.	Females participated in the post election violence					
c.	The post election violence was more widespread in homogenous rural settings					
d.	The post election violence was more intense in cosmopolitan areas					
e.	Election violence began before the election day					
f.	Election violence began on the election day					
g.	Election violence started soon after the election day					
h.	Post election violence took place during the night					
i.	Post election violence took place during the day					

2) Using a Scale of Widely Used and Least Use, indicate the extent to which the following weaponry were used during the post election violence.

	Types of Weapons	Widely Used	Least Used	Total
a.	Rocks/stones			
b.	Bows and arrows			
c.	Firearms/guns by police			
d.	Firearms/guns by civilian aggressors			
e.	Machete/ pangas			
f.	Rungus (clubs) and other blunt objects			

3) On a scale of 1-5, where 1 is strongly Disagree, 2-Disagree, 3-Undecided, 4-Agree and 5-Strongly Agree, indicate the forms of violence used.

	Statement	5	4	3	2	1	Total
a.	Incidences of rape occurred during the post election violence						
b.	There was arson during the post election violence						
c.	There was assault during the post election violence						
d.	There was murder during the post election violence						
e.	Public property were damaged during the post election violence						
f.	Private properties were damaged during the post election violence						
g.	Physical harm occurred during the post election violence						
h.	There were street protests during the post election violence						
i.	There were incidences of theft during the post election violence						
j.	People were displaced during the post election violence						
k.	There were incidences of verbal intimidation during the post election violence						

PART B: CAUSES OF POST ELECTION VIOLENCE

4) On a scale of 1-2, where 1 is Minor cause and 2-Major cause, indicate the causes of violence in Uasin Gishu District

	Factor		Major Cause	Minor Cause	Total
a.	Land issue	n			
		%			
b.	Unequal distribution of public resources	n			
		%			
c.	Vote rigging	n			
		%			
d.	Ethnic hatred	n			
		%			
e.	Unemployment	n			
		%			
f.	Poor governance	n			
		%			
g.	Provocation by security officers	n			
		%			

PART C: MANAGEMENT OF POST ELECTION VIOLENCE

5) In your view, what stopped the post election violence, indicate using a Likert scale where 1 is Strongly Disagree, 2-Disagree, 3-Undecided, 4-Agree and 5-Strongly Agree.

	Factor		SA	A	UD	DA	SDA	Total
a.	Power deal between the presidential rivals	n						
		%						
b.	Appeal by political leaders	n						
		%						
c.	Pressure from international community	n						
		%						
d.	Enhanced security in conflict areas by the government	n						
		%						

PART D: SOCIO-ECONOMIC CHARACTERSITICS

1) Sex, 1. Male [ ] 2. Female [ ]

2) Age: 1. 15-34 Years [ ] 2. 35-54 Years [ ] 3. Above 54 Years [ ]

3) Marital Status 1 Single parent [ ] 2. Married [ ] 3 divorced/separated [ ] 4 widowed [ ]

4) Occupation: _____

5) Ethnic Affiliation_____

6) Duration of stay in the area: 1. 0-4 2. 5-9 [ ] 3. 10-14 [ ] 4.15-19 [ ] 5. Above 19[ ]

7) Ownership of land: 1: Inherited from parents [ ] 2. Purchased [ ] 3. Settled/resettled by government [ ] 4. Others (specify) _____

APPENDIX B: FOCUS GROUP DISCUSSION GUIDE FOR MEMBERS OF HOST COMMUNITY

1. Can you describe the intensity of the post election violence with regard to:

   a) Settings

   b) Time of the Day

   c) Period of election-pre-election, election day and post election

2. Which group of people participated in the post election violence?

3. Which weapons were used during the post election violence?

4. What forms did the post election violence take?

5. To what extent did the following factors led to the causation of the post election violence:

   a) Land issue

   b) Unequal distribution of resources

   c) Vote rigging

   d) Ethnic hatred

   e) Unemployment

   f) Poor governance

   g) Provocation by security officers

6. In your own opinion, what made the post election violence to cease?

7. Describe the peace building efforts that have been or are being initiated to reconcile the different communities or persons residing in Kesses Division

APPENDIX C: FOCUS GROUP DISCUSSION GUIDE FOR VICTIMS OF POST ELECTION VIOLENCE

1. Can you describe the intensity of the post election violence with regard to:
   a) Time of the Day
   b) Period of election-pre-election, election day and post election
2. Which group of people participated in the post election violence?
3. Which weapons were used during the post election violence?
4. What forms did the post election violence take?
5. In your own opinion, what caused the post election violence?
6. According to you, what made the post election violence to cease?
7. Describe the treatment and care you people received right from the day you were displaced to the time you returned to your farms or places of residences.
8. Describe the peace building efforts that have been or are being initiated to reconcile the different communities or persons residing in Kesses Division.
9. How can we prevent a repeat of the post election violence in the future elections?

APPENDIX D: KEY INFORMANT INTERVIEW GUIDE (CHIEFS AND COMMUNITY ELDERS)

1. Can you describe the intensity of the post election violence with regard to:
   a) Settings
   b) Time of the Day
   c) Period of election-pre-election, election day and post election
2. Which group of people participated in the post election violence?
3. Which weapons were used during the post election violence?
4. What forms did the post election violence take?
5. To what extent did the following factors led to the causation of the post election violence:
   a) Land issue
   b) Unequal distribution of resources
   c) Vote rigging
   d) Ethnic hatred
   e) Unemployment
   f) Poor governance
   g) Provocation by security officers
6. According to you, what made the post election violence to cease?
7. Describe the peace building efforts that have been or are being initiated to reconcile the different communities or persons residing in Kesses Division.
8. How can we prevent a repeat of the post election violence in the future elections?