

**UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**Decision Making in Crisis Early Warning and Response Mechanisms: A
Case Study of Electoral Conflict in Kenya**

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Research project presented in partial fulfilment of the degree of Master of Arts in International Conflict Management, Institute of Diplomacy and International Studies, University of Nairobi.

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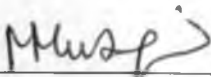
Declaration

I, Dennis B. Wamalwa, declare that this dissertation is my original work and has not been submitted for the award of a degree in any other university.

Signed 
Dennis B. Wamalwa

Date 07/11/11

This Project has been submitted for examination with my approval as University Supervisor.

Signed 
Prof. Makumi Mwangi
Institute of Diplomacy and International Studies,
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Date 7/11/11

Dedication

This paper is dedicated to my lovely family from whom i draw a lot of inspiration.

Acknowledgement

I would like to pass my gratitude to my wife, friends and colleagues whose support was invaluable towards the completion of this study. I would also like to thank Prof. Makumi Mwangiri who gave me the intellectual support and encouragement to keep on keeping on. Thank you Prof.

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Abstract

This study examines the decision making in crisis early warning and response mechanisms with a focus on the electoral conflict in Kenya. The work starts from the premise that the electoral violence was largely due to lack of a good decision making process and appropriate response. The decision making was done in an ad-hoc manner due to the absence of a robust and systematic crisis decision making and early-warning system.

The study begins with an appreciation of crisis as a concept and critically examines the decision making process in crisis early warning and response mechanisms. The interaction between warning and response and the underlying challenges are explored. These are followed by an interrogation of the literature that gives deep insights in crisis decision making and response mechanisms. This links previous research and provides the basis for the conduct of the study.

The research findings are interpreted in the prism of the cybernetic model of decision making that sees the government as a communication system equipped for feedback processes that enable it to evaluate its past actions and their impact on its environment, and to alter its present and future actions so as to attain set objectives. The study is qualitative with both primary and secondary data examined. Primary data entails data collected first hand involving responses to key informant interviews and contents of focused group discussion involving senior Government security analysts involved in crisis early warning.

The study concludes that there appears to have been confusion in the KSIM particularly at the top decision making organs, the CSC and NSAC. They were characterised by partisan interests and all sorts of symptoms of defective decision making with no concrete contingency plans put in place to address the escalating crisis.

Abbreviations

NSIS - National Security Intelligence Service

CIPEV - Waki Commission of Enquiry in Post Election Violence

CSC – Cabinet Security Committee

DSIC – District Security Intelligence Committee

MoU - Memorandum of Understanding

JSIS – Joint Security Intelligence Secretariat

KANU – Kenya African National Union

ODM – Orange Democratic Movement

PNU – Party of National Unity

PSIC – Provincial Security Intelligence Committee

NARC – National Rainbow Coalition

UN – United Nations

CIA - Central Intelligence Agency

FBI - Federal Bureau of Investigation

NSAC - National Security Advisory Council

SOPs – Standard Operating Procedures

KADU - Kenya African Democratic Union

NAK – National Alliance of Kenya

LDP – Liberal Democratic Party

Chapter 1:

Introduction to the Study

Introduction

Understanding of the concept of crisis has shifted tremendously with changes in the international system. During the Cold War, threats were seen from a realist perspective. Military threats to the nation-state were seen as the sources of crisis. Thus, the strategies of balance of power and deterrence, military might, were employed to address crises. The end of the Cold War changed the understanding of crisis. As opposed to the Cold War international system that was characterised by military inter-state threats, the Post Cold War international system was different. A number of threats to the state emerged, among them state partition and disintegration; civil war; democratization; mass migration and refugee problems, environmental issues; ethnic conflict and terrorism. This necessitated rethinking of the concept crisis as some of these new threats cannot be tackled by the Cold War strategies of deterrence or balance of power. These emerging threats called for the development of a crisis early warning systems to address them. To do so required the understanding of the crisis decision making process in early warning and response mechanisms.

For a long time, emphasis had been put on intensification of collection and refining of analysis of information for timely warning. However, it has become apparent that emphasis on intelligence collection and analysis is not sufficient. Warning in itself is only useful if it is followed by appropriate response by the policy makers. On the other hand, it is not given that once policy makers receive warning they spring into action. They face their own challenges as they go through a decision making process before relevant contingency measures are put in place.

The recurrence of post election violence in Kenya for instance brought into sharp focus this issue of crisis decision making in early warning and response mechanisms. The country had witnessed violence after the 1992 and 1997 general elections. Thus the magnitude of the 2007/2008 post election violence shocked the country. It suffered its worst humanitarian and political crisis since independence following the announcement of the presidential poll results. This crisis elicited questions as what role the intelligence community and the entire security machinery had done towards warning and response. Had they failed to capture the warning indicators that stretched back to 1992 and beyond? If they had not, then did they issue warning to the relevant security agencies? If so, did the policy makers prepare adequately to respond to the warning?

Research problem

The 2007/2008 political crisis that led to electoral violence apart from leading to the death and displacement of thousands of Kenyans had a devastating effect on the economy of the country that at the time was robust as compared to other countries in the region. It led to closure of industries, collapse of the tourism sector as well as the stock market. The consequences of the disruptions especially on the transport sector were felt not only in the country but in the region as well, Kenya being geographically the gateway to many landlocked countries in the region.

The electoral crisis put in question the effectiveness of existing decision making and crisis early warning and response mechanisms if they existed at all in the first place. While it could be argued that there was not enough early warning, the opposite is true. In fact, there were ample indicators with Kenya having experienced ethnic related conflicts since its independence particularly the ethnic clashes after the 1992 and 1997 general elections, even though the magnitude of the violence was much lower as compared to the 2008 post electoral violence. What was lacking was a good decision making process and appropriate response.

The warning–response dilemma, where opportunities for prevention are missed as a result of lack of appropriate response is as a serious obstacle to preventive action. The challenges to early warning in Kenya are manifold, as warning is often done in an ad-hoc fashion due to the absence of any comprehensive and systematic crisis decision making and early-warning system. Although there is enormous literature on systematic conflict early warning toolboxes and models advocating for the implementation of a global early-warning system for conflict prevention, little progress has been realized in the country towards the creation of an early-warning capability for conflict and crisis prevention.

Objectives of the Study

1. To examine the decision making process in crisis early warning and response mechanisms.
2. To examine the interaction between warning and response in crises,
3. To explore challenges to warning and response in crises.

Literature Review

In a bid to examine decision making in crisis early warning and response mechanisms, the review of literature will proceed in a systematic manner. Firstly, there is a need to understand and define the concept of crisis. Thereafter, decision making in crisis is discussed to appreciate the challenges the policy makers go through before coming up with quality policy options. In addition, the linkage between warning and response in crisis early warning and response mechanisms is tackled in detail. The cybernetic/cognitive model of decision of decision making is expounded for better understanding of the decision making process during crises.

Definition of Crisis

Phillips and Rimkunas¹ argue that the concept of crisis and causes of crisis situations appear to be vague to students of international crisis management. This is due to lack of a clear analytical framework in which to place the concept a situation attributed to the confusion surrounding the use of the term.² Ordinarily, a crisis refers to a situation that is violent or potentially violent or rather could lead to war. Over usage of the term has created a blurred distinction between crisis and non-crisis situations. Phillips and Rimkunas conceptualize two approaches to a more systematic definition of crisis: the substantive and the procedural approaches. In the substantive approach, crisis is specific to the content of a particular problem or situation. Proponents of this definition are concerned with the implications of a particular policy, problem, or situation. On the other hand, those concerned with the aims of general theory take a more procedural definition of crisis.

“...those who express a decision-making approach deal mainly with intra-unit situations and processes, while the students of international systems prefer to investigate inter-unit exchanges. Specifically, those using the decision-making approach have dealt with policy processes, perceptions, information of intentions, the impact of public opinion, and the psychological management of crises ... In contrast to this approach, the systemic approach focuses on the exchange of actions and reactions of crisis participants. The number and types of foreign policy outputs which a nation can produce is thus examined according to the volume of acts per time span, the distribution of actions across a set of types, and the sequencing of acts”³.

Lauren and Gilbert argue that crises occur suddenly, demand quick decisions by leaders under intense pressure, threaten vital interests, and raise enormous uncertainties about war and peace⁴.

Richardson argues that the term crisis has been employed in several ways in various fields ranging from social sciences to history to the extent that a common definition appears

¹ Warren Phillips and Richard Rimkunas, 'The Concept of Crisis in International Politics,' *Journal of Peace Research*, Vol. 15, No. 3 (1978), pp. 259-272.

² Ibid p.259.

³ Ibid p. 259.

⁴ Lauren P. Gordon and Arthur N. Gilbert, 'Crisis Management: An Assessment and Critique' *The Journal of Conflict Resolution*, Vol. 24, No. 4 (Dec., 1980), pp. 641-664.

elusive⁵. He nonetheless adds that crises have been defined "...in terms of abrupt systemic change, a certain class of decisions or a high risk of war, with a tendency to converge on the third of these"⁶. Thus he defines it "... as a brief phase in which the breakdown or transformation of a system (a pattern of relationships) is threatened"⁷. Other scholars view crises as turning points or decision points in inter-state relations. This approach however has limitations as not all turning points consist of crises and are more difficult to recognise than crises.

Hermann⁸ defines a crisis as "a situation that threatens high- priority goals of the decision-making unit, restricts the amount of time available for response before the decision is transformed and surprises the members of the decision-making unit by its occurrence"⁹. Rosenthal and Kouzmin¹⁰ argue that that Hermann's definition requires some adjustment. They posit that it is not only goals that are involved hence the need to formulate the reference point of threat in a broader sense to render the concept more suitable in a wider context¹¹. Deriving from Hermann's definition however, it is clear that in a crisis situation, there is a need to make very important choices especially in protracted crises. According to Rosenthal and Kouzmin, the surprise element poses several problems. They argue that it "would be more appropriate to view the surprise element as only one of many factors that can lead to a relatively high degree of uncertainty and view high uncertainty as a defining feature of crisis situation."¹² In this respect, crisis can be defined as a "...a serious threat to the basic structures or the fundamental values and norms of a social system, which-under time pressure and

⁵ James L. Richardson, *Crisis Diplomacy: The Great Powers Since the Mid-Nineteenth Century*. (Cambridge, Cambridge University Press, 1994) p. 10.

⁶ Ibid p.10.

⁷ Ibid p.10.

⁸ See Charles F. Hermann, *International Crises: Insights from Behavioral Research* (1972).

⁹ Ibid p.279.

¹⁰ See Uriel Rosenthal and Alexander Kouzmin, 'Crisis and Crisis Management: Toward Comprehensive Government Decision Making,' *Journal of Public Administration Research and Theory: J-PART*, vol. 7, No. 2 (Apr., 1997), pp. 277-304. (Oxford University Press).

¹¹ Ibid P. 279.

¹² Ibid P. 279.

highly uncertain circumstances-necessitates making critical decision."¹³ Thus, decision making definitions are clearer and defined as a particular government decision. For instance, Brecher and James argue that "...from the perspective of a state, a foreign policy crisis is a situation with three individually necessary and collectively sufficient conditions, deriving from a change in its external or internal environment. All three are perceptions held by the highest-level decision makers: perception of a threat to basic values, with a simultaneous or subsequent expectation of a high probability of involvement in military hostilities, and the awareness of finite time for response to the external value threat."¹⁴ From this perspective, Richardson argues that crisis may thus be critical for some government than for others. However, they define a relationship in terms of only one actor involved as opposed to more than one actor.

Some scholars such as Snyder and Diesing define international crises as situations involving a heightened risk of war.¹⁵ This approach refers to conflicts in which the chances of war appear real and immediate. The perception or probability of war is seen from the decision makers point of view as decision makers may perceive risks of war that the public is yet to do so.¹⁶ From this debate, Richardson adopts a definition of an international crisis as "...an acute conflict between two or more states, associated with a specific issue and involving a perception by decision makers of a serious risk of war."¹⁷

Decision Making in Crisis

After understanding the concept "crisis" and after establishing that a crisis situation exists, it is important that critical decisions are made to address the given crisis. Rosenthal and

¹³ Ibid P. 280.

¹⁴ Michael Brecher and Patrick James, 'Patterns of Crisis Management,' *The Journal of Conflict Resolution*, Vol. 32, No. 3 (Sep., 1988), pp. 426-456.

¹⁵ James L. Richardson, *Crisis Diplomacy: The Great Powers Since the Mid-Nineteenth Century*, Op. Cit. P.11

¹⁶ Ibid pp. 11-12.

¹⁷ Ibid p.12.

Kouzman¹⁸ argue that in crisis situations government authorities undergo a legitimacy crisis as the occurrence of crises leads to doubts as regards their effectiveness to prevent such eventualities. The decisions the authorities make may aggravate the crisis or they may lack the courage to act or simply remain passive. On the other hand, they may overreact. Thus, the decision the government takes in a crisis can be productive or counter-productive. They further add that "crises are political events par excellence. Not only are they "occasions for decisions," but they are also occasions for a restructuring of power relations. Intergovernmental and bureaupolitics are an integral part of governmental decision making in crises...¹⁹" In crisis decision making and management, Rosenthal and Kouzman distinguish between actor (subjectivist) and observer (objectivist) perspectives on crises. That "what may constitute a crisis for a government may be perceived by its critics as a rare opportunity to initiate and enforce policy or regime changes."²⁰ Thus, for a better understanding of governmental crisis decision making, they propose a five consecutive heuristic steps framework to bridge the gap between objectivist and subjective perspectives.

The first stage involves establishing whether there exists a serious threat to the socio-political system. The next step is the necessity to respond to the threat. That is whether it is necessary to respond or leave the situation as was. Thirdly is the necessity for government decisions, that is, are government authorities able to respond to the threat? The fourth step is the promptness of decisions. The last stage involves government authorities in crisis decision making. At this final stage, the objective and subjective perspectives coincide when political and bureaucratic authorities perceive a severe threat to the system.

¹⁸ Rosenthal Uriel and Kouzman Alexander, 'Crisis and Crisis Management: Toward Comprehensive Government Decision Making,' *Journal of Public Administration Research and Theory*, vol. 7, no.2 (1997) pp. 277-304.

¹⁹ Ibid p.287.

²⁰ Ibid p.289.

Herek et al in their study posit that high-quality decision-making procedures during crises lead to better outcomes as opposed to defective decision-making procedures.²¹ They argue that the “most effective decision makers engage in careful contingency planning, exercising caution to avoid mistakes in making important policy decisions.”²² They refer to this approach as vigilant problem-solving that involves seven criteria to avoid symptoms of defective decision-making. These are: gross omissions in surveying alternatives, gross omissions in surveying objectives, failure to examine major costs and risks of the preferred choice, poor information search, selective bias in processing information at hand, failure to reconsider originally rejected alternatives and failure to work out detailed implementation, monitoring and contingency plans. These symptoms will be examined in greater detail in the next chapter. However, Welch²³ calls into question the criteria by Herek et al. arguing that their arguments are based on one event, the Cuban Missile Crisis and hence one should think beyond.

Smart and Vertinsky on their part argue that in a crisis situation, “one must secure a high-quality decision making process, the outputs of which are duly and precisely implemented. High-quality decisions increase the implementation units' trust in the decision unit and increase degree of compliance with directives.”²⁴ In their view, a decision process consists of “articulation of objectives, generation of alternate courses of action, appraisal of their feasibility, evaluation of the consequences of given alternatives, and a choice of that alternative which contributes most to the attainment of organizational objectives.”²⁵ They outline classes of crises-specific pathologies that may affect one or more of the components

²¹ See Gregory M. Herek, Irving L. Janis, Paul Huth, ‘Decision Making during International Crises: Is Quality of Process Related to Outcome?’ *The Journal of Conflict Resolution*, Vol. 31, No. 2 (Jun., 1987), pp. 203-226.

²² Ibid p.204.

²³ See David A. Welch, ‘Crisis Decision Making Reconsidered,’ *The Journal of Conflict Resolution*, Vol. 33, No. 3 (Sep., 1989), pp. 430-445.

²⁴ See Carolyne Smart and Ilan Vertinsky, ‘Designs for Crisis Decision Units,’ *Administrative Science Quarterly*, Vol. 22, No. 4 (Dec., 1977), pp. 640-657.

²⁵ Ibid 642.

of decision making: These are: Narrowing of cognitive processes, information distortion, group pathologies, rigidities in programming and lack of decision readiness. Smart and Vertinsky identify information distortion and rigidities in programming as the major constraints on the implementation process.

Crisis Early Warning and Response Mechanisms

High quality decision making in crises requires credible intelligence that constitutes early warning for appropriate response. This calls for an understanding of the concept “early warning”. Generally, early warning is a procedure or mechanism for structured and systematic collection and analysis of information, followed by communication of the results of the analysis to policy makers in a simple and easy to understand format.²⁶ The aim in this case is to enhance the capability of the decision makers to make strategic decisions based on improved knowledge of the operating environment, of available options for action, and the implications of each action.²⁷ Davies and Gurr argue that the goal of early warning is proactive engagement in the earlier stages of potential conflicts or crises, to prevent or alleviate their destructive expressions.²⁸ The relevant intelligence is given to decision makers for better understanding, preparedness, and mobilization for responding to an evolving situation, reducing the element of surprise and creating momentum towards the necessary political will to act.

Dmitrichev argues that there is need to link early warning with follow-up action. Early warning will be of no use if it is not acted upon in a timely manner to address the problem at hand. He adds that there are two key challenges related with engaging in a response that are closely interrelated: “the role of decision makers (idiosyncrasies) and the

²⁶ Andrei Dmitrichev, *The Role of Early Warning in the Office of the UN High Commissioner for Refugees*, in Eds John L. Davies and Ted R. Gurr, *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*, (Maryland, Rowman & Littlefield Publishers, 1998) p. 220

²⁷ Ibid, P 220

²⁸ John L. Davies and Ted R. Gurr, *Preventive Measures: An Overview*, in *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*, (Maryland, Rowman & Littlefield Publishers, 1998) p.2

constraints of the political environment (political will).²⁹ Idiosyncrasies of decision makers in a decision making process reflect doctrine, politics, points of view, and personal preferences and may interfere in the interpretation of situations and diminish the possibility of building a logical approach to solving the problem. The trend is to ignore potential crises while believing that the worst will not happen. Consequently, the aim of creating early warning systems is to accord "...decision makers the tools to understand increasingly complex cause-and-effect linkages among events and to interpret the meaning of evolving situations. This would assist them to maximize rational evaluation of alternatives..."³⁰

Cybernetic/Cognitive Model

The complex chain of warning and response to crises in the government can be understood by examining the cybernetic/cognitive model of decision making. Maoz argues that cybernetic and cognitive theorists view decision makers as lacking the requisite "computational skills required by analytical procedures, or the time and resources that are needed even for intuitive and non-rigorous analytic decision-making."³¹ He criticizes the analytical approach to decision making "for ignoring or discounting the role of cognitive mechanisms which constrain the quality of search, revision, and evaluation processes"³².

The cybernetic model sees the government as a communication system equipped for feedback processes that enable it to evaluate its past actions and their impact on its environment, and to alter its present and future actions so as to attain set objectives³³. Deutsch "posit a social organism that is analogous to the human individual in its reactions. And beyond this, both social and human organisms are analogous to the performance of

²⁹ Andrei Dmitrichev, Op Cit. P 221.

³⁰ Ibid 221

³¹ See Zeev Maoz, 'The Decision to Raid Entebbe: Decision Analysis Applied to Crisis Behavior,' *The Journal of Conflict Resolution*, Vol. 25, No. 4 (Dec., 1981), pp. 677-707.

³² Ibid p.680

³³ See William Buchanan, 'Reviewed work(s): The Nerves of Government. by Karl W. Deutsch,' *The Journal of Politics*, Vol. 26, No. 3 (Aug., 1964), pp. 677-678.

computers programmed to accept information, remember and decide"³⁴. The cybernetic model is linked to "empirical studies of communication flow, political and military intelligence and certain public opinion phenomena; classical normative theory and the traditional studies of international politics ... theories of control and decision"³⁵. The fundamental idea behind the cybernetic/cognitive approach is that decision makers in government are able to impose meaning and structure on their operating environment through a consistent and stable value system³⁶. This serves as the base for individual decision making processes. In government or organization context, standard operating procedures (SOPs) are used to guide behaviour. In this model, decision making proceeds in a series of steps. The first stage involves identification and diagnosis. Here the problem is identified when an event in the external operating environment is seen as a deviation from the ideal or expected norm. It is diagnosed and ranked within a hierarchy of values. Analogy is used to diagnose the problem where past events that share similarities with the current problem are searched. Policy makers pick the latest analogy from an event that had national consequences. The next stage involves picking options through deduction. Decisions made are limited to options that are "consistent with the major normative components within the belief systems or with predesigned programs. Options which proved to be disastrous in the past are rejected...and additional exploration occurs only if the initial option fails to satisfy some level of preset aspiration..."³⁷

Decisions made are biased and conservative due to the belief system of the decision makers that are resistant to change. Information that appears to deviate from the norm is ignored or discredited regardless of its good credibility. Any changes in the decision making process will be limited to the SOPs. Decisions made are evaluated on a single most important

³⁴ William Buchanan, 'Reviewed work(s): The Nerves of Government, by Karl W. Deutsch,' p.677

³⁵ Ibid p.678

³⁶ Zeev Maoz, 'The Decision to Raid Entebbe: Decision Analysis Applied to Crisis Behavior,' p.681

³⁷ Ibid p.681

value dimension. Forceful mechanisms are used should value conflict become manifest. "Conflict-reducing strategies involve ignoring or discrediting the importance of conflicting value dimensions..."¹⁸ The final decision is picked if it meets the individual or organizational acceptability threshold.

Justification of the Study

Recurrent post election violence in 1992, 1997, and 2007 had a negative impact on the stability of the state due to the deaths and destruction of property, more so slowing down economic growth. Indicators of violence were discernible over the years and particularly during the campaign period and yet the government seemed to have always been caught by surprise in the resultant violence. In the academic justification, it is hoped that this study will be invaluable in enriching the study of decision making in crisis early warning and response mechanisms.

At the policy level, appreciating the decision making process in crisis early warning and response mechanisms and its underlying challenges is critical to understanding the failure by policy makers to respond to both equivocal and unequivocal indicators. It is therefore crucial for policy makers to internalize the process so that they are able to effectively address crisis situations in future. The failure by security agencies to respond adequately to post election violence in Kenya was partly influenced by their inability to utilise information that was already available and to translate this into strategic plans for appropriate action. The study will thus provide the policy makers with a framework for addressing crises.

Scope and Limitation of the Study

This study examines crisis decision making process in early warning and response mechanisms with focus on Kenya's post election violence from 1992 to 2008. Particular emphasis will be put on the 2007/2008 post election crisis that registered unprecedented

¹⁸ Zeev Maoz, 'The Decision to Raid Entebbe: Decision Analysis Applied to Crisis Behavior' p.682

levels of violence as compared to the 1992 and 1997 ethnic clashes. Not a lot of studies have been done on decision making in early warning and response mechanisms as regards these crises. This poses a challenge in data collection. However, data from open sources will be of value. There is equally lack of a clear theoretical framework in which to base the decision making process in warning and response. The study will however use cybernetic/cognitive model. The model sees the government as a communication system equipped for feedback processes that enable it to evaluate its past actions and their impact on its environment, and to alter its present and future actions so as to attain set objectives.

The nature of the study requires a critical review of the decision making process right from the intelligence community to the policy makers. Access to information is likely to be a challenge as most of the information is classified. However, access to most of the estimates or forecasts with regard to the 2007/2008 post election violence captured in various products by the NSIS is likely as they were declassified owing to their presentation to CIPEV and the International Criminal Court (ICC) at The Hague.

Hypotheses

The hypotheses of the study are as follows:

1. High-quality decision-making during crises leads to better policy outcomes.
2. The more response-oriented early warning analysis is, the higher the chances of policy makers putting in place appropriate response measures.
3. Crisis estimates/forecasts on their own do not constitute warning.

Methodology

Type of study

The study will employ qualitative approach of research as it is more flexible, allowing greater spontaneity and adaptation of the interaction between the researcher and the study participant. It employs mostly “open-ended” questions that do not necessarily have to be uniform. This

way, participants respond freely, elaborately and in greater detail giving deeper insights into the issue under study as opposed to simple “yes” or “no” responses. This implies that the relationship between the researcher and the participant is bound to be less formal than in quantitative research. Equally, the researcher takes advantage of this situation to craft questions or build up more questions in line with the information already provided by the participant.

In view of this, effort will be made to gather the maximum amount of information possible as using a structured quantitative approach is likely to fail to capture crucial information with the participants resorting to simple “yes” or “no” responses due to sensitive nature of the information sought.

Type of data

This study will make use of both primary and secondary data. Primary data will entail data collected first hand by the research and will involve responses to key informant interviews and contents of focused group discussion. Secondary data will include content analysis whereby information will be extracted for analysis from various reports such as Reports by various government commissions of inquiry into election related violence such CIPEV, and the Akiwumi Commission of Inquiry into tribal Clashes, journals, academic papers and periodicals.

Methods of data collection

The study will employ Focus Group Discussion (FGD), key informant interview, and content analysis. FGD will focus on the experiences of the participants regarding decision making in crisis early warning and response mechanisms as regards post election crises in Kenya. In FGD, the respondents will have the freedom to express themselves freely even though the discussion will be structured through an FGD guide. The key informant interviews will target senior officers in the security sector particularly in the intelligence community to share

their experiences as regards warning and response to crises especially as regards the 2007/2008 post election violence. Content analysis of various reports of commissions of inquiries that were formed by the government to look into causes of electoral crises that have afflicted the country since 1992 will be carried out. The objective will be to analyse the findings and recommendations of the commissions to establish whether crisis warning indicators had already been availed to the government in a bid to find out why it failed to respond accordingly.

Instruments

FGD Guide will be administered to security experts involved in early warning analysis while interview guide will be administered to some members of the NSAC and the JSIS to collect qualitative primary data.

Population

The study will target officers in the security sector.

Sample Population

The sample population will include security experts involved in early warning analysis and some members of the NSAC and JSIS.

Chapter Outline

Chapter 1: Introduction to the Study

Chapter 2: Crisis Decision Making

Chapter 3: Crisis Early Warning and Response Mechanisms

Chapter 4: Case Study of Kenya: Electoral Violence and Decision Making

Chapter 5: Conclusion

Chapter 2

Crisis Decision Making

Introduction

This chapter examines government decision making process in crisis situations. This is critical as it will inform the eventual analysis of government decision making and early warning response mechanisms in the case study. Kenya post electoral conflict.

Government Decision Making in Crisis

Rosenthal and Kouzman argue that in crisis situations government authorities undergo a legitimacy crisis as the occurrence of crises leads to doubts as regards their effectiveness to prevent such eventualities. The decisions the authorities make may aggravate the crisis or they may lack the courage to act or simply remain passive. On the other hand, they may overreact. Thus, the decision the government takes in a crisis can be productive or counter-productive¹. They further add that “crises are political events par excellence. Not only are they "occasions for decisions." but they are also occasions for a restructuring of power relations. Intergovernmental and bureaupolitics are an integral part of governmental decision making in crises...²” In crisis decision making and management, Rosenthal and Kouzman distinguish between actor (subjectivist) and observer (objectivist) perspectives on crises. They add that what may be construed by one government to be a crisis may be perceived by others as an opportunity to initiate and enforce policy or regime changes. In their opinion therefore, “crises are in the eyes of their beholders”. Simply put, one man’s crisis is another man’s opportunity. The two scholars add that even when there is consensus amongst parties

¹ Rosenthal Uriel and Kouzman Alexander. ‘Crisis and Crisis Management: Toward Comprehensive Government Decision Making.’ *Journal of Public Administration Research and Theory*, vol. 7, no.2 (1997) pp. 277-304.

² Ibid p.287

involved in a given crisis as regards the seriousness of the situation. "differences may arise over appropriate implementation strategies for crisis resolution."³

Thus, for a better understanding of governmental crisis decision making, they propose a five consecutive heuristic steps framework to bridge the gap between objectivist and subjective perspectives. The first stage involves establishing whether there exists a serious threat to the socio-political system. The next step is the necessity to respond to the threat. That is whether it is necessary to respond or leave the situation as was. Thirdly is the necessity for government decisions, that is, are government authorities able to respond to the threat? The fourth step is the promptness of decisions. Rosenthal argues that democratic systems of government are not designed to promptly respond to crisis situations as they tend to underline formal consultations, deliberations and complex accountability procedures. The bureaucratic nature of the decision making process is thus both a strength and a weakness due to the time consuming nature of the process. On the contrary, crisis situations require a quick decision making and hence a quick response. "The longer that decision makers are engaged in searching for optimality or a synoptic rationalism..., the larger the risk that events will run out of control. At the same time, decision makers cannot settle for incremental solutions either..."⁴ In some crisis circumstances, government agencies may have no choice but make both prompt and risky decisions "...without the benefit of established procedure, authority, or, often, known channels of communication". This may imply overlooking standard operating procedures. Strategy of concurrency as it is called is used to shorten the time from policy formulation to implementation. This strategy is useful in the short term but it is often very costly in the long term due to errors involved in such decision making characterised by poor planning.

³ Rosenthal Uriel and Kouzman Alexander. 'Crisis and Crisis Management: Toward Comprehensive Government Decision Making,' p.285

⁴ Ibid pp.293-294

The last stage involves government authorities in crisis decision making. At this final stage, the objective and subjective perspectives coincide when political and bureaucratic authorities perceive a severe threat to the system.

Maoz argues that cybernetic theorists underline the pressures emanating from environmental complexity and uncertainty, as well as the organizational settings in which foreign policy decisions are made while cognitive theorists emphasize the role of psychological variables such as belief systems and consistency-maintenance constraints. He further adds that cybernetic and cognitive theorists view decision makers as lacking the requisite “computational skills required by analytical procedures, or the time and resources that are needed even for intuitive and non-rigorous analytic decision-making.”⁵ They criticize the analytical approach to decision making “for ignoring or discounting the role of cognitive mechanisms which constrain the quality of search, revision, and evaluation processes.”⁶ Thus in their view, decision makers cannot be treated as formal scientists as they often deviate from scientific deduction criteria. The cybernetic and cognitive models both outline very similar predictions as regards the observed decisional procedures at the individual and group levels.

The cybernetic model as conceptualized by Deutsch⁷ sees the government as a communication system equipped for feedback processes that enable it to evaluate its past actions and their impact on its environment, and to alter its present and future actions so as to attain set objectives.⁸ Deutsch “posit a social organism that is analogous to the human individual in its reactions. And beyond this, both social and human organisms are analogous

⁵ See Zeev Maoz, ‘The Decision to Raid Entebbe: Decision Analysis Applied to Crisis Behavior,’ *The Journal of Conflict Resolution*, Vol. 25, No. 4 (Dec., 1981), pp. 677-707.

⁶ Ibid p.680

⁷ The cybernetic model was conceptualized by Karl W. Deutsch, *The Nerves of Government*, (New York, The Free Press of Glencoe, 1963).

⁸ See William Buchanan, ‘Reviewed work(s): The Nerves of Government, by Karl W. Deutsch,’ *The Journal of Politics*, Vol. 26, No. 3 (Aug., 1964), pp. 677-678.

to the performance of computers programmed to accept information, remember and decide.”⁹

The cybernetic model is linked to “empirical studies of communication flow, political and military intelligence and certain public opinion phenomena; classical normative theory and the traditional studies of international politics (including works of Morgenthau, Kennan, Friedrich, Lasswell, Parsons and Easton); theories of control and decision (Wiener, von Neumann, Rapoport, Schelling);...”¹⁰ The basic idea about the cybernetic/cognitive approach is that decision makers in government are able to impose meaning and structure on their operating environment through a consistent and stable value system¹¹. This serves as the base for individual decision making processes. In government or organization context, standard operating procedures (SOPs) are used to guide behaviour. In this model, decision making proceeds in a series of steps.

The first stage involves identification and diagnosis. Here the problem is identified when an event in the external operating environment is seen as a deviation from the ideal or expected norm. It is diagnosed and ranked within a hierarchy of values. Analogy is used to diagnose the problem where past events that share similarities with the current problem are searched. Policy makers pick the latest analogy from an event that had national consequences and pay little attention to the analogized case and the problem at hand. The next stage involves picking options through deduction. Decisions made are limited to options that are consistent with the belief systems or with predesigned programs. Those options that were not reliable in the past according to them are rejected. The third stage is biased and conservative revision. Decisions made are biased and conservative due to the belief system of the decision makers that are resistant to change. Information that appears to deviate from the norm is ignored or discredited regardless of its good credibility. Any changes in the decision making process will be limited to the Standard Operating Procedures (SOPs). Fourthly, decisions

⁹ Karl W. Deutsch. *The Nerves of Government*. (New York, The Free Press of Glencoe, 1963) p.677

¹⁰ Ibid p.678

¹¹ Zeev Maoz, ‘The Decision to Raid Entebbe: Decision Analysis Applied to Crisis Behavior,’ Op. Cit. p.681

made are evaluated on a single most important value dimension to maintain cognitive consistency while reducing complexity caused by value integration. Forceful mechanisms are used should value conflict become manifest. "Conflict-reducing strategies involve ignoring or discrediting the importance of conflicting value dimensions...Additional value dimensions, if considered, are confronted in a sequential "elimination by aspects" manner..."¹² The last stage is satisficing choice. At this stage, the final decision is picked if it meets the individual or organizational acceptability threshold given the initial elimination of options as a result of analogizing and consistency-maintenance strategies.

Group Decision Making

Crisis decision-making is a collective exercise, hence requiring the cybernetic/cognitive models to extend their predictions to the process by which individual preferences are transformed into a group decision. This model underscores the fact that individuals enter the group setting of decision making with predetermined preferences. However, these preferences may change in the course of the group deliberations. Burnstein and Berbaum argue that "theories of group problem solving take as an analogue some model of individual problem solving ...or assume that the group solution represents an aggregation of the individual decisions..."¹³

In the cybernetic/cognitive model, Maoz argues that in spite of the single-value evaluation at the individual level, differences between individuals in terms of preference orderings are likely to come to the fore at the group level. This is due to different value criteria employed by individuals or by different organizations. Maoz adds that the likely conflict in the group due to differences over the value criteria is addressed by introduction of value dimensions that lead to sequential elimination of options that fail to satisfy these

¹² Zeev Maoz, 'The Decision to Raid Entebbe: Decision Analysis Applied to Crisis Behavior,' Op. Cit. p.682.

¹³ See Eugene Burnstein and Michael L. Berbaum, 'Stages in Group Decision Making: The Decomposition of Historical Narratives,' *Political Psychology*, Vol. 4, No. 3 (Sep., 1983), pp. 531-561.

dimensions. In this case, "groupthink" tendencies tend to pervade the group. This concept is discussed in the next section. Simply put, "...the group process postulated by the cybernetic/cognitive model involves little argumentation and suggests that the leader's preference or the group's norms are likely to determine the decisional outcome"¹⁴.

Quality Decision Making in Crisis

Herek, et al in their study of the decision making process and crisis outcome posit that high-quality decision-making procedures during crises lead to better outcomes as opposed to defective decision-making procedures.¹⁵ They argue that the "most effective decision makers engage in careful contingency planning, exercising caution to avoid mistakes in making important policy decisions."¹⁶ They refer to this approach as vigilant problem-solving that involves seven criteria to avoid symptoms of defective decision-making. These are: gross omissions in surveying alternatives. In this case the decision making group fails to consider alternative policy options by concentrating entirely on one alternative. Additional information is completely ignored or discarded without much discussion. The second symptom is gross omissions in surveying objectives where the decision makers fail to critically examine the set objectives or value implication of their choice. Thirdly is failure to examine major costs and risks of the preferred choice. Here, the policy makers fail to put in perspective the negative implications of their course of action even if information regarding such consequences is available. The fourth symptom is poor information search where the group fails to obtain readily available information that is crucial in examining the advantages and disadvantages of the preferred course of action. The irony is that such important informing is readily available if requested from experts within or outside their organization. Another issue is selective bias in processing information at hand. In this case, the decision making group is blinded by

¹⁴ Zeev Maoz, 'The Decision to Raid Entebbe: Decision Analysis Applied to Crisis Behavior,' Op. Cit. p.684.

¹⁵ See Gregory M. Herek, Irving L. Janis, Paul Huth, 'Decision Making during International Crises: Is Quality of Process Related to Outcome?' *The Journal of Conflict Resolution*, Vol. 31, No. 2 (Jun., 1987), pp. 203-226.

¹⁶ Ibid p.204

mindsets and expectation bias where they tend to accept information from experts or any other quota that only supports their preferred course of action. Any other non-supporting evidence is quickly ignored. The other symptom of defective decision making is where the decision making group fails to reconsider originally rejected alternatives or gives disproportionate weight to information as regards their negative outcomes. Lastly is failure by the policy makers to work out detailed implementation, monitoring and contingency plans for a given crisis situation meaning that possible crucial challenges or contingencies are not considered. Herek et al general hypothesis is that a high quality decision-making process during an international crisis is more likely to lead to an outcome favourable to a given nation's vital interests and less likely to aggravate international conflict than a flawed decision-making process. This is through vigilant problem solving.

Welch, however, calls into question these criteria by Herek et al. arguing that their arguments are based on one event, the Cuban Missile Crisis, and hence one should think beyond. Welch argues that "... it is not unreasonable for a decision maker to focus quickly on a small set of basic alternatives under conditions such as these, perhaps even only two..."¹⁷ His assertion is premised on the fact that in crisis situations, we always expect the decision maker to have the skill and ability to identify and expeditiously address problems. This means that he or she should be able to promptly identify a narrow range of alternatives and allocate scarce resources to explore them in an optimum manner. This is thus more of a virtue than vice. As regards the surveying of objectives, Welch is similarly of the opinion that in crisis situations, "...given the uncertainties inherent in any dynamic two- or n-party interaction marked by significant conflicts of interests, decision makers should not necessarily expect themselves (or others) to be able to fully take into account all of the major

¹⁷ See David A. Welch, 'Crisis Decision Making Reconsidered,' *The Journal of Conflict Resolution*, Vol. 33, No. 3 (Sep., 1989), pp. 430-445.

goals or values implicated by their choices of actions...¹⁸” With respect to the third and fourth symptoms, Welch argues that decision makers being mere mortals are fallible, and it is inevitable that potentially useful information and potentially important assessments of costs and risks will be lost under the pressures of a crisis than at any other time. He further adds that it is misleading to regard a decision making process to be defective in all cases should the decision makers fail to reconsider alternatives rejected earlier as time and circumstances may not accord such an opportunity.

Smart and Vertinsky on their part argue that in a crisis situation, “one must secure a high-quality decision making process, the outputs of which are duly and precisely implemented. High-quality decisions increase the implementation units’ trust in the decision unit and increase degree of compliance with directives.”¹⁹ In their view, a decision process consists of “articulation of objectives, generation of alternate courses of action, appraisal of their feasibility, evaluation of the consequences of given alternatives, and a choice of that alternative which contributes most to the attainment of organizational objectives”²⁰. They outline classes of crises-specific pathologies that may affect one or more of the components of decision making. Narrowing of cognitive processes is the first pathology. Smart and Vertinsky argue that during a crisis, decision makers are faced with severe stress that tends to promote dysfunctional behaviour where creative policy making is less likely leading to poor decision making. They add that under great stress, decision makers become increasingly concerned with short-term outcomes as opposed to long-term outcomes as stress leads to rigidity in problem solving, where an individual’s capacity for abstract reasoning and tolerance for ambiguity is reduced.

¹⁸ Ibid p.442

¹⁹ See Carolyn Smart and Ilan Vertinsky, ‘Designs for Crisis Decision Units,’ *Administrative Science Quarterly*, Vol. 22, No. 4 (Dec., 1977), pp. 640-657.

²⁰ Ibid p.642

The second challenge is information distortion that occurs when policy makers have to deal with too much information and yet they need to respond quickly. In such cases their decision horizon is reduced with chances of error being high. The levels through which information has to pass through before reaching the decision maker are many. This bureaucracy tends to distort the information both qualitatively and quantitatively. Information overload or under load can be a source of stress in crisis. In such circumstances, the decision maker is likely to rely on irrelevant or incorrect information to make policy decisions with serious consequences.

Thirdly are group pathologies where in crisis situations, decision making tend to be restricted to a small group of individuals from the highest levels of the organization and have the personal confidence of the head of the organization. In such a situation the group could be faced with Groupthink that tends to distort the decision making process. Hart²¹ while citing Janis²² defines groupthink as:

“...an excessive form of concurrence seeking among members of high prestige, tightly knit policy-making groups. It is excessive to the extent that the group members have come to value the group (and their being part of it) higher than anything else. This causes them to strive for a quick and painless unanimity on the issues that the group has to confront. To preserve the clubby atmosphere, group members suppress personal doubts, silence dissenters, and follow the group leader's suggestions. They have a strong belief in the inherent morality of the group, combined with a decidedly evil picture of the group's opponents. The results are devastating: a distorted view of reality, excessive optimism producing hasty and reckless policies, and a neglect of ethical issues. The combination of these deficiencies makes these groups particularly vulnerable to initiate or sustain projects that turn out to be policy fiascos²³”.

Another crisis pathology is rigidities in programming. Organizations normally come up with Standard Operating Procedures (SOPs) to ensure coordination, smooth and reliable routine responses in non-crisis situations. However, in crisis most SOPs are resistant to the sudden change as they are used to the norms or basic attitudes of the organization and the operating

²¹ See Paul't Hart, 'Irving L. Janis' Victims of Groupthink,' *Political Psychology*, Vol. 12, No. 2 (Jun., 1991), pp. 247- 278.

²² See Janis, Irving L., *Victims of Groupthink*. (Boston: Houghton Mifflin, 1972)

²³ Paul't Hart Op. Cit. p.247

style of its members. This resistance to deviate from the norm becomes a liability to decision making.

Lastly is lack of decision readiness and implementation pathologies. The former is due to the element of surprise that leads to increased levels of stress. On the other hand, implementation pathologies are due to lack of motivation or sense of urgency on the part of the implementing unit, unit alienation and lack of understanding and finally role conflicts as well as political games. Smart and Vertinsky identify information distortion and rigidities in programming as the major constraints on the implementation process.

The two scholars have proposed several measures to address the above discussed crisis pathologies to improve the quality of decisions besides enhancing the possibility for decision implementation during crisis. As regards the first pathology, preventing premature consensus, they argue that the decision leader could encourage critical evaluation of policies, assign a specific role to each group member, and encourage expression of dissenting viewpoints. The group leader in this instance should only serve to guide the discussion. However, they add that the process can be subverted if individuals within the group are keen on pleasing the leader. On the other hand, a poor quality decision may be realized if the leader remains aloof. This thus calls for a delicate balancing act by the team leader. Premature consensus can also be avoided by seeking the advice of experts from without the organization and by engaging in brainstorming and problem solving exercises. As much as these activities play a crucial role in critical evaluation of policy options, they are time consuming due to information overload in crisis situations that require rapid response. Involvement of external experts could also be a security risk as it could lead to leakages of classified information that eventuality may jeopardize the crisis response machinery²⁴.

²⁴ Carolyn Smart and Ilan Vertinsky, 'Designs for Crisis Decision Units,' *Op. Cit.* pp. 649-650

The second pathology, Preventing Information Distortion, can be alleviated through the creation of special channels of communication that shorten the process through which information goes before reaching the decision maker. These channels ought to deal with the organizational bureaucracy that tends to distort the information. More than one source of the information is equally critical in counter checking the credibility of the information as well as the source. Such strategies play an important role in saving time that is often lost in the bureaucracy. To deal with biases and stereotypes of the adversary, role playing and scenario building may be applied to overcome the influence of stereotypes and enhance understanding of the adversary's actions to enable the decision making group come up with appropriate responses. These techniques are however financially costly and time consuming and should therefore be part of a pre-crisis training programme.

Role playing and scenario building as has been discussed above can also be employed as strategies to address group pathologies particularly the issue of groupthink. Another technique is the use of the devil advocacy to ensure full evaluation of all alternatives. This is likely to curb the propensity for high risks by the decision making group. Devil advocacy "...is based on the premise that conflict is the best means of exposing hidden assumptions. In this manner, both good and bad aspects of a proposal are examined."²⁵ However, the role of the devil's advocate can be institutionalized leading to a false sense of security. To avoid this, the role can be rotated amongst group members. Similarly, efforts should be made to focus more on individual ideas as opposed to group consensus which may be high risk.

To prevent rigidities in programming, the organizations can try to introduce higher levels of individual discretion into SOPs that encourages flexibility in the decision making. This strategy is however costly to the organization and it could lead to more errors as noise is introduced in the decision making process. In a bid to minimize the element of surprise to

²⁵ Carolyn Smart and Ilan Vertinsky, 'Designs for Crisis Decision Units,' Op. Cit. p.652

improve decision readiness, organizations should constantly carry out a threat assessment and come up with various scenarios of yet unrealized contingencies.

The last pathology was with regard to failures in implementation of decisions made. Implementation should be an all consultative process involving all the implementation units. This will serve to motivate them so that they feel part and parcel of the whole decision making process. This is due to the fact that if there is a feeling among the implementation units that a solution has been imposed on them without consultation, then the commitment to implementation will be low.

The organization must also be committed to pre-crisis training through drills and simulations for major improvements to be made in implementation. Similarly, special emergency communication networks and other organizational resource reserves should be developed for rapid response. As much as sub-groups are encouraged to avoid group pathologies, the crisis decision making group should remain relatively stable as permanent decision-making groups tend to perform better than ad-hoc groups.

Chapter 3

Conflict Early Warning and Response Mechanisms

Introduction

The previous chapter delved extensively in the issue of government decision making during crises. One of the most important elements that came out strongly was that there was need for a high quality decision making process as opposed to a defective decision making procedure for better outcomes. However, it should be underlined that for policy makers to realize the objective of high quality decision making in crises, they require credible intelligence for appropriate response. To this end, this chapter will explore the escalation of conflict into crisis, the concept of conflict early warning in crisis prevention, and more critically examine the interaction between warning and response in a bid to address the warning-response dilemma in crisis.

Escalation of Conflict into Crisis

Roberts argues that it would be a mistake to think that crisis arises without the presence of conflict among the relevant participants. According to him, there is always an element of conflict and potential conflict all the time. He argues that it is possible to move from normal interaction to crisis and then warfare and vice versa.¹ This means that conflicts are not static but dynamic. Understanding this aspect of conflict is essential for appreciating how, where and when conflict early warning measures should be put in place to check the possible degeneration of the conflict into crisis.

Swanström and Weissmann argue that conflicts tend to be cyclical in regard to “their intensity levels, i.e. escalating from (relative) stability and peace into crisis and war, thereafter de-escalating into relative peace... many scholars add stable, sometimes called

¹ See Jonathan M. Roberts, *Decision-Making during International Crises*, (New York: St. Martin's Press, 1988) p.83

lasting, peace as an additional phase in which the conflict is considered resolved – i.e. the reoccurring pattern of the conflict has been stopped”.² The two scholars divide the life cycle of conflict into five levels of conflict intensity (stable peace, unstable peace, open conflict, crisis, and war) in a total of nine chronological phases. The first level of stable peace is characterised by low tension between the parties and there is some connection and cooperation between the said parties. During the level of unstable peace, there is an increase in tension. This is a situation characterised by negative peace, that is, the absence of behavioural violence but the tension between the parties is so high that sustainable peace is not guaranteed. Open conflict is arrived at when the conflict is defined even when militarized options are not adopted. However, the parties in the conflict take deliberate measures to address the situation. During the crisis phase, war is imminent and militarized options are the likely option. The situation may be characterized by sporadic violence between the parties, but there is no regular open violence. In the war phase, on the other hand, there is widespread and intense behavioural violence. In the second phase, which is de-escalation the pattern discussed above is reversed, moving from war to crisis, through open conflict and unstable peace to finally reach a situation of stable peace.

For the purposes of this chapter, the levels of interest here are the first three: stable peace, unstable peace, and open conflict. These levels can be described as a phase of structural violence. Peace researchers³ view structures in the society as being responsible for conflict. The main tenet of this paradigm is the existence of structural violence as propounded by Johan Galtung.⁴ It argues that social structures cause conflict in society and that actors might not realize that they are in conflictual relationship and that it is possible for people to

² See Niklas L.P. Swanström and Mikael S. Weissmann, ‘Conflict, Conflict Prevention and Conflict Management and beyond: a conceptual exploration.’ *Central Asia-Caucasus Institute and Silk Road Studies Program, Concept Paper* 2005 pp. 1-32

³ A. J. R. Groom, *Paradigms in Conflict: the Strategist, the Conflict Researcher and the Peace Researcher* in J. Burton and F. Rukes (eds) *Conflict Readings in Management and Resolution*, (Macmillan: London, 1990) p. 91

⁴ See Johan Galtung, *Essays in Peace Research*, vol.1 (Copenhagen: Christian Ejlertsen, 1975)

be in a conflict situation even though they do not immediately or readily experience it, case of a happy slave situation. In a case of structural violence, behavioural violence is absent but structural factors have the same compelling control over behaviour as the overt threat or use of force.⁵ Galtung describes negative peace as the absence of behavioural violence but where structural violence exists. Positive peace on the other hand refers to a situation where there is the absence of both behavioural and structural violence. In this case humans are not impeded in achieving their full potential and where structures promote social justice. The existence of structural violence should be a clear early warning signal to early warning analysts that the situation is likely to escalate into crisis if intervention measures are not put into place. Therefore early warning information plays a key role here to avert crisis.

Early Warning as an Instrument

Generally, early warning is a procedure or mechanism for structured and systematic collection and analysis of information, followed by communication of the results of the analysis to policy makers in a simple and easy to understand format.⁶ The aim in this case is to enhance the capability of the decision makers to make strategic decisions based on improved knowledge of the operating environment, of available options for action, and the implications of each action.⁷ Davies and Gurr argue that the goal of early warning is proactive engagement in the earlier stages of potential conflicts or crises, to prevent or alleviate their destructive expressions.⁸ The relevant intelligence is given to decision makers for better understanding, preparedness, and mobilization for responding to an evolving situation, reducing the element of surprise and creating momentum towards the necessary

⁵ A. J. R. Groom, *Paradigms in Conflict the Strategist, the Conflict Researcher and the Peace Researcher* in J. Burton and F. Rukes (eds) *Conflict Readings in Management and Resolution*. Op. Cit. p. 92.

⁶ Andrei Dmitrichev, *The Role of Early Warning in the Office of the UN High Commissioner for Refugees*, in Eds John L. Davies and Ted R. Gurr, *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*. (Maryland, Rowman & Littlefield Publishers, 1998) pp. 220.

⁷ Ibid. P 220

⁸ John L. Davies and Ted R. Gurr, *Preventive Measures An Overview*, in *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*, (Maryland: Rowman & Littlefield Publishers, 1998) p.2.

political will to act. In this regard, early warning cannot be divorced from the decision making process. The warning forms part of the input in the decision making process. The purpose of early warning is to provide critical analysis of the situation to minimize errors in decision making in environments that are more or less flexible and ambiguous.

Dmitrichev argues that early warning performs three fundamental roles for decision making: Firstly, he posits that it is an analytical framework that defines the connection between events and persons monitoring them; secondly, that it provides guidance to analysts for systematic monitoring of changing country situations; and finally, that it is a language that formalizes communication between actors within a vertical information system. Thus to him, these three roles are the substance of early warning as it relates to information, analysis, and reporting.⁹

Linkage between Warning and Response in Crisis

Leatherman et al argues that "...early warning of intrastate conflicts consists of the search for the most effective indicators, methods, and information systems by which material, social, and cultural conditions and processes of conflicts conducive to aggressive actions can be identified at an early phase."¹⁰ However, they underline the fact that having appropriate methods and a reliable data base alone cannot be an assurance that violent conflicts can be detected and their escalation prevented. In such a case, the assumption is that policy makers are able to come up with correct policy options using high quality decision making procedures in spite of the challenges and constraints they face. In their view, it is the role of experts to come up with such procedures and convince policy makers to adopt them.

Traditionally, emphasis was put on intensification in collection of information or intelligence to avert conflicts/crisis. The collection should cover the historical perspectives

⁹ Andrei Dmitrichev, *The Role of Early Warning in the Office of the UN High Commissioner for Refugees*. Op. Cit. P.220.

¹⁰ See Janie Leatherman et al, *Breaking Cycles of Violence: Conflict Prevention in Intrastate Crises*. (Connecticut, Kumarian Press, 1999) p.28.

and the current country situation. However, as Boutros Ghali¹¹ points out, it becomes extremely difficult to locate out vital indicators with vast quantities of information collected. Thus, collection of information requires key analytical and institutional competences by which the information can be analyzed for onward transmission to policy makers¹². In this regard, early warning is an evaluative process that eventually leads to a political decision about whether or not to take action.¹³

Cockell, while emphasizing on a response oriented early warning analysis, argues that analyses should be adjusted to correspond to the policy mechanisms available. His hypothesis here is that “the greater the familiarity early warning analysts have with such policy mechanisms, the easier it will be to write warnings intended for specific responses by those mechanisms, and the more likely it will be for the policy makers to match these warnings to the mechanisms they control.”¹⁴ Cockell further argues that a response-oriented early warning analysis goes a long way to help policymakers to approach their political constituencies with explicit options for concrete preventive action and that that can only be possible if the analysis targets the end user, the policy community. Thus, to bridge the gap between warning and action/response, early warning must “...target those governments, IOs, regional organizations, and NGOs that will be implementing specific conflict prevention programs. In short, know your audience.”¹⁵ This calls for enhanced sharing of information as regards the actual capacities and options for rapid response. Jefferson¹⁶ refers to this approach in information sharing as the needs process, that is, the process through which the information needs of policy makers and the operators who implement their decisions is determined.

¹¹ Boutros-Ghali Boutros, *An Agenda for Peace: One Year Later*, (New York: The United Nations, 1993) p.325.

¹² Janic Leatherman et al, *Breaking Cycles of Violence: Conflict Prevention in Intrastate Crises*, Op. Cit. p.39.

¹³ Ibid. p.39

¹⁴ See John G. Cockell, *Towards Response-Oriented Early Warning Analysis*, in Eds John. L. Davies and Ted R. Gurr, *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*, (Maryland, Rowman & Littlefield Publishers, 1998) pp.230-240

¹⁵ Ibid. p.231

¹⁶ See Charles J. Jefferson, *Information Sharing and Early Warning*, in Eds John. L. Davies and Ted R. Gurr, *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*, (Maryland, Rowman & Littlefield Publishers, 1998) pp. 241-247

Cockell argues that “...in terms of how to craft appropriate analyses, however, the focus should not be whether a conflict is escalating into war. This merely has the effect of ringing an alarm-policy analysts are alerted to the problem but are not given any concrete ideas on how to respond at the operational level. The analytical focus should rather on how and why there is a potential for escalation. Providing this type of analysis is the first step to identifying priority areas for preventive engagement.”¹⁷ He further adds that analysis should provide a dynamic profile of the conflict that explains indicators of political instability vis à vis the existing priority focal points in conflict prevention policy mechanisms and that such profiles should propose logical operational responses that eventually forms a basis of an integrated programme for peace building. This calls for linking the analytical framework and with the operational response policymaking mechanism.

Dmitrichev argues that there is need to link early warning with follow-up action. Early warning will be of no use if it is not acted upon in a timely manner to address the problem at hand. He adds that there are two key challenges related with engaging in a response that are closely interrelated: “the role of decision makers (idiosyncrasies) and the constraints of the political environment (political will).”¹⁸ Idiosyncrasies of decision makers in a decision making process reflect doctrine, politics, points of view, and personal preferences and may interfere in the interpretation of situations and diminish the possibility of building a logical approach to solving the problem.¹⁹ The trend is to ignore potential crises while believing that the worst will not happen. Consequently, the aim of creating early warning systems is to accord “...decision makers the tools to understand increasingly

¹⁷ John G. Cockell, *Towards Response-Oriented Early Warning Analysis*. Op. Cit. P.232

¹⁸ Andrei Dmitrichev, *The Role of Early Warning in the Office of the UN High Commissioner for Refugees*. Op Cit. p. 221

¹⁹ Ibid p.221

complex cause-and-effect linkages among events and to interpret the meaning of evolving situations. This would assist them to maximize rational evaluation of alternatives...²⁰

Belden²¹ argues that the basic aim of intelligence is to gather information that eventually contributes to warning. However, he adds that the warning process does not end with collection of information by intelligence organizations but goes on to impact on the decision making process and action.²² Belden further argues that the warning process has been misunderstood particularly due to the fact that many vague words are linked to warning among them strategic warning, technical warning, political warning among others. In his view, warning implies decisions to take action. Leatherman et al similarly argue that "...early warning is an evaluative process that leads to a political judgment about whether or not to take action."²³ In their view therefore, issuing an early warning is only one type of action that amounts to notification. Thus, estimates and forecasts cannot on their own constitute warning.²⁴ Belden establishes a link between warning and decision making. He conceptualizes the relationship between indicators, analysis, decision, and action. Indicators can either be long-term or short-term, military or non-military and are a product of the activity of the opponent or the enemy. "...The convergence and summation of indicators leads to an ANALYSIS that, in turn, leads to a DECISION to take ACTION. The action generates indicators to the opponent, who goes through the same type of process: ANALYSIS – DECISION – ACTION...His ACTION in turn becomes an indicator to us, completing the first cycle. The cycles are repeated in a process of action and response."²⁵ Analysis is

²⁰ Andrei Dmitrichev, *The Role of Early Warning in the Office of the UN High Commissioner for Refugees*. Op Cit. p. 221

²¹ See Thomas G. Belden, 'Warning and Crisis Operations,' *International Studies Quarterly*, Vol. 21, No. 1, 'Special Issue on International Crisis: Progress and Prospects for Applied Forecasting and Management' (Mar., 1977), pp. 181-198

²² *Ibid* p. 181

²³ Janie I. leatherman et al, *Breaking Cycles of Violence: Conflict Prevention in Intrastate Crises*. Op. Cit.p.42

²⁴ Thomas G. Belden, *Warning and Crisis Operations*, op. Cit p. 182

²⁵ *Ibid* p. 183

evaluated vertically ranging from equivocal to unequivocal. Action is evaluated similarly but ranging from minor action to drastic.

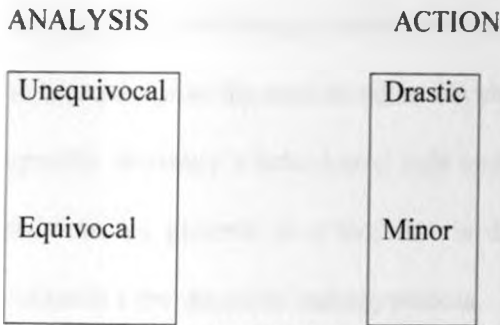


Figure: The Warning Process (Belden, p.183)

Belden argues that it is dangerous to take drastic action informed by highly equivocal indicators. Nonetheless, less than drastic action can be taken on the basis of equivocal indicators.

Actions of opposing decision makers generates the cycles of the warning process. What decision maker A does affects directly what decision maker B does and vice versa. Belden refers to this phenomenon of interactions as intentions.²⁶ Leatherman et al also argue that an early warning notification signals third parties to put in place preventive measures. However, the warning may pressurize the antagonists to move in motion before preventive measures are activated.²⁷ Belden conceptualizes a decision stairway outlining the process that a country must go through when contemplating major political-military action. It starts with the decision maker assessing his/her own capabilities and weaknesses/limitations. If he/she feels threatened by another state, then he/she must state policy options and then examine contingency options and plans. Should the threat persist, he/she moves on with operational plans, orders, commands and finally command of execution. The possibility of war or violent interactions increases as one move up the decision stairway.

²⁶ Thomas G. Belden. *Warning and Crisis Operations*, op. Cit p. 184

²⁷ Janie Leatherman et al, *Breaking Cycles of Violence: Conflict Prevention in Intrastate Crises*, Op. Cit.p.42

Ben-Zvi criticises Belden's view of the warning process, arguing that "Belden has fallen into the trap of applying 'skill thinking'...to matters of complex choices, causing him to obfuscate the unquantifiable ideological, political, and perceptual dimensions which function as the screen through which incoming signals pass and are assimilated."²⁸ He further argues that Belden fails to recognise the need to adjust his abstract procedural techniques to assumptions about a specific adversary's behavioural style and approach to action. To Ben-Zvi, Belden introduces the warning process as a tool that is disconnected from the larger political context that influences the decision-making process. Ben-Zvi argues that Belden overlooks the fact that an opponent need not necessarily follow a controlled, 'rational' pattern of action. That he perceives deterrence in a narrow military perspective glosses over the basic role that the actors' perception of interests plays in deterrence interactions.

Ben-Zvi is of the opinion that the decision stairway fails to put in perspective the fact that even if deterrence succeeds, it might not completely do away with the root causes of the conflict. He argues that the best coordinated and organised structures depend on the range and quality of the information they take in and that the "establishment of standard operating procedures for consultation and exchange of information among governmental agencies"...does not..." automatically safeguard against misperception, negligence, sluggishness, and inefficiency."²⁹ Other factors affect the outcome. These include relative power, bargaining skill, and personality of each participant in the evaluation.

Warning and the Element of Surprise

Handel³⁰ argues that surprise is an inherent aspect of human affairs in various disciplines, yet research in the area has largely been restricted to military use. From a military perspective, the element of surprise experienced in most major wars or crises since the Second World War

²⁸ See Abraham Ben-Zvi, 'Warning, Decision, and Action: A Response' *International Studies Quarterly*, Vol. 21, No. 3 (Sep., 1977), pp. 553-559.

²⁹ *Ibid.* p.557

³⁰ See Michael I. Handel, 'Surprise and Change in International Politics,' *International Security*, Vol. 4, No. 4 (Spring, 1980), pp. 57-85.

has in itself been surprising because in most of the cases the victims had prior knowledge of the impending attack. Betts³¹ argues that surprise thus is unwarranted. He notes that the literature on strategic surprise has limitations as it is fixated on three issues: Firstly, is the focus on the issue of warning, and how to improve collection of information, (what he refers to as intelligence³² collection) as opposed to the more complex and difficult problem of how to improve political response to already available warning indicators. Secondly is a view of surprise as "an absolute or dichotomous problem rather than as a matter of degree..." and finally "...the prevalent derivation of theories from single cases rather than from comparative studies."³³ Parker and Stern³⁴ define strategic surprise as a victim's lack of preparedness based on erroneous judgments of whether, when, where, and how it would be attacked.³⁵ They identify three main elements that will constitute a surprise attack: Firstly, the attack is contrary to the victim's expectations; secondly, there is a failure of advance warning; and thirdly, the attack brings to the fore the lack of adequate preparation. They characterize strategic surprise as a sudden revelation often after being victim of attack or a sudden shift in the security environment that one has been working with a faulty threat perception regarding an acute, imminent danger posed by a foreign threat to core national values.

Betts argues that warning is irrelevant if it is not followed by an appropriate response. According to him, "...Warning is evidence filtered through perception.... (while) response is action designed to counter an attack (alert, mobilization, and redeployments to enhance readiness)."³⁶ In Betts view therefore, when there is disconnect between the two, the surprise factor is thus inevitable in crises. Having information on an impending attack for instance is

³¹ See Richard K. Betts, 'Surprise Despite Warning: Why Sudden Attacks Succeed,' *Political Science Quarterly*, Vol. 95, No. 4 (Winter, 1980-1981), pp. 551-572.

³² Intelligence in this case refers to information that has been gathered, collated and analyzed.

³³ Richard K. Betts, 'Surprise Despite Warning: Why Sudden Attacks Succeed,' Op. Cit. p.551.

³⁴ See Charles F. Parker and Eric K. Stern, 'Blindsided? September 11 and the Origins of Strategic Surprise,' *Political Psychology*, Vol. 23, No. 3, Special Issue: '9/11 and Its Aftermath: Perspectives' from *Political Psychology* (Sep., 2002), pp. 601-630.

³⁵ Ibid p.603

³⁶ Richard K. Betts, *Surprise Despite Warning: Why Sudden Attacks Succeed*, Op. Cit. pp.551-552

not sufficient to deter the outcome if it is not followed by a critical analysis of the situation and subsequently warning the policy makers who in turn ought to prepare appropriate contingency plans or measures to address the issue. Parker and Stern in the same breath argue that “falling victim to a surprise attack generally indicates failures in one or more links along a complex chain of policy, intelligence, warning, and response.”³⁷ The two scholars to a great extent share Betts’s argument that classical strategic surprise analysis has been narrow focusing mainly on the core issues of whether specific warning existed that is availability of information, whether it was accurately interpreted, and whether policymakers responded adequately³⁸. They propose to extend the focus on “the responsiveness of the system to more generalized warning and proposals for threat and vulnerability mitigation reforms in the months and even years before the strategic ‘surprise’.”³⁹

Warning in itself is not sufficient to protect the policy makers from surprise⁴⁰. However, as Levite argues, we should not overlook the challenges standing in the way of threat perception nor should we blame every failure to respond effectively on unwillingness to recognize the existence of the threat⁴¹. In this argument, there could be other diverse issues or inputs that are totally beyond one’s control and have little to do with surprise that influence the response process and substantially affects the outcome.

Betts argues that warning derived from information gathering is a continuum in several dimensions:

“the amount or weight of threatening indicators detected; the ratio between these and contradictory nonthreatening indicators; and the timing of receipt, evaluation, and reaction to indicators. This is also true of the response by authorities - the intensity

³⁷ Charles F. Parker and Eric K. Stern, ‘Blindsided? September 11 and the Origins of Strategic Surprise.’ Op. Cit. p.604.

³⁸ Ibid p.604

³⁹ Ibid p.604

⁴⁰ Richard K. Betts, ‘Surprise Attack: NATO’s Political Vulnerability,’ *International Security*, Vol. 5, No. 4 (Spring, 1981), p.117.

⁴¹ Ariel Levite, ‘Intelligence and Strategic Surprise Revisited: A Response to Richard K. Betts’s “Surprise, Scholasticism, and Strategy”’ *International Studies Quarterly* (1989), 33 p.347.

and duration of debate about whether and how to react, and the degree of response eventually chosen: none; some; or complete (full military readiness).⁴²

It is thus clear that the processing of information from the time it is collected before a warning can be issued regarding a given crisis or attack takes time. This implies that having information in itself does not mean the crisis will be averted. The most important aspect is the analysis of the information to come up with intelligence that eventually acts as a basis of response by the decision makers. Equally, it is not given that decision makers act promptly on intelligence reports. They debate and weigh options before making a concrete decision. The intelligence cycle is a five-step process that depicts how information is gathered and eventually analysed. It consists of the following stages: Planning and direction, collection of information, processing, analysis and production, and dissemination.⁴³ This process is cyclic as it is the policy makers who give direction in first place and are the recipients of the intelligence. If there exist gaps in the report, then the intelligence officers or any other persons charged with the responsibility are re-tasked to fill the gaps and the process starts afresh. Betts rightly argues that “these phases are logically sequential but in practice often overlap and regress. Communications between intelligence officers and policymakers produce doubt and fluctuations of certainty; officials may have second thoughts and order more search, or they may declare alerts and then cancel them.”⁴⁴

Thus information processing could be slower than decision time. The degree of surprise can be determined, for instance in a military attack, by the attacker. This depends on his strategy, timing and speed of attack. If for instance he strikes when the information is at processing level, then the defenders will have little or no time to prepare for a counter offensive. Troop mobilization takes time and even with some information, the victim will still express surprise or even shock.

⁴² Richard K. Betts, ‘Surprise Despite Warning: Why Sudden Attacks Succeed.’ Op. Cit. p.552

⁴³ Robert M. Clarke, *Intelligence Analysis: A Target-Centric Approach 2nd Ed.* Op. Cit. pp 8-23

⁴⁴ Richard K. Betts, ‘Surprise Despite Warning: Why Sudden Attacks Succeed.’ Op. Cit. p.552

This indicates that the process information flows before it becomes credible intelligence can be long and tedious depending on the nature of the information. Sensitive reports warrants checks and balances as intelligence officers at the analysis and production level are cautious not to sent false warnings to policy makers. This becomes a stumbling block to timely warning. Even before the information reaches the analysis level, a case officer who is recipient of certain information is likely to discard it if he deems it too alarming and/or if it will elicit too many queries from his seniors. This could be as a result of the nature of intelligence operations where information is compartmentalized on a need-to-know basis depending on the classification (confidential, secret or top secret) where low ranking officers for instance might not have access to top secret information. The information can only in some instances be verified by senior officers who have access to highly classified information from other sources. This in many instances interferes with the smooth flow of information⁴⁵. The objectivity of the analysts in the report equally matters and impacts heavily on the response of the decision makers. In view of the long chain of information flow, some facts can be suppressed thereby distorting the original meaning of the report. This implies that in return the warning will be distorted thereby failing to address the concerns that it was meant to bring to the attention of the policy makers in the first place.

Handel⁴⁶ argues that these failures are attributed to noise barriers that distorts and complicates the decision making process. To him therefore, decision makers must improve the signal and reduce the noise that is, improving the signal to noise ratio.⁴⁷ This is one of the challenges to crisis prediction and warning. Possessing information or intelligence on an impending crisis or attack is not a guarantee to adequate warning since the enemy or attacker can easily change plans due to indecision or simply as a military strategy of deception.

⁴⁵ Uri Bar-Joseph and Arie W. Kruglanski, 'Intelligence Failure and Need for Cognitive Closure: On the Psychology of the Yom Kippur Surprise,' *Political Psychology*, Vol. 24, No. 1 (Mar., 2003), p.76.

⁴⁶ See Michael I. Handel, 'The Yom Kippur War and the Inevitability of Surprise,' *International Studies Quarterly*, Vol. 21, No. 3 (Sep., 1977), pp. 461-502.

⁴⁷ Ibid pp.464-465

Chapter 4

Electoral Violence and Decision Making in Kenya

Introduction

After having discussed the decision making process and crisis outcomes as well as the interaction between warning and response in crisis early warning and response mechanisms in chapters two and three respectively, this chapter critically analyses the research findings on the case study. Firstly, the 2007 post election crisis is put in historical perspective to appreciate the structural context the crisis emanated from. Thereafter, analysis of primary and secondary data regarding the decision making process and early warning of the crisis is presented.

The primary data consisted mostly of security briefs written by the Intelligence agency to various policy makers regarding the security situation prior, during and after the 2007 elections. Similarly, analysis of interviews with key informants in the security sector that are involved in decision making at the top level of the Kenya Security Intelligence Machinery (KISM) and Focused Group Discussion (FGD) comprising of security analysts who have vast expertise in early warning is captured. For the purpose of this study, three FGDs each comprising of eight security experts involved in early warning analysis in the Government were carried out. Similarly a senior officer who is a member of the NSAC was interviewed to give insights on the decision making process prior to, during and after the 2007 post election crisis. In addition, four members of the JSIS were interviewed. The JSIS is a key organ that normally forwards intelligence to the NSAC for further deliberation and decision making.

Structural Warning Indicators of the 2007 Electoral Crisis

The outbreak of ethnic oriented violence following the disputed 2007 general elections shocked the whole world particularly due to the fact Kenya had for a long time been regarded

as “an island of peace in a sea of turmoil”. This was due to the fact that it is located in a region with interlocking conflict systems namely; the East Africa conflict system, the Great Lakes conflict system, southern Africa conflict system, and the Horn of Africa conflict system. Indeed Kenya had previously played an active role in the mediation of conflicts in these conflict systems.¹ It was also regarded as stable politically as it held regular democratic elections and more so “the peaceful transfer of power in 2002, after 24 years of Daniel arap Moi holding the presidency.”² However, the dispute over the results of the 2007 presidential poll results had a domino effect that triggered ethnic violence that led to the death of over 1000 people and more than 300,000 displaced as IDPs.

The crisis elicited various reactions as to the actual cause of the violence. Some argued that the violence was spontaneous as ODM supporters protested the flawed presidential poll. That notwithstanding, the crisis brought to the fore long standing structural conflicts embedded in the society dating back to the colonial period and persisted to the post-colonial period. Thus, the crisis only acted as a trigger that set in motion a chain of complex events that led the country to the brink of civil war.

Elections are usually an avenue through which citizens participate in the decision making process of a state. They are basic elements of a democracy and serve as measures of legitimacy, integration and socialisation, and can lead to stability. In Kenya, this has not always been the case as elections have largely played a destabilizing role. Elections have been held since 1963 with “the conduct and outcomes of these elections (attracting) different responses, depending on the structural tensions prevailing at each time.”³

In the 1963 independence elections, Kenya was a multi-party state with two parties that were totally different in ideological orientation, the Kenya African National Union

¹ Karanja Mbugua, *Kenya's Crisis: Elite and Factional Conflicts in Historical Context*, in Ed. Vasu Gounden, *Conflict Trends Issue 1*, 2008, p.3

² Ibid p.3

³ Ibid, P. 4

(KANU) and the Kenya African Democratic Union (KADU). KANU advocated a centralised system of government and published its political and economic blueprint, Sessional Paper No. 10 on African Socialism.⁴ However, the system outlined in the paper was far from being socialist. The government's relationship with Western countries and its adoption of the free market system proved that it was committed to the western capitalist ideology.⁵ Its political support emanated from the larger ethnic groups namely the Kikuyu, the Luo, and the Kamba as well as from minorities in other communities.⁶ KADU on the other hand espoused a decentralised system of government, *Majimbo*⁷, and drew "support from the numerically weaker ethnic groups."⁸

KANU under the leadership of Jomo Kenyatta swept to power becoming Kenya's first African Prime Minister.⁹ In 1964, Kenyatta moved to consolidate power when members of KADU crossed over to join KANU effectively rendering Kenya a *de facto* one-party state. The move "transformed competition over state and land control, and allocation of the capital budget from interparty political disputes into elite conflicts..."¹⁰ Conflicts emerged between the pro-West leaders led by Kenyatta and that pro-East group led by Jaramogi Oginga Odinga and who equally advocated for equitable distribution of national resources. "The government moved to quell this dissent and sidelined Odinga at a constitutional conference in 1966...While the African elite benefitted in the new Kenya, for many workers and peasants, independence brought little economic change. The militants during the Mau Mau resistance

⁴ Jim Bailey, *Kenya: The National Epic*, (Nairobi, Kenya Publications Ltd, 1993) p.147.

⁵ *Ibid.* P.147

⁶ See, Clyde Sanger and John Nottingham, 'The Kenya General Election of 1963,' *The Journal of Modern African Studies*, Vol. 2, No. 1 (Mar., 1964), p.3.

⁷ *Majimbo* is a Swahili word referring to regionalism. *Majimbo's* origins dates further back, to the Federal Independence Party (FIP) formed in 1954 by white farmers, "who fore-saw that political control would one day pass into African hands and wanted to seal off the 'White Highlands' from an African central government and save the great wealth of the Highlands for those they considered had been solely responsible for developing it". See, Clyde Sanger and John Nottingham, 'The Kenya General Election of 1963,' *The Journal of Modern African Studies*, Op. Cit. pp.9-23 for a detailed account of *Majimbo*. Later in Kenya's political history, *Majimbo* adopted a negative connotation synonymous with ethnic balkanization of the state.

⁸ Karanja Mbugua, *Kenya's Crisis: Elite and Factional Conflicts in Historical Context*, Op. Cit. p.4

⁹ Jim Bailey, *Kenya: The National Epic*, Op. Cit. P. 141

¹⁰ Karanja Mbugua, *Kenya's Crisis: Elite and Factional Conflicts in Historical Context*, Op. Cit. p.4

had fought for freedom and land. Kenya was free but the problem of landlessness remained."¹¹ The land issue has since then remained emotive and unresolved thus being a key ingredient to the ethnic upheavals particularly in the Rift Valley.

Tamarkin¹² argues that Kenya's political stability during Kenyatta's era lay in the

"elaborate power structure built up around him...on the centralization of power within the state structure and on the neutralization of potential foci of organized opposition. The regime is supported by a relatively large proportion of the African bourgeoisie, whose members have vested interests in the system, and by the dominant position of Kikuyu tribesmen in the political and economic spheres. Political stability is also enhanced by the emasculation of the masses as a political factor and by the decline of the tribe as a base for political opposition. Finally, stability is served by a policy which combines a selective use of coercion against disruptive elements and the integration of opponents into the establishment."¹³

Contrary to Tamarkin's arguments, these factors were largely the basis for Kenya's instability in post-Kenyatta era. The concentration of executive power in the presidency largely contributed towards a zero sum kind of political competition where the winner takes all in presidential polls. This raised the stakes so high that losing a presidential election came with severe costs. As result, leaders would do anything to maintain their hold on power even if it meant igniting ethnic violence to intimidate and scare opponents. The existence of ethnic elites surrounding the head of state have equally contributed towards the exclusion of other groups in access to resources thereby exacerbating inter-ethnic discord. This was partly a factor that contributed towards the ethnically motivated violence in the 2007 general elections.

Klopp vividly captures this political situation in the country: "The center of power, the Office of the President, with its allocative and coercive powers, including, in particular, control of the provincial administration and hence, to some degree, the electoral playing field itself, became the logical target of ambitious politicians. These concentrated powers of the president, delegated through the provincial administration, were central to Kenya's "electoral

¹¹ Jim Bailey, *Kenya: The National Epic*, Op. Cit. P. 147

¹² M. Tamarkin, 'The Roots of Political Stability in Kenya,' *African Affairs*, Vol. 77, No. 308 (Jul., 1978), p.300.

¹³ Ibid pp. 299-300

despotism"; semi-competitive elections were periodically held but were strictly controlled by a despotic state, particularly the Office of the President."¹⁴

Vice President Daniel Arap Moi assumed the presidency when Kenyatta died in 1978. Moi moved to consolidate his power by replacing Kenyatta cronies with his own, particularly in the provincial administration. In his bid to consolidate power, Moi alienated major ethnic groups particularly the Kikuyu and Luo who were perceived to be a threat to his rule.¹⁵ "Kikuyu and Luo grievances were now added to deep pastoralist and Coast grievances, particularly over irregular allocations of land, which proceeded apace under the Moi regime."¹⁶ Moi used the one-party system to ensure political stability through "a mix of incentives for co-operation as well as coercive and ...repressive measures."¹⁷ However, a wave of democratization and multi-party politics swept across Africa in the early 1990s and Kenya was not an exception. Moi was forced by concerted internal and external pressure to open up the political space by repealing Section 2A of the constitution Amendment which had made Kenya a *de jure* one-party state in 1982.¹⁸ "...longstanding ethno-political cleavages took centre stage, underlined by, and so far suppressed, conflicts over land access and ownership."¹⁹

Ethnic groups that felt marginalized by the Moi administration grabbed the opportunity to troop into the opposition. This comprised of the Kikuyu, Luo, sections of Luhya and Kamba while Moi once again moved to consolidate ethno-regional support among the Kalenjin, Maasai, Samburu, and Turkana (KAMATUSA) communities found particularly within the Rift Valley. In doing so, he equally enlisted the support of communities in Coast

¹⁴ Jacqueline M. Klopp, "Ethnic Clashes" and Winning Elections: The Case of Kenya's Electoral Despotism,' *Canadian Journal of African Studies / Revue Canadienne des Études Africaines*, Vol. 35, No. 3 (2001), p.476.

¹⁵ Ibid 477

¹⁶ Ibid 477

¹⁷ Axel Harnett-Sievers and Ralph-Michael Peters, 'Kenya's 2007 General Election and its Aftershocks,' *Afrika Spectrum* 43 (2008) p.134.

¹⁸ Adar, Korwa G. 'Assessing democratisation trends in Kenya: A post-mortem of the Moi regime', *Commonwealth & Comparative Politics*, 38: 3 (2000), p. 103.

¹⁹ Ibid p.134

and some sections of Luhya, Kamba and Kisii through the British colonial tactics of divide and rule. Threatened by the onset of competitive politics, Moi and his cronies in government resorted to ethnic and political zoning to ensure that KANU remained in power. Prior to the 1992 and 1997 general elections, this elite “instigated ‘ethnic cleansings’ in parts of the Rift Valley, targeting so called ‘non-indigenous’ ethnic minorities (the Kikuyu, Luhya, Luo, and Kisii).”²⁰ The same strategy was applied in Coast province, Mombasa where a local militia comprised mainly of local Digo youth was unleashed on upcountry people in the Likoni area in what came to be referred to as the *Kaya Bombo*²¹ clashes. Around this time, both in the 1992 and 1997 general elections, more than 1,500 people were killed and about 500,000 internally displaced, especially in the Rift Valley and Mombasa.²² Korwa adds that these “...multiparty elections in Kenya did not meaningfully alter the authoritarian and repressive character of the state, which remained reminiscent of the post-independence de facto one-party (1964-66 and 1969-81) and de jure one-party (1982-92) state systems.”²³

In the 2002 general elections, the elite conflict was rekindled when Raila Odinga, together with a number long-serving KANU ministers among them Kalonzo Musyoka, George Saitoti, and Joseph Kamotho left the ruling party and joined the Liberal Democratic Party (LDP). This was after Moi had unilaterally settled on a political greenhorn, Uhuru Kenyatta, as his preferred heir to the ‘throne’. On the eve of the 2002 elections, LDP formed an alliance with the National Alliance of Kenya (NAK) led by Mwai Kibaki, Michael Kijana Wamalwa and Charity Ngilu. The two parties formed the National Rainbow Coalition (NARC) and signed a Memorandum of Understanding (MoU) in which they agreed on a

²⁰ Axel Harnett-Sievers and Ralph-Michael Peters, ‘Kenya’s 2007 General Election and its Aftershocks,’ Op. Cit. 134.

²¹ The name *Kaya Bombo* was derived from the forest in which the militia used as a training base in preparation for the atrocities.

²² Axel Harnett-Sievers and Ralph-Michael Peters, ‘Kenya’s 2007 General Election and its Aftershocks,’ Op. Cit. 134.

²³ Adar, Korwa G. ‘Assessing Democratisation Trends in Kenya: A Post-Mortem of the Moi Regime’ Op. Cit. 103

power sharing formula. Kibaki was nominated as the party's presidential flag bearer. NARC won the elections bringing to a close four decades of KANU rule. However, the hope and expectation that NARC victory brought began to diminish barely after six months of Kibaki's presidency. Kibaki failed to honour the pre-election pledges particularly implementation of the MoU. The coalition government eventually split when the government presented its own constitutional draft for a referendum that widely disregarded "the broad consensus that had emerged through three constitutional conferences from 2003-04. Kibaki and his government clearly lost the referendum against the new opposition alliance of the ODM, led by Raila Odinga and Kalonzo Musyoka."²⁴

The 2005 referendum had pitted the "NO" with the orange as its symbol against the "YES" with the banana as its symbol. The "NO" victory led to the birth of the Orange Democratic Movement (ODM) party. Having carried the day in the referendum, ODM had high hopes of winning the 2007 general elections taking advantage of the popularity of the party. Thus, the campaign process prior to the 2007 general elections was characterized by hate speech propagated in the media, particularly vernacular radio stations. The opinion polls aggravated the situation depicting a close race between the incumbent, President Kibaki of the Party of National Unity (PNU), and opposition leader, Odinga of ODM. Ethnic profiling of voters as well as ethnic zoning by political parties and individuals exacerbated by the underlying historical injustices particularly on land, created an ethnically charged political environment that was awaiting a single event to trigger it off into violence.

Decision Making Prior and During the 2007 Post Election Violence

Having had a look at the historical warning indicators of the 2007 post election violence, we now critically examine the decision making and the crisis early warning process prior to,

²⁴ Axel Harneit-Sievers and Ralph-Michael Peters, 'Kenya's 2007 General Election and its Aftershocks.', Op. Cit. 135

during and after the crisis. The Commission of Inquiry into Post-Election Violence (CIPEV) whose terms of reference were to “investigate the facts and surrounding circumstances related to acts of violence that followed the 2007 Presidential Elections...,”²⁵ and make necessary recommendations played a fundamental role in unveiling the facade of security agencies that had hitherto been characterised by secrecy and intrigue. The Commission was clearly mandated to “investigate the actions or omissions of State security agencies during the course of the violence, and make recommendations as necessary.”²⁶ CIPEV brought to the fore Kenya Government’s decision making and crisis early warning mechanism through the Kenya Security and Intelligence Machinery (KSIM).

Kenya Security and Intelligence Machinery (KSIM)

The National Security Intelligence Service (NSIS) Director General (DG), Major General Michael Gichangi’s presentation²⁷ to CIPEV shed light on the structure and functions of KSIM.²⁸ KSIM was established with the fundamental objective of harmonizing all organs of the security and intelligence community to maintain and sustain a steady flow of intelligence. This was in appreciation of the fact that intelligence is an integral tool that informs the formulation, articulation and implementation of policy in strategic planning. KSIM provides a framework for a systematized transmission and feedback on security/ intelligence issues. It is made up of the Cabinet Security Committee (CSC), the National Security Advisory Committee (NSAC), the Joint Security Intelligence Secretariat (JSIS), the Provincial Security and Intelligence Committee (PSIC) and the District Security and Intelligence Committee (DSIC). See table on the next page. The most critical committee is the NSAC which consists of senior officials from security agencies and some ministries. Its main role is to monitor and

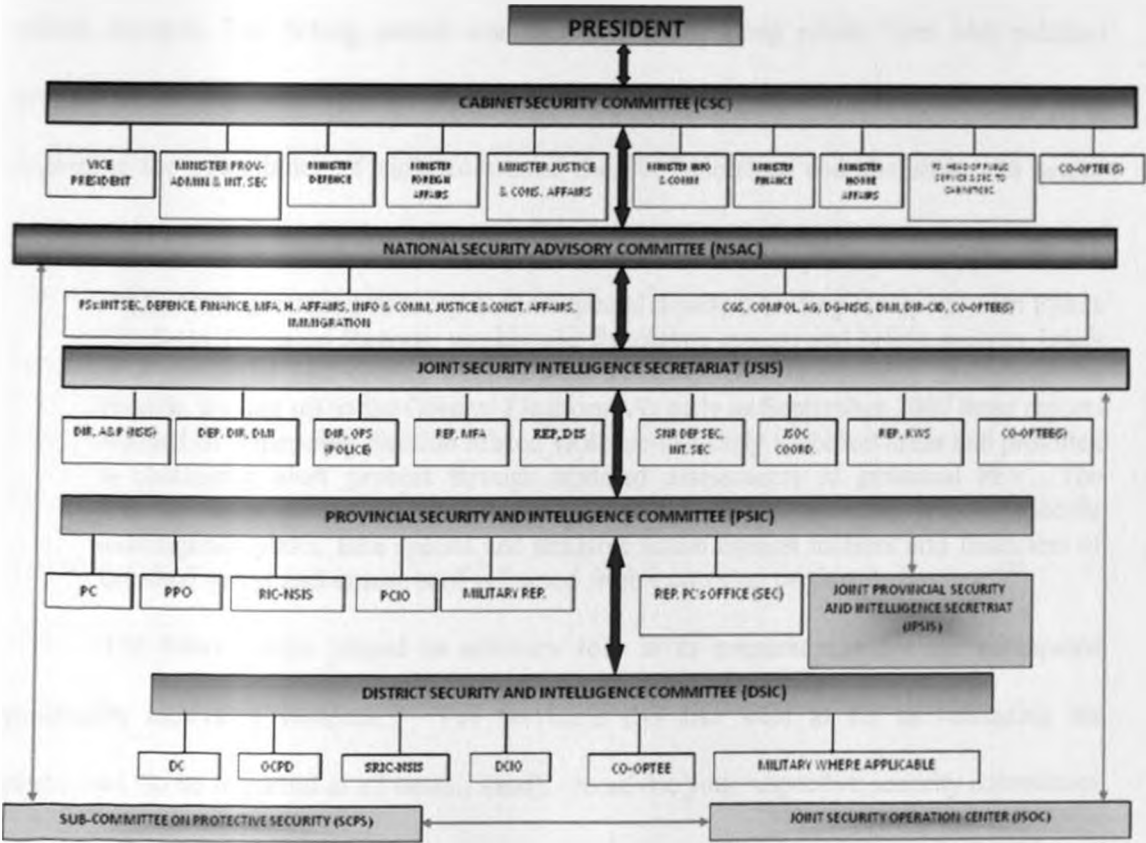
²⁵ See Kenya Gazette Notice No.4473 vol. CX no.41 dated 23rd May 2008 p.1249

²⁶ Ibid p.1249

²⁷ NSIS Presentation to *Commission of Inquiry into Post-Election Violence*. July 2008

²⁸ See Appendices A & B of *Commission of Inquiry into Post-Election Violence* report pp.483-485 downloaded at <http://www.communication.go.ke/media.asp?id=739>

give early warning on threats to national security to the CSC and the head of state, design and prepare the national security strategy and contingency plans and provide direction and intelligence to the PSIC and DSIC.



Source: NSIS DG Presentation to CIPEV

Early Warning and Response to the 2007 Post Election Crisis

The NSIS which is part of the KISM, is the key government organ whose primary mandate as stipulated in the NSIS Act is to collect, analyze and disseminate information with the aim of detecting and identifying any threat or potential threat to the security of Kenya. It also advises the President and the Government on such threats and takes steps to protect the national security interests of the country whether political, military or economic. The NSIS is therefore the principal government organ involved in detection and early warning of crises.

According to the NSIS DG, the Intelligence Service's focus on the 2007 general elections was in appreciation of the trends in Kenya democracy since 1991 and the events leading to the outcome of the 2005 referendum on the Constitution.²⁹ Since the onset of multi-party competitive politics in 1991, Kenyan elections had been characterized by regional ethnic interests. The voting pattern was therefore based along ethnic lines with political parties identifying with specific communities. The NSIS gathered information and data regarding the potentiality of violence around the 2007 elections and shared it with senior government officials, the Police, Military, Prisons, and other agencies.

"The NSIS produced both regular and special reports including Hotspots/Flash Points Up-dates, Situation Reports, weekly and fortnightly reports and briefs, security briefs at a provincial and district level as well as NSAC reports regularly throughout the months leading up to the General Elections. As early as September 2007 these reports warned of impending election related violence in clearly specified areas and provided a continuing alert process through updated assessments of potential PEV...The Service went as far as recommending that operational agencies prepare specific contingency plans, take special and decisive action against inciters and financiers of criminal gangs and ensure staff refrained from exercising partisan behaviour."³⁰

The Service thus played its advisory role in its preparedness for the anticipated politically motivated violence.³¹ The Service's DG also went as far as reminding his personnel "to be impartial at all times...(and)...to advise your respective security committees

²⁹ NSIS Presentation to *Commission of Inquiry into Post-Election Violence*, July 2008

³⁰ See CIPEV report p.362. The examples of briefs the Waki report was referring to include among others: National Security Threat Assessment for April, August, 2007 & May 2008 touching on Politically Instigated Violence, Agitation for Minimum reforms, Partisan and Divisive Media, Proscribed Groups (Mungiki and Republican Revolutionary Council), Inter-Communal tension and Banditry/Cattle Rustling; Fortnightly Intelligence Report S/No. 11/07 for the period ending 15th June 2007, Fortnightly Intelligence Report S/No. 12/07 for the period ending 30th June 2007; Weekly Situational Briefs (WSB) covering issues from June to December 2007 and February 2008 e.g. WSB Serial No. 23/07 – AP/SF.24/8 Vol. 6 (4) dated 8th June 2007 on *Mungiki Activities*, WSB Serial No. 24/07 – AP/SF.24/8 Vol. 6 (5) dated 15th June 2007 on *Anxiety and Fear over Persisting Insecurity*, WSB Serial No. 25/07 – AP/SF.24/8 Vol. 6 (6) dated 22nd June 2007 on *Misunderstandings in NARC-K and ODM-K a Recipe for Ethnic Balkanization*, WSB Serial No. 28/07 – AP/SF.24/8 Vol. 6 (9) dated 13th July 2007 on *Acrimony within Political Parties likely to Engender Violence*, WSB Serial No. 39/07 – AP/SF.24/8 Vol. 6 (20) dated 28th September 2007 on *Political Intolerance and Incitement Engendering Violence*, WSB Serial No. 46/07 – AP/SF.24/8 Vol. 7 (1) dated 15th November 2007 on *Rejuvenation of Mungiki Puts the Government on the Spot*.

³¹ Focused Group Discussion on 25th August 2011

on issues of security and make sure your intelligence is credible and focused to enable them take correct firm decisions to forestall any ugly incidents during the electioneering period.”³²

In a particular NSAC brief, the Service appeared spot-on in forecasting the political and security ramifications of the outcome of the presidential poll results. It prepared the possible scenarios of either a Kibaki or Odinga win of the 2007 presidential poll. Both scenarios predicted unprecedented violence, and that security agencies may be unable to handle the high intensity and widespread nature of ensuing lawlessness.³³ However, this crucial piece of intelligence remained just that, a forecast. Officers in other security agencies at the Provincial, District, and District level insisted that they did not receive this intelligence regarding the likely magnitude of the violence that ensued.³⁴ In the end, there was no warning to the crisis. As we saw in the previous chapter, the primary goal of early warning is to enhance the capability of decision makers to make strategic decisions based on improved knowledge of the operating environment, of available options for action, and the implication of each action.³⁵

As Davies and Gurr argue, warning is meant to lead to proactive engagement in the earlier stages of potential conflicts or crises to prevent or alleviate their destructive expressions.³⁶ The warning process does not end with collection of information by intelligence organizations but goes on to impact on the decision making process and action.³⁷ Warning implies decisions to take action. Thus issuing an early warning is only one type of

³² DG's letter to NSIS Personnel ref: NSIS/DG/1 VOL.12 (38) dated 1st November 2007.

³³ NSAC Brief: *Managing the Immediate Post-Election Period is Critical* ref: AP/POL. F 40/1/Y VOL.6 (34) dated 17th December 2007.

³⁴ Interview with Administration Police (AP) Officer on 25th August 2011.

³⁵ Andrei Dmitrichev, *The Role of Early Warning in the Office of the UN High Commissioner for Refugees*, in Eds John L. Davies and Ted R. Gurr, *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*. (Maryland, Rowman & Littlefield Publishers, 1998) pp. 220.

³⁶ John L. Davies and Ted R. Gurr, *Preventive Measures: An Overview*, in *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*. (Maryland: Rowman & Littlefield Publishers, 1998) p.2.

³⁷ See Thomas G. Belden, 'Warning and Crisis Operations,' *International Studies Quarterly*, Vol. 21, No. 1, Special Issue on International Crisis: Progress and Prospects for Applied Forecasting and Management (Mar., 1977), p. 181.

action that amounts to notification the result being that estimates and forecasts cannot on their own constitute warning.

Therefore, the NSIS having a database alone was not an assurance that violence could have been detected and its escalation prevented.³⁸ The assumption was that policy makers could have come up with policy options using high quality decision making procedures in spite of the enormous challenges they faced.³⁹ Instead, it should have been the role of early warning experts in the NSIS to come up with such procedures/options and convince policy makers to adopt them. Simply put, the NSIS should have come up with a response oriented early warning analysis to help the policy makers with explicit options for concrete preventive action. In the end, there was no link between early warning and follow-up action. The element of surprise that ensued following the outbreak of the high intense post electoral violence was therefore due to disconnect between warning and response. It is not therefore surprising that CIPEV argued that "...Given the extensiveness of the intelligence developed and distributed by the service it was disturbing to note that in the end there was an almost fatalistic realisation that no or insufficient preventive action would be taken to ameliorate the mayhem."⁴⁰

Despite the apparent failure by NSAC to pass down the crucial intelligence regarding the possible break out of unprecedented violence after the announcement of the presidential poll results, a critical look at security briefs from Regional Intelligence Co-ordinators (RIC) and Sub-Regional Intelligence Co-ordinators (SRIC) to their respective PSICs and DSICs in areas that were most affected by post poll violence indicate that indeed they had information on the possibility of outbreak of violence. In Nairobi region for instance, the RIC informed the PSIC members as early as September 2007 that "some members of the Luo community

³⁸ Janie Leatherman et al. *Breaking Cycles of Violence. Conflict Prevention in Intrastate Crises*. (Connecticut, Kumarian Press. 1999) p.28

³⁹ Ibid p.28

⁴⁰ CIPEV report p.363

living in Kibera are threatening landlords from Kikuyu, Kamba, and Nubian communities with eviction and repossession of their houses/land when Raila Odinga ascends to power. Inter-tribal tension is high."⁴¹ The RIC also warned that some Mungiki⁴² leaders were planning to instigate violence in Lang'ata constituency by attacking members of the Luo community during electioneering period.⁴³

In the Rift Valley, the area RIC informed the PSIC in early 2007 that "tension was mounting up between the members of the Kalenjin community and other communities in the newly created Molo district over the proposal to have Molo town as the district headquarters. The Kalenjin are agitating for Keringet to be the headquarters while majority of the other communities prefer Molo, which has the right infrastructure already in place."⁴⁴ The RIC Rift similarly warned of plans by Kalenjin youth in Keringet division of Molo District to intensify livestock theft from the non-Kalenjin with a view to sparking ethnic confrontation ahead of the 2007 general elections.⁴⁵ In Narok Township, members of the Kikuyu community had expressed fears that they may be evicted for supporting PNU.⁴⁶

While giving evidence in defence of former Commissioner of Police, Hussein Ali⁴⁷, at the International Criminal Court (ICC) at The Hague, former Rift Valley Provincial Criminal Investigation Officer (PCIO), Mohammed Ibrahim Amin, told the court on 4th October 2011 that the violence that erupted in Nakuru and Naivasha in late January 2008 was spontaneous and not organized. "Why I am saying that those attacks were spontaneous is we never had an

⁴¹ RIC Nairobi Security brief to PSIC members ref : INT/SF.35 VOL.4 (100) dated 7th September 2007 (S/No. 100/2007)

⁴² Mungiki is a criminal gang that mainly in Nairobi, Central Kenya and some parts of the Rift Valley. Politicians tend to hire the gang to disenfranchise opponents especially during electioneering period.

⁴³ RIC Nairobi Security brief to PSIC members ref : INT/SF.35 VOL.4 (27) dated 7th November 2007 (S/No. 112/2007)

⁴⁴ RIC Rift Valley Security brief to PSIC members ref : INT/SF.35/1/3 VOL.7 (5) dated 27th March 2007 (S/No. 5/2007)

⁴⁵ RIC Rift Valley Security brief to PSIC members ref : INT/SF.35/1/3 VOL.8 (55) dated 24th October 2007

⁴⁶ SRIC Nandi North security Brief to DSIC members ref: S/No.7/2007 dated 27th November 2007

⁴⁷ ICC Prosecutor Luis Moreno-Ocampo wants the former Police boss and two other suspects: Head of Public Service and Secretary to the Cabinet, Francis Kirimi Muthaura and Deputy Prime Minister, Uhuru Muigai Kenyatta, charged with five counts of crimes against humanity for their alleged role in the violence that saw more than 1,000 people killed over a two month period.

indication...Naivasha was an oasis of peace when other parts of the Rift Valley erupted in violence. The same applied for Nakuru."⁴⁸ In the same court, former Naivasha District Commissioner (DC), Lucas K. Mwanza, argued in his defence of Head of Public Service and Secretary to the Cabinet, Francis Kirimi Muthaura, on 26th September 2011 that as chairman of the DSIC, "he did not hear from any persons that there was an impending violence that he should prepare for."⁴⁹ In his view, the violence was spontaneous and only lasted for a full day in Naivasha on 27th January, 2008. When the Presiding Judge Ekaterina Trendafilova later put to him that he had testified to the Waki Commission (CIPEV) in Kenya to the effect that he had received intelligence of a planned demonstration, he explained that there are "two types of intelligence". One is obtained by formal means while the other is based on mere rumours. Thus, it is rumours that he claimed to have received.⁵⁰

What the DC simply did was to denounce or rather contradict himself and the PCIO that they had no intelligence or information regarding the possibility of violence breaking out. Rumour was as a result of high tension in Naivasha and thus on its own was already an indication of the possibility of violence. Similarly, as we saw earlier, the intelligence agency, NSIS, through the Rift Valley RIC had informed the PSIC members of the inter-ethnic tension that was building up in the region as the elections approached.

In Nyanza Province, the Kisumu DSIC was informed of plans by members of the Luo community to cause chaos should Raila fail to win the presidential contest. Their target was to set ablaze properties owned by members of the Kikuyu community in the district.⁵¹

From the examples cited above, it is clear that policy makers always want unequivocal indicators before taking drastic action in response. In the end, the element of surprise was

⁴⁸ Tom Maliti, *A Senior Detective Denies Ali Ordered Kenyan Police to Allow Killings*, down loaded at <http://www.icckenya.org/2011/10> on 7th October 2011 at 1030 hours

⁴⁹ Alpha Sesay, *Former Naivasha District Commissioner Testifies for Muthaura*, down loaded at <http://www.icckenya.org/2011/09> on 7th October 2011 at 1100 hours

⁵⁰ Ibid

⁵¹ SRIC Kisumu security Brief to DSIC members ref: INT/SF 35 Vol.1 (13) dated 25th December 2007 (S/No. 12/2007)

inevitable when violence broke out in the Rift Valley especially in Nakuru and Naivasha despite the warning. As Betts argues, warning is irrelevant if it is not followed by an appropriate response.⁵² When there is disconnect between warning and response, the surprise factor is thus inevitable in crises.

There were however instances where there was a connection between warning and response. Going by the testimony of the Chief of General Staff (CGS) of the Kenya Armed Forces, General Jeremiah Kianga, to CIPEV the military at least took into account the NSIS forecasts to conduct their own assessments and planning for the 2007 general election period. "The military prepared contingency plans, anticipatory orders, trained troops and rehearsed in order to respond appropriately to likely scenarios, conducted barazas with staff around their need to remain apolitical in accordance with military values, and other work to ensure that should the need arise military support could be provided quickly and effectively."⁵³ This was in accordance to section 3 (2) of the Armed Forces Act (chapter 199 of the Laws of Kenya) that provides for aid to civil authority in maintenance of law and order.

The military preparedness was not replicated in the Police Force. The Commissioner of Police, Major General Hussein Ali, stated to CIPEV that the violence was unprecedented and could not have been foreseen. "In assessing the Police preparedness overall the Commission determined that planning and preparation was scant, commenced far too close to the event, failed to take account of the intelligence received and information available on the ground, and did not encompass preventive activities designed to reduce and/or ameliorate the impact of violence around the 2007 General Elections. There was also no evidence provided that indicated the police were utilizing their own intelligence sources and systems that should have informed planning as well as responses. These fundamental failures set the scene for

⁵² See Richard K. Betts, "Surprise Despite Warning: Why Sudden Attacks Succeed," *Political Science Quarterly*, Vol. 95, No. 4 (Winter, 1980-1981), pp. 551-572.

⁵³ CIPEV report p.367.

police preparedness, and response, nationwide.”⁵⁴ The Police were least prepared to handle the crisis despite the history of electoral violence dating back to 1992⁵⁵ and even with the vast quantities of intelligence provided by the NSIS and information that was readily and widely available in the public domain through the media. The Police clearly underestimated the magnitude of the probable violence and only planned to deal with the election process by deploying at Police Officers to each polling station.

In general, lack of a comprehensive security policy implied that in the face of unprecedented violence, security agencies lacked a joint strategy in planning even with good intelligence. The respective agencies instead resorted to standard operating procedures to handle the violence with obvious catastrophic outcomes.

Decision Making in the Context of the 2007 Electoral Crisis

Belden argues that the fundamental role of intelligence is to contribute towards the warning process. However, he emphasizes the fact that the warning process does not end with the collection of information but goes to impact on the decision making process as the input. Dmitrichev equally argues that the aim of an early warning system is to equip decision makers with the tools to appreciate more and more complex cause-and-effect linkages among events and to put meaning to the evolving situations. This would assist them to maximize rational evaluation of alternatives.⁵⁶ It is clear now clear that as regards the 2007 post election crisis in Kenya, the various security agencies had received enough information from public sources and the intelligence organization to make informed decisions on how best to prepare.

As seen earlier, the NSAC is the most crucial committee of the KSIM whose main role is to monitor and give early warning on threats to national security to the CSC and the head of state, design and prepare the national security strategy and contingency plans and

⁵⁴ Ibid p.369

⁵⁵ Interview with Administration Police (AP) Officer on 25th August 2011

⁵⁶ Andrei Dmitrichev, *The Role of Early Warning in the Office of the UN High Commissioner for Refugees*, in Eds John. L. Davies and Ted R. Gurr, *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*, (Maryland, Rowman & Littlefield Publishers, 1998) pp. 221

provide direction and intelligence to the PSIC and DSIC. In his defence of the Head of Public Service and Secretary to the Cabinet, Francis Kirimi Muthaura⁵⁷, who was also the Chairman of the NSAC, Foreign Affairs Permanent Secretary (PS), Thuita Mwangi⁵⁸, informed The Hague based court that the NSAC met daily between December 2007 and February 2008.⁵⁹ He also added that prior to the December 2007 general elections, the committee met to assess security threats in light of Kenya's past history of post election violence since 1992. However, Mwangi's assertion that the NSAC met daily at the height of the violence has been disputed. There was no credible evidence indicating that the NSAC formally met at the height of the crisis. Instead, a section of the members resorted to meeting informally to make decisions on how to address the escalating crisis situation.⁶⁰

The NSAC had received vast quantities of intelligence touching on the possibility of eruption of violence prior to and after the elections.⁶¹ The NSAC member interviewed equally concurred that there was sufficient information that had been received pointing to a possibility of outbreak of violence due to a contested election.⁶² He argued that the intelligence was shared across the KISM but pointed out that even if that was the case, it depended on the recipient of the intelligence to respond accordingly. Thus according to him,

⁵⁷ Muthaura has been charged by the ICC Prosecutor, Luis Moreno-Ocampo and two other suspects with five counts of crimes against humanity for their alleged roles during the violence that claimed more than 1,000 lives. The Prosecutor alleges that Muthaura used his position as the chairman of the NSAC to order the police boss to provide a "free zone" to the Mungiki criminal gang to carry out retaliatory attacks against members of the Luo, Luhya and Kalenjin communities in the Central Rift region in retaliation for the killings of the Kikuyu in Kenya's North Rift region.

⁵⁸ The PS Ministry of Foreign Affairs (MFA) is a member of the NSAC

⁵⁹ Tom Maliti, *Muthaura cannot Give Orders to the Police. Says defense Witness*, down loaded from <http://www.icckkenya.org/2011/09> on 7th October 2007 at 1130 hours

⁶⁰ Interview with 3rd JSIS informant on 25th August 2011

⁶¹ NSAC Brief AP/POL.F 40/1/Y VOL.6 (34) dated 17th December 2007 entitled *Management of the Immediate Post Election Period*; NSAC Brief AP/POL. F 40/1/Y VOL.5 (33) dated 30th March 2007 entitled *Concern over anticipated Political Violence*; NSAC Brief AP/POL. F 40/1/Y VOL.5 (49) dated 4th May 2007 entitled *Minimum Reforms*; NSAC Brief AP/POL. F 40/1/Y VOL.5(61) dated 5th June 2007 entitled *Resource Based Disagreements Behind Rising Insecurity*; NSAC Brief AP/POL. F 40/1/Y VOL.6 (13) dated 16th August 2007 entitled *Fragility of Political Parties Threatening National Stability*; NSAC Brief AP/POL.F 40/1/Y VOL.6 (20) dated 2nd October 2007 entitled *Political Intolerance and Violence Mar Early Electioneering Process*; NSAC Brief AP/POL. F 40/1/Y VOL.6 (26) dated 2nd November 2007 entitled *Ethnic Tension*; NSAC Brief AP/POL. F 40/1/Y VOL. 6 (31) dated 4th December 2007 entitled *Alarming Trend of Sabaot Land Defence Force (SLDF) Activities, Mungiki Resurgence, Intensification of Electoral Violence Causing Concern*

⁶² Interview with NSAC member on 25th August 2011

it was the responsibility of the police to come up with contingency measures to address the problem. However, he pointed out that even with the measures in place and the willingness to implement them, the police had a major problem of capacity in terms of equipment and personnel and thus was overwhelmed when the violence broke out and thus could not effectively respond. However with proper planning, the question of being overwhelmed should not have arisen.⁶³ The KISM failed to appreciate the history of cyclic electoral violence and the underlying structural conflicts such as grievances over land and distribution of other national resources to prepare adequately to avert the crisis. As seen previously, the argument that intelligence had been shared across the KISM in a smooth manner was disputed by members of other security agencies.⁶⁴ His assertion therefore negated the argument that the police had received warning and had subsequently put contingency measures in place.

The outbreak of the violence was a critical moment in decision making as there was need for prompt action to address a situation that was rapidly deteriorating with devastating socio-economic effects. However, the response time was slow despite the availability of information on the possibility of violence prior to, during and after the elections.⁶⁵ The response was similarly ad-hoc and lacked synergy due to ethnic biases that had pervaded all security units with personnel being either pro-PNU or pro-ODM.⁶⁶ Similarly, there was no operational plan on the part of the Police. From the perspective of the Police, intelligence was not flowing to the lower cadres particularly among the AP.⁶⁷ This was partly informed by the fact that they were not members of the KISM and could not attend PSIC and DSIC meetings and thus had no ready access to intelligence. Due to the surprise element that was enormous

⁶³ 1st Focused Group Discussion with security analysts on 25th August 2011

⁶⁴ Interview with Administration Police (AP) Officer on 25th August 2011

⁶⁵ Interview with 2nd JSIS informant on 24th August 2011

⁶⁶ Interviews with 2nd, 3rd and 4th JSIS informants on 24th and 25th August 2011

⁶⁷ Interview with Administration Police (AP) Officer on 25th August 2011

and due to the magnitude of the violence, very little could be done to contain the spread of the violence.

Another challenge that came out in decision making was lack of coordination and a clear cut unified command particularly among the Police.⁶⁸ On one side was the regular Police and on the other was the Administration Police (AP). While they were supposed to all receive commands from the Police Commissioner, the AP seemed to have had a different source of command with no clear orders on what to do. The orders were simply vague with officers being told by their seniors that "...you know what to do!"⁶⁹ In actual sense, the officers did not know what to do as there was no prior operational plan. Clearly, the decision makers were running away from their responsibilities and did not want to be accountable for their actions. The end result was that officers ended up using live ammunition to quell riots. This was partly due to lack of appropriate equipment to handle demonstrators as well as desperation and fatigue on the part of the enforcers whose personal security was equally at stake.⁷⁰

The security personnel were thus operating under extreme conditions with very low morale. Other AP officers had been deployed as polling agents for the PNU in ODM zones particularly in Luo Nyanza which was a clear violation of Police ethics on impartiality. Even their counterparts on the ground were not aware of such an operation. The move ended up dividing the police along ethnic partisan lines. The issue had been highlighted in the media while the NSIS wrote to the NSAC highlighting the dangers of such a move. "The emerging allegations that the government is planning to use some sections of government organs including the Provincial Administration and the Administration Police (AP) to rig the forthcoming elections and plans by the opposition to counter the same, is creating anxiety, apprehension and tension. This has the potential of igniting spontaneous violence in various

⁶⁸ Interview with 3rd JSIS informant on 25th August 2011

⁶⁹ Interview with 4th JSIS informant on 25th August 2011

⁷⁰ Interview with Administration Police (AP) Officer on 25th August 2011

parts of the country leading to anarchy...”⁷¹ In a follow-up brief, the Service again informed the NSAC that “tension has gripped most of the country following allegations of schemes to rig the elections in which some APs deployed as PNU agents have been confronted in Nyanza and Rift Valley leading to the deaths of two officers, a civilian and several APs injured. Meantime, discontent is brewing within the Administration Police following the killing of their colleagues blaming the AP Commandant for breaching the code of conduct. At the same time, other security arms have voiced concern over the alleged rigging schemes, which they fear would compromise national stability...”⁷²

The security agencies and particularly the key decision makers were in confusion with the resultant approach to addressing the violence being a kind of a “fire-fighting” exercise. The confusion in the decision making was captured by the Chairman of the NSAC himself, Ambassador Muthaura, while defending himself on 21st September 2011 against charges of crimes against humanity preferred on him by the ICC Prosecutor. Muthaura told the court that he considers himself “a fire-fighter who was mistaken for an arsonist by an irresponsible policeman who came to the scene late...”⁷³ He went on to state that the NSAC is a top technical advisory body whose decisions are merely recommendations to the Government, line Ministers, the President or cabinet committee. It is thus surprising for the NSAC chair to regard himself as a fire-fighter as the NSAC is actually meant to be pro-active. On the other hand, his assertion was not surprising as that was actually what the NSAC exactly did, fire fighting. However, some of their decisions, or at least the decisions of some members of the

⁷¹ Special NSAC brief dated 25th December 2007: “Fears of the Country Sliding into Anarchy over Alleged Rigging Schemes”

⁷² NSAC special brief dated 27th December 2007 : “Heightened Tension as APs are Killed in the Run-Up to the Polling Day”

⁷³ Judy Ogutu, *Muthaura says Ocampo does not Understand Government*, down loaded from <http://www.standardmedia.co.ke/entertainment/insidepage> on 7th October 2011

committee, were themselves arsonist in nature as they exacerbated the already volatile security and political situation.⁷⁴

The decisions made by the NSAC members were defective in that they were sending confusing signals/commands, noise, to security agencies due to their political inclinations. Of particular concern was the heavy deployment of police in ODM zones, a move that was perceived by the security personnel as grouping ODM supporters as the enemy. However, this decision seemed to have been made by certain individuals within the NSAC. The decisions seemed ad hoc and tilted along political lines with no objective national security interest considerations, thereby causing confusion at the operational level.⁷⁵

Basically there appears to have been confusion at NSAC level, a key organ of the security machinery that was in the first place meant to have been making critical decisions to curtail the crisis. Partisan interests seemed to have pervaded the NSAC that ended up being characterized by all sorts of symptoms of defective decision making devoid of any form of vigilant problem solving: gross omissions in surveying alternatives, gross omissions in surveying objectives, failure to examine major costs and risks of the preferred choice, poor information search, selective bias in processing information, and failure to work out detailed implementation, monitoring and contingency plans.⁷⁶ The latter, failure to work out implementation, monitoring and contingency plans, was the major symptom of the KSIM that was clearly manifested putting into question the usefulness of the whole machinery.

Depending on their political inclinations, whether ODM or PNU, the decision makers were looking at how the outcome of the decision made would have impacted on their interests at the end of the whole process.⁷⁷ Cockell identifies two main challenges related to response that are closely interrelated: "the role of decision makers (idiosyncrasies) and the

⁷⁴ Interviews with 3rd and 4th JSIS informants on 25th august 2011.

⁷⁵ Interviews with 2nd JSIS informant on 24th august 2011.

⁷⁶ See Gregory M. Herek, Irving L. Janis, Paul Huth. 'Decision Making during International Crises: Is Quality of Process Related to Outcome?' *The Journal of Conflict Resolution*, Vol. 31, No. 2 (Jun., 1987), pp. 203-226.

⁷⁷ Interviews with 1st JSIS informant on 24th august 2011.

constraints of the political environment (political will).”⁷⁸ Idiosyncrasies of decision makers reflect their doctrine, politics, points of view, and personal preferences that may interfere in the interpretation of situations and diminish the possibility of building a logical approach to solving the problem.⁷⁹ The trend is to ignore potential crises while believing that the worst will not happen. This problem appears to have been manifested at the NSAC level more so at the CSC where the decision makers were equally political players who had partisan political interests at heart and yet they were meant to make critical decisions touching on a political process that had divided the country along ethnic lines, themselves included.

CIPEV cast aspersions on the CSC arguing that the “Commission could find no evidence that it operated at all let alone effectively in the lead up to and during the elections. It is expected that these senior members of the government would demonstrate leadership and decisiveness in addressing the issues they must have been aware of during the build up to the 2007 general elections. The Commission can only speculate that individual members were more concerned about their personal political situation during the campaigning and polling periods.”⁸⁰

Going by the way key decision makers in the KISM handled the 2007 post election violence, it appears that there was a cybernetic/cognitive approach to decision making at top level. Cybernetic theorists focuses on the pressures emanating from environmental complexity and uncertainty, as well as the organizational settings in which key decisions are made while cognitive theorists emphasize the role of psychological variables such as belief systems and consistency-maintenance constraints.⁸¹ The idea is that decision makers have a specific value system with which they imposed meaning to the operating environment. In the

⁷⁸ Andrei Dmitrichev, ‘The Role of Early Warning in the Office of the UN High Commissioner for Refugees,’ Op Cit. p. 221

⁷⁹ Ibid p.221

⁸⁰ See CIPEV report p.373

⁸¹ See Zeev Maoz, ‘The Decision to Raid Entebbe: Decision Analysis Applied to Crisis Behavior,’ *The Journal of Conflict Resolution*, Vol. 25, No. 4 (Dec., 1981), pp. 677-707.

Kenyan situation, the policy makers identified and diagnosed the problem which was the explosion of post election violence after the announcement of the presidential poll results. Analogy to previous electoral violence since 1992 was used to diagnose the problem “while paying little attention to the actual base rates or to the fit between the analogized case and the problem at hand.”⁸²

The decision makers expected the violence to subside after a few days as was the case in the 1992 and 1997 electoral violence. Through deduction, the policy makers made decisions that were limited to options that were “consistent with the major normative components within the belief systems or with predesigned programs.”⁸³ The decision makers seemed biased and conservative due to their belief system that was resistant to change. The decision makers seemed to believe that violence was only expected in some ODM strongholds dominated by members of the Luo community particularly Nairobi and Kisumu. This was manifested as we saw earlier, in the deployment pattern of the police. There was heavy police presence in Kibera and Kisumu where major riots had been expected. This decision seemed disastrous as the major towns in the Rift Valley, which indeed turned out to be the epicentre of the violence, were neglected.⁸⁴

Information that appeared to deviate from the norm was ignored or discredited regardless of its good credibility. The intelligence service had provided vast quantities of information regarding the outbreak of the violence but somehow the policy makers seemed to have ignored it. When the violence became manifest, the decision makers resorted to forceful mechanisms such as violent disruption of demonstrations, banning of live coverage by the media houses, banning of public rallies and disruption of the communication system.⁸⁵

⁸² Zeev Maoz, ‘The Decision to Raid Entebbe: Decision Analysis Applied to Crisis Behavior,’ Op. Cit. p.681.

⁸³ Ibid p.681

⁸⁴ Views from the 3rd Focused Group Discussion with security analysts on 25th August 2011. Also Interviews with 2nd, 3rd and 4th JSIS informants

⁸⁵ 1st Focused Group Discussion on 25th August 2011

Conclusion

Kenya's 2007/2008 political crisis apart from leading to the death and displacement of thousands of Kenyans had a devastating effect on the economy of the country. The consequences of the violence especially disruptions in the transport sector were felt beyond the borders. Kenya being geographically the gateway to many landlocked countries in the region. The crisis put into question the effectiveness of existing decision making and crisis early warning and response mechanisms if they existed at all in the first place. This study set out to explore and understand how the decision making and early warning process played out prior, during and after the electoral crisis.

The first objective was to examine the decision making process in crisis early warning and response mechanisms in the country and establish its effectiveness. This objective was sufficiently met as the Kenya Security and Intelligence Machinery was examined in detail with a conclusion that the onset of the violence was a manifestation of the ineffectiveness of the whole machinery in the first place. There was a collapse in the machinery especially in terms of coordination and flow of information from the top to the bottom. There was also lack of leadership from the top organ of the machinery, CSC, while the most critical organ responsible for advising the former and preparing contingency measures in crisis situations was characterized by a myriad of symptoms of defective decision making.

The other objectives were to examine the interaction between warning and response in crises and finally to explore the underlying challenges in warning and response. Similarly, these objectives were met. There is need to link early warning with follow-up action. Having information or a database on indicators of a given crisis is not enough to prevent its occurrence. Thus, the warning process does not end with collection of information by intelligence organizations but goes on to impact on the decision making process and action. Kenya's intelligence organization had collected vast quantities of intelligence on the

possibility of eruption of post election violence but this crucial information seems not to have been shared across the KSIM. In the end, the security agencies responsible for putting in place measures to tackle the violence did not get the intelligence thereby undermining the whole warning process as warning implies decision to take action. The warning should also be response oriented thereby making the work of the policy makers lighter.

As regards the research hypotheses, they were well demonstrated. That high-quality decision-making during crises leads to a better policy outcome while the converse is also true. The decision making process in the KSIM was characterized by various pathologies thereby resulting in defective policy outcomes. The management of the crisis by the decision makers was poor with devastating consequences on the country's social, political and economic stability. This was partly informed by the fact that the inputs they received in terms of intelligence were not response oriented thereby confirming the hypothesis that the more response oriented early warning analysis is, the higher the chances of policy makers putting in place appropriate response measures. A response-oriented early warning analysis goes a long way in helping policymakers to approach their political constituencies with explicit options for concrete preventive action. This also goes on to confirm the hypothesis that crisis estimates or forecasts on their own do not constitute warning. The intelligence had a lot of information on the possibility of violence breaking out but that on its own was not sufficient in averting the crisis.

Finally, the conceptual framework enhanced the analysis particularly as regards the behaviour of the decision makers. Cybernetic theorists focus on the pressures emanating from the operating complex environment and the underlying uncertainty, as well as the organizational settings in which key decisions are made while cognitive theorists emphasize the role of psychological variables such as belief systems. Through deduction, the Kenyan decision makers made decisions that were confined to belief systems. They seemed biased

and conservative believing that violence was only expected in some ODM strongholds dominated by members of the Luo community with devastating consequences.

Chapter 5

Conclusions

This chapter contains reflections that are based on findings in the previous chapters on crisis decision making in early warning and response mechanisms in electoral conflicts in Kenya.

In the first place, the 2007/2008 electoral crisis caught everyone by surprise as Kenya was regarded as a haven of peace surrounded by interlocking conflict systems. The impact on the country and region was immense with serious economic consequences. The crisis put into question the effectiveness of existing decision making and crisis early warning and response mechanisms. That is if they existed at all in the first place. This is due to the fact that the KSIM as a decision making and crisis early warning machinery proved to be highly inefficient prior, during and after the 2007 electoral conflict. In the first place, KSIM operates without a National Security Policy. The consequences of the lack of such a policy were manifest during the crisis as there lacked a coordinated approach under a clear framework on how to respond to the crisis. There is thus need to develop a comprehensive National Security Policy under whose framework all major joint security operations particularly during conflict or crisis situations would be based.

Institutional reforms are paramount to ensure that the decision making process is enhanced with independent policy makers who will have as a priority the national interests of the state at heart as opposed to political masters. Related to the KSIM is the need to reform the NSAC to be the critical crisis decision making organ with greater responsibilities in setting security priorities with the major focus on detection and prevention of crises through the provision of clear guidelines to all security agencies. One of the critical roles the NSAC should play is to ensure implementation of the National Security Policy through joint security operational preparedness to deal with crises of high magnitude such as the 2007 post election

violence. It should also serve to audit the performance of various security agencies during crises and make appropriate adjustments to enhance their performance. However, for the NSAC to realize these key objectives, it needs to be fully independent devoid of special political interests especially during electoral periods. It also needs to have a national outlook as opposed to the situation in the 2007 crisis where one ethnic group was perceived to have been dominant in the key decision making group, a situation that seriously undermined national security interests. Top decision makers in the KSIM are mostly political players with partisan political interests at heart. This proved to be a major setback in decision making process during the crisis. The CSC proved to be ineffective as there was no evidence it ever met at the height of the violence to look into the recommendations of the NSAC. It consisted of political players who were seemed keen on safeguarding their political interests.

In this regard, there is need to overhaul the whole structure of KSIM to incorporate all stakeholders. It was intriguing that the Administration Police, a major stakeholder in the security sector, was not a member of KSIM. This meant that they had no direct access to critical intelligence reports yet they were part of the machinery that was to respond to the crisis. Reforming the KSIM will lead to a robust Crisis Early Warning and Response Mechanism that is required as a matter of urgency to address recurrent conflicts in country particularly those related to electoral cycles especially now that the next elections are fast approaching.

As regards warning and response to crises, there is need to put in place a mechanism between the warning agencies and implementation agencies that ensures that intelligence received is commensurate to the needs of the policy makers. As was seen in the previous chapters, the implementing agencies, in this case the police, argued that most of the intelligence they received touching on the electoral violence was not specific enough and that it was not actionable. This implies that the warning analysts need to give timely, action

oriented warning signals that equally appreciate the capacity of the enforcement agencies to enable them respond accordingly. However, there is also need to sensitize the policy makers to appreciate the fact that it may not always be possible to have unequivocal indicators to conflicts or crises. That they need to use the already available information (equivocal indicators) as inputs in the decision making process.

Another area of concern is the independence of security agencies. That is, isolation of security agencies from political interference. There was a perception during the 2007 post election violence that security agencies were beholden to their respective political pay masters and hence failed to execute their duties with the required professionalism. This is thus one of the areas that require urgent attention. However, with the new constitution in place, it is hoped that the legislation on police reforms will comprehensively address this concern. The other challenges facing the police that need to be addressed include the issue of personnel. There is need to enhance the capacity of security personnel particularly the police to meet the required international standards which are currently way below standards. This was partly the reason the Police were overwhelmed during the crisis. Besides this issue of personnel, there is need to provide them with the requisite equipment so that they may be able to respond and deal with any political crisis accordingly, especially civil unrest. Lack of equipment coupled with a myriad of other challenges led to the police using live ammunition on demonstrators leading obvious consequences.

Security personnel also need to be adequately remunerated and housed to boost their morale. To enhance preparedness, there is need for the Police to establish their own elaborate intelligence network that is well funded to inform planning and response to crisis. Such an intelligence network shall compliment the role played by the National Intelligence Service whose mandate is wider than that of the Police. With such a unit in place to tackle mostly issues of criminal intelligence, the police will have no excuse to pass the buck to National

Intelligence Service by accusing them of providing them with intelligence that in their view is not actionable.

A challenge that played a major role in hampering security agencies to execute their respective mandates was ethnic polarisation that had pervaded all the agencies. There is need to urgently address the ethnic factor that led to confusion with top decision makers issuing conflicting orders depending on their ethnic political affiliation. Continuous training of security personnel to remain vigilant to respond to crisis is paramount. Prior to the 2007 electoral crisis, there was no evidence that the police engaged in simulations and scenario building in preparation for the violence. They also failed to come up with joint operational plans. Continuous training therefore remains key and this calls on the government to increase funding to the police in this respect.

Similarly, there is need to fast track real institutional reforms particularly in the police to ensure professionalism in sharing of intelligence, deployment among other issues. This will go a long way in ensuring proper planning and putting in place of appropriate contingency measures in anticipation of possible violence.

Lastly, there may be need for the National Intelligence Service to play a more robust role in the early warning and response to crisis. Besides creating vast amounts of data that they pass on to policy makers merely to advise, it may be prudent to come up with modalities to ensure that any crucial intelligence that is passed to decision makers is implemented. This issue is fundamental because as regards the 2007 crisis, there was clear evidence that indicators of violence had been well documented and passed to policy makers who in turn made no critical use of it.

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Appendices

Focus Group Discussion Guide

1. What is the role of security agencies in preventing conflicts/crises?
 - Did they have information/intelligence on the electoral violence?
 - How well prepared were they for the violence?
 - What kind of systems/mechanisms among security agencies have been put in place to respond adequately in situations of conflict?
 - How effective was the response to the crisis?
2. How do you understand the concept “warning” in relation to conflict?
3. Is there a link between warning and response in crisis? If yes or no, please elaborate.
4. What are the warning systems in Kenya?
 - Comment on the effectiveness of these systems.
5. Was there warning before post election violence? What were the sources of the warning?
6. What role did the citizens play in the warning of the 2007 electoral crisis?
7. What are the challenges faced by security agencies involved in warning of electoral conflicts?
8. What are the challenges faced by security agencies involved in responding to conflicts?
9. What were the challenges faced by security agencies in responding to the 2007/2008 post election violence?
10. Suggestions on what needs to be done to address the challenges stated above?
11. What needs to be done to improve the warning and response process – as a recommendation/ lessons learnt in light of the crisis.

Interview Questions

1. In your view, was there a crisis in 2007 after the announcement of the presidential poll results? Please elaborate.
2. Was there need to respond to the crisis? Why?
3. Was there prior warning to the crisis? If so, comment on the timeliness of the intelligence and whether it was actionable.
4. How well shared was the intelligence with other security agencies?
5. What steps were taken by the policy makers to respond to the crisis?
6. How effective were the decisions made by the authorities in responding to the crisis?
7. How prompt were the decisions by policy makers in responding to the crisis?
8. What were the challenges in decision making as regards the 2007 post election crisis?
9. Which contingency measures were put in place by security agencies to respond to the crisis?
10. Which joint measures/operations were put in place to prepare for the possibility of violence?
11. What impact did the political alignment of the decision makers have on the decision making process? Please elaborate.
12. Is there any particular decision making model that was adopted prior and during the 2007 electoral crisis?
13. What needs to be done to improve the decision making process – as a recommendation/ lessons learnt in light of the crisis.