

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

**IMPACT OF ELECTION CONFLICTS IN AFRICA: A CASE  
STUDY OF KENYA'S POST ELECTION VIOLENCE  
RECOVERY, 2000 – 2012**

**BY**

**LUCY WANGARI KAMAU**

**REG NO.R50/62910/2010**

**SUPERVISOR**

**PROFESSOR MARIA NZOMO**

**A RESEARCH PROJECT SUBMITTED IN PARTIAL  
FULFILMENT OF THE REQUIREMENTS OF THE DEGREE OF  
MASTER OF ARTS IN INTERNATIONAL CONFLICT  
MANAGEMENT.**

**SEPTEMBER, 2013**

## **DECLARATION**

I Lucy Wangari Kamau hereby declare that this research project is my original work and has not been presented for a degree in any other University.

Signed..... Date.....

Lucy Wangari Kamau

This project has been submitted for examination with my approval as University supervisor.

Signed..... Date.....

Professor Maria Nzomo

Director of Institute of Diplomacy and International Studies (IDIS),

University of Nairobi.

## **DEDICATION**

This research project is dedicated to my late mother Mary Wanjiku who worked so hard to ensure that all my daily needs were met including my school fees.

## **ACKNOWLEDGEMENT**

Am grateful to Almighty God for his guidance and blessings, by his grace he enabled me to finish my research project. I would like to acknowledge the invaluable inserts of contributors to this project. These are Students of MA International Conflict Management, my family and friends, without them it would have been extremely difficult to complete the task on schedule. I also like to express my gratitude to the Director, and the members of the Institute of Diplomacy and International Studies (IDIS) at the University of Nairobi for their guidance and input. I want to express a special appreciation to my supervisor Professor Maria Nzomo for guidance and encouragement she gave me on the topic of impact of election conflicts in Africa, Kenya as case study.

## **ABBREVIATIONS**

COE	Committee of Experts
D.C.I.O	District Criminal Investigation Officers
D.C	District Commissioner
D. O.	District Officers
DP	Democratic Party
FORD	Forum of Restoration for Democracy
GDP	Gross Domestic Product
GEMA	Gikuyu-Embu-Meru Association
IIEC	Interim Independent Electoral Commission
IIBRC	Interim Independent Boundaries Review Commission
IICDRC	Interim Independent Constitutional Resolution Court
IEBC	Independent Electoral and Boundaries Commission
JSC	Judicial Service Commission
KPU	Kenya People's Union
KNDR	Kenya National Dialogue and Reconciliation
KLRC	Kenya Land Review Commission
KADU	Kenya African Democratic
KANU	Kenya African National Union
KNCHR	Kenya National Commission on Human Rights
LDP	Liberal Democratic Party
NAK	National Alliance of Kenya
NPSC	National Police Service Commission
NLC	National Land Commission
NARC	National Alliance Rainbow Coalition
NGO	Non Governmental Organization
NCIC	National Cohesion and Integration Commission
OAU	Organization of African Unity
ODM	Orange Democratic Movement
ODM	Orange Democratic Movement - Kenya
PNU	Party of National Unity
PM	Prime Minister

PSC	Public Service Commission
PaSC	Parliamentary Service Commission
TJRC	Truth, Justice, and Reconciliation Commission

## TABLE OF CONTENTS

DECLARATION .....	i
DEDICATION .....	ii
ACKNOWLEDGEMENT .....	iii
ABBREVIATIONS .....	iv
TABLE OF CONTENTS.....	vi
LIST OF TABLES .....	ix
LIST OF FIGURES .....	x
ABSTRACT.....	xi
<b>CHAPTER ONE .....</b>	<b>1</b>
<b>INTRODUCTION TO THE STUDY .....</b>	<b>1</b>
1.0 Introduction .....	1
1.1 Problem Statement .....	7
1.2 Objectives of the study .....	8
1.3 Justification of the study .....	9
1.4 Literature Review .....	9
1.5 Theoretical Framework .....	17
1.6 Hypothesis. ....	18
1.7 Research Methodology .....	19
1.8 Scope and limitation of study .....	20
1.9 Chapter Outline.....	21
<b>CHAPTER TWO: .....</b>	<b>22</b>
<b>AN OVERVIEW OF IMPACT OF ELECTION CONFLICT IN AFRICA .....</b>	<b>22</b>
2.0 Introduction .....	22
2.1 Historical Background of Election Conflicts in Africa .....	22
2.2 Electoral Violence in Africa .....	23
2.3.1 Tourism .....	25
2.3.2 Financial Services .....	26
2.3.3 Transport and Communication .....	26
2.3.4 Manufacturing and Construction Industry .....	27
2.3.5.1 Scarce Resource.....	30

2.3.5.2 Oil Rich Region .....	33
2.4 Political Impact .....	34
2.4.1. Unequal Distribution of Resources and Development .....	36
2.4.2 Political Activities .....	38
2.5 Social Impact .....	40
2.6 Cultural Impact .....	42
2.7. Conclusions .....	43

**CHAPTER THREE .....44**

**IMPACT OF ELECTION CONFLICTS IN AFRICA: A CASE STUDY  
OF KENYA’S POST ELECTION VIOLENCE RECOVERY, 2000 – 2012 .....44**

3.0 Introduction .....	44
3.1 Historical background of Kenya’s Independence .....	44
3.2 The Kenya’s Post Election Violence Recovery .....	55
3.3 The Post Election Violence Recovery .....	57
3.3.1 Judicial Service Commission .....	58
3.3.2 The Independent Electoral and Boundaries Commission.....	59
3.3.3 Public Service Commission .....	60
3.3.4The Salaries and Remuneration Commission .....	61
3.3.5 Parliamentary service commission .....	63
3.3.6 Kenya’s Political System and Nationalism .....	64
3.3.7 Constitution 2010 .....	66
3.3.8 National Cohesion and Integration Commission .....	67
3.3.9 National police service commission .....	68
3.3.10 National Land Commission .....	69
3.4 Conclusions .....	70

**CHAPTER FOUR .....72**

**IMPACT OF ELECTION CONFLICT IN AFRICA: ACRITICAL ANALYSIS  
OF THE FINDINGS .....72**

4.0. Introduction .....	72
4.1. Post Election Violence Recovery in Kenya .....	72
4.1.1. The Judicial Service Commission .....	73
4.1.2 Independent Electoral and Boundaries Commission .....	73



4.1.3 Public Service Commission .....	77
4.1.5 Parliamentary Service Commission .....	79
4.1.6 National Cohesion and Integration Commission .....	79
4.1.7 National Police Service Commission .....	80
4.1.8 National Land Commission .....	81
4.1.9 Constitution .....	82
4.1.10 Political System and Nationalism .....	83
4.2 Other issues identified .....	85
4.2.1 The Truth, Justice and Reconciliation Commission of Kenya .....	85
4.2.2 Political Violence .....	85
4.2.3 Kenya National Human Rights and Equality Commission .....	86
4.2.4 Consolidating of Cohesion and Unity .....	87
4.2.5 Unemployment .....	88
4.2.6 Poverty and Equality .....	89
4.3 Conclusions .....	91
<b>CHAPTER FIVE: CONCLUSIONS .....</b>	<b>92</b>
5.0 Summary .....	92
5.1 Key Findings .....	93
5.2 Conclusions .....	94
5.3 Recommendations .....	94
<b>BIBLIOGRAPHY .....</b>	<b>102</b>
<b>APPENDIX I : SURVEY QUESTIONNAIRE .....</b>	<b>105</b>

## LIST OF TABLES

Table 3:0 Sample Size .....	56
Table 3.1.The post election violence recovery in Kenya.....	57
Table 3.2 Judiciary .....	59
Table 3.3 Independent electoral and Boundaries Commission .....	60
Table 3.4 Public service commission .....	61
Table 3.5: Salaries and Remuneration .....	62

## **LIST OF FIGURES**

Figure 3.1 Parliamentary service commission. ....	63
Figure 3.2 Political system and Nationalism .....	65
Figure 3.3 Constitution 2010 .....	66
Figure 3.4 National Cohesion and Integration Commission .....	68
Figure 3.5 National Police Service .....	69

## **ABSTRACT**

The study examined the impact of election conflicts in Africa, focusing on Kenya's post election violence and recovery in the period between 2000 - 2012. The study used both quantitative and qualitative methods to collect relevant information. The population from which the sample was drawn, based on non government Organization officers, Students of MA International Management studies, Judiciary, Members of Law Society of Kenya, Media, Kenya Red cross and a sample of 40 respondents. The primary data collection involved interview guides, group discussions, and questionnaire, focused group discussions with a few selected senior officers in both government bodies and non-governmental organizations, residing in Nairobi-Kenya. The secondary data, the study reviewed vast literature on the subject of study published and unpublished documents. The study established that, the post election violence recovery in Kenya, based on constitutional, and legal institutional reforms such as, Judicial service commission, Independent electoral and boundaries commission, Public service commission, Salaries remuneration service commission, Parliamentary service commission, National police service commission, National land commission, Constitution, Kenya's political system and Nationalism, Political violence, Humanitarian crisis, Consolidating of cohesion and Unity, Unemployment among youth, Poverty and Equality. The study concluded that Kenya's post election violence recovery process is still slow, and very little has been achieved and as a result the country is experiencing negative peace.

# CHAPTER ONE

## INTRODUCTION TO THE STUDY

### 1.0 Introduction

Conflict has been in the human society since time immemorial. Africa as a developing continent has been marked by conflicts. At one time or another a number of African countries have experienced intra-state or interstate conflicts. After the cold war there has emerged identity based and de-rationalized conflicts which are referred to as “new wars”. These new wars have increased the necessity of mediation.<sup>1</sup> These wars have been experienced mostly in Africa though other continents have experienced them. In Africa the countries which have experienced these wars includes: Rwanda, Sudan, Kenya, Somalia, Liberia, Sierra Leone, and Burundi among others. In Africa, the intensity of conflict however, differs from one country to another. If any country has been spared conflict they directly or indirectly suffer the repercussions of the neighboring countries conflicts, either they have been involved or have been implicated in fuelling the conflict or they have served as hosts to those fleeing conflicts. Mediation has been used in African countries to resolve conflict. There has been several successful mediation in Africa conflict system amongst them mediation in Liberia, Sudan and Kenya. There has been unsuccessful mediation attempt for instance in Somalia.

The term “conflict” refers to that situation where there are at least two entities between which there is a battle, fighting, struggle, tension, clash, controversy, or opposition because of differences in opinion, ideas, or interests. The cause could also be attributed to competition for resources and power among others or a conflict arises

---

<sup>1</sup> M.J, Butler, *International Conflict Management*, ( Newyork; Routledge Taylor and Francis Group,2009), p.123

when two or more parties have incompatible goals about something<sup>2</sup>. Violent conflicts often erupt when deep-rooted cultural, religious, historical, social, economic or political issues are not properly addressed. In Kenya, such conflicts have been linked to conflicts left behind by the departing colonial rulers, the decolonization struggle and the failure by the post colonial Governments that have tended to be partial to sections of the Kenyan society. Acts of widespread violence are largely induced, planned or caused by antagonistic actors for egoistic, social, economic or political gains. Most of them are also attributable to competition for scarce resources within the context of under development, demographic pressure and divisive political manipulation based on social cleavages in a situation where levels of poverty are desperate, participatory governance is constrained and violations of basic human rights is routine. At the end of the day, an environment is created in which crime; violence and an escalation of armed conflict are likely to occur. While the concept of early warning for conflict is a sign of a developing conflict, conflict is rarely abrupt. It develops over time before it erupts yet there are early signs that give pointers to this effect for some time<sup>3</sup>.

Prior to colonialism, land was purely held for sustenance of life and clan rights over land were limited to this use and to the transmission of those rights. However, inter-clan and sometimes inter-tribal conflicts over land were common among these communities. This pressure on land was not as it was when the Europeans settled in many part of the country, and in the course of it, various

---

<sup>2</sup> C.R Mitchell, *The Structure of International Conflict*, (London: McMillan, 1998) pp 15-

<sup>3</sup> Tarimo A. S.J and Manwelo P.,(Eds) *Ethnicity, Conflict, and the Future of African States*, (Paulines Publications Africa: 2009), p 50

communities were driven out of their ancestral land into native reserves<sup>4</sup>. Culture also tends to accelerate violence instigated by ethnicity and catalyzed by socio-economic marginalization especially among the pastoral communities due to lack of a proper policy framework to best manage diversity, achieve culturally sensitive structures for good governance, and the incompatibility of indigenous African cultures, values and institutions with the existing constitutional and political models. While the liberal models of governance including the multi party system are on the continent to stay, there is dearth of creative modalities, which make full use of cultural patterns of the people concerned<sup>5</sup>. Large scale ethnic oriented conflicts in Kenya that have been witnessed since the 1990's are mainly as a result of bad governance and marginalization of parts of the citizenry. Both the Kenyatta and Moi regimes used political power as a means to access the scarce resources by the ruling elite and by extension those who hail from the incumbent President's ethnic group. This led to a crisis of governance and struggle to retain political power. Towards 1990, ethnic politics degenerated from being a reality that was initially manageable to the controversial leadership of President Moi that strived to maintain the single party dictatorship arguing that multi-party system had potential to undermine national unity<sup>6</sup>. The Moi Government ethicized the Provincial Administration, the security apparatus and used them to instigate the ethnic clashes amongst communities living in the Rift Valley Province in order to fulfill the regime's prophecy that multi-party competition would create ethnic strife. According to Human Rights watch (1993), the 1992 ethnic violence was used by the Government to blemish ethnic groups that were

---

<sup>4</sup> Akiwum A.M., *Report of the jovial commission appointed to inquire into tribal clashes in Kenya*, (Nairobi; Gok printers, 1999), p.60-61.

<sup>5</sup> Nantulya P., *The Challenges of Managing Africa's Diversities and the Role of the African Union and Civil Society*, in the Perspectives on the OAU/AU and conflict management in Africa, 2004, p 37

<sup>6</sup> Paul Nantulya, op cit p. 25

perceived to support the opposition in the run up to the first multi-party elections, and to force non-Kalenjins to vacate the land in the Rift Valley Province in favor of the Kalenjins<sup>7</sup>. From the above, it is therefore evident that such violence is backed by the urge to systematically exclude others from formal livelihood resources- (land, work and wages) from public welfare schemes, from political participation and even from the Nation as a collective social and cultural construct<sup>8</sup>.

The most striking consideration with violence patterns in Kenya is that little or inadequate or even inappropriate strategies have been applied by respective Governments to stem violence. By and large, tactics used are reactionary for suppression rather than prevention. Since conflict has a cycle, it is imperative therefore that the Government systems endeavor to detect violence at an early stage and employ mitigative measures so as to prevent escalation to violence. Conflict Early Warning is the pre-emptive intervention that endeavours to identify and manage conflict at its very early stages to avoid escalation to violence. Kenya has a multi-ethnic society, and communities have lived in harmony for many years. The conflict that rocked Kenya in 2007/2008 was an unexpected phenomenon especially with regard to its proportionality. Kenya had experienced some ethnic violence in both 1992 and 1997 but these two were preceding 'elections and not post elections'. The two conflict episodes were as a result of ethnic based clashes of the Moi era. In the run up to the 2002 elections, tensions were very high in Kenya especially associated with the post elections' period since the NARC party was considered strong enough to win the election<sup>9</sup>. Kenyans were gripped with fear as they anticipated that the then

---

<sup>7</sup> Ethnicity, Violence and democracy, op cit p 10

<sup>8</sup> ibid

<sup>9</sup> Mathieu B.S.J., Post Electoral Controversy and Violence in Africa, In Tarimo Aquiline, S.J. and Manwelo Paulin, S.J., (eds), *Ethnicity Conflict and the future States*, (Nairobi; Pauline's Publications Africa, 2009), p.102.



President Moi would refuse to hand over power and even anticipated the possibility of a military take over. These worries were never allowed to see the light of day since President Daniel arap Moi handed over power peacefully to the NARC party of Mr. Mwai Kibaki even as he was on a wheel chair due to an accident that had befallen him during the electioneering period in 2002. The ensuing period was characterized by belligerence within the NARC party which was a coalition of smaller parties formed just shortly before the elections to forge a formidable force against the ruling Kenya African National Union (KANU) party of President Daniel Moi. The above scenario led to the break up of NARC and that resulted in the retention of the original NARC party by Mr. Mwai Kibaki and allies while Mr. Raila Odinga and Mr. Kalonzo Musyoka led a section of rebel members of parliament in a walk out and formed the Orange Democratic Movement (ODM). Tensions heightened during the constitutional review draft referendum in 2005 where (ODM) was against (NARC) in a “YES/NO” referendum. The ODM side campaigned for a “NO” vote while NARC campaigned for a “YES” vote to the draft constitution. The “NO” vote won and hence the new draft constitution was thus defeated and shelved.

The ensuing period was characterized by growing political party instability as various politicians sought to build alliances and position themselves for the 2007 elections. The ODM later was unable to register the ODM name, with the Registrar of Political Parties due to an earlier registration of the same name by some one else. The group eventually settled to register their party as the ODM-K whose Chair was to be Dr Julia Ojiambo. ODM-K again developed some internal political dynamics that further led to disintegration of some of the post referendum alliances. For example, the ODM-K party of Mr. Raila and Mr. Musyoka was further split, with both parties going separate ways and each taking a piece of the ODMK.

Although Mr. Musyoka retained the original ODM-K party, he lost a substantial clout of the original membership to Mr. Raila who negotiated for the return of the Original ODM party from the person who had registered it. Again, Mr. Mwai Kibaki sought to consolidate his political clout by forming the Party of National Unity which brought together KANU, led by Mr. Uhuru Kenyatta and a host of many other smaller political Parties. The eventual Presidential contest therefore pitted three candidates who were considered strongest: Mr. Mwai Kibaki (PNU), Mr. Raila Odinga (ODM) and Mr. Kalonzo Musyoka (ODM-K). Kibaki and Raila were however considered the front runners while Kalonzo was considered as a compromise candidate by the general public.

As a result of the ethnic fighting following 2007 election dispute between Mwai Kibaki (PNU) and Raila Odinga (ODM) there was political, economic and humanitarian crisis and hence both President Mwai Kibaki and Raila Odinga were willing to welcome third party intervention in order to break the political impasse. There were several people who participated in mediation in 2007/2008 Electoral conflict in Kenya. There was intervention by African Union which consist the use of chairman John Kufuor good offices. Mr. John Kufuor intention was to facilitate negotiations between Mwai Kibaki and Raila Odinga. Though he spent three days in Kenya the parties maintained their hard positions as they could not agree on negotiations framework. However before Kufuor left he announced that mediation would be carried out by former UN Secretary General Kofi Annan. Mr.Kufuor good offices led to the creation of a team under African Union to mediate the conflict.<sup>10</sup> Mr. Museveni played a facilitation role in encouraging parties to reach a solution. He held separate meetings with Mwai Kibaki, ODM, Kofi Annan and various other actors

---

<sup>10</sup> Mwagiru M., *The water's Edge: Mediation of Violent Electoral Conflict in Kenya*, (Nairobi: Institute of Diplomacy and International Studies, 2008),PP.57,68

including several heads of Diplomatic Missions.<sup>11</sup> Kofi Annan diplomacy managed to get both parties to have a face to face meeting. The Annan's team designed and negotiated the pre negotiation agreement. The team came up with the issues, agendas and the number of negotiators from both sides. There were both procedural and substantive issues, the substantive issue was to end violence first, finding a solution to the disputed presidential election, and long term solution were to address an equal distribution of resources and land reforms. The procedural issues were; parties to recognize Annan team as official mediators, both side's commitment to mediation and its outcome and each side to appoint three negotiators.<sup>12</sup>

## **1.1 Problem Statement**

In Africa, conflict management and prevention is the one of the biggest problems, as it lacks capacity to respond to crisis. Africa states have some of the world's largest lasting conflicts. Africa also provides examples of enduring recoveries from conflict. The weakening and collapse of state institutions have been the cause of internal and regional conflicts. The African countries lack strong state institutions. Therefore they operate through coercion, corruptions and the cult of the "strong" leader to secure political power and control of economic resources.

The sporadic emergence of violence in Kenya has raised a lot of questions, which need to be answered. It has puzzled every one as to why communities that had co-existed amicably decided to resort to violence of the magnitude seen during the post election violence in 2007/2008. The government was incapable of managing this conflict without external assistance. It is also particularly surprising why this happened at that particular time and period in Kenya's history and not before and yet

---

<sup>11</sup> Ibid p.96,97

<sup>12</sup> Ibid p.107

it was neither easy to pre-empt nor respond effectively. This brought to the fore; the question of the kind of response mechanism used by the Government security agencies. The Government has the National Security and Intelligence Service, which is an integral arm of Government and that not only works to advise but also to detect early warning signs and feed it accordingly to the Executive and an infrastructure of other security agencies in order to have them design effective intervention strategies.

The post election violence in Kenya gave birth to National Accord which was seen as a conflict resolution to disputed parties. ‘The National Accord and Reconciliation Act of 2008 was an act of the National Assembly of Kenya that temporarily re-established the offices of Prime Minister of Kenya, along with the creation of two deputy prime ministers’. That act followed the February 28, 2008 power-sharing agreement between former retired President Mwai Kibaki and opposition leader Raila Odinga, who became the first prime minister of Kenya since 1964, until when the and agreed that a political solution was required. Given the disputed elections and the divisions in the Parliament and the country, neither side was able to govern without the other. There was need for power sharing in order for the country to move forward. A coalition was a partnership with commitment on both sides to govern together and push through a reform agenda for the benefit of all Kenyans. With establishment of National Accord and Reconciliation act of 2008, has really Kenya recovered?

## **1.2 Objectives of the study**

The overall objective of the study is to examine the election conflict and violence recovery in Africa, with a case study of the Kenya’s post violence election recovery, 2000-2012. More specifically the study aims;

- I. To examine factors that led to post election violence in Kenya, with a view to establish if they have been addressed.
- ii. To assess the impact of post election violence recovery in Kenya, with a view to establish the sectors most affected.
- iii. To explore the role of international community in resolving post election violence in Kenya, with a view to establish the institutions and their contribution.

### **1.3 Justification of the study**

This study can be justified both at academic and policy levels. At academic level the study will contribute towards the existing literature and knowledge on the study of recovery mechanism in Kenya. It will also contribute to the theory on the conflict and violence and recovery mechanism.

At the policy level, this study will contribute to policy decisions by conflict prevention and management agencies of the State and other institutions so as to strategically determine the way forward in enhancing conflict prevention capacities as opposed to reactionary management approaches.

### **1.4 Literature Review**

The literature review encompasses the literature on conflict, from individual, societal and State Agencies' level. The literature will be presented and critiqued on a general overview gathered on causes, issues and interventions and responses. However, most of the contribution to the literature is based on the structural violence build on the work of Johan Galtung. Galtung considers structural violence to exist

when the actual realization of human beings were below their potential realizations<sup>13</sup>. Such a situation arises because of anomalous social, economic, political or legal structures. Curle has also made an important contribution to the intellectual tradition of structural violence by reconceptualizing the traditional dichotomy between war and peace. He introduces the possibility that a society may be neither at war nor at peace<sup>14</sup>. Curle regards such situation as “un peaceful” in those human beings is impeded from achieving their full potential because of relations that exist in society. The debate on structural violence has also been considerably enriched by human needs perspectives, much of which is built on the work of John Burton<sup>15</sup>.

Burton provides some insights into structural violence through the human needs theory. He is one of the main advocates. He argues that systems, no matter how coercive, that neglect human needs must generate protest behaviour and conflict. Burton contends that there are certain ontological and genetic needs which will be pursued, and that socialization process, if not compatible with such human needs will lead to frustrations and anti-social personal and group behaviour<sup>16</sup>.

Conflict is endemic in society. It will be always be present and be an important part of human life. Conflict will always be there as long as human beings are in existence. However, in order to understand conflict early warning, it is important to understand the nature of conflict and its content. According to Mitchell, a conflict arises when two or more parties have incompatible goals<sup>17</sup>. A conflict will thus occur when two people, when they have incompatible goals because they may have different perceptions, objectives, goals and ideas about how to achieve them.

---

<sup>13</sup> Galtung J., ‘*Violence, Peace and Peace Research*’, *Journal of Peace Research*, Vol.3 (1969), P167-191.

<sup>14</sup> Curle A., *Making Peace*, (London: Tavistock, Publications, 1971), P.31

<sup>15</sup> Burton J., *Human Needs Theory*, (London: Macmillan, 1990), P.2

<sup>16</sup> Burton J., *Conflict Resolution and Prevention*, (London: Macmillan, 1990), PP32-48.

<sup>17</sup> Mitchell C.R., *The Structure of International Conflict*, (London: Macmillan, 1998), PP15-25.

Mwagiru states that in a simple conflict, for example between two people, the incompatibility arises because they may both have different perceptions, goals, and ideas about how to achieve them<sup>18</sup>. Underlying that situation is a conflict of vision, and often an inability or unwillingness to see the other person-point of view. He further eludes that conflict, is about values, wants and interests which are negotiable and not susceptible to settlement<sup>19</sup>. Dougherty and Pfaltzgraff view conflict as a condition that exists when one group of human beings, whether tribal, ethnic, linguistic, cultural, religious, social economic or political is engaged in conscious opposition to one or identifiable human groups because these group are pursuing what are or appear to be incompatible goals<sup>20</sup>.

Zartman too asserts that a conflict refers to the outbreak of armed hostilities between parties<sup>21</sup>. This means that there will always be conflict as long as nations and people pursue different interests and hence to learn how to manage conflict and its effects on the people and nation is of paramount importance. There has been an increase in conflicts in Africa, especially internal conflicts, which have become internationalized as they involve various actors and according to Mwagiru, previously, an internal conflict becomes endowed with many external characteristics<sup>22</sup>. Paradoxically, however, Thakur's view, just as the complexities of war have changed so also has the wish for peace increased<sup>23</sup>. This has been evidenced by the increased efforts being made to prevent and resolve global conflicts and Africa has featured prominently in

---

<sup>18</sup> Mwagiru M., *Conflict: Theory, Processes and Institutions of Management*, (Nairobi: Watermark Printers Kenya Ltd, 1999) P.3

<sup>19</sup> Mwagiru M., *The International Management of Internal Conflict in Africa: The Uganda Mediation*, 1985 (PhD dissertation, University of Kent at Canterbury, 1994), P15.

<sup>20</sup> Dougherty J.F and Pfaltzgraff, *Contending Theories of International Relations*, (New York: Harper and Row Publishers, 1990), P182.

<sup>21</sup> Zartman I., *Ripe for Resolution: Conflict and Intervention in African*, (New York Oxford University Press, 1985), P.8

<sup>22</sup> Mwagiru M., "Conflict and Peace Management in the Horn of Africa", Paper presented at the IRG Conference on Peace and Security, in the Horn of Africa in Mombasa, (1996).

<sup>23</sup> Thakur R., *Peace Research in Work in Progress*, (Tokyo: United Nations University Bulletin, Vol. 15, No.3, Summer, 1999), P12.

these efforts. Such efforts have been witnessed in Middle East – Iraq, Afganistan and the DRC to name but a few.

A. de Reuck argues that the value of the objectives being sought by the parties involved is proportional to the intensity of the conflict<sup>24</sup>. Conflict may either involve physical violence or structural violence. Physical violence involves the deliberate use of force to injure, subdue or kill another human being. Structural violence, on the other hand, is a type of conflict which is embedded in the structure of relationships and interactions<sup>25</sup>.

Lund states that once some levels of significant violence have begun; it is prone to escalate due to an interactive process of attack and retaliation which leads to a self perpetuating cycle<sup>26</sup>. Thus, conflicts begin and continue escalating because intervening variables facilitate the process. These variables are current on the behaviour of actors and their interests. Mitchell observes that a conflict arises when two or more parties have incompatible goals about something<sup>27</sup>. He similarly observes that conflict behaviour itself can be an important influence in affecting conflict intensity if it involves high levels of violence, damage or loss of participants<sup>28</sup>. Such behaviour would involve an increase in the levels of anger, hatred, fear or desire for revenge on the part of those suffering damage. Overtime, behaviour of the opposing party may appear sufficient reason for continuing and intensifying one's own conflict behaviour often producing an analogous impact on the attitudes and subsequent behaviour of the adversary. This means conflict behaviour may become the source of

---

<sup>24</sup> A de Reuck, *The Logic of Conflict: Its Origin Development and Resolution*, In M, Barks, (ed), *Conflict in World Society: A New Perspective on International Relations*, (Sussex, Harvest Press 1984), P96-111

<sup>25</sup> Mwagiru M., "*Conflict, Theory, Process and Institutions of Management*," (Nairobi: Watermark, 2000), p14-15.

<sup>26</sup> Lund M.S., *Preventing Violent Conflicts: A strategy for preventive diplomacy*, (Washington, US institute of peace press, 1996), p133-134.

<sup>27</sup> C. Mitchell, *The Structure of International Conflict*, (London: Mac Millan Press, 1998), p15-25.

<sup>28</sup> Ibid, pp52.



future conflict attitudes and behaviour irrespective of any future development of mutually incompatible goals.

Jabri notices that, “war mood” takes hold when conflicts escalate<sup>29</sup>. For her, it is expected that once violent destruction of the enemy and his or her valued resources comes to define a relationship, then rules of the game change and behaviour that is unacceptable during peacetime become legitimate during wartime. These acts include killing, torture, rape, mass expulsions, ethnic cleansing and creation of concentration camps. This position points out that conflict is not only destructive but it also leads to some form of gains to warring groups.

Ampleford et al asserts that, over time, conflict as a process may be more important than conflict start up conditions<sup>30</sup>. It will therefore not be sufficient to statistically identify operating variable worth looking but also to identify the dynamic process that may overtake these static start up conditions. Identification of conflict start up conditions is necessary as demonstrated by the gradual incorporation into mainstreams conflict analysis of underlying causes or structural dimensions or sources of latent or open conflict. This analysis points out that, conflicts tend to develop in environments characterized by structural factors which form the pre-conditions of crisis situations, such as systematic inequities, economic decline and ecological deterioration.

Azar argues that the most useful unit of analysis in protracted social conflict situations is the identity of group, racial, religious, ethnic and cultural. In intra-state conflicts, actors range from conventional armies to paramilitary units, local warlords, mercenary groups and even criminal gangs. This requires State level analysis to

---

<sup>29</sup> Jabri V., *Discourses on Violence*, (Manchester:Manchester University Press, 1996) p6.

<sup>30</sup> Ampleford et al, *Country Indicators for Foreign Policy Rijk assessment Template*, FEWER, (the Norman paterson School of International affairs, August 2001), p4.

comprehend the groups in conflicts and their claims. The understanding gained from the analysis of actors would help identify issues to negotiate in the peace process. He also hypothesizes that the source of protracted conflict is the denial of those elements required in the development of all people and society, and whose pursuit is a compelling need. These are security, distinctive identity and effective participation in the process that determine conditions of security and identity and other such developmental requirements<sup>31</sup>. According to him, the real source of conflict is the denial of those human needs that are common to all and whose pursuit is an ontological drive in all.

The causes and impact of conflict would be attributed to various reasons depending on the levels used. For instance, from sub national level ranging from the provincial or district level to the locality, as supported by Waltz in his analysis of *Man, State and War*, he observed that an appropriate way to discuss and evaluate critically the multitudes of approaches and theories on the causes of war, is to divide them along the social spectrum and to locate the fundamental linkages of war causality. Basing on this, he identified three main orientations on the causes of war<sup>32</sup>. Conflict therefore can draw actors from individual groups, societies and states.

Sandole expresses conflict as multidimensional and identifies these dimensions as linked to decision making, societal and trans-societal aspects. He agrees with Waltz's individual, state and international levels. He examined the role of variables located in different levels throughout the life-cycle of conflicts in which he divided into three successive periods namely; early stage, intermediate and late stages of a

---

<sup>31</sup> Azar E.E., Protected International Conflicts: Ten propositions in J. Burton F. Dukes (eds), *Conflicts: Readings in Management and Resolution*, (London, Macmillan Press, 1990), P.147-148).

<sup>32</sup> Waltz K., *Man, State and War: Theoretical Analysis*, (New York and London: Columbia University Press, 1959), P.453.

conflict system development<sup>33</sup>. These features must be understood when carrying out conflict mapping for appropriate responses. Further, he found that it is critical to differentiate between conflict as start up conditions and conflicts as process. The trend established that across the three stages of conflict systems development of self-stimulating or self perpetuating conflict processes, it is important in evaluating relationship between different variables located at different levels through the time. Therefore, different start up conditions can lead to the same process initiation, escalation and controlled responsiveness. This means at some point in the conflict cycle, conflict itself may become the main source of its continuation and protractedness.

Zartman further contends that one distinguishing factor of post cold war conflicts in Africa is that they are mainly within the States<sup>34</sup>. Many are as a result of long years of cultural, political, religious and ethnic marginalization and domination. While more internal conflicts in Africa occurred in the post cold war era than in any other manor world region<sup>35</sup>, the continent is increasingly becoming marginalized in the United States and European foreign policies. As such, Africa needs to develop a regional capacity to prevent, contain and resolve conflicts relying on its own capabilities.

M. Mwagiru highlights that, “conflict also relates closely to the cultural setting, what may be considered wrong and divisive in one culture may not be considered on in another”<sup>36</sup>. He further explains that the cultural factor also extends to the causes of conflict. For instance, a gesture that is acceptable in one culture may be offensive in

---

<sup>33</sup> Sandole D.J.D., “*Capturing the complexity of conflict: dealing with violent ethnic conflict of the post-cold war era*”, (London and New York, Pinter, 1999), p18.

<sup>34</sup> Zartman I., (ed), *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, (Newyork:Boulder Co: Lynne Rienner, 1995), P36.

<sup>35</sup> World Military Expenditures, (Washington, D. C. World Priorities, 1993), P.20

<sup>36</sup> Makumi M., *Conflict in Africa, Theory, Process and Institution of Management*, (Nairobi C.C.R Publication, 2006), PP.1,2.

another on the other hand, a conciliatory gesture in one culture might not be considered to be in another one. P. Nantulya observes that, culture also tends to promote violence instigated by ethnicity and catalyzed by socio-economic marginalization, especially among the pastoral communities due to lack of a proper policy framework to manage diversity, achieve culturally sensitive structures for good governance and the incompatibility of indigenous African cultures, values and institutions with the existing constitutional and political models while the liberal models of governance including the multi-party system are on the continent to stay, there is scarcity of creative modalities which make full use of cultural patterns of the people concerned<sup>37</sup>.

Porto observes that resource based conflicts in Africa can be studied along the geographical boundaries of these conflicts. These would be categorized under different conflict systems. The most volatile conflict systems are the Horn of Africa and the Great Lakes region. A number of linkages behind different conflicts in the Great Lakes Region and Greater Horn to national, regional and international contexts. It is evident that conflicts originate from environmental resources that communities share. For instance, conflict between herders and farmers in the Awash Valley in Ethiopia and in the Nile flood plain in the Equatorial province of Sudan have linkages to wider regional conflicts involving Sudan, Ethiopia and Egypt<sup>38</sup>. Mwaura highlights that, literature on early warning and early response mechanisms, especially in African

---

<sup>37</sup> Nantulya P., the Challenges of Managing Africa's Diversities and the Role of the African Union and Civil Society, in *the perspective on the OAU/AU and conflict management in Africa*, 2004, P37.

<sup>38</sup> Porto J.G. ,*Contemporary Conflict Analysis in Perspective* , in Lind, J and Kathryn Sturman (Eds), p28.

continent accepts that there has been an increasing need for the responsibility of peace and security to be devolved to regional organizations<sup>39</sup>.

## **1.5 Theoretical Framework**

The theoretical framework for this research study is based on structural conflict. The framework of structural conflict which finds home in structuralist theories of conflict has been useful for this research study because it points out and identify underlying causes of conflict in Kenya and it offers invaluable insights in conflict prevention to response mechanisms in bringing unity and peace in Kenya. This study therefore, is based on structural violence and structural conflict. The structural violence and structural conflict is used as an analytical tool for understanding the underlying causes of conflict in Kenya and Africa generally. The structural violence and structural conflict are all about structures that generate or cause conflict in society. These structures are psychological, social, economic, and legal institutions.

Galtung develops the concept of structural violence by considering violence to be the result of the difference between the potential and the actual<sup>40</sup>. He defines the potential level of realization as that which is possible with a given level of insight and resources. In cases where insight and resources are monopolized by a group or class or are used for other purposes, then the actual levels fall below the potential level, and violence is present in the system. Structural or indirect violence exists in so far as insight and resources are channeled away from constructive efforts to bring the actual

---

<sup>39</sup> Mwaura C., Regional Warning and Conflict Management Mechanisms, In Mwaura C. and Susanne Schmeid (eds), *Early Warning and Conflict management in the Horn of Africa*, (Asmara: the Red Sea Press, 2001), pp.99-114

<sup>40</sup> Ibid, P. 167

closer to the potential. Direct violence exists where there is an actor who commits the violence, whereas in the case of structural violence, there may not be any person who directly harms another person in the structure. The structural violence is built into the structures of society and shows up in equal power and consequently in unequal life chances. Most fundamentally in a situation of structural violence, the power to divide over the distribution of resources is unevenly distributed.

The whole concept of structural conflict is derived from reconceptualizing the dichotomy between peace and war. In classical discourses in political science, international relations and international law, there is a clear distinction made between ‘peace’ and ‘war’. Exponents of structural violence, such as Adam Curle, find this dichotomizing between peace and war unsatisfactory. They visualize a situation which does not fit into the classical dichotomy. In their view, while societies can be in condition of peace, or war, they can also equally be in situations which are neither. This situation is characterized as “un peaceful”<sup>41</sup>. Curle argues that in un peaceful societies, there is little, or no, physical violence in evidence, yet there is no peace<sup>42</sup>. In such societies, peace lacks because the relations in those societies are organized in such a way that the potential for development of some members of the society is impeded. This potential for development is impeded by factors which may be economic, social or psychological.

## **1.6 Hypothesis.**

- i) Historical injustice, social, economic and political issues led to the Post Elections’ Violence in Kenya in 2007/2008.

---

<sup>41</sup> A.Curle A. , *Making Peace* , op cit

<sup>42</sup> A.Curle, *Making Peace*, op cit.

- ii) Weak legal institutions are fundamental source of Kenya's post election violence, 2007/2008.
- iii) International community was behind Kenya's post election violence recovery, 2007/2008

## **1.7 Research Methodology**

This study employs both quantitative and qualitative method of enquiry to collect relevant information from the Kenya residents, Government Officials from the Ministries of Provincial Administration and Internal Security (police, NSIS, military, provincial administrators, District Security and Intelligence Committees) and Ministry of Special Programmes, Kenya Red Cross, the Civil Society actors, UN agencies (UNDP, UN-OCHA), the Kofi Annan led Panel of Eminent Persons and other stakeholders in the conflict. The study first reviews the published and unpublished documents on conflicts, particularly on the Post Elections' Violence. Other documents to be reviewed include those from meetings and workshops. Interviews will be held with key informants from both the Government Officials (as per above ministries/agencies), UN Agencies, the Civil Society and community members including the Chiefs and their Assistants, District Officers, Religious leaders, Elders, Women leaders, Youth leaders and teachers. A structured questionnaire will be administered by trained research assistants to be drawn from university/college students. The quantitative data gathered in the survey will be analyzed using SPSS and frequencies and cross-tabs generated.

## **1.8 Scope and limitation of study**

The study focuses on the Kenya's post election violence, and recovery 2007/2008. Owing to the time frame given and the nature of the data required to address the research problem, it is envisaged that the research will face a number of limitations: First, it is not possible to gather the background materials that informed the development of the Kenya's post election violence in Kenya. These will affect the examination of the structural conflicts in Kenya's post election violence areas. Nonetheless, to address this challenge, efforts will be made to source relevant information from key stakeholders who are well versed with the genesis of the post election violence.

Secondly, it is not possible to interview all the stakeholders in Kenya's post election violence areas. However this problem will be mitigated by interviewing the few sampled key stakeholders for example, senior police officers, electoral commission, chiefs, district officers, criminal investigation officers and opinion leaders selected in the areas affected. Thirdly, the issue of Kenya's post election violence is considered to be a very sensitive or confidential matter by most communities. Thus, certain data may be withheld or given with a certain bias, which may affect the analysis of the result. To address this challenge, an assurance will be given to the informants that the information will only be used for academic purposes. Further; efforts will be made to corroborate the data collected with data available in the internet, media and NGOs.



## **1.9 Chapter Outline**

Chapter one: Introduces the background and gives an overview of the study. It will cover the following issues – an introduction, statement of the research problem, objectives, literature review, theoretical framework, hypothesis, justification of the study and research methodology. Chapter Two: Gives the overview of impact of election conflicts in Africa. Chapter three; is a case study of Kenya's post election violence recovery from the period between 2000 and 2012. Chapter four; Provides a critical analysis of the findings. Chapter five; Gives a summary of findings, conclusions and recommendations.

## **CHAPTER TWO:**

### **AN OVERVIEW OF IMPACT OF ELECTION CONFLICT IN AFRICA;**

#### **2.0 Introduction**

The previous chapter; chapter one, presented the background of the study, statement of the research problem, objectives of the study, specific objectives, justification of the study, literature review, theoretical frame work, hypotheses, research methodology and the chapter outline.

This chapter presents an overview of impact of election conflict in Africa. It's divided into the following sub sections; Introduction, historical background of election conflicts in Africa, election violence in Africa, economic impact; tourism, financial services, transport and communication, manufacturing and construction industries; control of natural resources, oil rich regions; political impact; Unequal distribution of Resources and development, political activities; social impact; cultural impact; and ethnicity in Africa.

#### **2.1 Historical Background of Election Conflicts in Africa**

The dimension of election conflicts in Africa is complex and varied. Mitchell observes that a conflict arises when two or more parties have incompatible goals<sup>43</sup>. The root causes of the election conflict in Africa are believed to be grounded in its history, its formation and characteristics. Koffi Anan has stated that the construction and nature of the state in Africa, which is rooted in the pedigree, tend toward the

---

<sup>43</sup> C. R. Mitchell, *The Structure Of International Conflict*, (London: Macmillan, 1998), P15-25

institutionalization of ethnic entitlements, rights and privileges which has created differentiated and unequal statuses of citizenships<sup>44</sup>.

## **2.2 Electoral Violence in Africa**

Electoral violence refers to the use or threat of use of force against an opponent within the context of electoral competition for state power. It is inhibitive of democratic transition and consolidation. Acts of electoral violence include murder, arson, abduction, assault, rioting, violent seizure and destruction of electoral materials, and psychological intimidation. These forms of violence destroy the foundational elements of democracy – choice and consent, civic participation, accountability, rule of law and trust in state officials and institutions.

Electoral violence in a country is primarily due to the perception of politics and political office as investment and as an avenue for the acquisition of extraordinary wealth through corruption, which is otherwise not possible through any form of legitimate vocation and enterprise. As a result of this perception and reality, many politicians in Africa for instance in Nigeria turn electioneering and elections into warfare in which violence and ethnic, religious and other forms of primordial sentiments and prejudices are employed. In Nigeria violence has been a feature of the country's electoral process since the colonial era. But during the colonial rule, they were easily curtailed due to the nature and scope of participation, characteristics of the politicians and electorates and the nature of colonial domination. However after independence, electoral violence became intense as struggle for power among politicians intensified.

---

<sup>44</sup> Kofi A., *Causes of Conflict in Africa*, UN secretary General Report, (New York: 1998), P113.

Politics generally in Africa has been conducted with a certain amount of bitterness. It appears that a person belonging to a party becomes an enemy of another who belongs to a rival political party. Political parties are normally viewed as equivalent to warring camps. Therefore elections in majority of African countries are conducted with party thugs protecting the campaigners and this state of affairs has been described to have assumed a pitch that no method would be spared, however, vindictive or extreme by any rival political party as against another in order to score over one or another.

### **2.3 Economic Impact**

Election conflict in Africa always has great negative economic impact. For instance in Kenya, over the period 2003 to 2008, the value of exports was on an upward trend. However in 2008, growth in the value of exports significantly declined mainly due to a decline in re-exports and the effects of the post-election violence. Earnings from total exports financed 45.4 per cent of the import bill in 2008 compared with 48.1 per cent in 2005<sup>45</sup>. The commodities which Kenya's mostly exports includes tea, coffee, horticultural produce and meat which depends on intensive labor, road, air and sea transport, all of which suffered serious setback due to the violence in 2007/2008. Not to mention the losses experienced by transit transporters from and to land-locked countries of Burundi, Congo, Rwanda, South Sudan and Uganda. In Kenya 2007/2008 election violence it left a lot of negative impact in many sectors. The following are some of the sectors which affected.

---

<sup>45</sup> Government of Kenya, Economic survey, 2008.

### 2.3.1 Tourism

Tourism thrives where there is peace world over and hence the electoral violence in Kenya in 2007/2008 impacted negatively on the tourism industry. Tourism received 1.8 million international visitors by end of 2007, and earnings totaled Kshs. 65.4 billion. Kenya was ranked 101 in 2008 down from 98 in 2007. This was attributed mostly to the negative publicity from post-election violence decline in growth. It was also attributed to poor transport infrastructure, policy and legal weaknesses, and limited marketing budget in the tourism sector. The sector also contributes to the growth of other sectors like transportation, food, and entertainment. Tourism suffered from negative publicity on insecurity, both real and perceived, to the extent that some tourist source countries like USA and UK issued travel advisories citing insecurity in the country. In addition, there were job losses in tourism and also in other sectors which benefit indirectly from tourism like in manufacturing and agriculture with casual informal labor to be the hardest hit<sup>46</sup>. It is important to note that the impact of the crisis has been different across geographical regions. The general negative impact in the tourism chain was hardest hit including local tourism. This meant that many tour and taxi transportation experienced losses. This situation also hit the matatu industry which had already experienced major disruptions in the major conflict cities of Eldoret, Nakuru, Naivasha, Narok, Kitale and Kisumu. The post-election crisis resulted in substantial damage to Kenya's social, infrastructural, institutional, and economic systems<sup>47</sup>.

---

<sup>46</sup> Kenya Tourism Association of Manufacturers Report, 2010.

<sup>47</sup> Ibid.

### **2.3.2 Financial Services**

The financial sector plays a critical role in the development process through financial intermediation. Strong financial institutions are critical for increased investment, economic growth, employment and poverty alleviation. Broadly, the financial system includes the banking sector, capital markets sector, informal financial services sector and other non-banking financial institutions such as the insurance sector and pension schemes. By end of December 2007, there were 45 financial institutions comprising 42 commercial banks, two mortgage finance companies and one non-bank financial institution. There was very limited trading at Nairobi Stock Exchange during the duration of violence in 2007/2008. Indeed though the stock market capitalization had risen significantly from Kshs. 792 Billion in 2006 to Kshs. 851 billion in 2007 it dropped significantly to 763 billion in the year 2008, as a result of election conflict.<sup>48</sup>

### **2.3.3 Transport and Communication**

The transport and communication sector was also adversely affected by the violence. Unrest in Nakuru, Narok, Kisii, Kakamega and Naivasha actually paralyzed transport to the western regions of the country, with roadblocks erected at regular intervals on the roads. Lorries, commuter buses and private vehicles were burned. Destruction of the Nairobi-Kampala railway at Kibera disrupted supplies to western parts of the country and other land locked countries like Uganda, Rwanda, Burundi and Southern Sudan were adversely affected<sup>49</sup>.

---

<sup>48</sup> Stock Exchange Report, (2007.2008).

<sup>49</sup> Kenya Economic Report, (2009).

### **2.3.4 Manufacturing and Construction Industry**

The manufacturing sector suffered significant distribution setbacks as a result of limited supply of raw materials and heavy man-hour losses. The collective impact of these was reduced capacity utilization, and hence productivity for the duration of the violence was reflected in reduced GDP growth. Employment in the small and medium enterprises in the affected rural areas also suffered setbacks, since shops, machinery and plants were either damaged or demolished during the violence. In addition there were significant job losses in manufacturing and construction industry.<sup>50</sup>

### **2.3.5 Control of Natural Resources**

Election conflicts encourage control of resource rights. Africa accommodates two types of resources based election conflicts .Wars of resource scarcity and wars of abundance. The most common conflicts of scarcity are related to the control of land and water rights. In both cases, the crucial elements are how competing interests for those resources are managed. The water scarcity, for instance the rising consumption and the asymmetrical hydro political relations between countries fuelled the assumption that water shortages would just about inevitably lead to violent conflict. A much cited example was conflict among the riparian countries along the Nile and Euphrates- Tigris; Egypt is wholly dependent on the waters of the Nile for its economic development and for this reason Egypt has declared a secure supply of water from the areas beyond its border to be a vital national security interest. In the past there have been repeated conflicts between Egypt and the upstream Nile riparian over the allocation of the waters of the Nile, and these conflicts have even led to threats of war times of particulars stress, that is in periods of drought.

---

<sup>50</sup> Kenya Association of Manufactures Report, (2009).

In some cases, the water sources actually serve as borders but the extents to which states share these resources remain a source of concern and in some cases it has sucked in political leadership at the highest level.

Abundant resource conflict; the second basic argument is that ‘abundant resources equals more conflicts’, meaning that when wealth depends on state or territorial control, competing groups will resort to non-cooperation or violence to control revenues. Here again, a more sophisticated approach argues that a wealth of resources can result in less democracy, poor economic growth, and greedy behavior by competing elites. All these factors are generally associated with a greater likelihood of conflict. The wealth of natural resources deeply influences the political economy of a country and its type of governance.

Economically, an abundance of natural resources is generally associated with poor economic performance and greater socio-economic inequalities. Resource poor economies often grow faster than resource rich economies. The economy of a resource rich country can be affected by ‘Dutch disease’, where the non-resource sector shrinks because talent and investment is ploughed into the resource sector and into rent seeking activities (most non-tradable) rather than into productive activities. The resource sector and associated rent-seeking activities – such as the manipulation of foreign exchange, imports, public budget, and subsidies – offer higher private returns than non-resource sectors. Incentives to invest in the latter (especially in their tradable components) are usually undermined by the adverse effect of the currency appreciation associated with the large foreign-exchange inflows arising from the resource sector. State attempts to support the non-resource sector through subsidies often prove unsustainable when they fail to address long-term competitiveness.



Perverse economic and institutional effects of resource abundance include: poor economic growth; neglect of non-resource sectors and low level of economic linkages; high level of inequalities; corruption of state institutions; high economic inefficiency and subsidization of politicized schemes; budgetary mismanagement; high level of debt due to overoptimistic revenue forecast and use of future revenues as collateral for loans; and high vulnerability to external shock, especially on resource prices.

Politically, resource rents provide leaders with a classic means for staying in power by establishing a regime organized through a system of patronage that rewards followers and punishes opponents. Clientele's networks linked to the resource sector thus shape power politics. Such regimes can divest themselves of the need for popular legitimacy by eliminating the need for broad-based taxation of a diversified formal economy, finance a repressive security apparatus, and reward a close circle of supporters and/or the general population. Populations or interest groups which are lightly, or not taxed at all by the government may be less concerned by its lack of accountability, legitimacy and representativeness than heavily taxed ones. When resources guarantee sufficient rent, there is little incentive for the leadership to develop a diversified economy that could give rise to alternative sources of economic power, which may strengthen political competitors. In this regard, the resource rent can be deliberately used to avoid the emergence of a class demanding political change (e.g. by impeding the growth of a middle class independent from the resource rent). The risk of domestic political competition can even be further curtailed by devolving the exploitation of the resource sector to foreign firms (e.g. through privatization schemes); a measure that also offers the advantage of satisfying international financial institutions and consolidating external political support.

The dominance of the resource sector in the economy and its political control by the ruling elite leaves little scope for accumulating wealth and status outside state patronage. As the wealth and power gap between the ruling and the ruled increases, so does the frustration of marginalized groups, who see political change as the only avenue for satisfying their aspirations or expressing their grievances. Such groups may include competing elites (e.g. marginalized politicians or military officers), disenfranchised groups (e.g. unemployed youths), or an association of both. In the absence of widespread political consensus – which cannot be maintained only through a distribution of rents and repression – violence becomes the main if not only route to wealth and power for these groups. Developing countries with abundant resources tend to have predatory governments serving sectional interests and so face a greater risk of violent conflict. Even if not overtly predatory benevolent governments “must manage contests for resource rents ... and trade off a coherent economic policy that maximizes long-run welfare against the management of social tension.” This trade off results in inefficient investment and low growth, which – if the resource rent proves insufficient to dampen conflictual demands for reform – increases social tensions, lowers the cost of joining criminal gangs or rebel groups, and heightens the likelihood of conflict.

#### **2.3.5.1 Scarce Resource.**

The first argument is that ‘scarce resources equals more election conflicts’, meaning that people will fight each other for the resources they need to survive. To put it in a more sophisticated way, resource poor societies are confronted by the capture of the resources by the elite and are unable to adapt to the scarcity of resources. According to this neo-Malthusian argument, voiced at a time when environmental concerns were high on the international agenda, the degradation and

depletion of renewable resources in the context of population growth motivates the capture of resources by powerful groups. Cases include the appropriation of irrigated lands on the Senegal/Mauritania border, scarce forest and agricultural lands in the Africa, grazing areas in Sudan associated with a displacement of local populations to marginal lands. These distributional conflicts take place when societies in environments with scarce or depleted resources are unable to innovate and mobilize sufficient capital in order to generate sufficient wealth. Grievances by the powerless against resource allocation and the inability of the government to address such problems can undermine the legitimacy of authorities and social structures, resulting in open conflict.

From this perspective, a resource war is the violent expression of a distributional conflict associated with the paucity of resources, the lack of capacity to innovate, the greed of powerful groups, and the grievances of marginalized groups. There are three major counter arguments to the 'scarcity-driven violence' thesis. First, resource scarcity and population pressure can result in socio-economic innovation, including a diversification of the economy, which also results in a more even distribution of power across society. Second, the state itself is more dependent on financial inputs from society, so is more likely to be representative and accountable towards it. Finally, the economic agenda of a resource poor country is to develop and harness human capital, rather than protect the weak resource rents of elites. As human capital develops (e.g. through education and institutions on resource management), the economy diversifies, and governance becomes more representative and accountable, the likelihood of violent conflict decreases. Indeed, even if specific cases support this 'scarce resource war' argument, a systematic examination of resources and conflicts through multivariate models has indicated that the level of endowment

in renewable resources – those concerned by the ‘greenwar’ argument – are not associated with the risk of conflict. In contrast, countries with abundant non-renewable resources – those with a high proportion of their Gross Domestic Product (GDP) consisting of mineral exports – are more likely to face conflict.

Scarcity of natural resources leads to marginalization for instance in Kenya, Cattle rustling among the pastoral communities in Kenya can also be attributed to the socio-economic marginalization. For instance lack of necessary infrastructure to counter such attacks perpetuates the situation .Insecurity due to minimal police presences, inadequate security agent’s deployment, proliferation of small arms and light weapons and selective disarmament.<sup>51</sup> The report further argued that , without proper structures put in place to guarantee the community’s security, cumulatively the result is the vulnerability of its people and exposure to attacks from neighboring communities worsened by the scramble for available minimal resources especially water and pasture land. They are also exposed to attacks during and after the drought by those aspiring to restock their herds. Lastly, these people they have persistently violently attacked each other because they lack alternative sources of income to supplement their pastoralists practices. Pastoral communities in Uganda have also been a problem to Kenyan communities. Kenya has been experiencing frequent attacks from the Karamonjong community of Uganda. The Karamonjong community is cattle rustlers. For instance, in 2005, the Karamonjong cattle rustlers stole a large herd of animals from four Manyattas in Loima division, near the Turkana-West Pokot districts boundary. People were killed and injured as the raiders took off with 30

---

<sup>51</sup> Report on Cattle Rustling, “*Factors contributing to cattle Rustling, Boundary and Inter Ethnic violence in Kenya*”, (foundation for Dialogue, January 2004) P. 8 - 10

heads of cattle, 20 donkeys and 550 goats.<sup>52</sup> Also, Resource Scarcity as a Source of Conflict in Sub-Saharan Africa, for instance,

In Kenya, the perennial intra- and inter-clan clashes among the Somali communities in the north are actually "resource wars" to the extent that they are about pasture and water-which are very scarce in the arid and semi-arid northern districts. Different clans of the predominantly pastoral Somali community have often fought over pasture and water for their cattle and camels, especially during the dry season. Apart from the few water dams that have been dug in the region, the Government of Kenya has also sunk a few boreholes which are not enough. The Somali pastoralists in the region have organized.

### **2.3.5.2 Oil Rich Region**

Election conflicts creates conflict in those mineral rich regions, for example, the Niger Delta as the oil rich region of the country, the Niger Delta continues to be a playground for a wide range of actors and interests. In that contested space, conflict has erupted due to the manifestation of these competing interests. The instability in states such as Bayelsa in the region has been fuelled by elections and their outcomes at the state and federal Government levels. The region has been characterized by heightened insecurity, attacks on innocent civilians, and the displacement of persons. Numerous cease-fire agreements have been interrupted by militants' declarations to return to conflict. The idea that militant groups and their interests and agendas are not necessarily part of the civilian population makes it difficult to resolve the crisis.

---

<sup>52</sup> K., Masibo "*Cattle Rustlers form Uganda*," Daily Nation, (Nairobi), 17<sup>th</sup> January 2005, P.7

## 2.4 Political Impact

Election conflicts in the post-independent government perpetuate the use of administrative boundaries to divide people of different ethnic backgrounds. This was particularly the case under the leadership of retired president Daniel Arap Moi and Mwai Kibaki. Moi, for example, created Kuria district in an attempt to make the Kuria people feel different from the Luo with whom they had shared south Nyanza district for a very long time. He also carved Teso district from Busia district in an attempt to divide the Teso community from the Luhya to Busia district. The Bukusu, a sub-group of the Luhya ethnic community occupies its own district, known as Bungoma. The Bukusu regard themselves as different from the rest of the Luhya, a feeling that has been strengthened by the fact that they have a separate district from the rest of the Luhya community.

The Moi government ethnicized the provincial administration and the security apparatus and used them to start the ethnic clashes against other communities in the Rift Valley province in order to fulfill the regimes prophecy that multi-party competition would create ethnic strife. The 1992 ethnic violence was used by the government to punish ethnic groups that were perceived to support the opposition in the run-up to the first multiparty elections and to force non-Kalenjins to vacate land in the Rift Valley province. It was therefore evident that such violence was backed by the urge to systematically exclude non Kalenjins from formal livelihood resources such as land, work, wages, public welfare schemes, political participation and even from the nation as a collective social and cultural construct<sup>53</sup>.

Though ethnic violence did not start in 1991 with the reintroduction of multiparty politics in Kenya; it is during this period that widespread ethnic conflict

---

<sup>53</sup> John O., *undercurrent of Ethnic conflict in Kenya*, op cit, p.75.

caused thousands of people to be displaced from their homes driving force being general election. This period also saw the emergence of ethnic patterns fashioned along political party lines. To ensure that their people toed the ethnic line, the politicians told their communities that they were being finished, marginalized and discriminated against. They were therefore advised to protect themselves from outsiders. The Kalenjin through propaganda were made to believe that incase power shifted to a non-Kalenjin, they would be isolated, persecuted, marginalized and victimized for imaginary crimes. The leaders therefore propagated for majimbolism in public political rallies and expulsion of non-indigenous ethnic communities from the Rift Valley<sup>54</sup>.

During conflicts in Kenya the ethics of governance tend to be compromised under the justification of violence especially when an incumbent government is involved, as was the case during the Rift Valley clashes. In this case, provincial administration and security agents initiated violence against individuals from non-Kalenjin communities. For example in the Rift Valley there were reports of trained security personnel being involved in most of the raids using government resources at their disposal particularly guns and ammunitions to support their kinds<sup>55</sup>. Prior to the clashes it was reported that both the police and provincial administration were warned of the impending clashes in various places. But no action was taken to pre-empt any violence that was looming. The police and provincial administrations behavior showed negligence and insensitivity.

The politicians then capitalized on weak legal structures to initiate violence. Their main concern being the capturing of political power through intimidation, which

---

<sup>54</sup> Tarimo A and .Manwelo P (eds), *Ethnicity conflict and the future of African states*, (Nairobi ; Paulines Publications Africa,2009),p.29.

<sup>55</sup> “*The main causes effects and possible solutions to conflicts in Samburu District*”, Centre for Conflict Resolution-Kenya, April and May 2001, P18-19.

included, bribery, buying and inducing fear and hatred to the voters with little respect for the principles of democracy for example, the Rift Valley clashes disrupted the 1992 voter's registration in communities that whole-heartedly supported the opposition. As a result thousands of eligible voters were unable to exercise their democratic right of choosing their leaders due to the displacements and destruction caused by the violence<sup>56</sup>.

The legal structures of security are compromised during violence and this leads to the breakdown of law and order in the society especially in times of social conflict, electoral and political violence. This kind of violence decreases the government's legitimacy in the eyes of the population and creates subsequent distrust of the state, the law enforcing agencies and the institutions of power. Communities are forced to form vigilante groups to protect and solve their everyday problems. The youths are therefore encouraged to disobey the law take up arms and protect their communities. In this case, the obligation of the state to ensure the protection and enjoyment of the fundamental rights by every individual, institution and group is passed on to the youths. Communities are forced to live in a state of preparedness anticipating any adverse eventualities, expecting no assistance from the government in times of trouble.

#### **2.4.1. Unequal Distribution of Resources and Development**

Election conflict has a great impact in Africa in terms of distribution of resources and development. These has been experienced in countries like Uganda, Rwanda, Burundi, Sudan, Kenya, DRC, Cameroon, Nigeria, Mali, Ivory Coast, Sierra Leone, Togo and among others. Political Leaders or Political Party Leaders once they ascend to power even if it's through unconstitutional and undemocratic means, they

---

<sup>56</sup> Ethnicity ,Violence and Democracy, op cit,p31.



use distribution of resources and development as a tool to silence the opponents. This leads to regional imbalance in terms of distribution of resources and development. Nthamburi observes that for countries, nations have been divided on the basis of ethnicity, religion or ideology<sup>57</sup>. He further argues that, current approaches to development have produced inequalities which are a recipe for ethnic conflict. When unequal opportunities for scarce services are experienced, perception of social inequalities widens, hence, this results in intolerance and political instability. It has been observed that many ethnic conflicts can be traced to the way in which unequal opportunities are made available to groups who perceive to be discriminated against indeed; ethnic chauvinism is traced to inequalities in accessing jobs, holding assets or even the manner in which social services are distributed. In Kenya this has been witnessed during the Moi regime. The levels of social inequalities were too high, militant protests were common which sometimes culminated in violent demonstrations.

Structural violence is linked to ethnic conflict fashioned by the conflict of interests and human needs. Burton states that the whole basis of law and order in a society is called when people's basic needs are frustrated<sup>58</sup>. Such needs are universal motivations which are considered to be an integral part of the human being. In addition to the needs of food and shelter, there are also needs related to growth such as needs for personal identity and recognition<sup>59</sup>. Structural violence is closely tied to the inadequate satisfaction of basic needs because its essence is the idea that people are unable to fully develop their full potential. The weak institutional structures in

---

<sup>57</sup> Nthamburi Z., the paradigm of Ethnicity: its influence and Relevance in Public life today, In Tarimo A and P. Manwelo P., eds, *Ethnicity conflict and the future of African states*, (Nairobi: Paulines Publications Africa, 2009), P.73.

<sup>58</sup> Burton J., "*Violence Explained, Manchester*", (Manchester University Press, 1997), P32-40.

<sup>59</sup> Burton J., *Conflict: Resolution and Prevention*, (London: Palgrave, 1990), P36-48).

Kenya have failed to serve the needs of everyone especially during the Moi regime. However, sites state that the structural anomalies in many African states have implied that the needs of some ethnic groups are served at the expense of others. As long as a state serves specific interests rather than the common good, the needs of many citizens will remain unsatisfied<sup>60</sup>. Constitution is another underlying source of conflicts. Constitutional structure envisages a diffusion of authority among different centers of decision-making, specifically, the executive the judiciary and the legislature. However, the mere existence of a constitution does not imply that such a constitution adheres to the tenets of constitutionalism.

Many African states political, economic and social structures hampers a large number of their citizens from achieving their full potential. Defective constitutions are central features that promote structural violence in many African states. There has been a clear link between the erosion of the constitutional structure and the presence of structural violence in many African states. For example in Kenya the old constitution has been the source of conflicts. The constitution gave the president enormous powers in relation to other organ of government. Therefore there has been a clear link between the erosion of the constitution structure and the presence of structural violence in Kenya. Nwabweze observes that constitutionalism implies that government is necessary but that a limitation should be placed on its powers<sup>61</sup>.

#### **2.4.2 Political Activities**

The exploitation of resources to finance conflicts has been conspicuous in the history of wars. From cattle raiding, merchant capital and imperialist wars to

---

<sup>60</sup> Sites P., Legitimacy and Human needs, in Burton J. and Dukes F., *Conflict: Readings in Management and Resolution*, (London: Macmillan, 1990), PP.117-141.

<sup>61</sup> Nwabueze B.O., *Constitutionalism in the Emergent States*, (London: C., Hurst and Co., 1973), PP1-21.

contemporary conflicts, natural resources have financed the violent activities of many different types of belligerents. With the end of the Cold War and the resulting sharp drop in foreign assistance to many governments and rebel groups, belligerents have become more dependent upon mobilizing tradable commodities, such as minerals, timber or drugs, to sustain their military and political activities. As local resources gain in importance for belligerents, so the focus of military activities becomes centered on areas of economic significance. This has a critical effect on the location of conflicts, prompting rebel groups in particular to establish permanent strongholds wherever resources and transport routes are located, moving away from their traditional strategy of high mobility and location along international borders. War economies, including commercial activities, tend to shift from an economy of proximity, to an economy of networks. These diffuse and extensive networks involve mostly private groups (including international organized crime groups, transnational corporations, and diasporas), as well as the leadership of foreign countries (especially regional or former colonial powers), and consumers in importing countries.

Abundant resources provide armed groups with a source of cash, or collateral for credit lines, to purchase military equipment and support from the private sector. Beyond financing a conflict, the exploitation and commercialization of natural resources can also help armed groups to develop an extensive and diversified support network, which integrates all people having an economic stake in the exploitation of resources. Such networks include private companies and middlemen involved in resource exploitation and trade, but also foreign political leaders. For example, UNITA's diamonds not only allowed the rebel movement to buy arms, but also to gain diplomatic and logistical support from regional political leaders whose 'friendship' for Savimbi partly rested on business interests (e.g. Compaoré in Burkina

Faso, Eyadema in Togo). Networks can also extend to national authorities in exporting and importing countries. In the case of Cambodia, the network of support of the Khmer Rouge rebels included the leadership of the Cambodian government, its adversary in the war, but the authoriser for its timber exports to Thailand. Similarly, lax controls on export licensing allowed UNITA to sell diamonds through government controlled channels, with handsome profits for officials and middlemen facilitating this laundering. In this type of relation, opposing parties may have an interest in prolonging a profitable military stalemate in order to preserve economic interests that could be threatened by a total victory and subsequent peace.

## **2.5 Social Impact**

Election conflicts cause destruction of property and lives. The crisis in Nigeria Plateau State has claimed the lives of thousands and led to the destruction of livelihoods and infrastructure. In January 2010, over 500 lives were lost and, between March and December 2010, an additional 100 lives were lost. An estimated 70 lives were lost from the bombings on Christmas Eve 2010 and reprisal attacks claimed over 30 lives. This “fragile near-peace” and the looming possibility of large scale fighting and destruction still lingers. The basis of the violence in the state has been based on control over resources and access to political office however clouded by ethnicity and religion. The frequency of these conflicts and the rapid manner in which they erupt and escalate becomes critical taking into account the upcoming elections and the contests for power within the state.

Elections conflicts in many countries of Africa results in to humanitarian crises. For instance, the July 2006 presidential election in Congo, with a field of 32

candidates, ended in crisis<sup>62</sup>. The leading candidates, incumbent Joseph Kabila and rebel leader Jean Pierre Bemba, kept their forces on alert. Bemba, who had trailed Kabila by over 16% refused to accept defeat. Fortunately, there was only sporadic fighting that made the Government troops and rebel militias regularly to kill and rape men, women and children, thousands of families ran for their lives. Million people from violence and war-related suffers from hunger and illness. Fighting frequently prevented people from seeking out what scant health services were available. Although the death toll has fallen dramatically since then, thousands still die every year.

Thousands of Congolese refugees were scattered throughout neighbouring countries. The number of internally displaced people was too high. The majority first seek refuge in the forest close to their fields and property. But there they are often vulnerable to attack, and hunger and lack of shelter force them to seek help elsewhere. Most people end up living with host families, who themselves struggle to make ends meet. Aid agencies often cannot reach the displaced because they are sheltering in areas which are very remote or surrounded by insecurity. The number of women and girls raped in eastern Congo were unknown. Militia groups and soldiers target all ages including babies and elderly women. They are gang raped, raped with bayonets, and have guns shot into their vaginas, destroying their reproductive and digestive systems. Men and boys have also been raped.

Many women are raped by soldiers, as well as rebels. In some cases armed men brutalize villagers for food and loot; in others they use rape as a weapon of war to force locals to accept the authority of a particular armed group. It can destroy entire communities. Rape traumatizes girls and women, humiliates their husbands and

---

<sup>62</sup> Lee R., The Congo War (1998-Present), [http://www.historyguy.com/congo\\_war.htm](http://www.historyguy.com/congo_war.htm)

resulted to breaking up families. Women become fearful of working in the fields and taking goods to sell at market, reducing family incomes. If they have been badly injured they may not be able to have more children. Many who are raped are divorced by their husbands and lose their home. Men who have been raped are sometimes divorced by their wives. Local women's groups offer shelters in local towns and help survivors learn new skills, but their resources are limited. In some cases, survivors pool their resources and rent accommodation together.

## **2.6 Cultural Impact**

Election conflicts promote hostilities in African countries, especially in natural resource areas, where by sharing of resources becomes very difficult. For instance, the hostilities in Sudan predominantly pit the northerners against the southerners, mainly because of perception and structural issues. The south perceives the north as dominating and they feel marginalized by them, politically, economically and socially. Hostilities have also been experienced in countries like, Burundi, Kenya, Rwanda, Tanzania and Uganda.

### **2.6.1 Ethnicity in Africa**

Election conflicts encourage ethnicity in Africa. The term “ethnicity” is derived from the Greek word *ethnos* meaning race, or group of people with common racial features and common cultural peculiarities. Ethnicity refers to a subjective perception of common origins, historical, memories, ties and aspirations<sup>63</sup>. Anthony Smith considers on ethnic community as a named human population, with a myth of common ancestry, shared memories and cultural elements; a link with a historic

---

<sup>63</sup> Rothchild D., *Managing Ethnic conflicts in Africa: Pressures and Incentives for Cooperation*, (Washington: Brookings Institution Press, 1997), P3-22.

territory or homeland, a measure of solidarity<sup>64</sup>. As ethnic conflict in the context of conflict, is an incompatibility of goals in relation to political, economic, social, cultural or territorial issues between two or more ethnic communities<sup>65</sup>. Such incompatibilities may arise as ethnic groups seek to serve their political economic and social interests. Conflict arise when competition with other groups trying to achieve the same objectives disagree.

On the surface, the Darfur crisis in Sudan wears an "ethnic" face. However, at the root of the so-called Afro-Arab conflict is the struggle for the scarce pasture and water. The two main rebel groups, the Sudan Liberation Army (SLA) and the Justice and Equality Movement representing mainly black African farmers, has claimed that the Arab-dominated government in Khartoum has taken sides in favour of the Arab pastoralists against African farmers over access to the few wells, the only source of water in the region.

## **2.7. Conclusions**

This chapter presented an overview of impact of election conflict in Africa. It's divided into the following sub sections; Introduction, historical background of election conflicts in Africa, election violence in Africa, economic impact; tourism, financial services, transport and communication, manufacturing and construction industries; control of natural resources, oil rich regions; political impact; Unequal distribution of Resources and development, political activities; social impact; cultural impact; and ethnicity in Africa.

---

<sup>64</sup> Smith A., *The Ethnic Sources of Nationalism, Ethnic Conflict and International Security*,( London: Macmillan,2001),pp. 28-29.

<sup>65</sup> Brown M.E., Ethnic and Internal Conflicts, in C. A. Crocker, F. E. Hampson and A. Crocker, eds, *Turbulent peace: the challenges of managing international conflict*, (Washington, D. C. US Institute of Peace, 2001), p209-226

**CHAPTER THREE**

**IMPACT OF ELECTION CONFLICTS IN AFRICA: A CASE**

**STUDY OF KENYA'S POST ELECTION VIOLENCE**

**RECOVERY, 2000 – 2012**

**3.0 Introduction**

The previous chapter; presented an overview of impact of election conflict in Africa. It's divided into the following sub sections; Introduction, historical background of election conflicts in Africa, election violence in Africa, economic impact; tourism, financial services, transport and communication, manufacturing and construction industries; control of natural resources, oil rich regions; political impact; Unequal distribution of Resources and development, political activities; social impact; cultural impact; and ethnicity in Africa.

This chapter examines the Kenya's post election violence recovery from period between, 2000 and 2012. The chapter consists of historical background of Kenya's independence, Kenya's post election recovery, constitutional legal and institutional reforms; Judicial service commission, Independent electoral and boundaries commission, Public service commission, Salaries remuneration service commission, Parliamentary service commission, National police service commission, National land commission, and Kenya's political system.

**3.1 Historical background of Kenya's Independence**

To understand the Kenya's post election violence recovery, it is important to examine the political history of Kenya since independence and the genesis of the election conflict and the structures that have led to the Kenyan election conflict, and how these structures have been used to perpetuate election conflict.



Kenya attained independence on 12 Dec 1963 and in 1964 became a republic with Jomo Kenyatta as its first prime minister. Kenya became a one-party state in 1969; Kenyatta ruled the country with a clique around him, who eventually alienated other groups in Kenya from the political and economic order for his entire reign. Kenyatta government did not instigate ethnic clashes, but targeted eminent persons from ethnic groups that he felt were a threat to his leadership. Many people were assassinated including Poi Gama Pinto (Kenyan Indian), JM Kariuki, Tom Mboya, D.O Makasembo, Arwings Kodhek, Ronald Ngala, Seroney among others<sup>66</sup>.

The struggles for political ascendancy begun immediately after the formation of the post colonial government. While the first cabinet was quite representative of the face of Kenya, soon ideological difference, impact of cold war and betrayal on key issues cropped in, thus dividing the original personalities in the independence struggle; the Mau Mau veterans were sidelined and politics of exclusion and elimination begun with earnest, sometimes combined with assassinations. Electoral politics never took shape in a democratic sense since Kenyatta who ruled mainly through the provincial administration and the ruling KANU framework, thus the party system that could have rallied the people around issues and programmes was rendered meaningless. Fears of ethnic ascendancy, power-hungry ethnic political elites, undemocratic processes and institution are all factors which have for long existed in Kenya. Hence Kenya has been operating upon undemocratic historical background. The 2007 election fiasco exposed the deliberate act of ethnic tension by

---

<sup>66</sup> Meredith M., *The State of Africa; A History of Fifty years of Independence*, (London: Free press,2005), Pp.293.

power-hungry elites, feeble democratic traditions and institutions in Kenya, all these threaten the stability and peace in the country if not adequately addressed<sup>67</sup>.

Once in power Kenyatta swerved from radical nationalism to conservative bourgeois politics. The plantations formerly owned by white settlers were broken up and bought by farmers mostly from Central Province and the other Kenyans from other Regions felt that the Kikuyu were favored, along with their allies the Embu and the Meru. The other communities being the majority, were outraged, setting up long-term ethnic animosities<sup>68</sup>

The minority party, the Kenya African Democratic Union (KADU), representing a coalition of small tribes that had feared dominance by larger ones, dissolved itself voluntarily in 1964 and former members joined KANU. KANU was the only party from 1964 to 1966 when a faction broke away as the Kenya People's Union (KPU). It was led by Jaramogi Oginga Odinga, a former vice-president. KPU advocated a more "scientific" route to socialism, criticising the slow progress in land redistribution and employment opportunities as well as a realignment of foreign policy in favour of the Soviet Union. In June 1969 Tom Mboya, member of the government whom was considered as a potential successor to Kenyatta, was assassinated. Hostility between Kikuyu and Luo was heightened, and after riots broke out in Luo land KPU was banned. The government used a variety of political and economic measures to harass the KPU and its prospective and actual members. KPU branches were unable to register, KPU meetings were prevented, and civil servants and politicians suffered severe economic and political consequences for joining the KPU. Kenya thereby became a one-party state under KANU. Ignoring his suppression

---

<sup>67</sup> Gettleman G., 'Signs in Kenya of Land Redraw by Ethnicity', *The New York Times* (Newyork), December 15, 2008.

<sup>68</sup> Some K., 'How State Land Policy Shaped Conflict', *Daily Nation Kenya*, (Nairobi), February 10, 2008.

of the opposition and continued factionalism within KANU the imposition of one-party rule allowed Kenyatta, who had led the country since independence, to claim to have achieved political stability. Underlying social tensions were evident, however. Kenya's very rapid population growth rate and considerable rural to urban migration were in large part responsible for high unemployment and disorder in the cities. There also was much resentment by blacks at the privileged economic position in the country of Asians and Europeans<sup>69</sup>.

#### Moi regime

Kenyatta died in 1978 and was succeeded by Daniel Arap Moi who ruled as President 1978–2002. Moi, a member of the Kalenjin ethnic group, quickly consolidated his position and governed in an authoritarian and corrupt manner. On 1 August members of the Kenyan Air Force launched an attempted coup, which was quickly suppressed by Loyalist forces led by the Army, the General Service Unit (GSU), paramilitary wing of the police and later the regular police, but not without civilian casualties. By 1986, Moi had concentrated all the power and most of its attendant economic benefits into the hands of his Kalenjin tribe and of a handful of allies from minority groups. Robert Ouko, the senior Luo in Moi's cabinet, was appointed to expose corruption at high levels but was murdered a few months later. Moi's closest associate was implicated in Ouko's murder; Moi dismissed him but not before his remaining Luo support had evaporated. Germany recalled its ambassador to protest the "increasing brutality" of the regime, and foreign donors pressed Moi to allow other parties, which was done in December 1991 through a constitutional amendment<sup>70</sup>.

---

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

## **Multi-party politics**

After local and foreign pressure, in December 1991, parliament repealed the one-party section of the constitution. The Forum for the Restoration of Democracy (FORD) emerged as the leading opposition to KANU, and dozens of leading KANU figures switched parties. But FORD, led by Oginga Odinga, and Kenneth Matiba, split into two ethnically based factions. In the first open presidential elections in a quarter century, in December 1992, Moi won with 37% of the vote, Matiba received 26%, Mwai Kibaki (Democratic Party) 19%, and Odinga 18%. In the Assembly, KANU won 97 of the 188 seats at stake. Moi's government in 1993 agreed to economic reforms long urged by the World Bank and the International Monetary Fund, which restored enough aid for Kenya to service its \$7.5 billion foreign debt<sup>71</sup>.

Obstructing the press both before and after the 1992 elections, Moi continually maintained that multiparty politics would only promote tribal conflict. His own regime depended upon exploitation of inter-group hatreds. Under Moi, the apparatus of clientage and control was underpinned by the system of powerful provincial commissioners, each with a bureaucratic hierarchy based on chiefs that was more powerful than the elected members of parliament. Elected local councils lost most of their power, and the provincial bosses were answerable only to the central government, which in turn was dominated by the president. The emergence of mass opposition in 1990–91 and demands for constitutional reform were met by rallies against pluralism. The regime leaned on the support of the Kalenjin and incited the Maasai against the Kikuyu. Government politicians denounced the Kikuyu as traitors, obstructed their registration as voters, and threatened them with dispossession. In 1993 and after, mass evictions of Kikuyu took place, often with the direct

---

<sup>71</sup> National Election Monitoring Unity, *The Multiparty Elections in Kenya*, December, 1992

involvement of army, police, and game rangers. Armed clashes and many casualties, including deaths, resulted.

Further liberalisation in November 1997 allowed the expansion of political parties from 11 to 26. President Moi won re-election as President in the December 1997 elections, and his KANU Party narrowly retained its parliamentary majority. Moi ruled using a strategic mixture of ethnic favouritism, state repression, and marginalisation of opposition forces. He utilised detention and torture, looted public finances, and appropriated land and other property. Moi sponsored irregular army units that attacked the Luo, Luhya, and Kikuyu communities, and he disclaimed responsibility by assigning the violence to ethnic clashes arising from a land dispute<sup>72</sup>. Beginning in 1998, Moi engaged in a carefully calculated strategy to manage the presidential succession in his and his party's favour. Faced with the challenge of a new, multiethnic political coalition, Moi shifted the axis of the 2002 electoral contest from ethnicity to the politics of generational conflict. The strategy backfired, ripping his party wide open and resulting in its humiliating defeat of his candidate, Kenyatta's son, in the December 2002 general elections.

Constitutionally barred from running in the December 2002 presidential elections, Moi unsuccessfully promoted Uhuru Kenyatta, the son of Kenya's first President, as his successor. A rainbow coalition of opposition parties routed the ruling KANU party, and its leader, Moi's former vice-president Mwai Kibaki, was elected President by a large majority. On 27 December 2002 by 62% the voters overwhelmingly elected members of the National Rainbow Coalition (NaRC) to parliament and NaRC candidate Mwai Kibaki to the presidency. Voters rejected the Kenya African National Union's (KANU) presidential candidate, Uhuru Kenyatta, the

---

<sup>72</sup> Wanjohi, N.G., *Political Parties in Kenya: Formation, Policies, and Manifestoes*, (Nairobi: Views Media, 1997), p.92.

handpicked candidate of outgoing president Moi. International and local observers reported the 2002 elections to be generally fair and less violent than those of both 1992 and 1997. His strong showing allowed Kibaki to choose a strong cabinet, to seek international support, and to balance power within the NaRC<sup>73</sup>.

Before the end of first term, Kibaki's felt out with his former allies Raila Odinga and indeed in 2003 during the referendum for a new constitution both supported different camps where Raila Odinga opposed the passing of the constitution. In the December 2007 elections, Odinga, the candidate of the ODM, attacked the failures of the Kibaki regime. The ODM charged that Kibaki had betrayed his promises for change; that crime and violence were out of control, and that economic growth was not bringing any benefits to the ordinary citizen<sup>74</sup>. In the December 2007 elections the ODM won majority seats in Parliament, but the presidential elections votes were marred by claims of rigging by both sides but Kibaki was declared as the winner which was disputed by ODM.

### **Kenya's Electoral politics**

Electoral politics in Kenya can also be understood best by looking at the past role of the process and institutions charged with overseeing such a process. The electoral system in Kenya was based on constituencies whose boundaries were congruent with the boundaries of tribal areas. These boundaries have been used to manipulate democratic outcomes. The constituencies were represented by a member of parliament and a number of local authority representatives at ward, town and urban council levels. Their election took place at the same time as that of presidential and parliamentary ones. The boundaries were determined by the electoral commission if

---

<sup>73</sup> Electoral Commission of Kenya Election Records (1997).

<sup>74</sup> Mugo P.K., *The Nairobi Basic Needs Basket; The Cost of Basic Needs Basket in Fourteen informal settlement*, (Nairobi; Jesuit Hakimani Center and Rocknet, 2006).

there was evidence that populations have outgrown the current demarcations. This decision was however made by the electoral commission without consulting the local communities and in most cases at the directive of the president. The president without parliamentary approval appointed the Commission. However the problem with numbers in Kenyan politics was that they were never correct or close to truth. That originated from history of manipulation of constituency population numbers during the single party era, but also lack of regular census and update of births and deaths records. It was therefore not surprising to see “ghost names” in voter registers not deleted even after a whole five year preparation and multibillion investment in the process or to see number of registered voters increased during presidential vote tallying contrary to the actual number at constituency level or previous attempt to create extra constituencies in the incumbent friendly regions in order to met the 25% constitutional requirement for presidential eligibility<sup>75</sup>.

But the problem with the electoral process did not start in recent years; the political competition that followed immediately after independence gave birth to the mechanisations, manipulation of the institutions responsible for electoral process and the blatant rape of the constitution to suit those in power. That begun with the erosion of the party system, when immediately after independence in 1963, the political alliances begun to fall apart with KADU joining KANU and internal struggles within KANU leading to the formation of KPU. Although the fall out between Kenyatta and Odinga has been described as ideological, the actual cause was the feeling that Kenyatta had betrayed his colleagues and the entire nation on three crucial promises at independence, namely eradication of poverty, illiteracy and disease. Kenyatta betrayed this cause by allocating huge parcels of land left by white settlers to himself

---

<sup>75</sup> Ibid.

and cronies, including large tracts in the present Rift Valley province<sup>76</sup>.

Upon Kenyatta's death in 1978, Daniel arap Moi, a member of the Kalenjin, assumed power in 1978. During his 24 year reign, Moi exploited the Kenyan diversity and politicised ethnicity to levels where he could instigate clashes in districts and provinces with mixed groups, a practice he perfected in the 90's in order to discredit the onset of multiparty democracy in Kenya. Politically motivated ethnic clashes were used to disrupt and displace populations and groups that supported the opposition mainly the Kikuyu in Rift Valley, Luo in the slums of Nairobi and Mombasa. He also used divide and rule tactics, pitting on group against another and at times bought politician through patronage in order to have more support in parliament. These tactics ensured that that the opposition lost the elections of 1992 and 1997. It was not until 2002, when his constitutional terms in office expired that he had no options, but also due to the unity of the opposition through NARC (Rainbow coalition of Kijana Wamalwa FORD- Kenya, Raila Odinga of LDP, Charity Ngilu of NAK and Kibaki of DP) got together and managed to defeated Moi's preferred choice of successor, Uhuru Kenyatta. Moi was voted out of office in 2002, and Kibaki became president<sup>77</sup>.

Anger against Kibaki's leadership originated from the fact that Kibaki was elected on a platform of reform, in the sphere of constitutional change, end to corruption, tribalism and establishment of an equitable system that could uplift the living conditions of all Kenyans regardless of their ethnicity and other background factors. Kibaki's failure to grasp these genuine concerns, caused a great anger in the majority of Kenyans whose hopes had been dashed by Kibaki's regime performance. During 2005 referendum was defeated whereby seven provinces made up of diverse ethnic groups voted for "NO" while the Yes vote was only represented by central and

---

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.



Part of Eastern province. Ethnic dimension were employed during the campaigns for the referendum. The 2007 elections also saw a new trend of ethnic alliances, which were formed for political expediency, even though hidden behind critical issues. Some groups could however identify with each other in terms of political and economic marginalisation than others, thus the division reflected in the post ethnic conflict even if some analysis attempt to reduce it to the work of political leaders as the ones behind the ethnic divide.<sup>78</sup>.

### **Kenya's Post-election conflict**

Kenya faced the biggest crisis in its post-independence history following the General Elections that took place in December, 2007. Set against the backdrop of what had generally been considered historic and peacefully conducted presidential, parliamentary and local polls, the country was soon overtaken by unprecedented levels of violence, following the announcement of the presidential election results. The extent of the devastation which ensued was catastrophic, with approximately 1,300 people killed and over 600,000 displaced, in addition to massive destruction of property. The visit of President John Kufuor, the then Chair of the African Union, to Kenya from 8 to 10 January 2008, resulted in the creation of a Panel of Eminent African Personalities, composed of former UN Secretary-General, Mr. Kofi Annan (Chair), former President of Tanzania, Mr. Benjamin Mkapa and former South African First Lady, Mrs. Graca Machel, to assist Kenyans in finding a peaceful solution to the crisis. Under the auspices of the Panel, President Kibaki's PNU and Mr. Odinga's ODM started negotiations on 29 January, 2008 through the Kenya

---

<sup>78</sup> Ibid.

National Dialogue and Reconciliation Committee (the KNDR or “National Dialogue”)<sup>79</sup>

The National Accord and Reconciliation Act of 2008 is an act of the National Assembly of Kenya that temporarily re-established the offices of Prime Minister of Kenya, along with the creation of two deputy prime ministers. This act followed the February 28, 2008 power-sharing agreement between President Mwai Kibaki and opposition leader Raila Odinga, who became the first prime minister of Kenya since 1964, when the constitution of the newly-created Republic abolished the office. The agreement was necessitated by the 2007-08 Kenyan crises<sup>80</sup>.

The Cabinet created by the act consists of the president, vice-president, prime minister, two deputy prime ministers, and 42 other appointed ministers. The Prime Minister, while being appointed by the President without the need for prior consultation, had a distinct portfolio and coordinated the reform agenda and supervised the ministries. The PM was also accountable to the President his office was to expire when the 10th Kenyan Parliament was to be dissolved, or the coalition members agreed in writing, or one coalition member withdraws from the coalition by resolution of the member's party's decision-making body. The Constitution of Kenya, enacted in August 2010 provided for the extension of the power sharing government to the end of its natural term. The Prime Minister could also be dismissed from office by majority vote of the Parliament<sup>81</sup>.

In 2008, the KLRC played a leading role in the development of legislation implementing the National Accord. The National Accord and Reconciliation Act, 2008 went a long way in diffusing the tension arising due to the contested 2007

---

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

Presidential Elections. Among the legislation developed by KLRC included the Constitution of Kenya Amendment Bills, 2009 which created the Committee of Experts (CoE), Interim Independent Electoral Commission (IIEC), Interim Independent Boundaries Review Commission (IIBRC), and Interim Independent Constitutional Dispute Resolution Court (IICDRC).<sup>82</sup>

The CoE drafted the new constitution, while IIBRC was operationalized, carried out its duties and submitted its report on delimitation of electoral boundaries to Parliament before its term expired. IIEC was operational until replaced by Independent Electoral and Boundaries Commission (IEBC) under the new Constitution and operationalized by the IEBC Act, 2011. KLRC also developed the legal framework which established and operationalized the Truth, Justice and Reconciliation Commission (TJRC), the National Cohesion and Integration Commission (NCIC) among others.<sup>83</sup>

### **3.2 The Kenya's Post Election Violence Recovery**

The study held interviews with key informants from the Kenyan communities living within the Nairobi area, including the senior officers in government, Kenya Red Cross, ICM students and Non-Governmental Organization Officers, The Media, Law Society of Kenya, and civil societies. Sampling technique was random sampling. Babbie, defines random sampling as the key to obtaining a representative sample.<sup>84</sup> A total of 40 respondents from the Kenyan communities living in Nairobi area were subjected to a structured questionnaire which was administered by the researcher.

---

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Babbie E., *the practice of social research*, (New York: Wads Worth Publishing Company, 1995), p27.

**Table 3:0 Sample Size**

Item	Frequency	Percentage of total
Kenya Red Cross	4	10
Law Society of Kenya	12	30
Media	3	7.5
KNHREC	3	7.5
Civil society organizations	6	15
Others	12	30
Total	40	100

Source: Author 2013

The above table is a representative of the study sample in the area of study. Among the survey respondents, 12 were from the Law society of Kenya, 3 from the media, 3 were from the Kenya National Human Rights and Equality Commission, 6 from the Civil society organizations, 4 of them were from Kenya Red Cross staff while 12 categorized as others are Kenyans and a few non Kenyans but living within Nairobi city.<sup>85</sup> The study also held two focus group discussions, where selected members of the respondents discussed the issues that arose during the key informant interviews and in the survey.<sup>86</sup> Finally the data collected from the field was then examined and compared carefully, and analyzed. The findings and inter-presentation were recorded and interpreted in the following sub headings.

---

<sup>85</sup> Interview with respondent, on 28<sup>th</sup> June, 2013

<sup>86</sup> Focus group discussion, on 28<sup>th</sup> June, 2013

### 3.3 The Post Election Violence Recovery

The first objective of this study was to assess the impact of post election violence recovery in Kenya. All the key informants and focus group participants asked them to list the impact of post election violence recovery in Kenya. They all identified the following as the keys institutions which have contributed to Kenya post conflict recovery; Judiciary which is under Judicial service commission(JSC), Independent Electoral and Boundaries Commission (IEBC), Public Service Commission (PSC), Salaries and Remuneration Commission (SRC), Parliament Service Commission, National Police Commission Service (NPSC), National Land Commission ( NLC), Constitution, Political system, and Nationalism. This supports Sandole’s views on conflict as he expresses conflict as multidimensional where he linked this dimensions to decision making, societal and trans-societal aspects.<sup>87</sup> The survey also established the degree of which the respondents living in the Nairobi area assessed the impact of post election violence recovery among them.

**Table 3.1.The post election violence recovery in Kenya**

Institution	Frequency	Percentage
JSC (Judiciary)	15	37.5
IEBC	10	25
Constitution	5	12.5
SRC	2	5
PaSC	1	2.5
NCIC	1	2.5
PSC	2	5
NLC	1	2.5
NPSC	2	5
Political system &Nationalism	1	2.5

Source: Author 2013

---

<sup>87</sup> D. J. Sandole, *Capturing The Complexity Of Conflict: Dealing With Ethnic Conflict Of The Post Cold War Era*, (London and New York, Pinter, 1999), pp18.

The above table shows the various percentages of the agents of post election violence recovery in Kenya. Judiciary has the highest percentage in terms of improvement followed by IEBC, PSC, SRC, NPSC, Constitution, while PSC, NCIC, NLC, Political system, and Nationalism are the least. Of all the respondents interviewed, according to them the most significant post election violence recovery in Kenya were; JSC (37.5%), IEBC (25%), PSC (2.5%), SRC (5%), Parliamentary SC (2.5%), Constitution (12.5), NCIC (2.5%), NPSC (5%), PSC (5%), NLC (2.5%) and political system and nationalism (2.5%).<sup>88</sup>Therefore the table 3.1 signifies that Judiciary followed by IEBC and Constitution, were the main recovery of the post election violence. Hence above primary data confirms to the secondary data, and it is in line with Galtung's structural violence theory.

### **3.3.1 Judicial Service Commission**

The Judicial Service Commission is established under article 171 of the Constitution. It's role is to promote and facilitate the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice. It has 11 member the Chief Justice being the chairperson of the Commission. The Chief Registrar of the Judiciary is the Secretary to the Commission.

---

<sup>88</sup> Interview with respondent, on 28<sup>th</sup> June, 2013

**Table 3.2 Judiciary**

Item	Frequency	Percentage
Strongly agree	18	45
Agree	10	25
Moderately agree	10	25
Disagree	2	5
Total	40	100

Source: Author 2013

The table 3.2 shows that the Judiciary has improved in Kenya. Majority of the respondents agreed that the Judiciary has since improved. The survey respondents established that, 45% felt that Judiciary has highly improved. However, 25% of the respondents felt that Judiciary has moderately improved, 25% of the survey respondents said Judiciary had slightly improved whereas 5% of respondents felt that the Judiciary has not improved at all.<sup>89</sup>

### **3.3.2 The Independent Electoral and Boundaries Commission**

The Independent Electoral and Boundaries Commission mission is to conduct free and fare elections and to institutionalize electoral process. It's a neutral body meaning that a person is not eligible for appointment as a member of the Commission if the person has, at any time within the preceding five years, held office, or stood for election as a member of parliament or of a county assembly; or a member of the governing body of the political party; or holds any state office. An member of the Commission does not hold another public office.

---

<sup>89</sup> Interview with survey respondents, on 29<sup>th</sup> June, 2013

**Table 3.3 Independent electoral and Boundaries Commission**

Item	Frequency	Percentage
Strongly Agree	20	50
Moderately Agree	12	30
Slightly Agree	5	12.5
Disagree	3	7.5
Total	40	100

Source: Author 2013

From the table 3.3, Majority of the respondents there is indicated that IEBC has improved in conducting general elections. The 50% of the respondents considered IEBC to have highly improved. 30% felt that IEBC have moderately improved. 12.5% of the respondents considered IEBC to have slightly improved whereas 7.5% felt IEBC has not improved at all from its successors Electoral Commission of Kenya performance.<sup>90</sup>

### **3.3.3 Public Service Commission**

The Public Service Commission is charged with the recruitment of Civil Service. It consists of a chairperson, a vice chairperson and seven other members appointed by the President with the approval of the National Assembly. a person is not eligible for appointment as a member of the Commission if the person; has, at any time within the preceding five years, held office, or stood for elections as; a member of parliament or of a county assembly; of a member of the governing body of a political party; or holds any State office; is, or has at any time been, a candidate for election a member of Parliament or of a county assembly; or Is, or has at any time been, the of an office in any political organization that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election

---

<sup>90</sup> Interview with survey respondents, On 29<sup>th</sup> June, 2013



as a member of Parliament or of a county assembly. There is a secretary to the Commission the Secretary is the chief executive of the Commission; and is appointed by the Commission for a term of five years, and is eligible for re-appointment once.

**Table 3.4 Public service commission**

Item	Frequency	Percentage
Strongly Agree	24	60
Agree	6	15
Slightly Agree	6	15
Disagree	4	10
Total	40	100

Source: Author 2013

The majority of the respondents in the survey considered that the rate of unemployment was very high but agreed that there was transparency in employment of high ranking public officers especially due to the public interviews and vetting. 60% of the respondents felt that there was transparency in the hiring of public officers. Whereas only 10% felt there was no transparency. As illustrated in Table 3.4, the majority of respondents agreed that there more transparency in the process of hiring public officers.<sup>91</sup>

### **3.3.4The Salaries and Remuneration Commission**

The Salaries and Remuneration Commission derives its mandate from Article 251 of the Constitution. It's established under an act of Parliament No.10 of 2011. It consists of the following persons appointed by the President A chairperson; One person each nominated by the following bodies from among persons who are not members or employees of those bodies; the Parliamentary Service Commission , the

<sup>91</sup> Interviews with survey respondents, on 30<sup>th</sup> June, 2013

Public Service Commission ,the Judicial Service Commission, the Teachers Service Commission, the National Police Service Commission the Defense Council; and the Senate, on behalf of the county governments One person each nominated by; An umbrella body representing trade unions An umbrella body representing employers; and A joint forum of professional bodies as provided by legislation; One person each nominated by The Cabinet Secretary responsible for finance; and the Attorney General ; and One person who has experience in the management of human resources in the public service, nominated by the Cabinet Secretary responsible for public service.

**Table 3.5: Salaries and Remuneration**

Item (Income)	Frequency	Percentage
Strongly Agree	26	65
Agree	6	15
Slightly Agree	6	15
Disagree	2	5
Total	40	100

Source: Author 2013

The survey confirmed satisfaction with the work of the commission but majority of the respondents agreed that the degree of income in Kenya was quite different. Majority of respondents agreed that a difference in Income has lead to poverty and inequality amongst the populace. 65% of the respondents felt that the Income was too low, 15 % of the respondents regarded income to be low moderate, 15% felt that the income was low moderate. While 5% of others felt that income was low.<sup>92</sup>

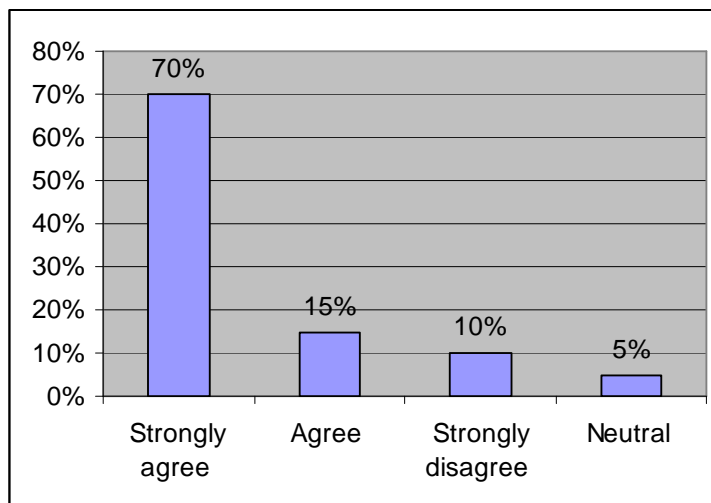
---

<sup>92</sup> Interviews with survey respondents, on 30<sup>th</sup> June, 2013

### 3.3.5 Parliamentary service commission

The Commission is established under Parliamentary Service Act, Chapter 185A of the Laws of Kenya. consists of; the Speaker of the National Assembly, as chairpersons; a vice-chairperson , seven members appointed by parliament from among its members of whom; Four are nominated equally from both houses by the party or coalition of parties forming the national government, of whom at least two are women; and three are nominated by the parties not forming the national government, at least one of whom is nominated from each House and at least one of whom is a woman; and One man and one woman appointed by Parliament from among persons who are experienced in public affairs, but are not members of Parliament. The Clerk of the senate is the secretary to the Commission.

**Figure 3.1 Parliamentary service commission.**



Source: Author 2013

The above figure indicates that, the performance of PSC was low. Therefore the performance of members of parliament remained very low the research study established that most of MPs were not active with parliamentary activities. Such

as reforming and passing of laws. The above figure 3.7 represents the percentage PSC as an obstacle to change. In the field study, most of respondents interviewed, 70% strongly agreed that PSC activities in Kenya were low. 15% agreed that performance was low. 10% strongly disagreed, while 5% were neutral<sup>93</sup>. These results indicated that members of parliament were not performing well.

### **3.3.6 Kenya's Political System and Nationalism**

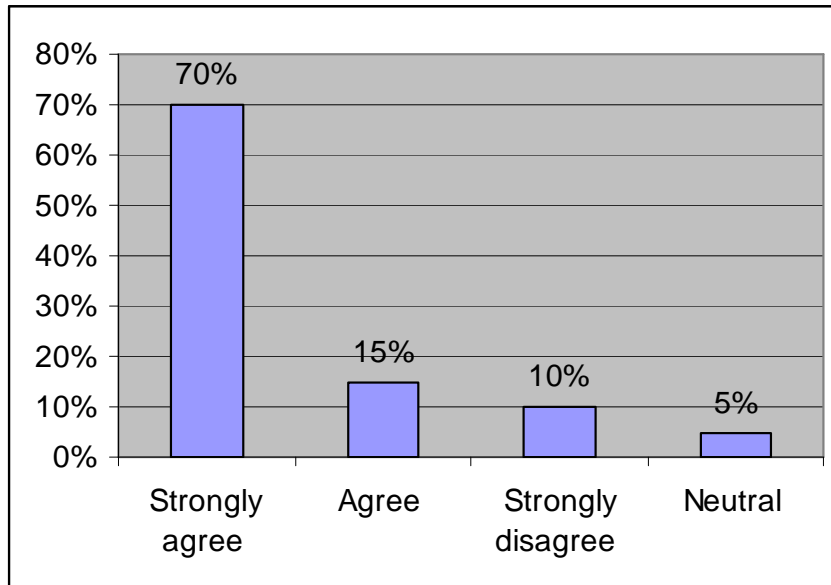
The typical Kenya's political system has generally operated within a predatory state where access to resources has been exclusively for the benefit of a selected few, especially the ruling elite and their networks. The client system of governance, where the majority is denied access to resources and in most cases even restricted from participating in the exploitation of strategic resources. Youth have experienced this kind of restriction and this has been the cause of slow post election violence recovery. It is obvious, therefore, that Kenyan political systems have to be reformed into inclusive, open democratic systems where resources are distributed fairly, and access to them guaranteed to the majority of the people. The ongoing democratization processes in Kenya, as countries that have experienced post election violence, may not be able to guarantee recovery if the political system resource is not addressed. Kenya's political systems have failed to govern their natural resources in a manner that would benefit their citizens. In spite of being home to many strategic and important natural resources, has failed to put in place government structures and policies that would enable the Kenyans exploit them for their own benefit.

---

<sup>93</sup> Interview with survey respondent, on 3<sup>rd</sup> July, 2013

The failure to provide appropriate structures to govern the natural resources has often made the resources become sources of conflict during general elections instead of being sources of development.

**Figure 3.2 Political system and Nationalism**



Source: Author 2013

The above figure 3.2 represents the percentage of political system and nationalism as unchanged. In the field study, most of respondents being 70% strongly agreed that political system and nationalism had not changed, 15% agreed that political system and nationalism had not changed, 10% strongly disagreed that political system and nationalism had not changed, while 5% remained neutral.<sup>94</sup> These results indicated that political system and nationalism was not fully reformed.

The study established that, nationalism and other forms of identity politics remain unchanged power is increasingly gained through the successful control of local resources and the development of commercially driven global networks of

---

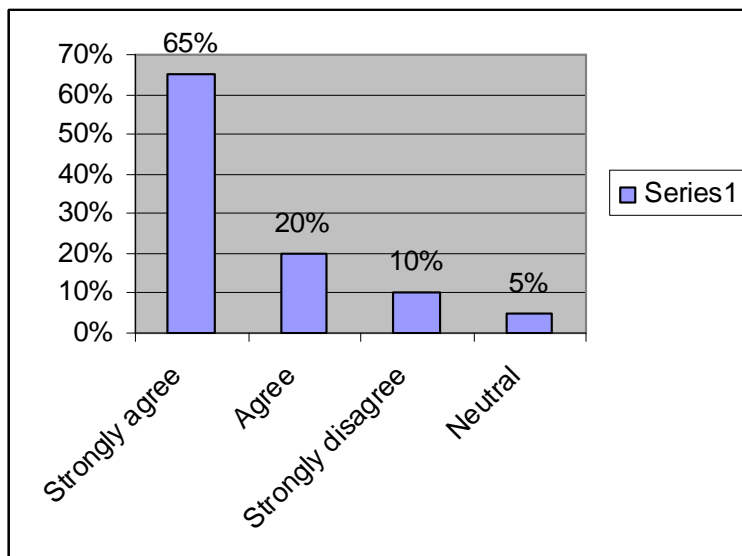
<sup>94</sup> Interview with survey respondent, on 3<sup>rd</sup> July, 2013

support. The political economy and geographical distribution of resources thus significantly influence the likelihood and obstacle to recovery. This influence is played out through local resource exploitation schemes, involving territorial control and access to labor and capital, as well as through global commercial networks.

### 3.3.7 Constitution 2010

The Kenyans voted for constitution and was inaugurated by the former president Mr. Mwai Kibaki, on 27<sup>th</sup> August; 2010. The Commission for the Implementation of the Constitution was established to supervise the implementation of the constitution. The Commission consists of a chairperson, and eight other members.

**Figure 3.3 Constitution 2010**



Source: Author 2013

65% strongly agreed that constitution is slowly implemented. 20% agree that constitution was slowly implemented, 10% strongly disagreed that constitution was slowly implemented, 5% were neutral that constitution was slowly implemented.

According to figure 3.3, indicates that during the survey, over half of the respondents agreed that constitution was slowly implemented. The study found out that 65% respondents strongly agreed that constitution was slowly implemented. 20% agreed that constitution was slowly implemented, while 10% strongly disagreed that constitution was slowly implemented. 5% of respondents agreed were neutral that constitution was slowly implemented..<sup>95</sup>

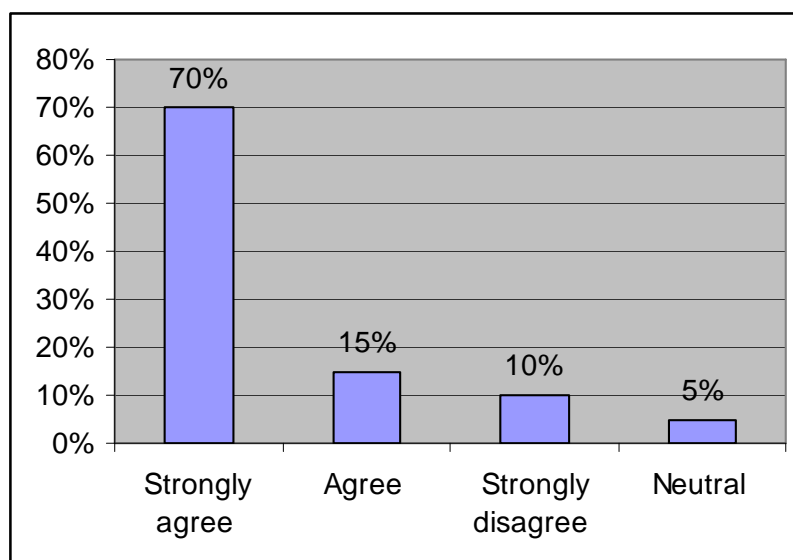
### **3.3.8 National Cohesion and Integration Commission**

The National Cohesion and Integration Commission (NCIC) of Kenya is a government agency. It is intended to address and reduce inter-ethnic conflicts. The Commission was created by the National Accord and Reconciliation Act 2008 following the 2007- 2008 post-election crisis. The commission's function is primarily prevention of discrimination on the basis of race or ethnicity, advocating for cohesiveness among the diverse groups in the country and enforcing the legal provisions of the National Cohesion and Integration Act 2008.

---

<sup>95</sup> Interview with survey respondent, on 4<sup>th</sup> July, 2013

**Figure 3.4 National Cohesion and Integration Commission**



Source: Author 2013

According to figure 3.4, indicates that during the survey majority of the respondents agreed that NCIC had not fully performed well. The study established that out those 70% of the respondents strongly agreed that NCIC had not performed fully well. While 15% of KNHRE agreed that NCIC had not performed well. 10% strongly disagreed that NCIC had not performed well. The rest of 5% of the respondents were neutral in respect of NCIC performance.<sup>96</sup>

### **3.3.9 National police service commission**

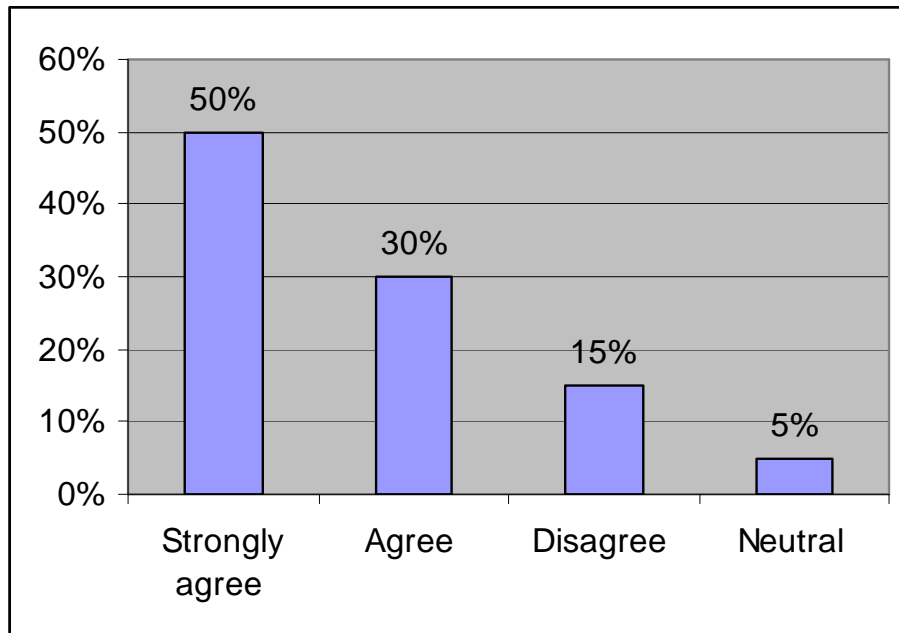
The National Police Service consists of; The Kenya Police Service; and the Administration Police Service. The National Police Service is a national service and functions throughout Kenya.

---

<sup>96</sup> Interview with survey respondent, on 6<sup>th</sup> July, 2013



**Figure 3.5 National Police Service**



Source: Authority 2013

The above figure 3.4 shows that, 50% of respondent strongly agree that NPSC was not fully active, whereas 30% of respondents agreed that NPSC was not fully active. 15% of the respondents disagree that NPSC was not fully active. While the rest of 5% of the survey respondent remained neutral that, NPSC was not fully active.<sup>97</sup>

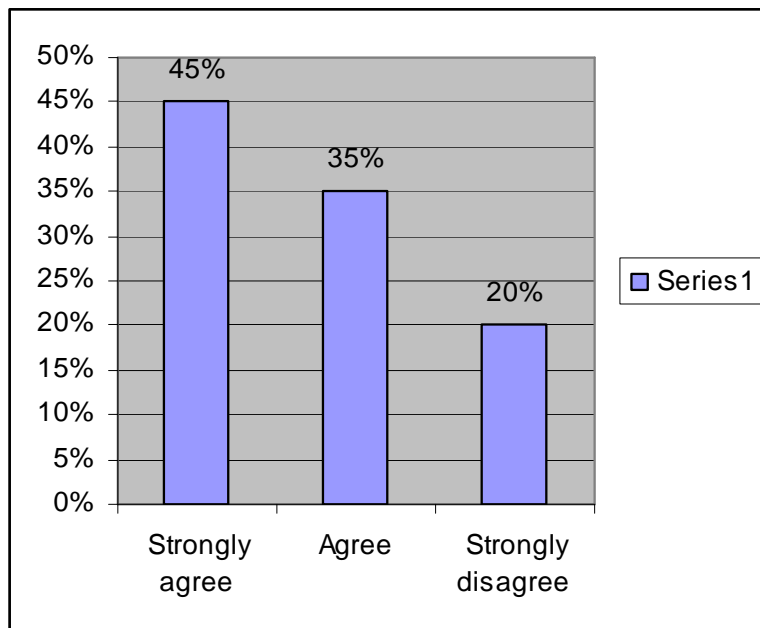
### **3.3.10 National Land Commission**

The establishment of National Land Commission is to deal with land issues on the behalf of the national and county governments.

---

<sup>97</sup> Interview with survey respondent, on 6<sup>th</sup> July, 2013

**Figure 3.6 National Land Commission**



Source: Author 2013

Above figure 3.6, shows that NLC had not reformed land issues. 45% of respondents from the local communities interviewed about the land issue strongly agreed that NLC had not reformed land issues. 35% of the respondent agreed that NLC had not reformed land issues. While, 20% of respondents strongly disagreed that NLC had not reformed land issues<sup>98</sup>.

### **3.4 Conclusions**

The chapter examined the Kenya's post election violence recovery from period between, 2000 and 2012. The chapter consists of historical background of Kenya's independence, Kenya's post election recovery, constitutional legal and institutional reforms; Judicial service commission, Independent electoral and boundaries commission, Public service commission, Salaries remuneration service

---

<sup>98</sup> Interview with survey respondent, on 8<sup>th</sup> July, 2013

commission, Parliamentary service commission, National police service commission, National land commission, and Kenya's political system. The study concluded that election violence recovery is taking place very slowly, however, new changes have been achieved.

## **CHAPTER FOUR**

### **IMPACT OF ELECTION CONFLICT IN AFRICA: A CRITICAL ANALYSIS OF THE FINDINGS**

#### **4.0. Introduction**

The previous chapter examined the Kenya's post election violence recovery from period between, 2000 and 2012. The chapter consists of historical background of Kenya's independence, Kenya's post election recovery, constitutional legal and institutional reforms; Judicial service commission, Independent electoral and boundaries commission, Public service commission, Salaries remuneration service commission, Parliamentary service commission, National police service commission, National land commission, and Kenya's political system. Chapter four critically analyzes the post election violence recovery in Kenya from this analysis; information is given on the post election violence recovery. The analysis takes into account the post election violence recovery in the case study as the back bone of explanation.

#### **4.1. Post Election Violence Recovery in Kenya**

The study investigated the post election violence recovery in Kenya. The study established that there are several distinct factors of recovery in areas such as, Judiciary (Judicial service commission), Independent electoral and boundaries commission, Public service commission, Salaries remuneration service commission, Parliamentary service commission, National police service commission, National land commission, and Kenya's political system.

#### **4.1.1. The Judicial Service Commission**

The study exposed that, though the Judicial Service Commission it has significantly improved it has not fully promoted and facilitated the independence and accountability of the judiciary. It has also not fully achieved its mandate of ensuring efficient, effective and transparent administration of justice. It has also not performed very well in recommending to the President persons for appointment as judges; Judges and judicial officers. Though the JSC has attempted to receive complaints against, investigate and remove from officer or otherwise discipline registrars, magistrates, and other staff of the judiciary, in the manner prescribed by an Act of Parliament; Kenyans are of the opinion that there are some grievances which are not addressed at all or timely. JSC has been slow in preparing and implementing programmes for the continuing education and training of judges and judicial officers; and advise the national government on improving the efficiency of the administration of justice. In the performance of its functions, the Commission has not been guided by the competitiveness and transparent processes of appointment of judicial officers and other staff of the judiciary; and the promotion of gender equality. However the study observed that a significant improvement compared with the past.

#### **4.1.2 Independent Electoral and Boundaries Commission**

The study revealed that, the Commission is responsible for conducting or supervising referendums and elections to any elective body or office established by this constitution, and any other elections as prescribed by an Act of Parliament and, in particular, for; the continuous registration of citizens as voters the regular revision of the voters' roll. The delimitation of constituencies and wards the regulation of the process by which parties nominate candidates for elections the settlement of electoral

disputes, including disputes relating to or arising from nominations but excluding election petitions and disputes subsequent to the declaration of election results. The registration of candidates for election, Voter education, the facilitation of the observation, monitoring and evaluation of elections the regulation of the amount of money that may be spent by or on behalf of a candidate or party in respect of any election. The development of a code of conduct for candidates and parties contesting elections, and the monitoring of compliance with the legislation required by relating to nomination of candidates by parties. The Commission exercises its powers and performs its functions in accordance with this constitution and national legislation.

The study exposed that, Kenya electoral process and governance system largely rest on the logic and practices of organized criminal enterprises. Organised crime entrepreneurs employ secrecy, cooptation, corruption and violence to promote and defend their interests and organisations. Kenya political parties and politicians operate in very similar ways. Therefore, it is not surprising that violence, corruption and lack of transparency are embedded in the aims and strategies of Kenya political parties and politicians.

Past elections in Kenya were characterized by both psychological and physical violence. Generally, violence involves the threat or use of physical force with the intention of injuring, killing and intimidating another person. It also involves destruction of property with a view to inflicting emotional or psychological injury and economic loss on another person. One of the major benefits of democracy is that it inhibits collective violence by providing mechanisms for non-violent competition for power and resolution of conflicts. Observance of the rule of law and respect for the courts are, however, necessary if this benefit is to be realised. Where citizens and

government officials ignore the rule of law or disobey court orders, anarchy and violence are precipitated.

The study exposed that, Post-election violence is not a new phenomenon in the country. However, most incidences often tend to be localised, short-lived and restricted to polling centres and communities. But the incidences of large-scale post-election violence of 1992, 1997, and 2007 in Nairobi, Central, Rift valley, Nyasa, Western and Coast region respectively recorded large scale loss of lives and destruction of property. In this research study, examined the incidence and causes of post-election violence in the country and highlight the emerging trend and lessons.

### **The Significance of election**

The study established that significance of elections in Kenya is not fully understood as free and fair election which is one of the cardinal pillars of democratic governance. Elections provide citizens with the opportunity of exercising their constitutionally imputed sovereignty over those responsible for the exercise of executive and legislative powers in the society. Through free and fair elections, citizens in a democratic society are able to vote for the political party and politicians of their choice based on their coherently articulated policies.

The equality of citizens in a democratic society is given concrete expression and political significance through free, fair and credible elections based on 'one citizen (person), one vote'. Elections held in Kenya since independence, were generally not free, fair and credible due to several factors. In general, past elections were, to varying degree, characterized by massive fraud, manipulations and violence.

## **Violence in the Kenya Electoral Process**

The study investigated that, successive elections in Kenya since the colonial period lacked the essential ingredients of democratic electoral process, which are transparency, fairness and freeness<sup>99</sup>. Instead elections in the country were characterized by: manipulation of the decisions and activities at the various stages of electoral process by the governments and politicians; corruption of officials and electorates, violence during campaigns, polling and collation; rigging through the stuffing, snatching and destruction of ballot boxes and falsification of results, and ineffective electoral dispute resolution mechanisms.

The study found that, the previous elections in the country, since independence, were generally characterised by: manipulation of the decisions and activities at the various stages of electoral process by the governments and politicians; corrupt inducement of electorates; violence during voter registration, party primaries, campaigns, polling and collation of votes; rigging through the stuffing, snatching and destruction of ballot boxes and falsification of results; partiality and corruption by electoral and security officials; manipulation of electorates through the activation or mobilisation of ethnic, religious, regional and other primordial sentiments; ineffective electoral dispute resolution mechanisms resulting in the perpetuation of a culture of electoral fraud and violence. The police require pro-active plan for anticipating and handling these forms of conflict.

Assassination of opponents, disruption of voter registration in areas where the perpetrators lack political support disruptive behaviours, including use of weapons, to scare away supporters of opponents from registering during voter registration in order

---

<sup>99</sup>Alemika, E.E.O., *Elections as Organized Crime: Nigerian Experience*, Paper Presented at the Centre for African Studies Seminar, University of Cape Town, May 12, 2004.



to undermine the strength of opposition during elections, killing, harming and intimidating persons trying to vote during elections in order to destroy ballot boxes in areas where the perpetrators lack supporters or in order to snatch ballot boxes so as to stuff them with ballot papers illegally obtained and thumb-printed, disruption of opponents' rallies and campaigns, threats of violent attack against individual political opponents by politicians invoking power of incumbency as well as ethnic, religious and regional sentiments

Destruction of campaign billboards and posters of opponents, Abuse and manipulation of the security and law enforcement agencies by the incumbent government to disperse the rallies and campaigns of opponents under the guise of not securing approval or likelihood of breach of public peace. Psychological violence – inducing, manipulating and directing the security and law enforcement agencies to harass opponents through serial arrest and detention on the basis of false accusations with a view to demoralise, interrupt and disrupt the campaign activities of opponents, and Intimidation of opponents and voters in area of low support through partisan deployment of highly armed security and law enforcement agencies by incumbent government under the guise of preventing breakdown of law and order during election

#### **4.1.3 Public Service Commission**

The study showed that the functions and powers of the Commission is derived from the constitution. The Commission establish and abolish offices in the public service; and appoint persons to hold or act in those offices, and to confirm appointments; exercise disciplinary control over and remove persons holding or acting in those offices; Promote the values and principles referred to in constitution throughout the public service; Investigate, monitor and evaluate the organization,

administration and personnel practices of the public service; Ensure that the public service is efficient and effective; Develop human resources in the public service; Review and make recommendations to the national government in respect of conditions of service, code of conduct and qualifications of officers in the public service; Evaluate and report to the President and Parliament on the extent to which the values and principles are complied with in the public service; Hear and determine appeals in respect of county governments' public service and Perform any other functions and exercise any other powers conferred by national legislation. During discussion the study established that Public service commission had failed in performing its duties.

#### **4.1.4 The Salaries and Remuneration Commission**

The study investigated that, the powers and functions of the Salaries and Remuneration Commission are to regularly review the remuneration and benefits of all state officers; and advise the national and county governments on the remuneration and benefits of all other public officers. In performing its functions, the Commission takes the following principles into account the need to ensure that the total public compensation bill is fiscally sustainable; the need to ensure that the public services are able to attract and retain the skills required to execute their functions; the need to recognize productivity and performance; and Transparency and fairness. However, the study established that the commission has failed in fulfilling its roles. Conflicts have been existing between the commission and state officers and public officers. The commission has been undermined by other organs such as members of parliament and executive in appointment of public officers.

#### **4.1.5 Parliamentary Service Commission**

The study established that, the Commission is responsible for; Providing services and facilities to ensure the efficient and effective functioning of Parliament; Constituting offices in the parliamentary service and appointing and supervising office holders; Preparing annual estimates of expenditure of the parliamentary service and submitting them to the National Assembly for approval, and exercising budgetary control over the service; Undertaking, singly or jointly with other relevant organization, programmes to promote the ideals of parliamentary democracy; and Performing other functions. Necessary for the well-being of the members and staff of Parliament; or Prescribed by national legislation. The study revealed that the commission has been very weak in performing its roles and is controlled by the members of parliament whose personal or political parties interest comes in to play while performing their mandate..

#### **4.1.6 National Cohesion and Integration Commission**

The study exposed that, the NCIC is a statutory body established under the National Cohesion and Integration Act (Act No.12 of 2008).The Commission was borne out of the realization that long lasting peace, sustainable development and harmonious coexistence among Kenyans requires deliberate normative, institutional and attitudinal processes of constructing nationhood, national cohesion and integration. The Commission draws its existence from the National Dialogue and Reconciliation Agreement signed in Nairobi on 1 February, 2008 by the Government; Party of National Unity (PNU) and Orange Democratic Movement (ODM) delegations, and witnessed by H.E. Kofi A. Annan for the Panel of Eminent African Personalities. This Agreement formed the basis of the National Accord that H.E.

President Mwai Kibaki and the Rt. Hon. Prime Minister Raila Amolo Odinga signed on 28 February, 2008 when the dialogue was officially launched. The study observed that, the NCIC, had failed from the beginning in achieving peace, sustainable development and harmonious coexistence among Kenyans. NCIC was expected to ensure that national integration and reconciliation are embraced and realized so as to prevent any recurrence of PEV as witnessed in 2007/08 but it has not achieved its mandate.

#### **4.1.7 National Police Service Commission**

The study established that, the Commission has the role to recruit and appoint persons to hold or act in offices in the service, confirm appointments, and determine promotions and transfers within the National Police Service; Observing due process, exercise disciplinary control over and remove persons holding or acting in offices within the service; and Perform any other functions prescribed by national legislation The composition of the National Police Service should reflect the regional and ethnic diversity of the people of Kenya.

The National Police Service should also strive for the highest standards of professionalism and discipline among its members; Prevent corruption and promote and practice transparency and accountability; Comply with constitutional standards of human rights and fundamental freedoms; Train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity; and Foster and promote relationships with the broader society. However, the study revealed that the Kenya police forces are weak that could not prevent election conflict. There are several stages of the electoral process where conflict and violence may erupt.

The police need to establish an early warning system in order to develop effective proactive and containment procedures for preventing managing conflicts at the following stages: delimitation of constituencies, voter registration, party primaries and nominations, campaigns and rallies, display of voter register, polling, counting of votes, declaration of results verdicts at tribunals

The level of insecurity, characterized by the rapid eruption and frequency of violence, especially during elections, is further heightened by the lack of swift and early response by the state and its security actors. In many parts of Kenya, including the Rift valley Region, the “response of public authorities is habitually too late and heavy handed.”, For instance, the police are more prone to stay away from communal riots, due to their limited ability to mitigate these riots and the potential hostilities they will face. Their ability to respond in a swift and early manner becomes more significant with the introduction of bombs and explosives to spread terror and destroy human lives. Cases such as the explosions in Coast region, Eastleigh, Nairobi Central Business attest to this.

#### **4.1.8 National Land Commission**

The function of land commission are; to manage public land on behalf of the national and county government, to recommend a national land policy to the national government, to advise the national government on comprehensive programme for the registration of title in land throughout Kenya, to conduct research related to land the natural resources, and make recommendations to appropriate authorities, to initiate investigations, on its own initiative or on a complaint, into present or historical land injustice, and recommend appropriate redress, to encourage the application of traditional dispute resolution mechanism in land conflicts, to assess tax on land and

premiums on immovable property in any area designed by law, and to monitor and have oversight responsibilities over land use planning throughout the country. The study showed that, NLC, has been very slowly in carrying out its roles, complains from Rift valley region and Coast region have been too high, indication of failures of land commission to perform its duties.

#### **4.1.9 Constitution**

The study indicated that the new constitution has been established, although implementation of it has been very slow according to the constitution schedule. The conflict between the national and county government has been observed. Cooperation between national and county government has not been good despite the fact that constitution spell out clearly the function of national government. Also the study revealed that, Government has failed to perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of government at the other level, and respects the constitutional status and institutions of government at the other level and, in the case of county government, within the county level; Assist, support and consult and, as appropriate, implement the legislation of the other level of government; and Liaise with government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity. Government at each level, and different governments at the county level, shall co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities. In any dispute between governments, the governments shall make every reasonable effort to settle the dispute, including by means of procedures p provided under national legislation. National legislation shall provide procedures for settling

inter-governmental disputes by alternative dispute resolution mechanisms, including negotiation, mediation and arbitration.

#### **4.1.10 Political System and Nationalism**

The study observed that in Kenya, “the shortest cut to affluence and influence is through politics. Politics means money and money means politics ... to be a member of the Government party means Open Avenue to Government patronage, contract deals and the like” The implications of that are as follows: prebendal politics, in which political office is sought primarily for the aggrandizement of self, family members, associates and cronies, tend to become a preoccupation of the vast majority of the politicians and electorates; patron-client relationship becomes entrenched in the polity and economy; the logic and desire to belong to government party undermine the sustainability of viable opposition in the political system; instrumental use of violence by both ruling and opposition parties as instrument of retaining or capturing power at elections independently or in contempt of electoral choices of the citizens at the poll.

Once the politicians recognize or know “the profitability of having power, the party (and the individual members) naturally uses the same governmental machinery to stay in power. The leadership becomes a self-recruiting oligarchy-and no self-recruiting oligarchy has been known to tolerate opposition to it”. In the circumstance, violence becomes instrument for seeking, gaining and retaining political power. Electoral violence in the country can be attributed to the actions and inactions of several actors who are determined to secure or retain political power without adhering to the rules of democratic competitive elections, and consideration for the long-term negative effects of electoral fraud and violence on national integration, security and

development. The main actors and actions that precipitate electoral violence are: law-makers who are unwilling to make laws that will promote credible elections because they are beneficiaries of legal loopholes and the weaknesses of the legal system and undemocratic control and command of the security and law enforcement agencies, elected politicians in the executive organs of government who manipulate the electoral laws, election management bodies and security agencies to subvert the free and fair elections; politicians and executives of the state who induce and coerce the legislators to prevent them from making laws for credible elections; politicians who coerce and corrupt delegates to party primaries to forestall free choice of candidates ,state executives – presidents, governors and local council chairmen who abuse their power and incumbency privilege by threatening opposition with arrest and prosecution for treason – for alleged threat to national security and sovereignty, politicians who deploy corrupt practices; fan ethnic, religious and regional sentiments; organise and arm political thugs ,politicians and incumbent executives who propagate the idea of ‘politics and electoral victory as do or die affair’. Citizens and community members who employ primordial sentiments (ethnic, religious, regional and gender) to undermine free and fair choices of competent candidates to occupy political positions in accordance with democratic electoral principles, and, incompetent, corrupt, corrupted and partial electoral officials, incompetent, under-equipped, under-remunerated, corrupt, corrupted and partial security agencies, security agencies and personnel which see themselves as properties of the ruling political parties and incumbent president and members of parliament.



## **4.2 Other issues identified**

In addition to those identified issues derived from the case study there are other issues that were discovered after carrying out the study.

### **4.2.1 The Truth, Justice and Reconciliation Commission of Kenya**

The study revealed that, the Truth, Justice and Reconciliation Commission of Kenya (TJRC) was set up in 2008. Kenya's modern history has been marked not only by liberation struggles but also by ethnic conflicts and political violence, including the coup d'état of 1982, the Shifita War, and the 2007 Post-election violence. The TJRC (Truth, Justice and Reconciliation Commission of Kenya) is part of the accountability component of Agenda Four of the National Accord signed in 2008. By addressing the cause and effects of historical injustices and gross violations of human rights the TJRC will contribute towards national unity, reconciliation, and healing. The Commission was established by an Act of Parliament (Truth Justice and Reconciliation Commission Act no. 6 of 2008) to investigate the gross human rights violations and other historical injustices in Kenya between 12 December 1963 and 28 February 2008. The study exposed that the commission has completed carrying out its duties. But its report has not been implemented, even revealed to citizen to through it.

### **4.2.2 Political Violence**

Although the Government has taken a number of steps to reduce incidences of political violence, the approach to illegal armed groups appears to have been unsystematic. The informal manner in which these groups operate poses challenges for their demobilization and disarmament. The lack of a specific policy on disarmament and the fact that these groups could re-emerge is an issue of concern. In

addition, there is concern that prosecution witnesses may not give evidence to the Special Tribunal on post-election violence if there are no adequate measures to effectively protect them., when there will be need those committed crimes to be taken to the court. The findings on the study shows that because the social-political conditions that gave rise to illegal armed groups are yet to be addressed these groups can re-group with ease.

#### **4.2.3 Kenya National Human Rights and Equality Commission**

The study revealed that, humanitarian crisis was too high. The Kenya National Human Rights and Equality Commission were established to; promote respect for human rights and develop a culture of human rights in the republic. To promote gender equality and equity generally and to coordinate and facilitate gender mainstreaming in national development. To promote the protection, and observance of human rights in public and private institutions. To monitor, investigate and report on the observance of human rights in all spheres of life in the Republic, including observance by the national security organs. To receive and investigate complaints about alleged abuses of human rights and take steps to secure appropriate redress where human rights have been violated. On its own initiative or on the basis of complaints, to investigate or research a matter in respect of human rights, and make recommendations to improve the functioning of State organ. To act as the principal organ of the State in ensuring compliance with obligations under treaties and conventions relating to human rights. To investigate any conduct in state affairs, or any act or omission in public administration in any sphere of government, that it alleged row suspected to be prejudicial or improper or to result in any impropriety or prejudice. To investigate complaints of abuse of power, unfair treatment, manifest

injustice or unlawful, oppressive, unfair or unresponsive official conduct. To report on complaints investigated and take remedial action; and to perform any other functions prescribed by legislation. Every person has the right to complain to the Commission, alleging that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.

Despite that role of KNHRE, the study exposed that, fundamental freedoms and liberties are increasingly being constrained. Violent dispersal of groups petitioning the Government over a number of issues – including violent dispersal of Internally Displaced Persons (IDPs) is a pointer to a rapid erosion of democratic gains, and freedoms in particular. Immediate measures to address the humanitarian crisis, promote reconciliation and healing .Although the number of IDP camps has reduced, this is no measure of success in addressing the IDPs problem. Findings show that the humanitarian crisis is far from over and that it has taken a new and more complex dimension. IDPs continue to live in informal camps without access to basic services; they face new problems. Furthermore, the importance of the IDP situation appears to be diminishing as a national issue and priority. Findings on study show s that the IDP humanitarian crisis is far from over. The significance of the IDP situation as an issue of national concern is rapidly diminishing. Pressure to address the IDP situation must be sustained lest the displaced become increasingly marginalized.

#### **4.2.4 Consolidating of Cohesion and Unity**

The study established that, following the disputed presidential election results in December 2007, an unprecedented wave of violence erupted in several parts of the country. The violence quickly spread and was transformed into an ethnic conflict. The crisis had the potential of growing into a civil war as both the

Government/Party of National Unity and the main opposition political party, the Orange Democratic Movement (ODM), hardened their positions. The crisis brought to the surface deep-seated issues and divisions in Kenya. It threatened the very existence of Kenya as a unified nation-state. The country was rapidly getting divided into ethno-regional blocks. Though there have been initiatives aimed at promoting healing and reconciliation among communities, results are yet to be achieved. Findings show that the initiatives do not address the core causes of conflict and divisions among communities. Politicians are also not actively involved at the local level. There is a relapse with regard to fast-tracking healing and reconciliation. The calm witnessed in the areas affected by post-election violence has led to the assumption that the causes of conflict have been addressed. To the contrary, there is resentment against IDPs in areas from where they were evicted.

The political crisis and lack of cohesion within the political parties have meant lack of collective vision on reforms and that commitment to reforms is not good for the country. Forces to undermine efforts towards comprehensive constitutional and institutional reforms are as a result of party politics and does not contribute to the stability of the country. Healing and reconciliation is yet to take place. Political leaders have not been at the centre of healing and reconciliation initiatives. The political leaders need to provide leadership and direction; the leaders should constitute groups to mobilize for national cohesion from the national level to the grassroots.

#### **4.2.5 Unemployment**

The study established that, unemployment has remained one of the most daunting challenges in Kenya's socio-economic development process for most of the post-independence period. The unemployment rate in Kenya was last reported at 40

percent in 2011. Historically, from 1999 until 2011, Kenya Unemployment Rate averaged 22.4300 Percent reaching an all time high of 40.0000 Percent in December of 2011 and a record low of 12.7000 Percent in December of 2006. The unemployment rate can be defined as the number of people actively looking for a job as a percentage of the labor force. Changes in unemployment depend mostly on inflows made up of non-employed people starting to look for jobs, of employed people who lose their jobs and look for new ones and of people who stop looking for employment. Related terms are the labor force.

The participation rate and the employment rate. Unemployment covers the working age population, labor force participation rates, incidence of unemployment, international comparison, and causes of unemployment in the country. The causes of unemployment , rapid growth in population and labor force; mismatch of skills, poor flow of labor market information, growth of impact of structural adjustment programmes undertaken in the country since the 1980s, poor economic performance, high labor costs, inappropriate labor market regulations such as minimum wages, jobs and inappropriate labor institutions.

#### **4.2.6 Poverty and Equality**

The study showed that, poverty seems a paradox in a country that has one of the best-developed economies in eastern Africa. Kenya has relatively advanced agricultural and industrial sectors and substantial foreign exchange earnings from agricultural exports and tourism. Yet it is a low-income country and ranks very poorly in the United Nations Development Programme's Human Development Index, which measures development in terms of life expectancy, educational attainment and standard of living. About 79 per cent of Kenya's population lives in rural areas

and relies on agriculture for most of its income. Nearly half the country's 40 million people are poor, or unable to meet their daily nutritional requirements. The vast majority of poor people live in rural areas. Although in some respects conditions have improved since the early 1980s, the poverty rate has remained steady at about 48 per cent.

The rural economy depends mainly on smallholder subsistence agriculture, which produces 75 per cent of total agricultural output. Most Kenyans live in areas that have well to high potential for agriculture, comprise about 18 per cent of the country's territory and are located in the centre and west. However population density in high-potential areas is more than six times the country's average of 55 people per km<sup>2</sup> and constitutes an overwhelming pressure on resources. The poorest communities are found in the sparsely populated arid zones, mainly in the north. Kenya's poor rural people include: smallholder farmers, herders, farm laborers, unskilled and semi-skilled workers, households headed by women, people with disabilities, AIDS orphans. Reasons for the persistence of poverty are various. Kenya has one of the world's fastest population growth rates. Over the past 30 years, the population has more than tripled, greatly increasing pressure on the country's resources. Together with a widening income gap, this has eroded gains in education, health, food security, employment and income.

Poverty in Kenya is fueled by a diversity of factors: unemployment, child labor, HIV/AIDS epidemic, and an education system in failure (among other delicacies). Nevertheless, this 39 million people country has been one of the very few in Africa to do pretty well in the 1970s-80s in terms of covering basic needs, thanks to several useful policies and its smallholder agriculture. It's even become a major trading hub in the region, despite up-and-down growth rates since its independence in 1963.

### **4.3 Conclusions**

The chapter criticizes the post election violence recovery in Kenya. The criticizes based on constitutional, and legal institutions such as, Judicial service commission, Independent electoral and boundaries commission, Public service commission, Salaries remuneration service commission, Parliamentary service commission, National police service commission, National land commission, Constitution, Kenya's political system and Nationalism, Political violence, Humanitarian crisis, Consolidating of cohesion and Unity, Unemployment among youth, Poverty and Equality. The critical analysis focused on the strength and weakness of those root causes of post election violence recovery in Kenya.

## **CHAPTER FIVE: CONCLUSIONS**

### **5.0 Summary**

Chapter one, presented the background of the study, statement of the research problem, objectives of the study, specific objectives, justification of the study, literature review, theoretical frame work, hypotheses, research methodology and the chapter outline.

Chapter two presented an overview of impact of election conflict in Africa. It's divided into the following sub sections; Introduction, historical background of election conflicts in Africa, election violence in Africa, economic impact; tourism, financial services, transport and communication, manufacturing and construction industries; control of natural resources, oil rich regions; political impact; Unequal distribution of Resources and development, political activities; social impact; cultural impact; and ethnicity in Africa.

Chapter three examined the Kenya's post election violence recovery from period between, 2000 and 2012. The chapter consists of historical background of Kenya's independence, Kenya's post election recovery, constitutional legal and institutional reforms; Judicial service commission, Independent electoral and boundaries commission, Public service commission, Salaries remuneration service commission, Parliamentary service commission, National police service commission, National land commission, and Kenya's political system. Chapter four critically analyzes the post election violence recovery in Kenya from this analysis; information is given on the post election violence recovery. The analysis takes into account the post election violence recovery in the case study as the back bone of explanation.



## **5.1 Key Findings**

The findings of the study were presented in accordance with the Research objectives: to examine Kenya's post election violence recovery. The study found that, although the Government has taken a number of steps to reduce incidences of political violence, the approach to illegal armed groups appears to have been unsystematic. The informal manner in which these groups operate poses challenges for their demobilization and disarmament. The lack of a specific policy on disarmament and the fact that these groups could re-emerge is an issue of concern.

The study established that measures to address the humanitarian crisis, have not been promoted, reconciliation and healing were slow. Although the number of IDP camps has reduced, this is no measure of success in addressing the IDPs problem. The findings shows that the humanitarian crisis is far from over and that it has taken a new and more complex dimension. IDPs continue to live in informal camps without access to basic services; they face new problems. Furthermore, the importance of the IDP situation appears to be diminishing as a national issue and priority. Though there have been initiatives aimed at promoting healing and reconciliation among communities, results are yet to be achieved. Findings show that the initiatives do not address the core causes of conflict and divisions among communities. Politicians are also not actively involved at the local level. There is a relapse with regard to fast-tracking healing and reconciliation. The calm witnessed in the areas affected by post-election violence has led to the assumption that the causes of conflict have been addressed. To the contrary, there is resentment against IDPs in areas from where they were evicted. The study shows that those institutions established to bring full post election recovery are still weak.

## **5.2 Conclusions**

The findings of study shows that though there is peace in the country it is just negative peace since the structures which brings about positive peace are yet to be established fully. There is high degree of insecurity, because the social-political conditions that gave rise post election violence are yet to be addressed in particular illegal armed groups which were used to cause violence as these groups can re-group with ease. Public authorities are reluctant to carry out serious reforms through peaceful means. There is still lack of transparency and accountability in public institutions, corruption is also still very high in both public and private sectors. No efforts are made to end impunity. Poverty and unemployment are too high. Government has failed to take measures to check poverty and unemployment. Humanitarian crisis are experienced, there is continued erosion of fundamental freedoms and rights. The IDP humanitarian crisis is far from over. The significance of the IDP situation as an issue of national concern is rapidly diminishing. Pressure to address the IDP situation must be sustained lest the displaced become increasingly marginalized. National cohesion, healing and reconciliation are yet to take place. Political leaders have not been at the centre of healing and reconciliation initiatives.

## **5.3 Recommendations**

There are several lessons that can be learnt from the 2007/2008 post-presidential electoral violence. Some of them are as follows: To have a credible election devoid of post election violence strong legal institutions ought to be in place. The country should strive to facilitate the establishment of durable peace by ensuring that these structures are developed and are functioning fully. There should be a conscious and deliberate effort to prevent the recurrence of violence and this can only

be done by addressing the root causes and effects of post election violence through reconciliation, institution building, and political as well as economic transformation. This consists of a set of physical, social, and structural initiatives that are often an integral part of post-conflict reconstruction and rehabilitation. Electoral laws should meet the minimum requirements of the rule of law doctrine. All participants, including government agencies and officials participating in or administering the electoral process must observe and respect the rule of law. To do otherwise will encourage violence on the part of those who feel cheated; Culture of impunity that encourage electoral violence should be discouraged by strict enforcement of laws prohibiting electoral violence and illegal arms trade, possession and use; Electoral Offences Commission recommended by the established constitutionally should be established and adequately funded, staffed and equipped for the purposes of effective apprehension, prosecution and trial of electoral offenders.

Security agencies should be adequately equipped to enable them adopt measures for, preventing and controlling violence during political campaigns and elections; safeguarding the security of electoral officers; materials, polling stations and documentation of results; Police criminal intelligence and investigation capability is grossly inadequate and should be addressed. Contemporary crimes require evidence-led strategies, plans and operations. The Kenya Police Force is extremely ill-prepared to curb contemporary crimes of insurgency and organised crimes. Police training and deployment as well as procurement of services and facilities should take into consideration contemporary forms of security threats.

Further, the Kenyan police need to introduce career long specialisation in criminal intelligence and investigation, patrols, etc. The current general duty paradigm is outdated and hence security and intelligence agencies, especially the CID

and the Kenya National Intelligence Services (NIS) should be adequately equipped with relevant equipment and appropriately staffed with competent and patriotic staff so as to detect and deal with early warning signs of violence.

The police and military are important in preventing the escalation of violence but they must be accountable and transparent in their approaches and interactions with the population. Most importantly, these actors must be legitimate in their use of force to ensure that innocent civilians are protected even during the elections. Security forces in Kenya have done very little to prevent rigging or violence and have often been bought by politicians. These security actors must also have sufficient knowledge, skills, and resources to be able to intervene rapidly. Security providers cannot work alone. The links between civil society organizations, security providers, and community leaders are necessary to establish mechanisms for early warning and early response to conflict. This linkage can be strengthened through strong lines of communication and information sharing on possible tension areas, conflict triggers in communities, and opportunities for conflict resolution. These will also contribute to reducing the prevalence of conflict that tends to occur during election periods and will be of benefit even after they are concluded.

Politicians should conduct their campaign on the basis of issues rather than attack on personalities or mobilisation of religious, ethnic and regional sentiments. Campaign should focus on the implementation of the critical national economic, political, social cultural, educational and health objectives in the Constitution. Party agents should be given training on their roles and responsibilities at the polling and counting centres; Political parties should evolve as instrument of democratic governance rather than servicing as an organised criminal enterprise used for seeking, gaining and retaining power for personal gains.

The civil society organisations should intensify their efforts in the area of civic education so that the citizens can understand the essence of elections, the values of democratic governance and practices, and to eschew ethnic and religious sentiments in voting and reactions to election results. The civil societies and other agency, which are the foremost agency of government for enlightenment, orientation, political education and mobilisation, should be more active in political, civic and voter education

Ethnic and religious leaders as well as politicians, including government officials should not make provocative and irresponsible statements that may evoke religious, ethnic and regional prejudices against other candidates and incite electoral violence. While the mass media of communication, both print and electronic have important roles to play in enlightening the politicians and citizens, those who are not respecting the rule of laws should be exposed. The media should propagate peace as it enlighten the citizens to make good electoral choices. The media should also impartially report the activities of parties. The media institutions should promote mutual respect and the values of a multi-cultural society, through providing multi-ethnic programming or articles. The media should be independent and objective for it to contribute to peace by providing objective, non inflammatory information and providing open debate on important peace issues in the country.

Civil society, Government institutions and NGOs should implemented peacebuilding activities designed to strengthen integration of minorities, better communication and dialogue, and sustainable peace. Peace education ought to be included in the school curriculum. Training in conflict resolution, human rights and nonviolent communication should be carried out.

Kenya National Human Rights and Equality Commission, need to continue promoting respect for human rights and develop a culture of human rights in the republic. It should be stringent in monitoring, investigating and reporting on the observance of human rights in all spheres of life in the Republic, including observance by the national security organs. Its role in investigating complaints about alleged abuses of human rights and taking steps to secure appropriate redress where human rights have been violated should be strengthened as this will keep the government of the day in check and this would promote peace in the country. It should continue making recommendations to improve the functioning of State organ in order to promote human rights. The Organization should be supported in its role as principal organ of the State in ensuring compliance with obligations under treaties and conventions relating to human rights. The organization would keep the government in check by continuing to carry out its role of investigating complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct.

Independent Electoral and Boundaries Commission should be impartial in conducting or supervising referendum and elections to any elective body or office established by constitution. For election to be credible the commission should conduct continuous registration of citizens as voters and regular revision of the voters' register, the delimitation of constituencies and wards. To avoid violence of party members the commission should be strict on its regulation of the process by which parties nominate candidates for elections and settlement of electoral disputes, including disputes relating to or arising from nominations. The commission would contribute to peaceful election if it conducts well its role of the registration of candidates for election, Voter education, facilitation of the observation, monitoring

and evaluation of elections; the regulation of the amount of money that may be spent by or on behalf of a candidate or party in respect of any election; and the development of a code of conduct for candidates and parties contesting elections.

The National Assembly represents the people of the constituencies and special interests in the National Assembly. The National Assembly deliberates on and resolves issues of concern to the people. It also determines the allocation of national revenue between the levels of government, as provided in constitution. It also appropriates funds for expenditure by the national government and other national state organs; and Exercises oversight over national revenue and its expenditure. Therefore if it ensures that there is equal distribution of resources in all areas of the Country, this would promote peace as no section of the country would be marginalized and or feel neglected by the ruling regime.

The Judiciary is a very crucial arm of the government. The judiciary promotes peace in its role of hearing and determining election petitions. Therefore the citizens ought to have faith in judiciary so as to result to it in case of election dispute instead of resulting to violence. Hence the Judicial Service Commission need to continue promoting and facilitating the independence and accountability of the judiciary, the efficient, effective and transparent administration of justice. It should be credible in conducting its mandate of investigating and removing from officer or disciplining registrars, magistrates, other judicial officers and other staff of the judiciary.

In Kenya Land has been an emotive issue and hence the issue of land ought to be addressed fully by the National Land Commission to avoid a repeat of post election violence in future. The report of Truth, Justice and Reconciliation Commission ought to be implemented so as to address the past injustices as this

would promote peace and reconciliation. The National Cohesion and Integration Commission should be supported in its role of promoting cohesion and Integration and should be given prosecutorial powers so as to enable it prosecute those breaching the Law in particular through hate speech.

National and County Government; Government at either level should; Perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of government at the other level, and respects the constitutional status and institutions of government at the other level and, in the case of county government, within the county level; Assist, support and consult and, as appropriate, implement the legislation of the other level of government; and Liaise with government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity. Government at each level, and different governments at the county level, should co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities. In any dispute between governments, the governments shall make every reasonable effort to settle the dispute, including by means of procedures provided under national legislation. National legislation should provide procedures for settling inter-governmental disputes by alternative dispute resolution mechanisms, including negotiation, mediation and arbitration.

Salaries and Remuneration Commission, need to ensure that the total public compensation bill is fiscally sustainable; the need to ensure that the public services are able to attract and retain the skills required to execute their functions; the need to recognize productivity and performance; and transparency and fairness. The Public Service Commission should ensure that the public service is efficient and effective.



The National Police Service, should; strive for the highest standards of professionalism and discipline among its members; Prevent corruption and promote and practice transparency and accountability; Comply with constitutional standards of human rights and fundamental freedoms; Train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity; and foster and promote relationships with the broader society. Observing due process, exercise disciplinary control over and remove persons holding or acting in offices within the service. The composition of the National Police Service should reflect the regional and ethnic diversity of the people of Kenya.

In a nutshell the Kenya's has made several strides towards post election violence recovery as several structures which are vehicles of peace have has been established. However the progress has been slowly and hence positive peace is yet to be achieved. However, the recovery has not been achieved fully the present Kenya cannot be compared with past as observed during the last March 2013 General election as there was no physical violence experienced. Therefore it would be safe to conclude that with time, the future is bright.

## BIBLIOGRAPHY

- A de Reuck, The Logic of Conflict: Its Origin Development and Resolution, In M. Barks, (ed), *Conflict in World Society: a New Perspective on International Relations*, (Sussex, Harvest Press, 1984).
- Alemika, E.E.O., *Elections as Organized Crime: Nigerian Experience*, Paper Presented at the Centre for African Studies Seminar, University of Cape Town, May 12, 2004.
- Ampleford et al, *Country Indicators for Foreign Policy: Risk Management Template, fewer*, (The Norman Paterson School of International Affairs, August 2001).
- Babbie, E., *the practice of social research*, (New York:Wads Worth Publishing Company, 1995).
- Brown M.E., Ethnic and Internal Conflicts, in C. A. Crocker, F. E. Hampson and A.Crocker, eds, *Turbulent peace: the challenges of managing international conflict*, (Washington DC: Institute of Peace, 2001).
- Burton J., *Conflict: Resolution and Prevention*, (London: Palgrave, 1990).
- Burton, J., *Violence Explained*, (Manchester: Manchester University Press, 1997).
- Burton, J., *Conflict Human Needs Theory*, (London: Mac Millan, 1990).
- Curle, A., *Making Peace*, (London: Tavistock, Publications, 1971).
- Dougherty J. F. and Pfaltzgraff, “*Contending Theories of International Relations*”, (New York: Harper and Row Publishers,1990).
- Electoral Commission of Kenya Election Records (1997).
- Galtung, J., ‘Cultural Violence’, *Journal of Peace Research*, Vol.27, No.3, (1990).
- Galtung, J., ‘Violence, Peace and Peace Research’, *Journal of Peace Research*, Vol.3, (1969)
- Gettleman G., ‘Signs in Kenya of Land Redraw by Ethnicity’, *The New York Times*, (Newyork), December 15, 2008.
- Jabri, V., *Discourses on Violence*, (Manchester: Manchester University Press, 1996).
- Akiwumi J. A. M., Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya, (The Government Printers, Nairobi, 31<sup>st</sup> July 1999).
- Kenya Association of Manufactures Report, (2009).
- Kenya Economic Report, (2009).
- Kenya Tourism Association of Manufacturers Report, 2010.
- Kipchumba S., ‘How State Land Policy Shaped Conflict,’ *Daily Nation*, ( Nairobi), February 10,2008.
- Kofi, A., *Causes of Conflict in Africa*, UN secretary General Report, (New York: 1998),
- Lee, R.,*The Congo War (1998-Present)*, [http://www.historyguy.com/congo\\_war.htm](http://www.historyguy.com/congo_war.htm) , accessed on on 28<sup>th</sup>,July,2013
- Lund, M. S., *Preventing Violent Conflict: A Strategy for Preventive Diplomacy*, (Washington, U.S. Institute of Peace Press, 1996).

- Masibo K., 'Cattle Rustlers from Uganda', *Daily Nation*, (Nairobi), 17<sup>th</sup> January 2005.
- Meredith M., *The State of Africa; A History of Fifty years of Independence*, (London:Free press,2005).
- Mitchell, C. R.,*The Structure of International Conflict*, (London: Mac Millan, 1998).
- Mugo P.K., *The Nairobi Basic Needs Basket; The Cost of Basic Needs Basket in Fourteen informal settlements*, ( Nairobi: Jesuit Hakimani Center and Rocknet, 2005).
- Mwagiru, M., *Conflict: Theory, Processes and Institutions of Management*, ( Nairobi: Watermark, 2000).
- Mwagiru, M.,*Conflict and Peace Management in the Horn of Africa*, Paper presented at the IRG Conference on Peace and Security, in the Horn of Africa in Mombasa, (1996).
- Mwagiru, M., *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004).
- Mwangi, A., 'Clashes Lari Residents', *The people*, (Nairobi), 25<sup>th</sup> January 2005).
- Mwaura C., Regional Warning and Conflict Management Mechanis, in Ciru Mwaura C. and Schmeid S.(eds), *Early Warning and Conflict Management in the Horn of Africa*, (Asmara: the Read Sea Press, 2001).
- National Election Monitoring Unity, *The Multiparty Elections in Kenya*, (December, 1992)
- Nthamburi, Z. the paradigm of Ethnicity: its influence and Relevance in Public life today, In A. Tarimo and P. Manwelo, eds, *Ethnicity conflict and the future of African states*, (Nairobi: Paulines Publications Africa, 2009).
- Nwabueze B. O., *Constitutionalism in the Emergent States*, (London: C., Hurst and Co., 1973) .
- Nantulya P.,The Challenges of Managing Africa's Diversities and the Role of the African Union and civil society, *in the perspectives on the OAU/AU and Conflict Management in Africa, 2004*,( Paulines Publications Africa, 2009).
- Porto, J. G.,*Contemporary Conflict Analysis in Perspective*, in Lind, J and Kathryn Sturman (eds) (London Macmillan,1989).
- Report on Cattle Rustling, *Factors contributing to cattle Rustling, Boundary and Inter Ethnic violence in Kenya*, (foundation for Dialogue, January 2004).
- Rothchild, D., *Managing Ethnic conflicts in Africa: Pressures and Incentives for Cooperation*, (Washington: Brookings Institution Press, 1997).
- Sandole, D. J. D.,*Capturing the Complexity of conflict: Dealing with Violent ethnic conflict of the Post Cold War Era*, (London and New York, Pinter, 1999).
- Sites, P., *Legitimacy and Human needs*, in J. Burton and F. Dukes, "Conflict: Readings in Management and Resolution, (London: Macmillan, 1990)
- Tarimo Aquiline, S. J. and Manwelo Paulin, s. J. (eds),*Ethnicity Conflict, and the Future of African States*, (Paulines Publications Africa, 2009).
- Tarimo, A., and P.Manwelo (eds), *Ethnicity conflict and the future of African states* , (Nairobi ; Paulines Publications Africa,2009).
- Thakur R., *Peace Research in Work in Progress*, (Tokyo: United Nations University Bulletin, Vol. 15, No.3, Summer, 1999).

The main causes effects and possible solutions to conflicts in Samburu District, Centre for Conflict Resolution-Kenya, April and May 2001.

Waltz, K., *Man, State, and War: A Theoretical Analysis*, (New York and London, Columbia University Press 1959).

Wanjohi N.K., *Political Parties in Kenya; Formation, Policies, and Manifestoes*, (Nairobi; Views Media,1997).

Zartman, I., (ed),*Collapsed States: The Disintegration and Restoration of Legitimate Authority*, (Newyork:Boulder Co: Lynne Rienner, 1995).

Zartman, I., *Ripe for Resolution: Conflict and Intervention in Africa*, (New York: Oxford University Press, 1985).

## APPENDIX I

### SURVEY QUESTIONNAIRE

Kindly, do not write your name anywhere on this questionnaire, because of confidentiality.

Dear Sir/Madam,

I kindly request you to complete this questionnaire seeking information that will assist me in my research. The objective of the study is to establish **“Kenya’s post election violence recovery, 2000-2012”**

The questionnaire consist two parts and has 21 questions

Instructions on how to complete is given for each question. It will take about twenty minutes to complete the questionnaire.

#### PART A: INFORMATION ON YOUR PERSONAL ATTRIBUTES.

1. This question seeks to find a suitable description for your current occupation.

Please tick the appropriate box

Student	Employee	Farmer	Business	None

Other specifies:

2. If you indicate employee, please comment about your current employment position

-----  
-----

3. Please indicate by a tick in the appropriate box, the total number of years that you have been in Kenya.

I	II	III	IV	V	VI
0-5	6-15	16-25	26-35	36-45	Over 46
Years	Years	Years	Years	Years	Years

4. Please tick the box that best corresponds to your highest level of education achievement.

		Please tick here
	Primary	
	Secondary	
	Tertiary	
	University degree	
	University degree and above	

5. Please indicate your age group in years by ticking in the appropriate box below.

Code	Age in years	Please tick here
	18-30	
	30-45	
	45-60	
	60+	

6. Please tick the appropriate box for your gender

Code	Gender	Please tick here
	Male	
	Female	

7. Please indicate your marital status by ticking in the appropriate box below.

Code	Marital Status Categories	Please tick here
	Single	
	Married	
	Divorced/separate	
	Widowed	

8. This question seeks to obtain information about your background, where you were born. Please tick the box that best describes you.

Code	Place of Birth	Please tick here
	Outside Kenya	
	Nairobi county	
	Central counties	
	Coast counties	
	Eastern counties	
	North Eastern counties	
	Nyanza counties	
	Rift Valley counties	
	Western counties	

9. This question seeks information about your religion. Please tick the box that best describes you.

Code	Religion	Please tick here
	Protestant/Evangelical	
	Catholic	
	Muslim	
	Indigenous Beliefs/faiths	
	Others	

10. This question seeks information about your living between the period 2007 and 2012, where have you been living. Please tick the box that best describes you.

Code	Place of childhood (first 18 years)	Tick here
	Outside Kenya	
	Nairobi county	
	Central counties	
	Coast counties	
	Eastern counties	
	North Eastern counties	
	Nyanza counties	
	Rift Valley counties	
	Western counties	

**PART B: INFORMATION ON KENYA’S POST ELECTION VIOLENCE CONFLICT;**

11. This question seeks information about Kenya’s post election violence, 2007/2008. In your opinion, what was the root causes of the Kenya’s post election violence?

-----

12. Who were responsible for Kenya’s post election violence?

-----

13. Who were fighting in Kenya’s post election violence?

-----

14. Is the conflict really over now?

-----

15. If yes, what has the Government done to resolve post election violence?

-----

16. How did the conflict affect you?

-----

17. Is there likely-hood of the conflict recurring?

-----



18. Is there a solution to the above issues (20)?

-----  
19. Could you give an account of effects of the conflict, especially on both Kenyan residents and non residents?

20. If yes (above), outline some of the effects.

.....  
21. In your own opinion comment the effectiveness of the current constitution. Also rate the effectiveness of the judiciary, IEBC, National Cohesion and Integration Commission, National Police Service, National Land Commission, Public Service Commission, Salaries and Remuneration Commission and Parliamentary Service Commission.

-----  
-----  
Thank you very much for your time and cooperation, I greatly appreciate your assistance in advancing this research endeavour.

LUCY WANGARI KAMAU

Masters Candidate

Reg N0. R50/62910/2010

End

-----  
**List of Interviewees**

Enonda Dickson, LSK Member, Nairobi

Ogangah Claris, UN, Nairobi

Ihuthia Josphine, OSEA, Nairobi

Muraya Samuel, an official of Kenya Red Cross, Nairobi.

Mwangi Newton, LSK member, Nairobi.

Waigwa Faith, official member of LSK, Nairobi.

Wakarima Monicah, an official of Kenya Red Cross, Nairobi.

Kiptoo Byegon, LSK Member.

Omondi Lilian, Vice Chairperson of LSK, Nairobi

Abdullah Mwana'asha, KNHRE officer in Nairobi.

.

Mutunga Julius, Programme officer of Kenya Red Cross, Nairobi.

Mwangi Kuria, KNHRE officer in Nairobi.

Nganga Bernice, Company Secretary at UAP Insurance Ltd, Nairobi.

Onyango Philip, an official of Kenya Red Cross, Nairobi.

Muchoki Daniel, LSK member, Nairobi.

Salim Salim, KNHRE officer in Nairobi.

Kulecho Kuloba, Law society of Kenya Member, Nairobi.

Katho Douglas, ICM student at IDIS,

Madegwa Laretta, ICM student at IDIS, Nairobi.

Tumaini Nina, ICM student at IDIS, Nairobi