

UNIVERSITY OF NAIROBI
DEPARTMENT OF HISTORY AND ARCHAEOLOGY

**AN EVALUATION OF IGAD CONFLICT EARLY WARNING
SYSTEM IN ADDRESSING THE KENYA POST - ELECTION
VIOLENCE, 2007-2008**

BY

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FULFILMENT OF THE REQUIREMENT FOR THE AWARD OF
THE DEGREE OF MASTER OF ARTS IN PEACE AND
CONFLICT STUDIES OF THE UNIVERSITY OF NAIROBI**

DECLARATION

DECLARATION BY THE CANDIDATE

This project is my original work and has not been presented for award of a degree in any other learning institution.

EDWARD E. MURITHI

DATE

**THIS PROJECT HAS BEEN SUBMITTED WITH MY APROVAL AS
UNIVERSITY SUPERVISOR**

PROF. G. MURIUKI

DATE

DEDICATION

This project is dedicated to my dear wife, Antriza Nkirote whose encouragement and inspiration has brought me this far.

ACKNOWLEDGEMENTS

This project was made possible by the assistance and support given to me in a variety of ways by various people. I appreciate and acknowledge all efforts and contribution rendered to me by all our lecturers at the Department of History and Archaeology in the University of Nairobi for having taken me this far through the course. I want to sincerely thank my Supervisor, Prof. Godfrey Muriuki, for the guidance and direction he gave me through this research project.

ABSTRACT

This study set out to examine CEWARN EWS in addressing the Kenya post - election violence of 2007/08. The study looked at the mandate of CEWARN, their areas of reporting and CEWARN response mechanism. The study asks why the Kenya post - election violence was not averted despite the presence of regional conflict early warning systems. In order to achieve this, the study traced the origin of early warning systems, how the EWS have averted potentially violent conflicts in different parts of the globe, looked at the African Union early warning system and the creation and operationalization of CEWARN.

The research focused on three objectives to get a better understanding of how CEWARN addressed the Kenya post - election violence. The first objective was to establish how CEWARN collected the conflict data, how CEWARN analyzed the collected data and, finally, how CEWARN transferred the analytical insight into practice. The study concentrated on the hotspots areas that suffered the greatest brunt of PEV 2007/08 and a sharp focus was placed on Trans-Nzoia, an area that experienced PEV of 2007/08 while covered by CEWARN EWS.

The study delved in to the Kenya's electoral conflict and more specifically, how Kenya found its self embroiled in the post - election violence of 2007/08 and examined the causes of electoral conflict in the country and the role played by different stake holders in the 2007 electoral process.

To achieve its objectives, the study applied both the greed/grievance theory and human need theory. The study used three hypotheses to get a better understanding of how CEWARN mechanism addressed the Kenya post – election violence. The hypotheses stated that CEWARN collected inadequate conflict relevant data, CEWARN analysis painted a picture of a potential electoral violence and CEWARN Early Warning was not acted upon by the response mechanism. The entire three hypotheses were proved to be true by the evidence gathered.

The research utilized both primary and secondary data collection methods. The research thus used observation, questionnaires, question guides and interviews as instruments of primary data collection. The study equally utilized secondary sources, like newspapers, journals, books, reports and archival data.

The research findings show that CEWARN EWS did little to provide the early warning necessary to prevent the PEV 2007/08. Most of the primary data sources reviewed did not have much on CEWARN involvement/participation in regard to 2007/08.

However, personal interviews and CEWARN reports revealed that CEWARN were privy of an impending electoral violence, but due to the conflicting nature between the overall mandate and sub-mandate, information was not handled as it should have been.

Last but not the least, the research recommends CEWARN to expand on their geographical areas of reporting and the range of the typologies of conflict. The research also recommends further research to understand why the early warning issued was not acted upon by the relevant stakeholders.

LIST OF ABBREVIATIONS

CEWARN	Conflict Early Warning and Response Mechanism
CEWERU	Conflict Early Warning and Early Response Unit
IGAD	Inter-Governmental Authority on Development
FAST	Early Recognition of Tensions and Fact Finding
UNHCR	United Nations High Commissioner on Refugees
UNDP	United Nations Development Programme
EW	Early Warning
FM	Field Monitor
NGO	Non-Governmental Organization
CPMR	Conflict Prevention, Management and Resolution
CSO	Civil Society Organization
FEWER	Forum on Early Warning and Early Response
UNOCHA	United Nations Office for the Coordination of Humanitarian Aid
GPPAC	Global Partnership for the Prevention of Conflict
IDPs	Internally Displaced Persons
NSC	National Steering Committee
SALW	Small Arms and Light Weapons
SLDF	Sabot Land Defence Force
UNESCO	United Nations Educational and Cultural Organization
CTRC	Conflict Transformation Resource Centre
ICC	International Criminal Court
PNU	Party of National Unity
PSC	Parliamentary Select Committee
TJRC	Truth, Justice and Reconciliation Commission
UNICEF	United Nations Children Education Fund
KHRC	Kenya Human Rights Commission
KRCS	Kenya Red Cross Society
KNCHR	Kenya National Commission on Human Rights

OPERATIONAL TERMS

Early warning system. A chain of information communication systems comprising sensor, detection, decision, and broker subsystems, in the given order, working in conjunction, forecasting and signaling disturbances adversely affecting the stability of the physical world; and giving sufficient time for the response system to prepare resources and response actions to minimize the impact on the stability of the physical world

Social Conflict. A struggle for agency or power in society. Social conflict or group conflict occurs when two or more actors oppose each other in social interaction, reciprocally exerting social power in an effort to attain scarce or incompatible goals and prevent the opponent from attaining them. It is a social relationship wherein the action is oriented intentionally for carrying out the actor's own will against the resistance of other party or parties.

Genocide. Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group.

Structural violence. It refers to a form of violence where some social structure or social institution may harm people by preventing them from meeting their basic needs.

Peace building. A term describing outside interventions that are designed to prevent the start or resumption of violent conflict within a nation by creating a sustainable peace. Peace building activities address the root causes or potential causes of violence, create a societal expectation for peaceful conflict resolution and stabilize society politically and socio-economically.

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MAP OF KENYA



Figure 1. Map of Kenya showing all the areas covered by the CEWARN early warning system.

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CHAPTER ONE

BACKGROUND OF THE STUDY

1.1 Introduction

Early warning (hereafter EW) is “the provision of timely and effective information, through identified institutions, that allows individuals exposed to hazard to take action to avoid or reduce their risk and prepare for effective response.”¹

Glantz states that “predictions are not useful, however, unless they are translated into a warning and action plan the public can understand and unless the information reaches the public in a timely manner”. Therefore early warning systems help to reduce economic losses and mitigate the number of injuries or deaths from a disaster or conflicts, by providing information that allows individuals and communities to protect their lives and property. Early warning information empowers people to take action when disasters are close to happening. If well integrated with risk assessment studies, communication and action plans, early warning systems can lead to substantive benefits.²

The field of conflict early warning seeks to forecast the outbreak of armed conflict, or at minimum, to detect the early escalation of violence, with the objective of preventing the outbreak or further escalation of violence in order to save lives.³ Globally, initial conceptions of conflict early warning materialized in the 1970s and 1980s, but the field really emerged on the international policy agenda after the end of the Cold War. Both qualitative and quantitative approaches have been *developed* for conflict forecasting and conflict monitoring.⁴

The African Union (hereafter AU) Continental Early Warning System (hereafter CEWS) was created under the 2002 protocol establishing the Peace and Security Council to provide timely

¹ United Nations. 2006. *Global Survey of Early Warning Systems report*. Newyork. United Nation.

² Glantz M.H. 2003. *Usable Science: Early Warning Systems: Do's and Don'ts*. Report of Workshop, 20-23 October, Shanghai, China.

³ O'Brien, S, P. 2010 . “*Crisis Early Warning and Decision Support: Contemporary Approaches and Thoughts on Future Research*.” *International Studies Review* 12(1): 87-104. Newyork, USA.

⁴ Ibid.

advice on potential conflicts and threats to peace and security to enable the development of appropriate response strategies to prevent or resolve conflicts in Africa.⁵

Conflict prevention in Africa is a new field in need of empirical studies. Regional organizations are becoming involved in the development of networks with civil society and state actors in the emerging culture of conflict prevention by African actors. The Intergovernmental Authority on Development (hereafter IGAD) has as a sub-regional organization in the Horn of Africa started working in the field of conflict prevention, with the establishment of the Conflict Early Warning and Response Mechanism (hereafter CEWARN) in 2002 in Addis Ababa, Ethiopia. CEWARN has been operational since 2003 and is therefore the longest functioning mechanism on the African continent in comparison to Economic Community of West African States (hereafter ECOWAS), African Union and Southern African Development Community's (hereafter SADC's) initiatives of conflict prevention.⁶

Since the beginning of the millennium, the African continent multiplied the initiatives to set in place modern Early Warning Systems. These Early Warning Systems allow anticipating the occurrence of natural or man-made catastrophes, be it in the health sector, in the access to natural resources, or in the political realm. Regional mechanisms have recently seen the light. One can name, among others, the CEWARN mechanism for East Africa and the West Africa Network for Peace building (hereafter WANEP) initiative in West Africa.⁷ In Ghana, the extreme politicization of intractable chieftaincy disputes had the potential to destabilize the northern part of the country and pose serious threats to peaceful national elections in 2004. In response, local peace committees, or District Peace Advisory Councils, were established to deal with these conflicts through a process of community dialogue and mediation.

Training was provided to traditional leaders who were members of the District Peace Advisory Councils. The relevance of these alternative conflict-resolution mechanisms led the government

⁵ African Union Commission. 2006. "*Framework for the Operationalization of the Continental Early Warning System*," paper presented at the Meeting of Governmental Experts on Early Warning and Conflict Prevention, Kempton Park, South Africa.

⁶ Meier, P. 2007. *New Strategies for Early Response: Insights from Complexity Science*. International Studies Association Convention.

⁷ Jakkie C. 2005. "*Towards a Continental Early Warning System for Africa*", ISS Occasional Paper 102, Pretoria: Institute for Security Studies.

to institutionalize the peace advisory councils, and a National Peace Council was set up with the support of United Nations Development Programme (hereafter UNDP).⁸

Kenya, a country viewed by many as an island of peace in eastern Africa, has had its share of inter-ethnic clashes especially towards the general elections. These inter-ethnic clashes are often characterized by loss of life, displacement of people and destruction of properties. Could these inter- ethnic violent conflicts have been averted? Could the violent conflict which erupted in Kenya in 2007 after a disputed election have been averted? Why did the Government or the international community fail to stop the violence way before it occurred? Did the conflict early warning systems in the country warn the decision makers of a potential violence? To many, the 2007 post- election violence was not a surprise. The violence started after a disputed presidential election of December 2007.

The incumbent, Mwai Kibaki of the Party of National Unity (hereafter PNU), was declared the presidential winner by the now defunct Electoral Commission of Kenya (hereafter ECK), beating the main opposition leader, Raila Odinga of the Orange Democratic Movement (hereafter ODM) in a highly criticized polls. Most observers noted that the electoral process was marred by massive electoral malpractices. The electoral process simply failed to meet the expected free, fair and transparency standards. The declaration of Mwai Kibaki as the winner sparked violence across the country. The conflict flared to unprecedented magnitude, resulting to the death of over 1,000 people and displacement of over 600,000 people.⁹ It is against this background that the study aims at evaluating the CEWARN in addressing the 2007/08 post - election violence.

⁸ Jakkie, C. 2005. “*Towards a Continental Early Warning System for Africa*”, ISS Occasional Paper 102, Pretoria: Institute for Security Studies.

⁹ United Nations Secretary-General. 2005. *Prevention of Armed Conflict*. Geneva.

1.2 Statement of the Problem

Reliable early warning provides the time necessary to prepare for short-term containment and relief strategies, and more important, to design, build support for, and implement longer term proactive strategies and development programmes that can reduce the likelihood of future disasters. It should also provide reliable analyses that identify still latent or low-level conflicts or instabilities before they attract international headlines, when there is still time to invest in appropriate structural development and in building conflict management capacity.¹⁰ Lucas states that moving from early warning to a response that concretely prevents conflict, is particularly difficult in the context of limited financial, human, and material resources. It is therefore important to draw a line between early-warning and early-response.¹¹ Early-warning actors and systems face additional challenges in the course of implementation associated with their accuracy in anticipating a conflict, the credibility attached to the prediction formulated, the decision by relevant players to act on the information provided, and the impact the action taken has on the conflict.

As seen in the Kenya situation, where the CEWARN early warning systems failed to give the necessary warning of the impending post - election violence of 2007/08, the question which lingers in our mind is how effective was CEWARN early warning system in arresting the conflict situation? Why did it fail to predict the impending conflict or did the policy makers fail to act on the information? From whichever angle that one looks at, there is still a big challenge facing this system in performing its role. Early warning is, therefore, not valuable in and of itself, but only insofar as it provides the international community with the opportunity to respond to an impending crisis in time to potentially prevent the onset or escalation of violence¹². Africa in general and Kenya in particular, the early warning systems have failed time and again to give the necessary warning of the impending conflict situations. CEWARN, the early warning unit of IGAD, is designed to serve the region as a mechanism that systematically anticipates, formulate case scenarios and options for a timely and effective response to violent conflicts.

¹⁰ Jennifer, De M. 2006. 'Managing Civil Wars, *An Evaluation of Conflict-prevention Strategies in Africa*, [online]. 168(3):131-144. Available: <http://www.jstor.org/stable/20672741>. Accessed: 30/06/2012.

¹¹ Lucas, I. 2010. "*Keeping the Peace in a Tense Election: Ghana, 2008*," Innovations for Successful Societies, Princeton University.

¹² Barbara, H., and Ted, R. G.1998. Journal of Peace Research. *Systematic Early Warning of Humanitarian Emergencies* 35(5) : 551-579 .Accessed on : 30/06/2012 04:02

The unit only gathered information in two clusters in Kenya, and it seems to have too much focus on the pastoral cluster, therefore leaving political conflicts exposed. The two clusters include Karamoja cluster (Baringo, Trans-Nzoia, West Pokot, Turkana) and Somalia cluster (Isiolo, Marsabit, Mandera, Wajir, Garissa). With this background, this study therefore sought to evaluate the Intergovernmental Authority on Development conflict early warning system in addressing the 2007/08 post-election violence and find mitigating measures to prevent occurrences of the same again.

1.3 Research Objectives

1.3.1 General objective

The research aimed at evaluating CEWARN Conflict Early Warning and Response Mechanism in addressing the 2007/08 post - election violence.

1.3.2 Specific objectives

The study was guided by the following specific objectives:

- i.** To establish how CEWARN collected relevant conflict data.
- ii.** To determine how CEWARN analyzed the collected data.
- iii.** To establish how CEWARN transferred the analytical insight into practice.

1.4 Scope of the Study

The study evaluates CEWARN Early Warning System following the post-election violence in Kenya. The scope of the study was before, during and after the post-election violence at the end of 2007 and the beginning of 2008. The 2007–08 Kenyan post - election violence was a political, economic, and humanitarian crisis that erupted in Kenya after incumbent President Mwai Kibaki was declared the winner of the presidential elections held on December 27, 2007 against Raila Odinga of the Orange Democratic Movement. The study was conducted at the CEWERU – NSC to evaluate how CEWARN addressed the 2007/08 post- election violence.

The study chooses CEWARN because its mandate is to receive and share information concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region, undertake analysis of the information and develop case scenarios and formulate options

for response. The study took a sharp focus on the most affected areas and especially Trans-Nzoia which are CEWARN areas of reporting in the Karamoja Cluster.

1.5 Limitation of the Study

The study was limited to CEWARN mechanism in collecting, analyzing and transferring the analytical insight into practice. As such, minimal field research was conducted in Trans-Nzoia and those who were affected by the violence. The study encountered challenges in data collection owing to the fact that the target population was difficult to interview due to the emotive nature of the topic under study, and owing to the sensitive nature of the subject matter. The study faced non-disclosure from some respondents. Nonetheless, adequate preparations including familiarizing the data collector(s) with the objectives of the study was carried out. The study was also faced with scanty scholarly material on the subject(s) area, as this is still an emerging topic of study. However, the researcher strove to consult as many academic materials as possible. The study also faced financial constraint, as it was fully self sponsored by the researcher.

1.6 Significance of the Study

The findings will be useful to the government in informing the basis of review of early warning systems, which will be useful for future conflicts by acting as a baseline study for the improvement thereof. It will also be useful to both the management of CEWARN and National Conflict Early Warning and Early Response System (hereafter NCEWERS) in effective early warning systems in the country. The study will also be beneficial to conflict resolution specialists and humanitarian non-governmental organizations (hereafter NGOs) as it aims to lead to the formulation of policies which will effectively address conflicts before they became violent. And academicians interested in conducting further research will find the findings useful too.

1.7 Literature Review

1.7.1 Origins of Conflict Early Warning System

The origins of 'early warning systems' lie in two main sources - disaster preparedness, where the systematic collection of information was expected to shed light on the causes of natural calamities, and the gathering of military intelligence. In the 1950s a connection was made between the efforts to predict environmental disasters, such as drought and famine, and attempts to foresee crises arising out of political causes. The period from the 1960 to the 1970 was characterized by a firm belief in the value of information technology and faith in the wonders of statistical analysis. Granted large budgets by the governments, projects were constructed which used event data-coding and sought to build models for understanding political behaviour.¹³

Early warning systems help to reduce economic losses and mitigate the number of injuries or deaths from a disaster, by providing information that allows individuals and communities to protect their lives and property. Early warning information empowers people to take action when a conflict is about to take place. If well integrated with risk assessment studies and communication and action plans, early warning systems can lead to substantive benefits. It is essential to note that "predictions are not useful, however, unless they are translated into a warning and action plan the public can understand and unless the information reaches the public in a timely manner"¹⁴ Glantz argues that the importance of early warning systems is the ability to translate the predictions into action. This is a key point and forms the essence of EWS. This view is important to the research as it highlights how early warning system evolved from a reactive system of collecting information on the causes of a disaster, to a proactive system that could predict a disaster about to take place and hence protect individuals and their properties. Conflicts are preventable. They are not a fatality. A conflict is in fact announced early by a multitude of converging signals. These signals may not be visible to all of us. But the expert knows very well how to recognize them. He has developed the tools to help him; he calls these tools "Early Warning Systems".

¹³ Azar's, E. 1982. *The Codebook of the Conflict and Peace Data Bank*, Center for International Development, University of Maryland at College Park.

¹⁴ Glantz, M.H., 2003. *Usable Science: Early Warning Systems: Do's and Don'ts*. Report of workshop, 20-23 October, Shanghai, China.

The initial early warning systems were largely based on the analysis and processing of information from open sources, such as news reports and readily available statistics. These methods, however, proved inadequate to the complexities of deeply-rooted conflicts and remote local situations about which little public information existed. Simultaneously, a discourse emerged on the need to connect early warning with response measures, and the specific recommendations for target groups.¹⁵

These observations are important to the research as it highlights problems that existed with the initial early warning system. These systems relied on information from open source which led to wrong predictions. The author also highlights that the initial early warning systems were not able to translate the predictions to effective response. This is still a major problem with the current early warning systems where the response mechanism seems reluctant to act on the predictions provided by the early warning system.

Throughout the 1990s practitioner organizations, both local and international, became more interested in getting early warning information and analysis to serve as a basis for their programming. Such thinking gave rise to the emergence of various early warning systems around the world. Some of them were integrated with a capacity for early response, others with a mission to provide analysis and recommendations for other actors.¹⁶ Kumar notes that many organizations initially started early warning systems for their internal projections, but with time these systems evolved around the world and led to further analysis, and use of EWS. The author highlights some milestone in the development and functioning of EWS where they were provided with the capacity to respond to the warnings and capacity to give recommendation to the actors. However, the author fails to give details on the precise organizations and the link between the early warning and response. Kumar Rupesinghe identifies ‘three generations’ of early warning systems. The first generation of early warning systems was the systems where the entire early warning mechanism (including conflict monitoring) was based outside the conflict region (namely, in the West).

¹⁵ Ibid.

¹⁶ Matveeva, A. 2002. *Early warning and early response: conceptual and empirical dilemma*; issue paper no 1; Global partnership for the prevention of armed conflict. Amsterdam: Haasbeek, Alpha a/d Rijn.

The second generation amended this approach by basing the monitoring mechanism in the conflict zones, namely, by having the field monitors to gather primary event data. The analysis, however, continued to be conducted outside the conflict region.¹⁷ The third generations of early warning systems are entirely located in the conflict regions. They integrate early warning and early response together as simultaneous processes.¹⁸ Austin divides the existing ‘systems’ into four methodological categories: quantitative, qualitative, a mix of the two and networks.¹⁹

The best-known current ‘systems’ with a wide international coverage include *Finance Alliance for Sustainable Trade [FAST] International* and the *International Crisis Group*. International organizations, such as the United Nations (UN) and the European Union (EU), have their own ‘watch lists’ or ‘global alerts’, but these are not publicly accessible. This observation is important to the research as it highlights on the different types of EWS and their improvements over the years. It’s worthy to note that the first and second generations EWS were not as effective as the third generations since they operated outside the conflict area and mainly relied on information from open source, hence leading to wrong predictions. However, with the emergence of the third generation EWS which were based in the conflict area, the predictions were more accurate since the field monitors and analysts were based in the conflict area.

The United Nations High Commission for Refugees (hereafter UNHCR) has a system operated via write net to help the agency to respond to potential refugee flows. Bilateral and multilateral agencies have developed their own structures for internal use, not always termed ‘early warning’, but with the same concept in mind.²⁰

In an attempt to trace the history of early warning systems, Kumar highlights the key turning points of EWS and notes the role played by the UN in advancing EWSs, especially when it came to issues relating to conflicts. Kumar had been able to show that different organizations and agencies can merge their efforts in information sharing to develop very effective EWSs.

¹⁷ Kumar, R. 2005. *A New Generation of Conflict Prevention: Early Warning, Early Action and Human Security*, paper presented at the Global Conference on the ‘Role of Civil Society in the Prevention of Armed Conflict and Peace building. New York.

¹⁸ Ibid.,p.3

¹⁹ Ibid., p. 4.

²⁰ Matveeva, A. 2002. *Early Warning and Early Response: Conceptual and Empirical Dilemma*: Issue paper no 1; Global partnership for the prevention of armed conflict. Amsterdam: Haasbeek, Alpha a/d Rijn.

There are a variety of theoretical and practical approaches to early warning/ response. A consensus seems to be that in order to identify the causes of conflict, predict the outbreak of violence and mitigate the conflict, an early warning system should contain six core mechanisms. They include data collection, data analysis, assessment for warning or identification of different scenarios, formulation of action proposals, transmission of recommendations and assessment of early response²¹. This observation is important to the research as it highlights the most important core components that a EWS should have for it to be effective. The researcher used these components to formulate the questionnaire to evaluate CEWARN EWS.

Early warning systems can be distinguished by whether they adhere mainly to a quantitative or to a qualitative methodological perspective, or whether they use an explicit methodology at all.²² Some systems, which started as mainly quantitative, grew to incorporate a fair measure of narrative analysis. Quantitative systems try to ascertain the preceding contextual structures, events and processes that caused the outbreak of violence from empirical evidence. They are classified into five main models: structural, accelerator, threshold, conjunctural and response²³. The observation is important to the research as it highlights on the methods used by EWS to collect information.

From the literature reviewed, it's worthy to note that most EWS have resulted to combining both qualitative and quantitative techniques for predictive analysis. This is because quantitative data are based on empirical causal relationships while the qualitative data are well suited to identify the causes of conflict.

Early Recognition of Tensions and Fact Finding (hereafter FAST) at Swisspeace is the organisation which has most consistently applied quantitative methods in data collection and analysis out of which it generates graphs of conflict and cooperation trends. The methodology is based on analysis of events and extrapolation of the trends which derive from the past over future escalation and crisis.

²¹ Matveeva, A. 2002. *Early warning and early response: conceptual and empirical dilemma*: issue paper no 1; Global partnership for the prevention of armed conflict. Amsterdam: Haasbeek, Alpha a/d Rijn.

²² Ibid.,5.

²³ Austin in Ibid. referring to Ted Gurr's typology (1998).

All events that are considered relevant are assigned a certain numeric value according to a distinct conflict scale. These values are then added up and displayed in a graph for specific combinations of indicators and for specific periods of time.²⁴ Matveeva elaborates on how quantitative early warning systems analyze their data. The examples used by the author are good as they help to further explain just how quantitative early warning systems functions. The only concern is that the example given is of a western EWS. were it a local EWS, it would have given the research a deeper understanding on the functioning of local early warning systems.

In every country it monitors, FAST establishes Local Information Networks (hereafter LIN) responsible for tracking and reporting relevant information in accordance with a specific set of questions or properties related to the political salience of a conflictual or cooperative event. Each LIN consists of one Country Coordinator and two to six Field Monitors. FAST provides Country Coordinators with training in conflict analysis and event data methodology. Their information feeds into an event archive that can be searched for specific indicators and issues. Data analysis is supplemented by collaboration with in-house desk officers with regional expertise and internationally renowned country experts²⁵. However, events' analysis poses limitations. What should be reported/ analysed if there are too few 'conflict-related' events, or if episodes of violence are not directly related to a potential conflict? Generic reservations with regard to the use of quantitative methods include: collection of quantitative data by itself can prove too comprehensive to be operational and data tends not to be available from open sources for the most important conflict indicators.²⁶ Matveeva's elaboration highlights on the importance of analysts being regional experts and trained in conflict analysis. The author goes further to caution on 'events' analysis as it may lead to ambiguity on what to be reported or analyzed. Matveeva also cautions on the use of quantitative data as it may prove too comprehensive to be operational. Although the example given is not local, one can relate it to a local set up to get a deeper understanding of analysis and reporting of a local EWS.

²⁴ Matveeva, A. 2002. *Early warning and early response: conceptual and empirical dilemma*; issue paper no 1; Global partnership for the prevention of armed conflict. Amsterdam: Haasbeek, Alpha a/d Rijn.

²⁵ Ibid.,p4.

²⁶ Ibid.,p5.

The danger of qualitative data is that the data availability can itself lead to a one-sided approach: normally it is easier to obtain reliable information about the actions of a government side in a conflict than those of the rebel/ opposition side. Consequently, there is a tendency to picture the government as the main actor(s) behind violence and lose out on a more balanced assessment. The same conflict indicators can have very different meanings in different contexts. In some contexts, protest demonstrations would reflect normal political behaviour, while others indicate a possibility of regime change or major violence.²⁷ Matveeva provides a useful insight on the downside of qualitative data in that it can lead to bias reporting hence wrong analysis. He also cautions on the use of indicators in that they can have different meaning in different context.

Different concepts lying at the heart of data collection can produce vastly different conclusions from the same set of data²⁸. One drawback of existing quantitative approaches is their reliance on the use of security incident reports. Typically, violent incidents (or even “events” more broadly defined as including both cooperation and conflict) have driven most early warning efforts to date. With this common approach, an under- reporting of signs of local cooperation tends to happen because it is easier to document violent incidents given their higher visibility and certainty with respect to their threshold of inclusion as an event.²⁹ This threshold has generally been restricted to the national level, thus barring a bottom-up approach to early warning and adding to the challenge of distinguishing between nationally significant and non-significant events. This methodological constraint is not fully mitigated by monitoring both conflict and cooperation incidents; the preconditions for peace and precursors to humanitarian crises can get overlooked when the focus is chiefly on interactions or “events” that must be defended as significant at the national level.

The work is important to the research as it highlights the draw backs of qualitative data in that it tends to overlook some events which don't seem important and ends up with the wrong analysis. Had the author given a local example, it would have given a better understanding of the concept. But the author's ideas were useful in framing research questions.

²⁷ Ibid., P. 6.

²⁸ Katja, H. 2002. Conflict Early Warning and Response Mechanism in the Horn of Africa: assessed 26/6/2013.

²⁹ Ibid., P. 3.

Quantitative data in order to be operational has to support certain hypotheses about potential for conflict which can be proven right or wrong. This would provide a clear rationale why certain questions are relevant for a country/ region. The reality is, however, that empirical evidence seldom corrects a false hypothesis. Austin argues that quantitative early warning systems are ill suited to identify the causes of conflict. Quantitative early warning system cannot identify the origins of conflict because they are based on empirical causal relationships. Empirical evidence is insufficient because the issues remain conceptual. Conflict analysis is where the researcher must draw the line himself, and the consequences of this can be seen in the vividly different data sets. The origins of conflict do not lie in causal relationships outside of the individual, but rather as reasons within the perception of the individual or group. These reasons cannot be ascertained through empirical evidence³⁰.

Due to the nature of conflict and grievance, it is not possible to empirically quantify data and draw causal relations on this basis. Grievance is not a static quota given equally to all, but rather an ever changing force where there are as many grievance tolerance levels as there are people.³¹ There is an important difference between cause and reason, and preceding events may or may not serve as a basis for predicting subsequent political behaviour, and indicate only what may be probable or sensible steps to take in the circumstances.³² Austin provides a useful insight on the importance of hypothesis in regard to analysis and prediction of a potential conflict. Most authors note that analysis without hypothesis leads to wrong prediction. Qualitative ‘systems’ are characterized by having a core watch group, such as Human Rights Watch. They employ field-based analysts, typically posted within the region in question to conduct in-depth research.³³ Reliance on qualitative data has its own downside, i.e. the potential for subjectivity and interference of political ideology. Some reservations are derived from the reputation of advocacy organisations which adhere to these methods, such as Human Rights Watch and the hard-line approach they take on occasion. Thus, reports can be geared to support a certain political argument rather than assess the situation as it is.³⁴

³⁰ Austin, Op.cit., p. 16.

³¹ Austin, Op.cit., p. 17.

³² Austin, Op.cit., p. 17.

³³ Austin, Op.cit., p. 18.

³⁴ Goldstone, J. 2008. ‘*Using Quantitative and Qualitative Models to Forecast Instability*’. USIP Special Report 204, Washington, D.C.: USIP.

Presuppositions about the causes of a particular conflict can greatly influence the collection and analysis of field data. The appeal of quantitative methods has been partly rooted in a belief that conflicts can be explained by economic and social conditions and therefore analysis of such indicators can provide a basis for prediction. Traditionally, such notions have been popular among the development community which tended to see the causes for conflict in social and economic conditions ('development challenges') and in political economy. Thus, statistical methods are utilized to capture the social-economic dynamics.³⁵

The UN OCHA's early warning methodology calls for a combination of quantitative and 'assessment-based' (qualitative) methods. However, the relevance of many of OCHA's indicators is far less obvious for Asia or Europe where development statistics are not too worrisome. Moreover, areas where conflicts unfolded (Serbia/ Croatia) have not been economically worse off than regional neighbours (Romania) which remained peaceful. Thus, an assumption that conflicts are caused by economic and social circumstances ('root causes'), rather than power, identity and ideology, led to a search for 'objective reasons'. On occasion, they gained pride of place at the expense of less tangible issues, such as the ideology of nationalism or religious hatred, the political behaviour of a leadership group, cultural factors, etc. As a result, analysis of social and economic indicators often failed to explain why conflict occurred in one country but not in another with similar developmental problems.³⁶ By emphasizing its scientific character and devoting attention to 'objective' or 'structural' causes, early warning arguably moved too far away from scrutinizing the behaviour of leadership groups and the role of personalities in politics. The nature of a state and/ or political regime needs to be taken into account when discussing an appropriate methodology. Perhaps the lesson is that statistical and events-based methods are more suited to conflict situations in weak states with relative openness, high levels of violence and rich data availability. By contrast, in stronger and more authoritarian states 'events' may not transpire and statistics would paint an unrealistic picture, allowing only indirect and subjective emerging trends could be traced and interpreted.³⁷

³⁵ Ibid.,p.3

³⁶ Ibid.,p.4

³⁷ Michael, W., and Nicholas, S., 2006. *Making War and Building Peace: United Nations Peace Operations*, Princeton: Princeton University Press.

The work is important to the research as it highlights the negative and positives of both qualitative and quantitative methods of data collection. One can observe that qualitative data has the potential for subjectivity and interference of political ideology while quantitative data does not tell the real cause of conflict. From the literature reviewed, it is evident that EWS that solely rely on one of the methods does not predict effectively. Therefore most of the EWS have resulted to combining both qualitative and quantitative in order to provide accurate early warning of potential conflicts.

1.7.2 Conflict Early Warning and Response Mechanism

‘Conflict early warning and response’ (EWR) was conceived as a means of preventing violent conflict in order to protect people’s lives. Broadly, two types of mechanisms can be distinguished: quantitative and qualitative models. The most explicit response mechanism exists with regard to humanitarian emergencies at the UN level. However, the EWR mechanism is far from being efficient since the UN is a bureaucratic organisation with a ‘silo’ mentality among the different agencies and departments, and the UN Security Council is a highly politicised body. At the same time, only in recent years have regional organizations been charged with responding to crises and only now are they beginning to establish instruments (organs of peace and security) with a capacity to respond.³⁸ From this work, one can therefore observe that The UN seems to have had a lot of influence on the development of the politicized early warning systems in the world and particularly in Africa. Also, it shows that the concept of early warning is relatively new in the continent. This helps the study to explain and have an insight on why the EWR might be ineffective in issuing early warning of an impending violence.

‘Conflict early warning and response’ is being scrutinised today and questions are raised regarding the effectiveness of these tools. Two trends can be observed. Firstly, methodologies have improved. Most recently, for example, innovative proposals to combine both approaches have been put forward.³⁹

³⁸ Adelman, H. 2007. ‘*Early Warning and Conflict Management in the Horn and West Africa*’, Paper presented at the Annual Meeting of the International Studies Association 48th Annual Convention, Hilton Chicago.

³⁹ Goldstone, J. 2008. ‘*Using Quantitative and Qualitative Models to Forecast Instability*’. USIP Special Report 204, Washington, D.C.: USIP.

Conflict prevention in Africa is a new field in need of empirical studies. Regional organizations are becoming involved in the development of networks with civil society and state actors in the emerging culture of conflict prevention by African actors. IGAD as a sub-regional organization in the Horn of Africa that started working in the field of conflict prevention, with the establishment of CEWARN in 2002 in Addis Ababa, Ethiopia.

CEWARN has been operational since 2003 and is therefore the longest functioning mechanism on the African continent in comparison to ECOWAS, AU and SADC's initiatives of conflict prevention. Still the implementation has been mainly concerned with the early warning side of the mechanism, while the link and application of early responses of prevention are under development with the Rapid Response Fund (hereafter RRF) being setup in January 2009.⁴⁰ This work shows that apart from being under developed, there is still a problem with linking early warning and early response within the CEWARN mechanism. Could this be the reason why PEV 2007/08 erupted despite the presence of the CEWARN mechanism? To address this gap, the study focused on how CEWARN links its early warning and response to prevent violent conflicts within the IGAD region.

The models applied by the Political Instability Task Force (hereafter PITF) meanwhile claim to have a predictive capacity of between 80 and 90 percent.⁴¹ At the same time, however, the usefulness of specific systems that were unable to adapt to user needs and find their niche has waned.⁴² This can be seen in the closing down of the Forum on Early Warning and Response (hereafter FEWER) and more recently *Frühanalyse von Spannungen und Tatsachenermittlung*, (FAST). Secondly, several regional organisations, especially in Africa, have engaged in establishing EWR mechanisms, partly on the insistence and with the assistance of donor organisations, while others, especially in Asia, have abstained from such commitments.⁴³

⁴⁰ IGAD. 2002. Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for the Inter-Governmental Authority on Development (IGAD) Member States. Addis Ababa, Ethiopia: IGAD.

⁴¹ Goldstone, J. 2008. *Using Quantitative and Qualitative Models to Forecast Instability*. USIP Special Report 204, Washington, D.C.: USIP.

⁴² Ibid., P2.

⁴³ Goldstone, J., Gurr, T, R., Harff, Barbara, Levy, Marc A., Marshall, Monty G., Bates, Robert H., Epstein, David L., Kahl, Colin H., Surko, Pamela T., Ulfelder, John C. and Unger, Alan N. 2000. *State Failure Task Force Report: Phase III Findings*. McLean, VA: Science Applications International Corporation.

It's worthy to note that the Asia EWS have abstained from western grants and influence while the Africa EWS have gladly accepted the western grants. This might have a negative influence on the operation of the African EWS since they are not domesticated to address the special needs of the African continent. In my opinion, this might have contributed to the failure of the African EWS to effectively contain violent conflicts in the region. More so the CEWARN mechanism, being a domestication of the UN EWS, might be suffering from copy pasting the western early warning system without taking into consideration the special needs of the IGAD region.

Conflict early warning and early response are connected as a mechanism of conflict prevention. The assumption is that by gathering information on early warning of escalating crises and analyzing the possibilities of early responses, the prevention of violent conflict is of greater likelihood. How such a mechanism is to be effective is not inherent and specified in theory. Hence the causality of warning and response depends upon the actors involved in the measures taken to prevent conflict from escalating. Research is very limited on how to implement effective responses to prevent crises from escalating; there is therefore a great need to increase knowledge on how the relevant stakeholders deal with mitigating factors, collaboration and inclusion locally.⁴⁴ The work is very important to the research as it acknowledges the fact that research on how to translate response from early warning is very limited and that Africa has collaborated with donors to establish EWS while Asia has not sought the donor assistance and funding. This might be a pointer as to why Africa EWS has not been effective in preventing violent conflicts compared to Asia and the developed world.

As Babaud and Judge in their 2011 European Union study, "Early Warning, Early Response Learning Lessons from the 2010 Crisis in Kyrgyzstan" acknowledge that turning early warning into timely action is not straightforward as it seems. In addition to dealing with the political realities of sovereignty, security and physical access in country, adequate institutional structures and processes are critical for the EU to analyse and respond to early-warning signals. Preventing violent conflict effectively requires a robust and mainstreamed capacity to monitor and analyse conflict trends and appropriate early-warning signals; systems to communicate findings and

⁴⁴ Meier, P. 2007. New Strategies for Early Response: Insights from Complexity Science. International Studies Association Convention.

recommendations to the relevant in-country and Brussels-based actors; a political decision to mobilise capacity and resources for a timely and effective response.⁴⁵ This observation is very important as it highlights on the challenges of translating analysis into response. Political realities on the ground, security and physical access in country, adequate institutional structures challenges, have been sighted as factors which adversely affect EWR in the EU report. These factors also affect the CEWARN mechanism in preventing violent conflict and they were taken into consideration in the formulation of the questionnaire.

Conflict early warning systems differ with regard to types of conflicts, geographic coverage, institutional levels and composition of stakeholders involved. We can therefore categorize on the following basis, types of conflict are intra-communal conflicts, inter-communal conflicts, ethnic conflicts, religious conflicts, border conflicts, inter-state conflicts. Geographic coverage of some conflict: local, national, sub-regional, continental levels.

Institutions charged to respond to early warning are governmental/military level, academic/ NGO level and composition of stakeholders involved like conflict actors, conflict mediators, security forces, politicians, desk officers, administrators, civil society actors, academia, research institutes, media private sector, interest groups, international organizations and donors.⁴⁶ This work was important to the research as it gives an overview of the different types of EWS, the different geographical areas they cover, the different typologies of conflict they cover and the different actors involved in different EWS. From the aforesaid, it is important to note that for an early warning system to effectively achieve its mandate, it must align its operation to the type of conflict and the geographical area it is supposed to monitor and provide warning on.

Looking at the overall mandate of CEWARN, one realizes that for CEWARN to effectively achieve its mandate of receiving and sharing information concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region, then its geographical coverage and its range of typologies of conflict must be crosscutting in the entire IGAD region.

⁴⁵ Matveeva, A. 2006. *Early Warning and Early Response: Conceptual and Empirical Dilemmas*, Issue Paper 1 September. UK..

⁴⁶ Sébastien, B., and Katya, Q. J.,. 2010. *Early Warning, Early Response? Learning lessons from the 2010 crisis in Kyrgyzstan*. UK..

However, with the limitation on its current geographical coverage and the typologies of conflict, CEWARN's achievement of its mandate in the IGAD region leaves a lot of questions unanswered. These limitations could have affected its ability to provide warning to the Kenya PEV2007/08.

The instruments used in measuring the unfolding events play a very crucial role in the credibility of early warning reports. Consequently, we must know the procedures for compiling early warning reports in order to make them credible and acceptable to stakeholders. Early warning capabilities require a systematic, multi - factor, and integrated approach. The necessary framework would incorporate both the historical context and specific local interactions associated with failure and successful approaches and combine multiple methodologies – structural, event monitoring (local and international) and expert analysis.⁴⁷ This work is very important in elaborating how early warning information should be packaged to earn credibility. Lack of credibility from stakeholders can result to slow or no response from the response mechanism of the early warning. It is therefore expected that the response mechanisms of CEWARN have credibility to the information and warnings given to them by CEWARN and NSC.

In the past ten years, there has been a significant change and improvement in the methodologies used in early warning and early response. Early warning systems do not result in early preventive actions. Skeptics will suggest that although we have a variety of early warning systems that have been created, they do not result in effective response systems because of the politicization of many conflict issues. Austin suggests that early response means ‘any initiative that occurs in the latent stages of a perceived potential armed conflict with the aim at reduction, resolution or transformation. The term mechanism will refer to the individual units of an EWS, such as data collection, data formatting, data analysis with the understanding that there is a relationship and process between these unities for the system to operate.’⁴⁸

⁴⁷ Keyserlingk, N.V. and Kopfmüller, S. 2006. *Conflict Early Warning Systems: Lessons Learned from Establishing a Conflict Early Warning and Response Mechanism (CEWARN) in the Horn of Africa.* .

⁴⁸ Stanton, G.H., 2009. *The Rwandan Genocide: Why Early Warning Failed.* Journal of African Studies and Peace Conflicts, 1(2), pp. 6-25. .

In the light of the above it is worth noting that the 2007/2008 PEV would have been prevented if the early warning provided by CEWARN would have been acted upon by the response mechanism. It seems that the PEV caught most unawares. While much light has been shed on the role of security agencies in preventing the PEV by the Waki report and Kriegler commission among others, scanty information exists on the role of CEWARN in addressing and preventing the PEV. A number of researches have been carried in relation to CEWARN's preventive diplomacy in the IGAD region. From the literature reviewed, most of these studies have been concentrated in the pastoral conflict areas of Mandera, Wajir, Turkana, and West Pokot. There is, therefore, a need to investigate the involvement of CEWARN in addressing Kenya PEV 2007/08.

1.7.3 Intergovernmental Authority on Development and Conflict Early Warning System

The IGAD region stretches over an area of 5.2 million km² and a population of over 170 million comprising the countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda. The region has a great variety of climates and landscapes including mountain glaciers, tropical rain forests, and grasslands as well as arid and semiarid areas, among other features. The region is prone to recurrent hazards, such as droughts and floods, making it one of the most vulnerable regions on the African continent to climate variability and change.⁴⁹

Intergovernmental Authority on Development was initially established to address issues of drought and development in the region. It was revitalised in 1996 and its mandate expanded. IGAD's expanded mandate is to coordinate and harmonise policies in the areas of socio-economic, agricultural development, environmental protection and political and humanitarian affairs. The prioritisation of programme and projects in the expanded areas of cooperation recognizes the alleviation and mitigation of humanitarian crises as an integral part of IGAD's overall strategy for sustainable development in the region.⁵⁰

⁴⁹ Michael, W., and Nicholas, S., 2006. *Making War and Building Peace: United Nations Peace Operations*, Princeton: Princeton University Press.

⁵⁰ IGAD. 2002. Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for the Intergovernmental Authority on Development (IGAD) Member States. Addis Ababa, Ethiopia: IGAD.

A series of natural and human-made hazards that cause disasters in the IGAD region have enabled the political leaders to realise the need for more integrated cooperation in the region. IGAD member countries are at risk from a wide range of natural, technological and environmental hazards that can lead to disasters. Member countries have, in their limited capacities, followed separate strategies to respond to these disasters. Experiences have shown that past strategies and response mechanisms have never been adequate. In this regard, there is need for a comprehensive policy on disaster risk management that is proactive and harmonises policies and activities and opens initiatives for regional collaboration.⁵¹

Some early warning initiatives are being undertaken at both the country level and the regional level, but their effectiveness is often limited in scope and duration and do not always allow undertaking disaster and risk management processes in a comprehensive and coherent way. IGAD has established specialized institutions to address some of the early warning aspects.⁵²

This work was very important to the research as it highlights the major weakness of the regional early warning systems being their limited scope in terms of geographical coverage and typologies of conflict, among others. CEWARN being the initiative of the IGAD, designed to serve the region as a mechanism that systematically anticipates and responds to violent conflicts in a timely and effective manner ought to have put into consideration the geographical coverage and the range of the typologies of conflict to effectively achieve its mandate.

1.7.4 Conflict Early Warning and Response Mechanism in Kenya

In Africa, a continent which has witnessed high levels of violent conflicts, the African Union has established a Continental Early Warning system. Similarly, sub-regional organizations have set up such systems, although different regions have made varied progress. In the Horn of Africa, the premier sub-regional organization-IGAD -has set up an elaborate CEWARN.

⁵¹ Lucas, I. 2010, “*Keeping the Peace in a Tense Election: Ghana, 2008*,” Innovations for Successful Societies, Princeton University.

⁵² Ibid.,p5

The mechanism remains the most advanced in Africa.⁵³ Previous studies of CEWARN have examined the overall causality of early warning and conflict prevention. The correlation between mitigation of conflict and violence has been shown to be positive, while correcting for the effect of time lag the opposite effect has been proven, which means that there is a positive link between early warning and the prevention of conflict.⁵⁴ Katja Christensen conducted a research in Ethiopia in 2009 to understand how CEWARN responses of early warning are decided and acted upon by the actors. She however concentrated on the pastoral conflicts and overlooked the political conflicts, which are the major causes of conflict in the region. The relevance of the project is therefore to access CEWARN in addressing the Kenya post - election violence of 2007/08.

1.7.5 Kenya post - election violence

On 27 December 2007, some ten million Kenyans went to the polls in what was generally anticipated to be the most hotly contested and close-run presidential, parliamentary and civic elections in the country's 45 years since emerging from British colonial rule.

The register of voters had been swelled since the previous elections by several million new registrations, many of them young first-time voters, and the ECK had doubled the number of voting stations to 27, 555, arranged in some 20,000 polling centers.⁵⁵ Since the constitutional referendum in 2005, political discourse in Kenya had been sustained at a high pitch and tended to focus on the presidential contest. The two main presidential candidates, incumbent President Mwai Kibaki, and former ally, Mr. Raila Odinga, had led opposing sides in the referendum, which was won handsomely by the Odinga side.

It was, therefore, hardly surprising that a prominent feature of the ODM parliamentary and presidential campaigns was the claim that only rigging could prevent their taking power at the elections. Elections in Kenya have been characterized by intensified awareness of ethnic divides and deep-seated historical land grievances, especially among rural communities.

⁵³ Mary, A. 1999. *Do No Harm: How Aid Can Support Peace – Or War*, Boulder, CO: Lynne Rienner Publishers.

⁵⁴ Meier, P. 2007. *New Strategies for Early Response: Insights from Complexity Science*. International Studies Association Convention . Ottawa. Priton.

⁵⁵ Kenya. Kriegler commission report. 2008. *Independent Review Committee*. Nairobi. Kenya Government printer.

President Kibaki, heading the PNU ticket and drawing his support mainly from the Kikuyu, Embu and Meru communities of Central and Central Eastern provinces, campaigned principally on his socio-economic record. Mr. Odinga at the head of the ODM, with the support of largely the Luo, Luhya, Kalenjin and some smaller ethnic communities, vocalized the need for fundamental political and socio-economic reform and devolution of state power.

Although the emphasis was more pronounced at the civic, parliamentary, and in the rural areas, the ethnic configuration of the PNU and the ODM, and the origins of the two main contenders in the presidential contest, remained a factor. Opinion polls predicted a close contest, Odinga leading but Kibaki later narrowing the gap. On December 29, as the country awaited the results from these areas, ECK Chairman Samuel Kivuitu stoked the fire when he announced that he had lost touch with some of the returning officers in the areas that had not yet sent in their results. His suggestions that the returning officers may be “cooking” the results further solidified the public suspicion that the election results were being manipulated⁵⁶.

Shortly after the remarks, incidences of looting, blocking of roads and violence began to be reported across the country. At the end of the Saturday, 29th December with the anxiety intensifying, the ECK decided to invite representatives of the ODM and the PNU to scrutinize all the contentious results overnight.

In the light of the above, it is worth noting that the 2007/2008 PEV would have been prevented if IGAD took an active role during the electioneering period. In my opinion, CEWARN would have achieved its overall mandate if it had sent elections observers to monitor the voting process. This was however not done since the sub-mandate of CEWARN restricts it from performing such roles. It appeared ridiculous for IGAD to involve itself to arbitrate the electoral conflict when it erupted while it did nothing to ensure that it never occurred. With the repeated history of electoral violence in Kenya since 1992 and the political conflicts in Sudan and Somali, IGAD and CEWARN seem to have done nothing to address its conflicting mandates to address the political violence which seems to be taking center stage in destabilizing the IGAD region.

⁵⁶ Ibid.

1.7.6 Conflicts in Kenya

1.7.6.1 Land Disputes

Constitutionally, individuals may own land in any place in Kenya and no part of the country belongs to an ethnic group. Nevertheless, this phenomenon is de facto a characteristic of many areas, particularly as many of the newly created districts since the nineteen nineties have been ethno specific, leading to the creation of ethnically homogenous effective “native reserves”.⁵⁷ This in turn has created the notion of “insiders”, who are native to a place and “outsiders”, who have migrated there, a notion that has been tapped by aspiring politicians. Still, gross corruption in the acquisition, registration, and administration of land matters has been a major problem in Kenya. The Ndungu Report noted that throughout the 1980s and 1990s public land was illegally and irregularly allocated “in total disregard of the public interest and in circumstances that fly in the face of the law”. “Land grabbing” and the allocation of public land as political patronage were part of the gross corruption of this period.

Those involved in this allocation were senior public servants, but also local land boards, the courts, and a range of officials including members of the provincial administration, politicians, and others. Land allocations were therefore used to reward “politically correct individuals”, and became heavily politicized. Given that the recommendations of the Ndungu report were never implemented, this has increased the sense of frustration in attempting to deal with land tenure disputes. Furthermore, as land is an emotive issue, politicians have capitalized on issues surrounding it, including encouraging violence during elections.

In analyzing the causes of the post-election violence, the Commission documented that many Kalenjins argued that it was a product of long-standing anger over land distribution following independence. They argued that the community land was alienated by the colonial government and then unfairly parcelled out to Kikuyus and other groups whom they view as outsiders.⁵⁸ In the light of the above, it is worth noting that CEWARN would have captured the violent indicators dynamics leading to the 2007/2008 PEV.

⁵⁷ Kenya. Waki Commission report. 2008. *CIPEV (commission of inquiry into the post election violence)*. Nairobi. Kenya Government printer.

⁵⁸ Ibid.opcit.,p6.

These indicators would include evidence of boundary disputes, Negative images or hateful attitude towards any group of people, displacement of people, armed clashes, destruction or theft of property, peaceful protest and provocative behaviour like incitements and threatening people with eviction from their land.

1.7.6.2 Unemployed Youth

It is estimated that there are two million youth who are unemployed. Furthermore, between 1992 and 1996, the number of street children increased 300% in just four years. Many of these initially rootless children who are now adults are the product of displacement by ethnic violence.⁵⁹ They have grown up on the streets and are inured to violence. In addition, they have no hope of formal sector employment. The combination of being rootless, having survived amidst violence, plus their need for an identity and a livelihood makes them ready recruits for violent gangs, which exist all over Kenya and are tapped by politicians, particularly but not exclusively during elections.

Additionally, there is also a growing problem of unemployment among youth who are university educated, estimated to be around 40,000 a year, given that only 150,000 formal sector jobs have been created since 2003, raising the spectre of whether these individuals will also be ready to engage in violence as well if they are unable to find work. Violent gangs, consisting mainly of unemployed youth, have been mobilized into gangs along ethnic lines⁶⁰. Examples include Mungiki, Taliban and Sungusungu which are mobilized along ethnic lines and were used by politicians in post - election violence of 2007 according to the Waki report. The Waki report highlights that there was a lot of youth recruitments into vigilante groups during the electioneering period. This was an indicator of potential violence and as such, it would have been expected for CEWARN mechanism to capture this provocative behaviour of youth's recruitment (Males Migrating for pre-raid blessings) and issue warning to mitigate the violence. From the literature reviewed, very little is said on CEWARN reporting these indicators to the security services who are the major part of the response mechanism.

⁵⁹ Ibid.opcit.,p8.

⁶⁰ Ibid.opcit.,p9.

1.7.6.3 Negative Ethnicity

Ethnic polarization and the mobilization of ethnic sentiments by political leaders during campaigns are partly to blame for the violence. Furthermore, the fact that both the police and military are perceived historically to have been recruited along ethnic lines to protect the particular government of the day has increased the likelihood of their breaking down along ethnic lines in a crisis and being either unable or unwilling to maintain law and order impartially. This meant that post-election violence proliferated and intensified for a number of months, and that politicians and businessmen allegedly chose to hire gangs of youth to fight their attackers.⁶¹ The Waki report highlights ethnicity in the country and more particularly in the security force. This puts the security forces capability to restoring normalcy in the country to question. CEWARN being a regional mechanism and non-partisan, it would have been expected to take a lead role in preventing the PEV 2007/08.

1.7.6.4 Triggering Factors for Post - Election Violence 2007/08

Accelerating or triggering factors are the events, actions and decisions that result in the escalation of disputes into violent conflict. Since triggering factors depend heavily on the specific context, it is not possible to list them systematically. Examples include economic decline; changes in the degree of internal state cohesion; shifts in internal control of the central authority, including the military; change in the internal distribution of power, including access to government power and privilege; shipments of (small) arms; interventions of neighbouring states, regional powers and organizations, and large movements of people and capital. In the case of Kenya, it was the political intolerance and political leaders who held secretive meetings that exclusively target given ethnically defined voting blocs. The implicit message is one of division rather than unity, and as such voters define their allies in ethnic rather than patriotic terms.⁶² This work is important to the research as it highlights on the triggering factors leading to PEV 2007/08. It's worthy to note that factors such as proliferation of small arms, displacement of people, armed clashes, destruction or theft of property, peaceful protest and provocative behaviour like incitements and threatening people with eviction from their land form part of the indicators of CEWARN mechanism.

⁶¹ Ibid.opcit.,p11.

⁶² Ibid.opcit.,p12.

Therefore one would expect CEWARN to have captured these indicators and issued warning to the response mechanism to mitigate the Kenyan electoral violence.

1.7.6.5 Political Parties

Although not stated explicitly, in this case the primary perpetrators of violence appear to have been the government and ruling party, with the assistance of partisan security forces and members of the judiciary. Their targets or victims were opposition politicians, supporters and infrastructure. The methods used included attacks, detention, threats, harassment, closure of offices, and breaking up of opposition meetings. Violence in this case was not always physical - it included threats and intimidation. The location, while not clear from the work, included the capital and other areas where the opposition potentially enjoyed support.⁶³ Motives for violence could have included skewing the playing field, limiting political space, preventing candidates from running, weakening the opposition, or a desire to retain power and stay in office.

This was especially the case after the strong showing of the opposition during the previous elections. The enabling conditions included the lack of checks on the executive, the weak rule of law, partisan security forces and judiciary controlled by the incumbent, a permissive or disinterested international environment - or at least lack of scrutiny - and a weak or fearful civil society and media. The effects of the violence included undermining the credibility, quality and inclusiveness of elections. As a result, the opposition struggled to muster support, campaign or compete fairly. The violence also deepened distrust between political parties.⁶⁴ This work is important to the research as it exposes the Government and the security forces as being the perpetrators of violence. It is worthy to note that the Government and the security forces are the response mechanism of CEWARN, and the report blames them for perpetrating violence to the citizens they should be protecting. From the literature reviewed, politicization of the EWS hampers its effectiveness to provide early warning. One can therefore wonder whether CEWARN mechanism was politicized leading to its failure to prevent the PEV of 2007/08.

⁶³ Foreign Affairs Council . 2011. '*Council conclusions on conflict prevention, 3101st Foreign Affairs Council meeting*', Luxembourg, 20th June 2011.

⁶⁴ Foreign Affairs Council . 2011. '*Council conclusions on conflict prevention, 3101st Foreign Affairs Council meeting*', Luxembourg, 20th June 2011.

The Kenyan political parties, unlike their western counterparts, did not evolve over several centuries to be fully democratic, but they were hurriedly formed to take over leadership after decolonization and hence are either owned or controlled by individuals⁶⁵. The Kenya African National Union (hereafter KANU) was founded in 1960 and formed the first government at independence in 1963. In the years following, apart from some brief periods in the 1960s, other political parties were excluded from competitive politics. From 1982 to December 1991 Kenya was a *de jure* one-party state. Following the registration of a number of political parties, and a split in the Forum for Restoration of Democracy (hereafter FORD), at the time of the general elections held in 1992, there were ten political parties.⁶⁶ Kenya African National Union won the election on a plurality.⁶⁷ In September 1997 Parliament adopted the recommendations of the Inter-Parties Parliamentary Group (hereafter IPPG) for reforms that were to be enacted before the 1997 elections.

As a result of one of the recommendations, sixteen new parties were registered. Fifteen presidential candidates were nominated in all. The incumbent, Daniel Arap Moi, won with slightly over 40% of the vote. Opposition politicians realised that the only way to gain power successfully was through alliances, which has been the pattern since. Thus, prior to the 2002 general elections, alliances were formed, notably the umbrella opposition electoral platform, the National Rainbow Coalition (hereafter NARC), whose presidential candidate, Mwai Kibaki, was victorious. National Rainbow Coalition largely remained a conglomeration of some fourteen distinct parties but soon after Kibaki was sworn in, internal squabbles arose. Following the constitutional referendum in 2005, a dissenting faction broke away from the Kibaki administration. After the defeat of the banana (“yes”) side in the referendum, Kibaki reconstituted the cabinet and excluded all the dissemblers. In August 2007, as the general elections approached, the PNU was formed as the banner under which Kibaki would stand for re-election.⁶⁸

⁶⁵ Kenya. National Commission on Human Rights.2008. *On the brink of the precipice: a human rights account of kenya's post-2007 election violence*. Nairobi: Kenya Government printer.

⁶⁶ Kenya. Kriegler Commission Report. 2008. *IREC (Independent review committee)*. Nairobi. Kenya Government printer.

⁶⁷ *Ibid.*,p.5.

⁶⁸ Kenya. National Commission on Human Rights.2008. *On the brink of the precipice: a human rights account of kenya's post-2007 election violence*. Nairobi: Kenya Government printer.

Several parties joined the coalition while retaining their separate identities. Controversy surrounding the nomination of parliamentary and civic candidates resulted in many politicians, on failing to get a PNU nomination, securing nomination instead by their individual parties. In early September 2007, one of the factions in the Orange Democratic Movement-Kenya (here after ODM-K) took over an earlier registered party, the ODM, and nominated Raila Odinga as its presidential candidate, while ODM-K nominated Kalonzo Musvoka as its candidate. The three main contestants in the presidential contest were eventually Kibaki (PNU), Odinga (ODM) and Musyoka (ODMK). Nine parties fielded presidential candidates, 117 parliamentary candidates and 118 civic candidates.⁶⁹

Several reasons, including protracted power-struggles within parties, ethnicity, personality differences, personal ambitions and self-preservation, have seen the number of parties registered in Kenya grow from ten in 1992 to 160 by the end of June 2008. The commission noted that the parties did not abide by the political parties' codes of conduct but instead breached the codes that they had promised to adhere to.

The Commonwealth Observer Report states that many party leaders (particularly among the opposition) began their campaigns in an unofficial sense after the 2005 Referendum.⁷⁰ Campaigns were generally largely personally driven, with little interest in the party manifestos. Ethnic violence was one of the negative aspects. At certain times, there were clashes between party supporters and also even intra-party clashes. The report also cites abuse of state resources for party political purposes, such as use of official vehicles during campaigns. The observers noted reports of vote buying and exceptionally high campaign expenditure. They also reported overcrowding in polling stations by dominant parties' agents, many of these without visible identification. Both PNU and ODM were castigated for holding press conferences and announcing their own final results for the presidential race, each claiming victory. While all parties generally called for calm, these actions appear to have led to significant unrest on the streets.⁷¹

⁶⁹ Ibid.,p.12.

⁷⁰ Ibid.,p.14.

⁷¹ Ibid.,p.15.

The European Union Election Observer Mission (hereafter EU EOM) reports that primaries for parliamentary and civic elections were seriously marred by irregularities, chaotic administration and interference from party headquarters in individual constituencies. Unsuccessful aspirants and their supporters protested against both the process and the outcome, in some cases violently. Many MPs from the previous parliament who failed to gain nomination defected so as to accept nomination by smaller parties. The lack of permanent party structure and membership was seen as the cause of the incapacity of political parties to conduct primaries. The confusion of the primaries led to a number of complaints being lodged with the ECK, which, however, ruled that many of the complaints were misdirected in terms of the respective parties' rules.⁷²

The KNHCR in its monitoring report dated August 2008 names numerous ministers of government and other public officers who misused and misappropriated public resources in furtherance of partisan politics for the incumbent administration. Over thirty incidents are cited.

It also gives examples of hate speech on the campaign trail. With regard to nominations, the report cites four constituencies where party leaders imposed on the electorate candidates who had failed in the primaries. The wananchi expressed several concerns over the conduct of political parties during the pre- and post-election periods. These are views that IREC captured during its public meetings around the country. Voter bribery, vote buying, electoral violence and voter intimidation were rife during the 2007 elections. There were also complaints of the widespread use of hate speech by politicians and harassment and intimidation of party supporters, especially women, by supporters of competing parties. Owing to many reasons, including violence during party nominations, there were few women candidates. There is consensus that political parties lack democratic practices.⁷³

The work on the political parties is important to the research as it underpins the involvement and participation of political parties to the PEV 2007/08. The literature reviewed noted mushrooming of political parties from 1992 and the involvement of parties in electoral malpractices and violence.

⁷² Belgium. 2011. *Early Warning and Conflict prevention report by the EU. 2013*. Learning lessons from the 2008 post-election violence in Kenya. Brussels. 205 Rue Belliard, B-1040.

⁷³ Kenya. National Commission on Human Rights. 2008. *On the brink of the precipice: a human rights account of kenya's post-2007 election violence*. Nairobi: Kenya Government printer.

These malpractices like demonstrations by political parties, incitements and recruitment form indicators of CEWARN and therefore it is expected that CEWARN would have captured and acted on these information hence mitigating the potential violence.

1.7.6.6 The Media

The 2007 elections were held amid unprecedented media attention. The print and electronic media sought to outdo each other in election coverage from the campaign stage right through to the transmission of election results. The elections came at a time when the media arena had been fully liberalized. The consequence was the entry of exciting new players, mainly in the form of frequency modulated (FM) radio stations. Many of these went straight into interactive vernacular radio broadcasting complete with call-in facilities. Millions of anxious and excited Kenyans who for years had been only passive listeners to one state-owned radio station could now access a wide choice of radio stations, including those that broadcast in their respective home languages. ECK accredited 2,964 local and international journalists to cover the 2007 elections. Accredited journalists were given ECK election kits, including Media Guidelines, and were briefed by the ECK.⁷⁴

Training and orientation was carried out by the Media Council of Kenya (hereafter MCK), the consultant for the Media and Elections Project managed by UNDP.⁷⁵ The media made a commendable contribution to voter education and civic awareness. The country enjoyed the highest voter turnout in its history. During IREC's public meetings many people hailed the media for being vigilant and exposing rigging and malpractices. Other Kenyans expressed the view that the media had betrayed the people of Kenya. Yet others appeared to be appreciative of whatever media was available to them and had no complaints at all. This was the case in Garissa, Mandera and Wajir. The banning of live coverage after the announcement of presidential results was perceived as suspicious, wrong and provocatively high-handed. The coverage of elections provides one of the toughest ethical tests for the media in Kenya.⁷⁶

⁷⁴ Ibid.,p6.

⁷⁵ Kenya. Kriegler commission report. 2008. *IREC (Independent review committee)*. Nairobi. Kenya Government printer.

⁷⁶ Crisis Group Africa Report No 137 February 2008.

In the past general elections, the Kenya media have tended to concentrate on parochial, unengaging and irrelevant issues that do not, first benefit voters in their day-to-day life. They personalize issues and spew rhetoric instead of raising matters that would help voters make informed choices by judging whether such people deserve to be elected or not. It is hence crucial that the media provides citizens with access to all facts, opinions and ideas brought forth by the candidates, in the period leading to general elections after the elections. The media (TV, radio, newspapers and advertisement) must therefore, separate facts from fiction, rumour from truth, sense from babble.

The media provides voters with information related to election and can make the electorate participate in elections.⁷⁷ IREC's impression is that this ban was a kneejerk reaction by securocrats who did not deign to consult the ECK, which was supposed to be in charge of the whole electoral process, including the crucially important tallying and announcing component being conducted at the KICC. This action may well have contributed inadvertently to the eruption of violence.

Indeed the information blackout, engrafted on to the ECK's lamentable failure to keep the people of Kenya informed, could well be seen as a direct link in the chain of causation that led to the tragedy.⁷⁸ The ECK and the security agencies knew that rumours of rigging had been flying for months. Tensions had risen alarmingly and the ECK knew, or should have known, that only transparent truth could save the credibility of the elections and defuse the dangerously charged atmosphere.

The work on the media is important to the research as it underpins the involvement and participation of the media to the PEV 2007/08. The literature reviewed noted politicians used the media to propagate violence. The media was also used to send signals to the warring parties to launch attacks.

⁷⁸ Kenya. Kriegler commission report. (2008). *IREC (Independent review committee)*. Nairobi. Kenya Government printer.

It is worthy to note that CEWARN mechanism uses the media as one of its sources of information and hence it was expected for CEWARN to pick hate speech as an indicator of potential violence. In a forum held by the NSC in Nairobi, the media was identified as a crucial player in EWER and it was recommended to be included in NSC infrastructure.⁷⁹

1.7.6.7 Civil Society, Faith-Based Organizations and Election Observers

A vibrant civil society is a vital player in checking the excesses of the State through advocacy and lobbying. Kenya has enjoyed an energized civil society particularly from the early 1990s, when this segment of society contributed immensely to the interventions that led to the restoration of multi-party democracy. Civil society organizations (here after CSOs) have since continued to play an invaluable role in sustaining a growing democratic culture. CSOs, including faith-based organizations (here after FBOs), contributed immensely in the promotion of voter registration. They also participated in the election observation process.⁸⁰

The visibility of civil society in an electoral observation process is critical in ensuring compliance and respect for the rule of law and deterring irregularities. A consistent and effective domestic observation programme is one of the key components in measuring electoral performance and enhancement of frameworks, monitoring use of public resources for private benefit, assessing media coverage, checking electoral violence and observing party behaviour and voter attitudes. “Vijana Tugutuke Ni Time Yetu”, a process funded by AUSAID, recorded great success in voter education and promotion of voter awareness, particularly among the youth. Under a community-based voter education programme, funded through the United Nations Development Programme Joint Donors Elections Assistance Programme (hereafter UNDPEAP), the ECK approved 42 civil society voter education facilitators.⁸¹

⁷⁹ According to the National Steering Committee on Peace Building and Conflict Management under the Office of the President. June 5, 2014

⁸⁰ Kenya. Kriegler commission report. (2008). *IREC (Independent review committee)*. Nairobi. Kenya Government printer.

⁸¹ *Ibid.*,p.9.

The work on the civil society, faith-based organizations and election observers is important to the research as it underpins the involvement of the above in voter education and compliance to the rule of law. The literature reviewed highlights the involvement of faith based organisations in sensitizing the youth's against engaging in political violence. It is worthy to note that CEWARN mechanism uses the peace monitors in collaboration with faith based organisations to preach peace at the grass root level to mitigate violence. One can therefore expect CEWARN to have engaged the peace monitors and the faith based organisations to preach peace in the wake of the PEV 2007/08. From the foregoing, it is clear that CEWARN and other organisations were aware of the triggering indicators of violence in the Kenyan context. However, no study has been carried out on the role of CEWARN in the 2007/08 PEV. This study was, therefore, undertaken in order to fill that gap.

1.8 Theoretical Framework

This study adopted greed and grievance conflict theory. According to Paul Collier and Anke Hoeffler, armed conflicts are caused by a combatants' desire for self-enrichment. Their proposition here is that factors that increase the military or financial viability of rebellion correlated with more instances of conflict than factors leading to grievances, i.e. conflicts are more often caused by greed rather than grievance.

The motivations are manifested in multiple ways, including economic gain through control of goods and resources or by increased power within a given state. Conflicts started through greed are often seen in states with negative economic growth and/or systemic poverty, as this implies limited state capacity to provide opposition groups with economic concessions as well as the likelihood of the absence of an effective military or police apparatus to contend with those seeking power or resources⁸².

In the Kenyan context, greed can be seen in two folds. Firstly, the politician quest for power and desire for self enrichment motivated their propagation of violence in order to control economic resources and power positions.

In the hotspots areas of Eldoret, Nakuru, Nairobi and Trans-Nzoia, politicians mobilized youths to kills and loot from those perceived not to support their course. In return the, politicians were elected and maintained their political power position. According to Akiwimu report , it emerged that the Sabaot were enticed by the promise of huge tracks of land if they managed to evict the Bukusu in Trans-Nzoia.

Secondly, the citizen greed for economic resources puts them at greater risk of engaging in violent conflict. This greed makes them vulnerable to manipulation by the politicians to propagate violence. In Rift valley, the masses were promised land left behind by the IDPs.

⁸² Collier, P. and Anke, H. 2000. *Greed and Grievance in Civil War* , The World Bank Policy Research Working Paper 2355. Newyork. World Bank.

In Kisumu, Nairobi and Nakuru, people looted shops to benefit themselves. In Trans-Nzoia shops were looted and the Kisii's, Luhya's and Kikuyu;s were evicted from their lands by the Kalenjin whose main motive was the material resources. The grievance side of the model states that the perpetrators of violence would propagate violence under the guise of grievances to. In the Kenyan contest, the politicians rallied masses to cause chaos under the guise of a rigged election. In Trans-Nzoia, the Kalenjin elders organized youths to loot and evict the Kikuyus, Luhya's and kisi's on the guise that they never voted for their preferred candidate (Raila Odinga) and that their TNA counterparts had rigged the election in favour of their preferred candidate (Mwai Kibaki)

David Keen elaborates on the economic incentives for warfare and argues that there is more to war than simply "winning." In some instances, it could be more beneficial for certain parties to prolong war, so long as they are in control of economic resources or power positions. This can become common in states with weak rule of law where violence becomes privatized⁸³. This can be seen very well in the Kenyan electoral history where the country has witnessed political upheaval during electioneering period. Politicians mask their greed for power with voter rigging and land grievances.

Unlike Collier, Keen does not attribute conflict to be driven more by greed than by grievance; he stresses how the two forces interact so that greed generates grievances and rebellion, which in turn legitimizes further greed.⁸⁴ I tend to agree with Keen's observations that conflict cannot be caused by greed alone, but greed manifests into grievance and further greed and the cycle continues. In the Kenyan context, though we can attest that the PEV was caused by greed, there were some elements of grievance which the citizens felt were not adequately addressed. The land issue has been a thorny matter since independence and it is cited as a major source of grievances in the Waki, Akiwumi and Ndungu reports.

⁸³ Keen, D., Mats, B., and David, M. 2000. *"Incentives and Disincentives for Violence."* In *Greed and Grievance: Economic Agendas in Civil Wars*: 19-43. Boulder. Lynne Rienner Publishers.

⁸⁴ *Ibid.*,p.7.

The poor landless used the opportunity of the disputed election to evict those from other communities as experienced in Kisumu, Nakuru Eldoret and Trans-Nzoia. This cyclic nature of electoral/ political violence has been witnessed during the electioneering periods in Kenya since 1992. This phenomenon is what Keen refers to in his argument that greed and grievance are often tied together and interact with one another.

In this way, politicians desire for power spurred them to create grievances amongst the Kenyan citizens, hence creating the popular support for their election to further their economic and political power – the use of grievances to produce further greed and the cycle continues. David Keen, while rebutting greed vs. grievance theory asserts that greed and grievance cannot be examined separately, but rather that they are partner terms that must be implemented in a complementary way. For example, when Keen discusses the conflict in Sudan, he says, “ the grievances of northern pastoralists were useful for a government trying to get its hands on oil in areas that famine and militia attacks helped to depopulate; meanwhile, the ‘greed’ of the Arab militias themselves (for labour, cattle and land) was itself intimately linked to their grievances”.⁸⁵ The same can be applied to Kenya where the land grievances of the Kalenjins in the Rift Valley Province were useful for the politicians who wanted to be elected in office. Meanwhile the greed of the Kalenjins (for land) was itself intimately linked to their grievances.

Several other authors have disapproved greed vs. grievance theory expressing concerns that the greed model is not fundamentally wrong, but rather that it needs augmentations and additional theories to reach its full explanatory power.

The greed and grievance theory was useful in the study because it highlighted the interplay between the two and how they manifest into violence. The theory also portrayed how politicians took advantage of the vulnerability of the citizens to their advantage by blowing out of proportion the land grievances and disputed election resulting to their election in offices.

⁸⁵ Ibid.,p15.

The study also adopted the human needs theory. The theory proposes that all humans have certain basic universal needs and that when these are not met conflict is likely to occur. Abraham Maslow proposed a hierarchy of needs beginning with the need for food, water, and shelter followed by the need for safety and security, then belonging or love, self-esteem and, finally, personal fulfilment and self-actualization.

Later in his life, Maslow proposed self-transcendence as a need above self-actualization in the hierarchy of needs.⁸⁶ Therefore, a detainment of core needs together with diminishing “hope” for any adjustment within structures and societies create un-fulfilment and hatred as a negative reaction towards those responsible for such dilemma.⁸⁷ Human needs theorists argue that one of the primary causes of protracted or intractable conflict is people’s unyielding drive to meet their unmet needs on the individual, group, and societal level.⁸⁸

In the Kenyan context, many people resorted to violence in Trans-Nzoia, Eldoret, Nairobi, Kisumu and Nakuru and attacked those that they perceived as having denied them of their basic needs. As a result of some people feeling that their basic human needs were being denied, they resorted to use of force against their perceived enemies and the use of violence has become an inherent feature of Kenya’s politics with elections being a key trigger for localized violence since the advent of multi-party politics in the early 1990s. Disputes over the results of the 2007 general elections led to large-scale inter-ethnic violence that left more than 1500 Kenyans dead and caused the displacement of several hundreds of thousands.

Both the greed vs. grievance and human needs theory were used to show why people result into conflict. The causes of conflict have been used by the CEWARN EWS to develop indicators that help in identifying potential conflicts way before they happen. The two theories complement each other.

⁸⁶ Schneider, L. (2003). *Developmentalism and Its Failings: Why Rural Development Went Wrong in 1960s and 1970s Tanzania*.

⁸⁷ Ibid.

⁸⁸ Rourke, J.T (2000). *International politics on the World stage*, Dusking Publishing Group.

1.9 Research Hypotheses

The study was guided by the following hypotheses

- i. CEWARN collected inadequate relevant data on conflict.
- ii. CEWARN analysis painted a picture of a potential electoral violence.
- iii. CEWARN early warning was not acted upon by the response mechanism.

2.0 Methodology

The study used both the primary and secondary data. Secondary sources included books, scholarly journal articles, reports, and newspaper articles. The secondary sources from various libraries and databases were reviewed, among them the University of Nairobi library, Kenya National Archives and CEWARN databases, among others. Online journals and databases, like Jstor and Google Scholar, were used together with other academic articles relevant to the study. Reports from various humanitarian organizations and commissions like the Kenya National Commission on Human Rights, The United Nations, Commission of Inquiry into the Post - election Violence and the Kriegler Commission report were used. These data gave a clear understanding of conflict early warning system and the Kenya - post election violence of 2007/08. In addition, it provided the basis of the study. Gaps identified in secondary sources were filled by data from primary sources.

The study was qualitative in nature and it used purposive sampling which is economical and enables rapid data collection. The primary data was mainly from oral interviews with fifteen key informants from both the warning and response side of the CEWARN mechanism. The military, NSI representative and the police representative who was in Kitale- Trans-Nzoia at the time were also interviewed. The interviewees range from the top, middle and lower cadre. Subject matter experts were considered when selecting the key informants. The first informant was identified by one of my lecturers who, after being interviewed, gave the name of the next interviewee who possessed the required information. They were contacted and interviewed, and the process was repeated in getting more informants.

The sample thus expanded by tapping the social contacts and networks. The informants were informed that participation in the interview was voluntary and they could terminate the interview any time they wished to. They were also informed that the information they gave would be handled with the highest level of confidentiality. During the interview, the researcher was guided by unstructured questionnaires with open-ended questions which gave more information by allowing probing and also gave the respondents complete freedom and greater depth of response.

The location of the field was mostly in Nairobi being the seat of CEWERU Steering Committee where most of the respondents were found. Some key respondents were interviewed via phone and email i.e. respondents in Kitale (Trans-Nzoia) and those who were not in Nairobi.

Qualitative method for data analysis was used where information from both secondary and primary sources was put within historical context. The method allowed the researcher to analyze information in a systematic way and come up with some useful conclusions and recommendations on the question of the evaluation of CEWARN in addressing Kenya post - election violence of 2007/28.

CHAPTER TWO

HISTORICAL BACKGROUND

2.1 Introduction

The Intergovernmental Authority on Drought and Development (hereafter IGADD) was formed in 1986 with a very narrow mandate around the issues of drought and desertification. Since then, and especially in the 1990s, IGADD became the accepted vehicle for regional security and political dialogue. Conflict Early Warning and Response Mechanism (CEWARN) is the Conflict Early Warning and Response Mechanism of IGAD in the Horn of Africa sub-region established by a Protocol signed by Member States during the 9th summit meeting held in Khartoum, Sudan, in 2002.⁸⁹ CEWARN is the regional coordinating office taking the lead in implementing the IGAD mandate and then consulting with the various stakeholders. Different researchers have over the years carried diverse studies on CEWARN's role in regional peace and security⁹⁰. Therefore CEWARN provides a varied platform for investigations into the role it played in addressing Kenya PEV of 2007/08. To understand some of the present predicaments in the region, one has to delve deeper into its historical background. This chapter therefore, gives the historical perspective of the research. It discusses the historical background of CEWARN, the historical background of Kenya political conflict and historical background of Trans-Nzoia. This chapter also illuminates on the PEV experience, with a special reference to the area of study.

2.1.1 Historical background of Intergovernmental Authority on Drought and Development

The founding members of IGADD decided in the mid-1990s to revitalise the organization into a fully-fledged regional political, economic, development, trade and security entity similar to SADC and ECOWAS. It was envisaged that the new IGADD would form the northern sector of COMESA with SADC representing the southern sector.⁹¹ One of the principal motivations for the re-vitalisation of IGADD was the existence of many organizational and structural problems that made the implementation of its goals and principles ineffective.

⁸⁹<http://www.cewarn.org> Accessed June 17, 2013.

⁹⁰ IGAD. 2002. Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for the Intergovernmental Authority on Development (IGAD) Member States. Addis Ababa, Ethiopia: IGAD.

⁹¹ Nyheim, D. 2008. *Can Violence, War and State Collapse be Prevented? The Future of Operational Conflict Early Warning and Response*. Paris: OECD/DAC.

The IGADD Heads of State and Government met on 18 April 1995 at an extraordinary summit in Addis Ababa and resolved to revitalise the authority and expand its areas of regional co-operation. On 21 March 1996, the Heads of State and Government at the Second Extraordinary Summit in Nairobi approved and adopted an Agreement Establishing the Intergovernmental Authority on Development (IGAD). In April 1996 on the recommendation of the Summit of the Heads of State and Government, the IGAD Council of Ministers identified three priority areas of co-operation: conflict prevention, management and resolution and humanitarian affairs; infrastructure development (transport and communications) food security and environment protection.⁹²

The IGAD has been designated one of the pillars of the African Economic Community in terms of the AEC Treaty. IGAD signed the Protocol on Relations between the AEC and Regional Economic Communities on 25 February 1998. IGAD has collaborated with COMESA and the East African Community to divide projects among themselves so that there is no duplication and to avoid approaching the same donors with the same projects.⁹³

The IGAD region comprising of Kenya, Uganda, Sudan, Somalia, Ethiopia, Eritrea and Djibouti has distinctive historical, socio-economic and cultural manifestations. This sub-region is diverse and its geo-strategic location has resulted in competition and animosities between different local and foreign powers from time to time. These dynamics led to the development of a culture of violence based on the tradition of origin, a fixation with territory, a feudal vision of the exercise of power and an absolutist conception of conflict. As a result, the nations within the region have usually pursued political/development strategies that ignore the socio-cultural affinities and the economic interdependence between their peoples. This deep attachment to the territorial concept of nationhood and their reluctance to explore the potentials offered by sharing of a common heritage has discouraged the development of coherent policies of sub-regional integration that would promote peaceful co-existence.⁹⁴

⁹²Nobleza, M., and Nyheim, D. 2000. *Generating the Means to an End: Planning Integrated Responses to Early Warning*. London: Forum on Early Warning and Early Response (FEWER).

⁹³Heinrich Böll Foundation. 2006. *In Quest for a Culture of Peace in the IGAD Region*. Nairobi, Heinrich Böll Foundation .

⁹⁴ *Ibid.*, p4.

2.1.2 Region during the Pre-Colonial Period

In the pre-colonial period, advanced levels of state formation took place in the IGAD in Sudan and in Ethiopia. Beginning with the Christian kingdoms of ancient times, the Sudan saw the rise of the Funji kingdom (1504-1821) in the east and the Sultanate of Dar Fur (16th c –1916) in the west. The Ethiopian region witnessed an even more continuous history of state formation. The Aksumite Kingdom (1st – 7th c. AD) constituted the ancestor and the inspiration for a succession of regimes that came to be formed in the Ethiopian highlands. Its conversion to Christianity in the 4th c AD gave those regimes their main ethos and ideology. The Christian Kingdom attained the apogee of its power in what historians of Ethiopia have come to characterize as the medieval period, 1270-1527 presaging the even more spectacular expansion of the empire in modern times under Menilek II.⁹⁵

These successive regimes incorporated the neighbouring peoples by a combination of force and diplomacy, mostly the former. The Eritrean Highlands were essentially part of this Christian polity while the lowlands formed a buffer zone or a bone of contention between the dominant powers in the Sudan and the Ethiopian Highlands.⁹⁶ In Somalia, no major pan-Somali political entity emerged. Instead, Somali came to be affiliated to one or other of the religious orders (Qaadriya, Ahmadiya, Salihya, and others) or the various clans. The only significant attempt to forge a pan-Somali polity came about in the first two decades of the twentieth century in reaction to colonial domination. As in the Sudanese case, it combined religious fundamentalism with Somali nationalism. Colonial intervention initiated a fatal divergence between clan territories and state borders.

The efforts to rectify that divergence were to be the hallmark of Somali nationalism in the post-colonial era.⁹⁷ As elsewhere in the continent, the last quarter of the nineteenth century witnessed a feverish race among European colonial powers to carve out first their respective spheres of influence and subsequently their colonial possessions.

⁹⁵Ibid.,p6.

⁹⁶Ibid.,p8.

⁹⁷Ibid.,p10.

Britain, driven above all by the quest to dominate the waters of the Nile, vanquished the Mahdist state and established its hegemony in the Sudan. The Italians, taking advantage of the political disarray in northern Ethiopia subsequent to the death of Emperor Yohannes IV in 1889, proclaimed their colony of Eritrea. The French ensconced themselves in the tiny but strategically important colony that they baptized French Somaliland, known after independence by the most significant port town of Djibouti. The other Somalis were carved up among the British (British Somaliland and the North Frontier District in Kenya), the Italians (Italian Somaliland) and the Ethiopians (the Ogaden). Only Ethiopia, thanks to its decisive victory in 1896 over Italian colonial ambitions, managed to remain not only independent, but also a beneficiary of the partition process.⁹⁸

2.1.3 Intergovernmental Agency for Development Region during the Colonial Period

The colonial partition was sanctioned through a series of bilateral boundary delimitation agreements. Ethiopia, surrounded as it was by the tripartite European colonial powers, was the sole African signatory. These agreements, concluded in the last decade of the nineteenth century and the first decade of the twentieth, gave the Northeast African entities by and large the political boundaries that they have maintained to this day. As elsewhere in Africa, the boundaries reflected colonial ambitions and capabilities rather than the wishes and affiliations of the indigenous peoples. While all trans-frontier peoples lost in this cartographic exercise, undoubtedly the great losers were the Somali, who found themselves partitioned into five territories (British Somaliland, French Somaliland, Italian Somaliland, the North Frontier District in Kenya and the Ogaden in Ethiopia).⁹⁹ The only anomaly in this otherwise standard colonial arrangement was the participation of an indigenous African polity in the partition process. Ethiopia incorporated part of the Somali territory (known as the Ogaden in the past, currently forming the Ethiopian Somali regional state).

⁹⁸Ibid.,p12.

⁹⁹Schmeidl, S., Mwaura, C. and H. Adelman. 2002. *“Principles of the CEWARN Model”* Early Warning and Conflict Management in the Horn of Africa. pp. 169-189. Asmara: Red Sea Press.

Conversely and equally significantly, it lost to the Italians its historic maritime province of the Marab Mellash, which the new colonial master, drawing a leaf from ancient Hellenic geography, re-christened Eritrea. This gain and loss had a decisive impact on the course of the sub-region's post-colonial history. Both inspired irredentist movements.¹⁰⁰

2.1.4 IGAD region during the post-colonial period

Independence from colonial rule did not usher an era of peace and stability. On the contrary, all countries of the sub-region, with the exception of Djibouti, came to be locked in internecine or inter-state conflicts that have not yet been completely resolved. The Sudan went through two editions of a bloody civil war (1955-1972, 1983- 2004). Somalia went through a process of consolidation (through the merger of the two Somali lands, British and Italian), confrontation with its neighbour Ethiopia, and disintegration. The case of Eritrea and Ethiopia was rather unique.¹⁰¹

Ethiopia was never colonized and the short-lived Fascist Italian occupation came to an end in 1941. When Italian colonial rule came to an end in Eritrea in the same year, it was first federated with and then absorbed by Ethiopia, fought a thirty-year-long war for independence, and is now locked in seemingly interminable warfare with its southern neighbour. While integrationist and assimilationist policies in the Sudan and Ethiopia gave rise to separatist movements, the situation in Somalia was characterised by a state pursuing vigorously, a policy of uniting all Somalis under one flag. This quest came to be enshrined in the five-pointed star that the Somalis adopted as their national emblem on independence.¹⁰² Two points of those stars were realised when British and Italian Somaliland united to form Somalia on the morrow of independence. But that still left the Somalis who found themselves scattered among the neighbouring countries – Djibouti, Ethiopia and Kenya. Of all the three regions that were regarded as *terra irredenta*, it was the Ethiopian region of the Ogaden that became the major target of Somali irredentist aspirations. This led to a minor clash between the two neighbouring countries in 1963 and a major war in 1977-78.

¹⁰⁰Ibid.,p4.

¹⁰¹Sambanis, N. 2004. 'What Is Civil War?: Conceptual and Empirical Complexities of an Operational Definition', *Journal of Conflict Resolution* 48(6): 814-858.

¹⁰²Ibid.,p7.

The latter, resulting in the defeat and disintegration of the Somali army, augured the end of the dictatorial regime of Siyad Barre. Unable to check the growth of the opposition liberation movements that had sprouted subsequent to the military debacle, Barre fled for his life in 1991. But his demise also marked the collapse of the Somali state, as warlords battled for control of the capital and the northern and northeastern parts of the country broke away to form the more or less independent states of Somaliland and Puntland. In effect, Somalia drifted back to its proverbial statelessness.

2.1.5 Future prospects the IGAD region

Clearly, therefore, the post-colonial record has not been much of an improvement on the colonial one. As in so many other parts of Africa, what seems to be unfolding in the horn and east of Africa is distinguished by its endemic conflict and abject poverty. Afro-pessimists would consider it a posthumous vindication of colonialism. But neither condemnation nor passive resignation can help the region extricate itself from the current impasse. One has to address the central issue that has made the region a hotbed of ethnic and interstate conflict.¹⁰³

The idea of a sub-regional confederation has been mooted more than once in the past. Indeed, in the case of Eritrea and Ethiopia, the short-lived federation, fraught as it was with structural and circumstantial problems, is vindicated in retrospect as the only viable option at the time it was introduced. Although it eventually opted for a “yes” or “no” vote on the issue of independence during the 1993 referendum, even the Ethiopian People Liberation Front (hereafter EPLF) had held out federation as one of the options during the period of the armed struggle.¹⁰⁴ A similar fate befell the idea of a confederation of Ethiopia and Somalia in the 1970s. A brainchild of the Cuban leader, Fidel Castro, who had befriended the two professedly Marxist regimes in the Horn, it was rendered rather impracticable from the outset by the inclusion of South Yemen, apparently for no other cogent reason than the fact that it was also considered a progressive and allied state by the Soviet bloc. At any rate the idea was buried under the deafening roar of artillery fire as Ethiopia and Somalia entered their bloodiest clash since Somalia emerged as an independent state in 1960.

¹⁰³ Heinrich Böll Foundation. 2006. *In Quest for a Culture of Peace in the IGAD Region*. Nairobi, Heinrich Böll Foundation .

¹⁰⁴ Ibid.,p9.

But the fact that federations or confederations have failed in the past - either in practice or conceptually - does not invalidate the argument that, ultimately, those options, particularly the con-federal one, remain the only ones if the chronic violence that has bedeviled the sub-region is to be removed.¹⁰⁵

It is interesting that, as recently as November 2002, a conference of specialists on the sub-region held in Florida came to a similar conclusion. Its resolution, baptized “the Tampa Declaration”, envisaged a confederation of the countries of the Horn of Africa (Djibouti, Eritrea, Ethiopia and Somalia). The idea was subsequently broadened into a northeast African confederation to also include Kenya, the Sudan and Uganda. The seven countries also happen to be member states of the sub-regional organization, the Intergovernmental Authority for Development (IGAD)¹⁰⁶.

2.2 The Vision of Intergovernmental Agency for Development

2.2.1 The Inner workings of IGAD

Intergovernmental Agency for Development will be the premier regional organization for achieving peace, prosperity and regional integration in the IGAD region. The IGAD mission is to assist and complement the efforts of the Member States to achieve, through increased cooperation, food security, environmental protection, promotion and maintenance of peace, security, humanitarian affairs, economic cooperation and integration.¹⁰⁷

Intergovernmental Agency for Development aims to expand the areas of regional co-operation, increase the members' dependency on one another and promote policies of peace and stability in the region in order to attain food security, sustainable environment management and sustainable development. The IGAD strategy is to attain sustainable economic development for its member countries.

¹⁰⁵ Ibid.,p18.

¹⁰⁶ IGAD. 2002. Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for the Intergovernmental Authority on Development (IGAD) Member States. Addis Ababa, Ethiopia: IGAD.

¹⁰⁷ Ibid.,p6.

Regional economic co-operation and integration are given special impetus and high priority to promote long-term collective self-sustaining and integrated socioeconomic development. The leading principles of the IGAD strategy are stipulated in the agreement establishing IGAD, but are also mindful of the UN Charter and AU Constitutive Act.¹⁰⁸

The objectives of Intergovernmental Agency for Development include;

Promote joint development strategies and gradually harmonize macro-economic policies and programmes in the social, technological and scientific fields.

Harmonize policies with regard to trade, customs, transport, communications, agriculture, and natural resources, and promote free movement of goods, services, and people within the region.

Achieve regional food security and encourage and assist efforts of Member States to collectively combat drought and other natural and man-made disasters and their natural consequences.

Initiate and promote programmes and projects to achieve regional food security and sustainable development of natural resources and environment protection, and encourage and assist efforts of Member States to collectively combat drought and other natural and man-made disasters and their consequences.

Develop and improve a coordinated and complementary infrastructure, in the areas of transport, telecommunications and energy in the region.

Promote peace and stability in the region and create mechanisms within the region for the prevention, management and resolution of inter-State and intra-State conflicts through dialogue.

Mobilize resources for the implementation of emergency, short-term, medium-term and long-term programmes within the framework of regional cooperation.

Promote and realize the objectives of COMESA (Common Market for Eastern and Southern Africa) and the African Economic Community.

¹⁰⁸ Ibid.,p8.

Facilitate, promote and strengthen cooperation in research development and application in science and technology.

2.2.2 Structure of Intergovernmental Agency for Development

2.2.2.1 Assembly of Heads of State and Government

The Assembly of Heads of State and Government, which meets at least once a year, is the supreme organ of the Authority.

2.2.2.2 Council of Ministers

The Council of Ministers is composed of the Ministers of Foreign Affairs and one other focal minister designated by each member state and meets at least twice a year.

2.2.2.3 Committee of Ambassadors

The Committee of Ambassadors, comprising the Ambassadors or Plenipotentiaries of IGAD member states accredited to the country of IGAD's headquarters, advises and guides the Executive Secretary on the promotion of his efforts in realizing the work plan approved by the Council of Ministers and on the interpretation of policies and guidelines which may require further elaboration.

2.2.2.4 Secretariat

The Secretariat is the executive arm of the Authority and is headed by an Executive Secretary appointed by the Assembly of Heads of State and Government for a term of four years renewable once. The Secretariat, in addition to the Office of the Executive Secretary, has three divisions; namely, Economic Co-operation, Agriculture and Environment and Political and Humanitarian Affairs. The Secretariat is responsible for the implementation of projects in food security and environmental protection, infrastructure development, transport and communications, conflict prevention, management and resolution and humanitarian affairs.¹⁰⁹

¹⁰⁹ Ibid.,p13.

2.3 IGAD Peace and Security-Related Activities

The security architecture of IGAD has established its EWR system, which concentrates on monitoring pastoral conflicts, thus avoiding becoming caught up in the major conflicts of the region. The mandate of CEWARN is to ‘receive and share information concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region’. With the mandate to predict tensions and conflicts CEWARN combines elements of the predictive model and the risk assessment models.¹¹⁰

Because of a number of acute inter- and intra-state conflicts in the region CEWARN initially adopted an incremental approach by focusing exclusively on two pastoralist conflicts. Its ultimate aim is to report on all violent conflicts in a broadly defined human security area and not just on national or state security.

Operationally, CEWARN established a network of field monitors, country coordinators, national research institutes and conflict-EWR units at the national level and began its work in two pilot areas on pastoral conflicts in the cross-border areas of Ethiopia, Kenya, Uganda and Sudan as well as in the second cross-border areas of Kenya, Ethiopia and Somalia. CEWARN uses a set of 52 socio-political indicators for two types of reports: (1) Violent Incident Reports with indicators on armed clashes, raids, protest demonstrations and other crimes; and (2) indicators for reports on the presence and status of communal relations, civil society activities, economic activities, governance and media, natural disasters, safety and security and social services.¹¹¹

These indicators include evidence of the following; increased number of migrant laborers’, boundary disputes, media or press control, negative images or hateful attitudes towards any group of people, movement of small arms, intervention of armed groups, increase in small arms and or ammunitions, influx of internally displaced persons or refugees, among others. These indicators are not restricted to pastoral conflict alone but cut across different types of conflicts.

Bearing this in mind, it was expected of CEWARN to have captured these indicators in Trans-Nzoia and other areas of reporting regardless of the type of conflict. During the PEV 2007/08,

¹¹⁰ Von, K.N., and Kopfmüller, S. 2006. *Conflict Early Warning Systems*. Lessons Learned from Establishing a Conflict Early Warning and Response Mechanism (CEWARN) in the Horn of Africa.

¹¹¹Ibid.

Red Cross had established 20,000 IDPs camping in Kachibori center in Cherangani. It is worthy to note that “influx of IDPs or refugees” is an indicator in CEWARN Template and hence CEWARN ought to have captured this indicator in Cherangani.

The IGAD's attention is directed at peace efforts in Somalia and the Sudan. Parallel to such initiatives, the main focus is on capacity-building and awareness creation, and on the early warning of conflicts. Other issues of importance include food security and developing appropriate modalities for regional peacekeeping. Terrorism is also high on the agenda of the IGAD states, and the IGAD Heads of State and Government meeting at the 9th Summit in Khartoum in January 2002 passed a Resolution on Regional Cooperation to Combat Terrorism.¹¹²

The IGAD works very closely with CEWARN. Data obtained through the IGAD/CEWARN mechanism suggests that about 2,653 human lives have been lost between July 2003 and August 2006 in pilot areas of the Karamoja cluster inhabited by pastoralist communities. In addition, during the same period a loss of 116,426 cattle was recorded within the same areas in Ethiopia, Kenya and Uganda where CEWARN data is collected. There are several factors that are believed to contribute to the continuing high level of insecurity in these areas, including the absence of coordinated and effective approaches towards disarmament of pastoralist communities, coupled with unfulfilled security and other political and socio-economic needs of these communities.

IGAD member states have, over the years, initiated and implemented voluntary and forceful disarmament programmes in order to mitigate these challenges. These programmes, however, have been far from effective for a variety of reasons including the fact that they were often ill conceived, abrupt, and non-consensual. They also lacked the necessary effective coordination and collaboration at the regional level. Results, consequently, have been far from satisfactory in terms of reducing the number of arms in circulation or pacification of the conflict-ridden pastoralist.¹¹³

¹¹²Festinger, L. 1997. *A Theory of Cognitive Dissonance*. Stanford, CA: Stanford University Press.

¹¹³Ibid.

2.4 Historical background of CEWARN

Conflict Early Warning and Response Mechanism (CEWARN) is the Conflict Early Warning and Response Mechanism of IGAD in the Horn of Africa sub-region. CEWARN was established by a Protocol signed by Member States during the 9th summit meeting held in Khartoum, Sudan, in 2002.¹¹⁴ CEWARN is part of IGAD's Peace and Security Division, which connects them to the Council of Ministers and the Summit of Heads of States and Governments, where high profile decisions are made concerning conflict prevention measures in the region. CEWARN is the regional coordinating office taking the lead in implementing the IGAD mandate and then consulting with the various stakeholders, but in every member state there are focal points which coordinate the work. The establishment of CEWARN shows that the regional leaders want to find ways to bring stability and knowledge on how to prevent conflicts from escalating.¹¹⁵

The decision making bodies of CEWARN are the Technical Committee on Early Warning and the Committee of Permanent Secretaries as the senior policy organs. The Technical Committee brings together the representatives of the member states, which are the conflict early warning and response units (CEWERU) Heads as well as civil society representatives. The Country Coordinators are the ones receiving the early warning information from the Field Monitors and link it to response channels through their analysis and reporting to CEWARN.

They meet at least once a year to give recommendations to the Committee of Permanent Secretaries, which are senior government officials from the relevant ministries handling CEWARN's work, such as the foreign ministry. They discuss policy guidelines as well as lobby for and assist in the implementation of CEWARN activities in the member states. Each CEWERU also has a National Steering Committee, which includes state and non-state actors like parliamentarians, police and military representatives as well as community leaders from civil society. The information from the Field Monitors goes both horizontal to the Local Peace Committees and vertical to the CEWERUs on a weekly basis or whenever a crisis occurs.

¹¹⁴<http://www.cewarn.org> Accessed June 17, 2013.

¹¹⁵Interview with Raymond Kitevu, Former acting Director of CEWARN, Nairobi 24/07/13.

So it is a two-way information process, which makes it possible to take action for response at the local level as well as for follow up on the early warning information given. Issues of the early warning not coming from the field on time due to lack of transportation and IT support has now been overcome with the use of satellite telephones.

The information from the Field Monitors is thereby given to the Country Coordinators who feed it into the electronic early warning system. CEWARN Report is not open to all other than the Field Monitors and Country Coordinators due to security concerns and sensitivities of the member states. This is due to the fact that some of the information that CEWARN collects concerns the numbers and interactions of security personnel, government military, and clan militias, which the countries within IGAD do not want to share even with their neighbours, let alone any other country.¹¹⁶

2.4.1 The Vision of CEWARN

The vision of CEWARN is to “Empower stakeholders to prevent violent conflicts”. This vision will be realized in peaceful, sustainable resolutions to pastoral conflict in the IGAD region where stakeholders means IGAD and its Member States, local communities, civil society, non-governmental organizations (NGOs), academic and research institutions, Regional Economic Communities (RECs), the AU and other international organizations and community based organizations and citizens. CEWARN is empowered by a shared interest and sustained effort in transparent collaboration, cooperation and participation at all levels from local to international, CEWARN will prevent violent conflict through the use of timely, systematic tracking of social, economic, political and environmental activities and events, assessing their trends prior to escalations of violence, and formulating response options that seek peaceful, sustainable resolutions to pastoral conflict.¹¹⁷

¹¹⁶ Interview with Raymond Kitevu, Former acting Director of CEWARN, Nairobi 24/07/13.

¹¹⁷ <http://www.cewarn.org> Accessed June 17, 2013.

2.4.2 The mission of CEWARN

The mission of CEWARN is to establish itself as an effective and sustainable sub - regional mechanism that undertakes conflict early warning and response, fostering cooperation among relevant stakeholders so as to respond to potential and actual violent conflicts in the IGAD region and contributing to the peaceful settlement of disputes in the sub-region.

2.4.3 Mandate of CEWARN

The CEWARN is Mandated “To receive and share information concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region, undertake analysis of the information and develop case scenarios and formulate options for response.”¹¹⁸

Through its national network of governmental and non-governmental stakeholders, Conflict Early Warning and Response Units (here after CEWERUs); National Research Institutes (there after NRIs) and Field Monitors (FMs), CEWARN undertakes its conflict early warning and response function in three clusters or pilot areas. These are the Karamoja Cluster (covering the cross-border areas of Ethiopia, Kenya, Sudan and Uganda); the Somali Cluster (covering the cross-border areas of Ethiopia, Kenya and Somalia) as well as the Dikhil Cluster (covering the cross-border areas of Djibouti and Ethiopia).

The CEWARN general mandate is to: (a) receive and share information concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region; (b). undertake and share analyses of that information; (c). develop case scenarios and formulate options for response; (d). share and communicate information, analyses and response options; (e). carry out studies on specific types and areas of conflict in the IGAD region.¹¹⁹ To accomplish its mandate, CEWARN shall rely for its operations on information that is collected from the public domain, particularly in the following areas: livestock rustling; conflicts over grazing and water points; smuggling and illegal trade; nomadic movements; refugees; landmines and banditry.¹²⁰

¹¹⁸<http://www.cewarn.org> Accessed June 17, 2013.

¹¹⁹<http://www.cewarn.org> Accessed June 17, 2013.

¹²⁰Ibid.

In my opinion, the areas of information collection mentioned above greatly hinders CEWARN accomplishment of its mandate as it limits CEWARN EWS geographical coverage and the typologies of conflict to only concentrate on pastoral conflict areas of Karamoja and Somalia.

2.4.4 How CEWARN works

The CEWARN Protocol lays down a wide range of areas on which CEWARN can collect information. These include livestock rustling, conflicts over grazing and water points, nomadic movements, smuggling and illegal trade, refugees, land mines and banditry. CEWARN has, however, been mandated by the Member States to commence with the monitoring of cross-border pastoral and related conflicts, providing information to Member States concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region.¹²¹

CEWARN operates an indicator-based early warning system focused on cross border and inter-state pastoral and related conflicts, monitoring specific factors in so far as any aspect relating to them could be a peace-promoting or conflict generating. Collection and analysis of information received from the field is done through National Research Institutes (NRIs), independent bodies contracted directly by CEWARN. Part of the strength of the Mechanism is the ability to link up with the formal government structures at the national and local levels as well as with the civil society. At the national level, national Early Warning and Early Response Units have been established in all Member States except Somalia.¹²² The composition of CEWERUs includes representatives from government, security agencies, Members of Parliament and civil society. The value of the CEWERU lies in its capacity to generate or cause a response as a result of information or alerts received from CEWARN. The data analyzed reports (which include Country and regional Updates as well as alerts and Situation Briefs) generated by CEWARN are shared with the CEWERUs at the national level and with coordinating structures of the mechanism like the Technical Committee on Early Warning (hereafter TCEW) and the Committee of Permanent Secretaries (hereafter CPS) at the regional level.¹²³

¹²¹ IGAD. 2002. Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for the Inter-Governmental Authority on Development (IGAD) Member States. Addis Ababa, Ethiopia: IGAD.

¹²² Ibid.,p10.

¹²³ Ibid.,p12.

2.4.5 CEWARN reports

CEWARN currently produces three periodic reports and two early warning Briefs which are as follows;

Baseline Reports provide analyses of the structural influences and causes of conflicts in a historical and socio-economic context. It also provides an overview of the impact of conflict and vulnerability of these communities. These reports are updated after every 5 years.

Country and Cluster Updates are national and ‘Cluster’ based reports, documenting and analyzing the conflict and peace situation of the Areas of Reporting. Both reports are produced after every four months.

Alerts and Situation Briefs are warnings that are issued as the situation demands. Alerts are real time warnings on impending violent conflicts that need urgent interventions. Situation Briefs report on occurrences (natural or manmade) that could threaten the existing peace or worsen already tense situation and lead to violent conflicts. All the above reports provide short, intermediate and long term response recommendations to stakeholders at all levels—local, national, regional and international.

2.5 Historical Background of Kenya Electoral Violence

Kenya has been engulfed in political violence since the introduction of the multiparty in 1991 by the then former president Daniel arap Moi.¹²⁴ President Moi repealed the constitutional clause that enshrined the Kenya African National Union (hereafter KANU) as the sole political party heralding a new era of multiparty politics in Kenya beginning from December 1991. Though it followed years, if not decades, of domestic political protests and international pressure, that decision, which Moi had long forsworn, best marks the beginning of Kenya’s decade-long transition¹²⁵. Since then, Kenya has become a cesspool of all genres of political violence that have effectively confined its embryonic democracy to cold storage.

¹²⁴ Peter, M., 2003. *Facing Mount Kenya or facing Mecca? The Mungiki ethnic violence and the politics of the Moi succession in Kenya* [online]. 102:25-49. Available: <http://www.afrar/adg.org>. accessed on 23/10/2013.

¹²⁵ Ibid.,p2.

Against the political backdrop of rising domestic and international pressure for the political pluralism, the one party elite warned that the introduction of a multiparty system would trigger violence that would destroy the Kenyan nation. Politicians from Moi's own Kalenjin ethnic group called for the return of Majimbo, a federal system based on the notion of ethnic purity which required the expulsion of all other ethnic groups from land occupied by the Kalenjin and the Maasai before colonialism¹²⁶. Mysterious Kalenjin warriors and Maasai morans clad in traditional attire, their faces painted with red ochre, descended on non-Kalenjin population in parts of the Rift valley, Nyanza and Western Kenya.

It was later understood that it was a new phenomenon of informal repression, a strategy by the ruling elite to employ violence, covertly to undermine political opposition, counter multiparty democracy, and regain the political initiative.¹²⁷ Despite widespread unpopularity, Moi won the presidential elections and his party secured a majority in parliament in the following two general elections, held in December 1992 and December 1997. This was made possible by a blatantly uneven playing field and the ruling party's use of panoply of devious practices, ranging from gerrymandering and the stuffing of ballot boxes to violent intimidation and even ethnic cleansing, and facilitated by the opposition's fragmentation.

In the December 2002 elections, opposition candidate Mwai Kibaki was elected to the presidency and his National Rainbow Coalition (NARC) obtained a strong majority in parliament, relegating KANU members of parliament to opposition benches for the first time since independence in 1963. To much celebration, power was smoothly transferred to Kibaki on December 30, 2002, marking the end of Kenya's transition. Stephen Ndegwa calls this, perhaps without exaggeration, "the most significant political event in the history of Kenya since British colonial rule formally ended". The 2002 elections were surprising for the relative absence of wide-scale organized violence. The two previous campaigns and polls had been characterized by systematic attacks on members of ethnic groups that resided in KANU strongholds but generally supported the opposition.

¹²⁶Ibid.,p4.

¹²⁷Linda, k. 2000. *Journal of modern African studies*. *Informal repression. Zerosum politics and the later third wave transitions*. 38(3) : 383-405.

This violence, often called ‘ethnic clashes’, was induced by senior KANU party officials for political purposes. Between 1991 and 2001, the so-called clashes killed thousands of Kenyans and displaced hundreds of thousands more. It was widely feared, given their success in the past and the complete impunity accorded to the organizers and perpetrators that similar attacks would occur in 2002.¹²⁸

This threat, however, failed to materialize for two main reasons. First, though effective in disenfranchising numerous voters, violence alone could not significantly narrow NARC’s two-to-one lead over KANU in opinion polls. Second, when the KANU defectors joined Raila Odinga in forming their own opposition party, the liberal democratic party (hereafter LDP) attracted some of the very people responsible for organizing the clashes.¹²⁹ KANU thus lost capacity to mobilize their private militias to carry out political violence. This, along with the fact that both main contenders for the presidency were Kikuyu, blurred the previously clear allegiances, usually ethnic, which therefore ‘detrified’ the poll to a certain extent. In any case, the prospect of a NARC government was not overly threatening to the majority of the old guard.

Most KANU leaders, according to David Throup a keen observer of Kenyan elections, “decided that they could live with a Kibaki presidency” and therefore only rigged the campaign and “intimidated voters in a spasmodic, half-hearted manner”.¹³⁰ After losing the election, Moi could also have tried to use force to retain power, rather than hand it over to the opposition. It is widely believed in Kenya that some KANU hardliners advocated a kind of ‘self-coup’ to prevent the opposition from assuming office. Why this did not occur is difficult to prove. Uhuru Kenyatta is generally thought to have been opposed to such methods, perhaps Moi as well. Moreover, the army officer corps is quite well professionalized and unlikely to want to intervene in politics. Raila Odinga and others made credible threats of mass action if Kibaki were not sworn in, which also almost certainly influenced KANU and military elites. The probability of donor sanctions provided another disincentive. No amnesty law was ever passed to protect Moi after he left office.

¹²⁸Stephen, B. 2003. *Journal of Contemporary African Studies. Theorizing Kenya’s Protracted Transition to Democracy*. accessed on 23/10/2013.

¹²⁹Ibid., p3.

¹³⁰Ibid., p4.

It is quite possible that a pre-election verbal pact was made between Kibaki and Moi. Moi might have agreed to transfer power to the new government on the understanding that he would be safe from prosecution and seizure of his personal wealth. Indeed, after his inauguration, Kibaki ambiguously promised to hold people accountable for past actions but avoid witch-hunts. Moi's de facto immunity was subsequently confirmed in later official pronouncements, discussed below.

Violence is often used as a tool for informal repression by sub-Saharan African rulers to restrain electoral competition, not only in Kenya but also in countries such as Cameroon and Rwanda. This in turn exacerbates divisions in the population and leaves deep scars, creating additional challenges for the post-transition phase.¹³¹ Although not stated explicitly, in regards to the post-election violence the primary perpetrators of violence appear to have been the government and ruling party, with the assistance of partisan security forces and members of the judiciary. Their targets or victims were opposition politicians, supporters and infrastructure.

The methods used included attacks, detention, threats, harassment, closure of offices, and breaking up of opposition meetings. Violence in this case was not always physical - it included threats and intimidation. The location, while not clear from the quote, included the capital and other areas where the opposition potentially enjoyed support.¹³² Motives for violence could have included skewing the playing field, limiting political space, preventing candidates from running, weakening the opposition, or a desire to retain power and stay in office. This was especially the case after the strong showing of the opposition during the previous elections. The enabling conditions included the lack of checks on the executive, the weak rule of law, partisan security forces and judiciary controlled by the incumbent, a permissive or disinterested international environment — or at least lack of scrutiny — and a weak or fearful civil society and media.

¹³¹Ibid.,p6.

¹³²Ibid.,p7.

The effects of the violence included undermining the credibility, quality and inclusiveness of elections; as a result, the opposition struggled to muster support, campaign or compete fairly. The violence also deepened distrust between parties.¹³³

Since the beginning of the millennium, the African continent multiplied the initiatives to set in place modern Early Warning Systems. These Early Warning Systems allow anticipating the occurrence of natural or man-made catastrophes, be it in the health sector, in the access to natural resources, or in the political realm.¹³⁴ The study observes that CEWARN did not pay strong attention to political conflicts; instead it had a very strong bias to pastoral conflict. CEWARN reports are seen to be more concentrated on pastoral conflicts as seen from the website reports.

2.6 Trans-Nzoia and the Post-election Violence 2007/08

Trans-Nzoia County is in the former Rift Valley Province, Kenya, located between the Nzoia River and Mount Elgon with its center at the town of Kitale which is the capital and largest town of the county, and 380 km North West of Nairobi. The district has three constituencies i.e. Cherangani, Kwanza and Saboti Constituency. The county borders Bungoma to the west, Uasin Gishu and Kakamega to the south, Elgeyo Marakwet to the east, West Pokot to the north and the republic of Uganda to North West. Trans-Nzoia covers an area of 2495.5 square kilometres.¹³⁵ Trans-Nzoia County belongs to the Karamoja cluster of reporting. Other areas in the Rift valley belonging to the Karamoja cluster includes Turkana North East, Turkana North West, Turkana central, Turkana south and west Pokot. Trans-Nzoia experienced the worst brunt of PEV 2007/2008 in the Karamoja reporting cluster¹³⁶. By January of 2008, the Red Cross had established 20,000 IDPs camping at Kachibora Centre in Cherangani, out of which 7,000 were children.¹³⁷ The land problem has been sighted as a major source of conflict in Trans-Nzoia.

¹³³Wulf, H. and Debiel, T., (2009). *Conflict Early Warning and Response Mechanisms: Tools for Enhancing the Effectiveness of Regional Organisations? A Comparative Study of the AU, ECOWAS, IGAD, ASEAN/ARF and PIF*. Crisis States Working Paper Series, No.2, pp. 1-38.

¹³⁴Ibid.,p16.

¹³⁵ Amisi, B, K., 2000. "Conflict in Rift Valley and Western Kenya; Towards an early warning indicator identification". Nairobi.

¹³⁶ Ibid.,p24.

¹³⁷ Red Cross. 2010. "Humanitarian situation/recent assessments; Assessing Kenya PEV 2007/08 Conflict in Rift Valley and Western Kenya". Nairobi. Red Cross.

As a result major clashes over land have occurred in the region, notably in 1991/92 in response to a clamor for the introduction of pluralist politics, in 1997/98, and in the 2007/08 post-election violence.¹³⁸ All this time CEWARN has been operational in this area and yet the conflict does not seem to be averted. The spillover effects have been witnessed in Mt. Elgon region with the tensions being militarized by the Sabaot Land Defence Forces (hereafter SLDF). The Sabaot have long with the help of their cousins Sebei from Uganda, fought for what they called ‘Land rights,’ This was witnessed first in 1993, where in defence of the then Moi Administration, they waged serious onslaughts on the Bukusu-Luhya Sub-tribe for illegal occupation. It’s the same Sabaots, that have precipitated the conflicts pitting the Soy and Ndorobos in the highly politicized land allocation scheme of Chepyuk. This was the genesis of the SLDF.

It’s worth-noting that the Sabaot trace their roots back to Trans-Nzoia District. Similarly, minority groups have also emerged in the quest for recognition and land ownership. A case in point is the Sengwer, who are advocating for de-tribalization from the larger Kalenjin. Historically the area had been inhabited by the Kalenjin and Bukusu people of the Luhya tribe. After independence many of the farms vacated by white settlers were bought by individuals from other ethnic groups in Kenya.¹³⁹

In some instances the resettlement involved movement of African farmers (especially the Kikuyu from Central Kenya where post Mau Mau effects on control of land ownership was severe) into the Highlands. Apart from the Kalenjin, Kikuyu who had come in 1950s as labourers, other entrants in the area included the Luo and Kisii. This balkanization of communities in ethnic blocs has been sighted as the genesis of struggles for land ownership and occupation in Trans-Nzoia. According to Walter Oyugi, ethnic tensions in Rift Valley developed around the structure of access to economic opportunities and distribution of land. In December 27 1991, ethnic clashes erupted in Trans-Nzoia pitting the Kalenjin warriors against other ethnic groups, particularly the Luhya community. The warriors looted and burnt property.¹⁴⁰

¹³⁸ Kenya. Akiwumi Commission report. 2008. CIPEV (commission of inquiry into the post election violence). Nairobi. Kenya Government printer.

¹³⁹ Gisemba, N. 2009. *A short history of land settlements in Rift Valley*, Pambazuka News, Kenya.

¹⁴⁰ Oyugi, W. 2000. *Politicized Ethnic Conflict in Kenya: A periodic phenomenon*, Addis Ababa. Red Sea Press.

The violence escalated to two fronts: Chemichimi village in Bungoma District and the border of between West Pokot and Trans-Nzoia. In the resultant violence in Bungoma district, 2,000 Luhya were displaced and lived in camps at Kapkateny. All these violent acts were instigated by the political class. According to the Akiwumi report, it emerged that the Sabaot were enticed by the promise of huge tracks of land if they managed to evict the Bukusu. Both the Akiwumi and Kiliku reports on ethnic clashes acknowledged the fact that senior administrators were privy to the eviction plans or conspired with the then political class. Kitale farm in Transzoia is notably one of the most emotive land issues in the region. Between 2000 and 2005, tension was sky-high in the volatile *Kitale Farm*. In 2004 alone, 11 houses were razed down as groups clashed over the ownership of the farm. Groups claimed they were evicted during the 1991/92 tribal clashes, with other families illegally allocated the land¹⁴¹.

The tension and mistrust between the Sabaot and the Bukusu reared its ugly head again on 8th February 2010 during the Andrew Ligale led Independent Electoral Boundaries Commission session in Sabaot constituency to seek community views on whether to create a new constituency out of the Larger Sabaot constituency. Most members of the Sabaot community pressed for a ‘Saboat’ constituency solely occupied and represented by the Sabaot in parliament. They claimed long periods of over dominance and marginalization by the Bukusu community in both political and economic affairs. At one time, a former nominated Member of Parliament, Mr. Samuel Moiben claimed that there will be chaos if the Sabaot are not given their own constituency¹⁴². From the extract, it is evident that senior administrators were privy to the information that people would be evicted from their land and yet nothing seems to have been done to avert the violence. The same session unearthed a campaign scheme from the Luhya political elite to press for the relocation of the Larger Trans-Nzoia District to Western Province from Rift Valley. This is anchored on the fact that the Luhya form the bulk of the population in Trans-Nzoia and would have been “politically comfortable” with their kinsmen in Western Province as opposed to “aliens” in Rift Valley¹⁴³.

¹⁴¹ Kenya. Akiwumi Commission report. 2008. CIPEV (commission of inquiry into the post election violence). Nairobi. Kenya Government printer.

¹⁴² Ibid.,p19.

¹⁴³ Southall ,R. 2005 . “*The Ndung’u report; Land and graft in Kenya*” *Review of African Political Economy*.

During the electioneering period leading to Kenya PEV 2007/08, tension was high in Trans-Nzoia. According to personal interview conducted, “Aliens” were being threatened with eviction if ODM lost to PNU. The aliens were accused of dominating jobs and business sector. Residents of Kwanza, Kaplamai, Cherangani and central Trans-Nzoia were the most threatened since most land is owned by Kikuyus and the Kisii’s.

During voting, Kikuyus, Kisii’s, Luhyas and Bukusu living in kisii South, co-operative land, Kwanza, Cherangani and Kaplamai were threatened against voting for PNU. As the votes margins between the ODM and PNU narrowed, violence started in areas of Kwanza and Kaplamai. The Nandis and Luos who were working in the farms started demonstrating by barricading roads and stoning vehicles. Immediately after the elections were announced by Samuel Kivuitu, sporadic violence spread in Cherangany, kwanza, Kaplamai where the Kikuyus and Kisi’s were evicted from their farms. Houses were burnt, livestock stolen, grains were burned and shops in Kitale where looted.¹⁴⁴ The displaced people sought refuge in Kitale town while others went to churches, chief’s camp and police station. Most notably was Kachibora Centre in Cherangani, where the Red Cross established 20,000 IDPs camping, out of which 7,000 were children.¹⁴⁵

2.7 IGAD and Political Conflict

The Conflict Early Warning and Response Mechanism (CEWARN) deals with all kinds of conflict however it only gathered information in two clusters in Kenya. Currently it seems to have too much focus on the pastoral cluster, therefore leaving political conflicts exposed.

The CEWARN in the case of Kenya should have dedicated more efforts into political conflicts. The CEWARN Mechanism should have captured the indicators or signs of political violence which include the availability of weapons, and armed gangs as suppliers of violence with links to politicians among others. As the state is a stronghold for the ruling party, it contains a number of “safe” seats.

¹⁴⁴ Interview with Evans Mokaya, Kitale resident, Juba 07/08/2014

¹⁴⁵ Red Cross. 2010. *“Humanitarian situation/recent assessments; Assessing Kenya PEV 2007/08 Conflict in Rift Valley and Western Kenya”*. Nairobi. Red Cross.

Thus the primaries (to select candidates) rather than the elections themselves determine who will eventually win power, which raises the stakes of the primaries. Motives may have included the desire to win the party ticket and, therefore, to win or hold onto power. The enabling conditions again include the weak rule of law, ready suppliers of violence, and links between politicians and armed groups. Impunity has also been identified as a driver of electoral violence in this country as few of those responsible are ever brought to justice. The effects of the violence included weakening party cohesion and deepening the violent environment ahead of elections, which could also depress turnout and increase opportunities for fraud.¹⁴⁶ This work is important since it shows how politician's can propagate violence in their quest for power. According to Akiwimu report, it emerged that the Sabaot were enticed by the promise of huge tracks of land if they managed to evict the Bukusu in Transzoia.

The IGAD Secretariat has developed a number of projects to help build the capacity of member states in the area of conflict prevention, management and resolution. As a first step IGAD, with funding from the European Union (hereafter EU), is building conflict prevention and mediation capacities in the region. The Unit's staff components of three researchers are currently undergoing training in early warning data analysis. It is envisaged that their Unit will work in cooperation with regional early warning units, or CEWARU's, based in each IGAD member state.

¹⁴⁶Wulf, H. and Debiel, T., (2009). Conflict Early Warning and Response Mechanisms: Tools for Enhancing the Effectiveness of Regional Organisations? A Comparative Study of the AU, ECOWAS, IGAD, ASEAN/ARF and PIF. Crisis States Working Paper Series, No.2, pp. 1-38.

2.7 Conclusion

This chapter has delved deeper into the historical perspective of the research. It has explained the varied aspects of the topic as an illuminator of the specific questions the study seeks to investigate. Notably, the involvement of CEWARN in addressing Kenya PEV of 2007/08. As shown above, IGAD and CEWARN seem to have a loose and a convenient relationship. But there is no clear and precise mode of operation.

In addition when it comes to the CEWARN itself, there seems to be an amorphous inter-relationship between the general mandate and the specific mandate – the sub mandates are limiting CEWARN to achieve the overall mandate which should not be the case. Better put, the mandates are not clear, definite and specific when it comes to dealing with political conflicts.

Also, the specific and sub-mandates of the CEWARN are seen limited in geographical and typology of conflicts. The indicators seem limited in scope, based on the sub-mandates and the clusters seem more biased towards pastoral conflicts than political conflicts. As a result CEWARN became in-effective when it came to dealing with political conflict, especially in the case of post- election violence in Kenya.

CHAPTER THREE

ROLE OF CEWARN IN COLLECTING RELEVANT CONFLICT DATA

3.1 Introduction

The Intergovernmental Authority on Development (IGAD) as a sub-regional organization in the Horn of Africa started working in the field of conflict prevention, with the establishment of the Conflict Early Warning and Response Mechanism (CEWARN) in 2002 in Addis Ababa, Ethiopia. CEWARN has been operational since 2003 and is therefore the longest functioning mechanism on the African continent in comparison to ECOWAS, AU and SADC's initiatives of conflict prevention. Still the implementation has been mainly concerned with the early warning side of the mechanism, while the link and application of early responses of prevention are under development with the Rapid Response Fund (hereafter RRF) being setup in January 2009.¹⁴⁷

The basic underlying mission of CEWARN is to assess situations that could potentially lead to violence or conflicts and prevent escalation. CEWARN has in the past 12 years, primarily focused on avoiding conflicts related to cross-border pastoralist and other associated issues. The organization's tagline, "*Empowering stakeholders to prevent violent conflicts*", in a gist, explains what they have been working towards for the past 12 years and continue to do so.¹⁴⁸

By establishing national collaboration between several government and non-governmental stakeholders, such as Conflict Early Warning and Response Units (CEWERUs), National Research Institutes (NRIs), and Field Monitors (FMs), the CEWARN target of early warning and response has been undertaken in three main geographical clusters, namely, the Karamoja cluster (includes cross-border regions of Ethiopia, Sudan, Kenya, and Uganda), the Somali cluster (encompassing cross-border regions of Ethiopia, Kenya and Somalia), and the Dikhil Cluster (cross-border regions of Djibouti and Ethiopia).¹⁴⁹ The Conflict Early Warning and Response Mechanism (CEWARN) structure is made such that it has conflict early warning systems operating within its member states known as Conflict Early Warning Early Response Unit (CEWERU).

¹⁴⁷ IGAD. 2002. Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for the Intergovernmental Authority on Development (IGAD) Member States. Addis Ababa, Ethiopia: IGAD.

¹⁴⁸ Ibid.,p10.

¹⁴⁹ Ibid.,p14.

In Kenya, it is known as the National Conflict Early Warning and Early Response System (hereafter NCEWERS). The system is run by the National steering committee on peace building and conflict management (hereafter NSC). The system monitors, analyzes and disseminate information to the stake holders in order to mitigate and avert potential violence. The NSC is composed of state and non state actors, like the parliamentarians, police, military and the community leaders. Therefore CEWARN collects information through NSC structure sourcing (Peace monitors/field officers, District peace committees, Police, Local administration), crowd sourcing and media sourcing (TV, print, institutional reports e.g. UNON security report, international crisis group and goggle alerts).¹⁵⁰

The National Steering Committee (NSC) is an interagency committee sitting in the Office of the President and is responsible for early warning and peace building activities at the national level. As explained, the NSC is a centerpiece of the different early warning and peace building activities undertaken by different actors, in the sense that it is the main recipient of warnings, alerts and reports, as well as the responsible authority for the coordination of responses. The different mechanisms and initiatives set out below all fit under this institutional framework.

CEWARN's mandate is to receive and share information concerning potentially violent conflicts, as well as their escalation and outbreak in the IGAD region, undertake analysis of the information, develop case scenarios and formulate options for response. Therefore, it is essential to note that, in the 2007/2008 PEV, CEWARN would have collected information which would have mitigated the PEV violence from happening. Based on the CEWARN reports, there was very little on the electoral violence as the focus was on the pastoral conflict which is not a major threat to peace and stability in the region. This chapter therefore, details the participation of CEWARN in accomplishing its mandate by collecting electoral conflict relevant data as detailed in the succeeding discussions.

¹⁵⁰ National Steering Committee. 2011. *Consolidating early warning and early response capacity in Kenya towards 2012 and beyond*. Nairobi: NSC.

3.2 National Conflict Early Warning and Early Response System

The National Conflict Early Warning and Response Unit (CEWERU) of Kenya held an official launching ceremony of the national Early Warning and Response Mechanism on 25th November 2010 in Nairobi, Kenya. The mechanism covered the whole country unlike the CEWARN mechanism which covered parts of the country. The mechanism also saw the Typologies of conflict covered increased significantly. According to the head of the national CEWERU of Kenya, the rationale for the establishment of the national early warning and response system was a pressing need in Kenya for a capacity to undertake timely and effective action to prevent and mitigate violent conflicts. The head noted that the need was more pressing following the damage caused by the 2007 electoral violence.

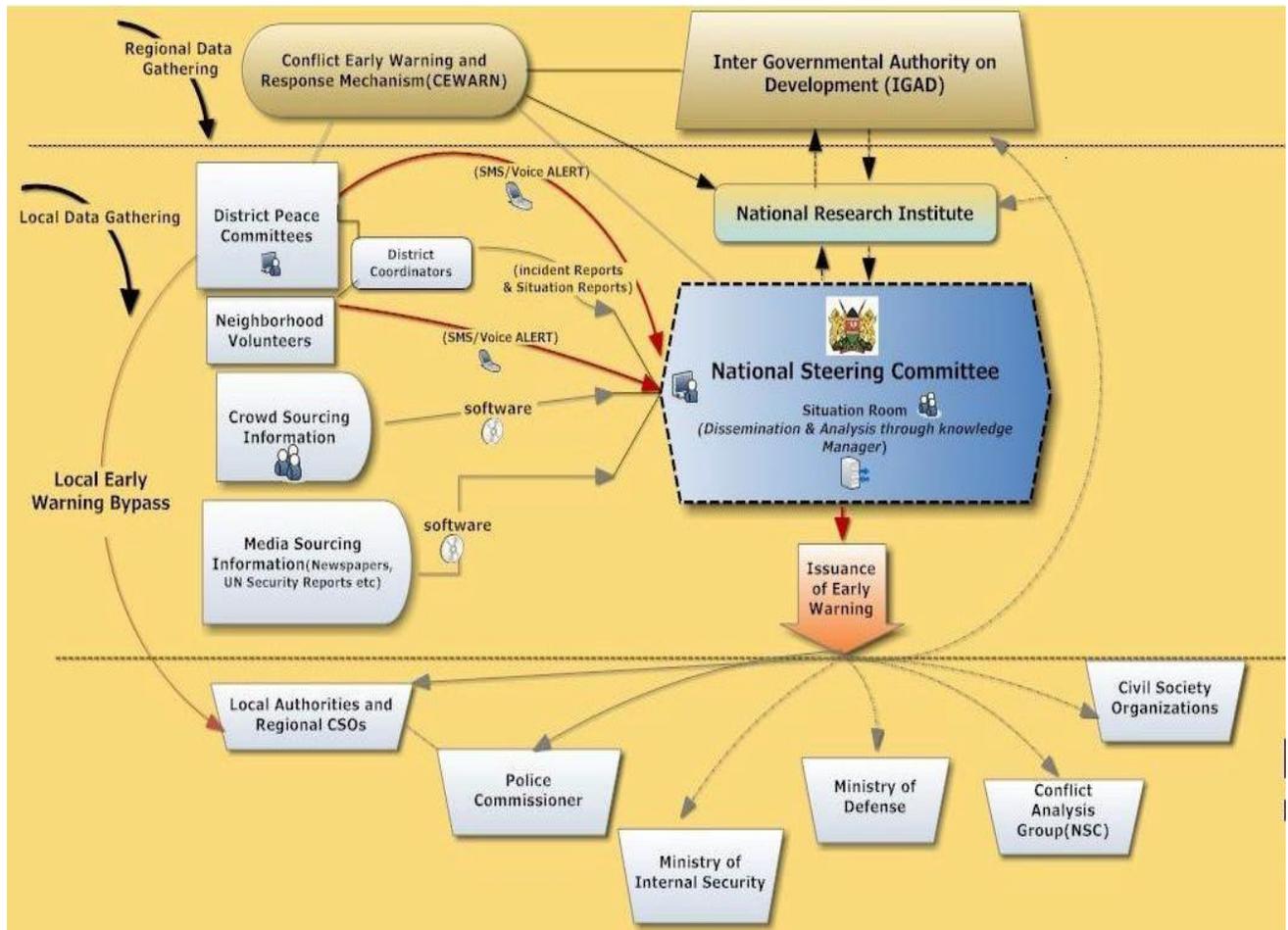


Figure 2: The National Conflict Early Warning and Early Response System (NCEWERS)

Source: National Steering Committee (2012)

The mechanism is modelled after the Conflict Early Warning and Response Mechanism (CEWARN) of the Inter - Governmental Authority on Development (IGAD) which has been serving as a platform for collaboration among IGAD Member States on the prevention and mitigation of cross-border pastoral and related conflicts in the Horn of Africa region. The 2007/08 post-election violence in Kenya left government, organizations and communities alike dumbfounded at the scale of mass violence that the country degenerated into. Questions lingered on what went wrong then and what could be done to militate against such events from reoccurring.

According to James Kiarie, programs administrator at NSC, as the country headed to the 2012 general elections, the glare of the above questions increased in intensity, necessitating the need for sharing and consolidation of Early Warning and Early Response (EWER) strategies to mitigate against electoral conflict and subsequent violence. Kiarie says that the Kenyan CEWERU took a proactive role that instead of sitting back and be fed by the CEWARN, they adopted the CEWARN model and employed their own peace monitors to collect information. This made the CEWERU to be a collector at the same time the response mechanism. The strategies used included a proactive way of communicating directly with the police to avert potential violence, directly engaging the locals to bring forth potentially violent information, among others. It is against this background that National Steering Committee on Peace Building and Conflict Management (NSC) and Pact Kenya convened a two day EWER Technical Forum on “Consolidating EWER Capacity towards 2012.”¹⁵¹

Generation of conflict trends is part of early warning infrastructure for violence prevention. It provides useful information (indicators) that link particular incidences to violence in the past. Such indicators can be useful in anticipating violence and preempting their occurrence. In order to make the point clear, a presentation was made on the conflict trends in Kenya focusing mainly on conflicts between 1984 and 2011. The trend indicates existence of episodes of violence in the last 15 years mainly resulting from natural resource, political, and governance issues among others.

¹⁵¹ National Steering Committee. 2011. *Consolidating early warning and early response capacity in Kenya towards 2012 and beyond*. Nairobi: NSC.

Closer look at the episodes indicate reoccurrence of some conflicts after a certain period of time. For example, politically related ethnic clashes in 1992, 1997 and 2007 seem to occur after every 5 years. There are also drought related episodes of violence. Thus, an EW infrastructure that incorporates conflict trends provides opportunity for anticipating a particular violence at a certain period of time. Such information is helpful in the formulation of a preventive action.¹⁵²

3.3 Approaches to Conflict Early Warning in Kenya

Conflict EW practices include a spectrum of approaches such as EW architecture (institutions/stakeholders engaged in EWER), peace building and conflict prevention architecture (information and strategies in place to collect and disseminate the information to aid peace building and conflict prevention), and response architecture (institutions and strategies for response). Presentations made by various organisations indicated that organisations, both governmental and non-governmental, are engaged in EWER using various approaches and methodologies. They are also engaged in EW for various reasons such as humanitarian assistance, conflict prevention, crime prevention, policing, etc. Some of the EWER systems presented are traditional systems which focus on peace and conflict monitors while others are modern hi-tech processes that use social media and crowd sourcing tools for mobilizing conflict information.¹⁵³

Organizations use various methods to collect EW information. Some use focal points while the majority of the organizations, such as Africa Peace Forum (hereafter APFO), The NSC, Peace Corps, PeaceNet - Kenya and ALRMP, deploy peace and/or field monitors to collect information. Security agents on the other hand use informers. Organizations such as Sisi Amani Kenya, Ushahidi, and NSC use “crowd sourcing” approach where citizen use mobile phones, web portals and email to send information. Organizations such as UNOCHA and Kenya security agents, get their data from various departments (Secondary research) e.g. UN security department and WFP (UNOCHA) and government agencies (security agents).¹⁵⁴

¹⁵² Ibid.opcit.,p6.

¹⁵³ Ibid.opcit.,p8.

¹⁵⁴ Ibid.opcit.,p10.

Some organizations, such as ISS and ICRK, undertake conflict and risk analysis through research while others such as Jesuit Hakimani Centre use surveys. Other methods for data collection by other organisation such as NSC, PROMARA and ICRK, include participatory processes, such as workshops (conflict mapping). Other organizations have elaborate structures that they use to gather information. For example, NSC gets information from DPCs and Field Monitors; ICRK uses its religious coordinating bodies such as NCKK; Kenya Police (from OCS to OCPD to Police HQ) and Administration Police (from Peace Corps and their command structures). The media is another source of information that many organisation rely on.¹⁵⁵ There are various data collection tools used by organizations including mobile phones (through text messages- SMS, direct calls), web portals, questionnaires, Geographic Information Systems (GIS), VHF radios, listening devices and email. Most of the organizations reported that they always verify the authenticity of information before responding.¹⁵⁶

CEWARN used focal points by deploying peace monitors/field officers to collect information in their clusters of reporting. The peace monitors also known as the District peace committee model was first established in northern Kenya in the early 1990s as a means of solving tensions, conflicts and violence among pastoralist communities. In addition to facilitating community dialogue and settling disputes at the local level, peace committees are part of a network which also acts as a preventive mechanism within communities. In this sense they form a wider institutionalised conflict early warning and early response system, together with civil society organisations, which monitors and reports so that preventive action can be taken. In the aftermath of the post-election violence, the National Accord and Reconciliation Agreement recommended the establishment of peace committees in all the districts of Kenya, with priority given to the Rift Valley province, where most of the violence had occurred. As of 30th June 2011, there were 130 active district peace committees in the country¹⁵⁷. The field agents are deployed up to the district level through the provincial administration.

¹⁵⁵ Ibid.opcit.,p12.

¹⁵⁶ Ibid.opcit.,p14.

¹⁵⁷ Ibid.opcit.,p15.

Lorot Chidan, a field monitor based in Kitale, said that he collected information that was skewed toward impending election violence. Lorot said that he collected hate speech and highly emotive ethnic language in social places like bars, shopping centers and matatu terminals. Politicians were also instigating their community members against each other.

As Lorot said, “The Kalenjins were saying that if the Kikuyus took the presidency, they will have them vacate their land for good”¹⁵⁸ According to a CEWARN baseline report of the Karamoja cluster of December 2007, the report says “Unsavoury statements by politicians both from the pastoral areas and from outside still serve as a trigger for most conflicts in this region. By playing the role of “spokespersons” to their respective communities, their contribution cannot be underestimated as they knowingly (or unknowingly) play communities against each other for their own political gain”.¹⁵⁹

This report shows that CEWARN acknowledges that political conflicts play a key role in destabilizing the regions peace and stability. While the overall mandate of CEWARN is to provide early warning for all violent conflicts in the region, they however seem to have limited their mandate to focus on pastoral conflicts which does not seem to destabilize the regions peace and stability in as much as the political violence. The report further says that “The role of political elites is particularly pertinent in understanding contemporary pastoral conflicts. Political elites have grown to become one of the most potent triggers of violent conflict between pastoral communities and the scramble for votes the breeding ground for ethnic hatred and cleavages.”¹⁶⁰ Lorot further said that he received information from Cherangani, where the Kalenjins circulated leaflets warning the Kikuyus, kisii’s, and the Luhya to be ready to vacate their land if the Kikuyus won the elections. He noted that some bars in Kaplamai, Kwanza and central Trans-Nzoia were ethnically segregated as the elections approached and were used to propagate hate speech and propaganda which eventually fuelled the post-election violence in Rift valley and Trans-Nzoia.

¹⁵⁸ Telephone Interview with Lorot Chidan, CEWARN field monitor, Kitale 10/06/2013.

¹⁵⁹ CEWARN/IGAD. 2004. *Baseline Study for the Kenyan side of the Karamoja Cluster* . Africa Peace Forum 76621. Nairobi . Yaya Center

¹⁶⁰ Ibid.opcit.,p3.

According to a CEWARN Country Updates report of January - April 2008 “Trans-Nzioa, had a total of 16 incidences of violence during the period. Out these, 9 were organized raids, 3 banditry, 2 armed clashes, and 2 assaults. These can be largely attributed to the fact that the raiders took advantage of the violence that broke out in Kenya following the disputed general elections that were held in December 2007. However, the two armed clashes were as a result of the electoral violence of 2007 and targeted the Kikuyus, Kisii’s and Luhyas by the Kalenjins. During this period, more attention was focused on the areas where there was serious political violence as a result of the disputed results”¹⁶¹.

This extracts shows that CEWARN indeed captured and reported the electoral violence to CEWERU. It’s worthwhile to note that this report was sent to CEWERU on 16th June 2008 long after the violence erupted and cooled off. According to an interview with James Kiarie programs administrator at NSC, he says that one main problem which could have interfered with the mitigation of the electoral violence of 2007/08 is the long time taken by the CEWARN to give reports to CEWERU. This is clearly seen from the update report made on 16th June 2008.

The report further says that “The low level of incidences during March 2008 may also be a result of the Kofi Annan peace negotiations that were going on between the Party of National Unity (PNU) and the Orange Democratic movement. This period also coincides with numerous peace meetings led by the government officials and members of the civil society in areas of reporting such as West Pokot, Trans-Nzioa and Turkana North East.”¹⁶² This extract further reinforces the fact that indeed the CEWARN captured and reported the electoral violence in Kenya. However the report reached CEWERU too late for any action to be taken.

An analyst with the National Research Institute (NRI) known as Africa peace forum (hereafter APFO) says that he received reports indicating possible post - election violence from Kitale in Trans-Nzoia. The NRI representative says that open source reports and field monitors and in the said areas reported incidents of rising tension between ethnic communities and possible eviction of aliens in Kitale.

¹⁶¹ Ibid.opcit.,p8.

¹⁶² Ibid.opcit.,p9.

CEWARN also used crowd sourcing to gather information. Crowd sourcing is a type of participative online activity in which an individual, an institution, a non-profit organization, or company proposes to a group of individuals of varying knowledge, heterogeneity, and number, via a flexible open call, the voluntary undertaking of a task. The undertaking of the task, of variable complexity and modularity, and in which the crowd should participate bringing their work, money, knowledge and/or experience, always entails mutual benefit. The user will receive the satisfaction of a given type of need, be it economic, social recognition, self-esteem, or the development of individual skills, while the crowd sourcer will obtain and utilize to their advantage what the user has brought to the venture, whose form will depend on the type of activity undertaken¹⁶³

CEWARN employed this method by using mobile phones, web portals and email to engage large audiences of people who participated voluntarily to provide solutions to the problems facing them. CEWARN randomly selected people in their areas of reporting through their field monitors and the collectors in Nairobi would engage these people via mobile phones and emails to gather information. This method is cost effective and gathers large amounts of data within a relatively short time.¹⁶⁴

The NRI representative says that they employed the crowd sourcing method to collect information from their areas of reporting. During the period leading to campaigns and voting, the frequency of conflict data increased in both the Karamoja and Somali cluster. This he says was due to the electoral violence experienced in Trans-Nzoia which falls under Karamoja and Isiolo under Somali cluster. The respondent says he was able to collect information from open source of people leaving their homes amidst fears of violence. Incidents of hate speech and ethnic intolerance also increased in these areas.

¹⁶³ Estellés, A., Enrique, L., González, L., Fernando, A. 2012 *"Towards an Integrated Crowd sourcing Definition"*, *Journal of Information Science* **38** (2): 189–200.

¹⁶⁴ Interview with NRI representative, Nairobi 24/09/13.

As the representative said , “Suddenly we started receiving information of leaflets dropped in areas of Kwanza, kaplamai and Central Trans-Nzoia warning the “settlers’ to leave or face dire consequences”¹⁶⁵ Furthermore, he says that reports of night meetings between the politicians, businessmen and militia groups increased. James Kiarie confirmed that indeed CEWARN received electoral violence information. However, the information was taken as rumors since CEWARN believed that the only violence that could engulf Kenya was pastoral related violence and hence the information was either disregarded or not taken with the seriousness that it deserved. This predicament is shared by the EU EWS report where it says “In light of the relative stability experienced over recent years, and compared to other neighbouring countries, the magnitude of the crisis following the 2007 presidential elections was largely unexpected. Despite signals of potential violence, the emerging analyses were not integrated into any conflict-prevention planning by different actors, and were therefore left unaddressed”. This reluctance caught actors off guard when the violence broke out immediately after the announcement of the presidential election results on 27th December 2007.¹⁶⁶

CEWARN also used conflict mapping to collect information from their areas of reporting. Conflict mapping is a method where a workshop is organized to brain storm on issues of conflict with participants in selected areas.¹⁶⁷ CEWARN organized such workshops in both the Karamoja cluster and Somali cluster. Most notable areas included Moyale, Isiolo, Kitale, Cherangani, Kwanza, West Pokot and Turkana to brainstorm with the participants on the best way to mitigate violent conflict from occurring¹⁶⁸.

Lorot Chidan, a field monitor with CEWARN, in meetings held in Kitale, Cherangani, Central Trans-Nzoia and Kwaza towns, just before the votes were cast said that participants expressed fear of possible attack after the elections. Participants also recorded sentiments of eviction if either PNU won the elections.

¹⁶⁵ Interview with NRI representative, Nairobi 24/09/13

¹⁶⁶ Belgium. 2011. Early Warning and Conflict prevention report by the EU. 2013. *Learning lessons from the 2008 post-election violence in Kenya*. Brussels. 205 Rue Belliard, B-1040.

¹⁶⁷ NSC. 2011. *Consolidating early warning and early response capacity in Kenya towards 2012 and beyond*. Nairobi: NSC.

¹⁶⁸ Telephone Interview with Lorot chidan, CEWARN field monitor, Kitale 10/06/13.

Women expressed fear of losing their lives if the party of their perceived opponent lost the election. The participants cited incidences of night meetings within their neighbourhood¹⁶⁹. The CEWARN used the provincial administration and the police to collect data. Irene Tulel said that the number of police and provincial administration reports citing potential conflict increased before and during the campaign period. The reports indicated increased night meetings between the politicians and influential business men in hotspot areas of the PEV of 2007/08. The police reported an increased movement and proliferation of arms in the country from the neighbouring countries. A former MP was also caught by the police transporting bows and arrows in the Rift Valley Province. The CEWARN also got information from the media that painted a polarized nation full of tension. Irene says that the media aired highly emotive messages full of hate speech. Politicians never minced their words while addressing the media. Their speeches were highly instigative and attacked their opponents openly in the media. The social media was also used by the politicians to propagate their political and ethnic interests to the Nation.¹⁷⁰

3.4 The Role of CEWARN in Analyzing Conflict Relevant Data

While some organizations have come up with tailor-made tools that can enable them collect the particular information e.g. ALRMP uses questionnaires with predetermined 77 indicators, a majority of organization have elaborate tools which enable them collect all sorts of information, such as the web, mobile phone and others.¹⁷¹ Part of the success of CEWARN can be attributed to their commitment to developing concepts and instruments to address the root causes of conflict through effective analysis of data. Although there is a need to distinguish between the *analysis* and *interpretation* of data collected, field monitors will interpret events according to personal experience and local knowledge in order to categorize the information. In the analysis phase, the information must be seen in broader terms, considering for example the historical, political and military, socio economical, ecological and regional context in order to gain a full understanding of the situation. However, these factors might differ from situation to situation.

¹⁶⁹ Telephone Interview with Lorot Chidan, CEWARN field monitor, Kitale 10/06/13.

¹⁷⁰ Interview with Irene Tulel, CEWARN Country Coordinator 2008-2012, Nairobi 20/04/15.

¹⁷¹ NSC. 2011. *Consolidating early warning and early response capacity in Kenya towards 2012 and beyond*. Nairobi: NSC.

Analysis leads to anticipation of further developments of the conflict based on circumstantial conditions so that response options may be developed. This may involve monitoring the frequency and regularity of field reports; their accuracy, plausibility, correct categorisation of information and the timely reporting of events. Information of importance should be double checked and verified by at least two independent sources before taking action. Conflict early warning systems are designed to provide information on potential conflicts and threats to peace and security in a timely manner. The information is then processed to develop scenarios, anticipate most likely developments and to propose appropriate response options designed to prevent and/or limit violent conflicts. Not all conflict early warning systems include response actions as an integral part of the system.¹⁷²

Analysis of collected information, scenario building and onward transmission is done by the National Research Institute, an independent body contracted by CEWARN.¹⁷³ The NRI analyses data using a software tool called the reporter. Once information is received, it is collated into groups of similar characteristics, i.e. crime related data, drought related data, disaster related data, cattle rustling, and conflict related data. The conflict related data includes inter - ethnic conflict, pastoral conflict and political /electoral conflict.¹⁷⁴ Thomas Odera, a programs officer, research and documentation at NSC, said that they further grouped the political conflict data according to the areas of reporting that it came from. The analysts were able to link different pieces of information in one district to another. They were able to see the relationship between the conflicts in, Trans-Nzoia, i.e Kwanza, Kaplamai and Kitale.¹⁷⁵

The next step after collation of information is evaluation of data/ data diagnostics which ensures the quality of information. Diagnosis of data reveals shortcomings that, once recognized, can be mitigated.

¹⁷² NSC. 2011. *Consolidating early warning and early response capacity in Kenya towards 2012 and beyond*. Nairobi: NSC.

¹⁷³ <http://www.cewarn.org>. accessed July 2013

¹⁷⁴ NSC. 2011. *Consolidating early warning and early response capacity in Kenya towards 2012 and beyond*. Nairobi: NSC.

¹⁷⁵ Interview with Thomas Odera, NSC. programs officer, research and documentation, Nairobi 11/06/13.

The analyst considers the provider of the information, the quality of the information, the relevance of the information to the problem at hand and the possibility of denial or deception.¹⁷⁶ Odera further says that they evaluated all their sources of information to determine the reliability and credibility of the information provided. This gave them an insight into the strength and weaknesses of the data provided. Since most of CEWARN sources of information are vetted, what they report is assumed to be true to the best of the reporter's knowledge. Odera however noted that before the 2007/08 post - election violence, the country had been polarized along political and ethnic lines and hence there was need to evaluate the providers of the information. He says that most of the information received, especially from the media, was skewed in line with the ethnic and political alienation of the source. Odera says that they were able to filter some information from their system which had a lot of emotive language.

This information was biased and would have led to wrong interpretation of facts. Areas of Trans-Nzoia, and Isiolo, had mixed kind of reports. Some reports from the field monitors were overly diluted, while others were overly exaggerated depending on the political inclination of the reporter. Thanks to the highly trained analysts they correctly diagnosed the provider of the information and came up with an accurate assessment of facts.¹⁷⁷ James Kiarie confirmed that indeed one of the problems which might have limited CEWARN capacity to mitigate the PEV was the biased reporting or "ethicized reporting". This he said he personally experienced it where a Pokot field monitor fails to report an impending Pokot cattle raid simply because he is a Pokot. This thought is shared by the EU EWS report where it says "Ethnic identity of the people involved in the warning-response chain sometimes prevails over the necessity to issue an alert on or respond to a specific situation. For example, a DPC may have verifiable early warning information but fail to share it, especially where their ethnic groups are involved, for fear of being reprimanded by their community members."¹⁷⁸

¹⁷⁶ Interview with Thomas Odera, NSC. programs officer, research and documentation, Nairobi 11/06/13.

¹⁷⁷ Interview with Thomas Odera, NSC. programs officer, research and documentation, Nairobi 11/06/13.

¹⁷⁸ Belgium. Early Warning and Conflict prevention report by the EU. 2013. *Learning lessons from the 2008 post-election violence in Kenya*. Brussels. 205 Rue Belliard, B-1040.

The CEWARN analysts also evaluated the information provided by the sources. They did this by looking at the quality of the information and the logic of the information. Examining the quality of the information independent from the source is very important as critical information can be found in reports from sources judged to have low access and poor record¹⁷⁹. Odera says that they asked themselves some questions to ensure that the information was of the right quality. They asked themselves whether the data was first hand, second or third hand. Did the information correspond with any other report, was the information consistent with previous known information, or was the information a snippet of a much larger report? Apart from the quality of information, he said that they also evaluated the logic of the information received.

The CEWARN also conducted a relevance check on the information. This check while time consuming, helped the analysts not to rely on information that was not relevant to the central issue being assessed, e.g. the post - election violence, pastoral conflict, human trafficking etc. In regard to the electoral violence, the analysts did this by examining the salience of the material by asking some of the following questions. Did the data relate in any way to the post - election violence, did the data make sense with what they knew, did it make sense with what they thought, did the data relate to the subordinate issues associated with the main intelligence problem?¹⁸⁰. Odera says that some of the data they received was not logical and never added up to the question at hand, i.e. the anticipated PEV 2007/08. However, he noted that most of the information received was salient and pointed to an impending electoral violence.

The CEWARN analysts also evaluated the information on the possibility of denial and deception. Denial and deception is a situation whereby a third party fabricates information aimed at deceiving the analyst to make the wrong decision. These deceptions can be propagated by perpetrators of violence to mislead the security organs to deploy in a perceived violent area while they commit atrocities in a different area overlooked by the analysts and the security organs¹⁸¹. Odera says that they never encountered a case of denial and deception in their analysis of information concerning the PEV 2007/08.

¹⁷⁹ Interview with Thomas Odera, NSC. programs officer, research and documentation, Nairobi 11/06/13.

¹⁸⁰ Interview with Thomas Odera, NSC. programs officer, research and documentation, Nairobi 11/06/13.

¹⁸¹ Interview with Thomas Odera, NSC. programs officer, research and documentation, Nairobi 11/06/13.

After evaluating the information, the analyst now piece together the different parts of information to give it meaning. This stage is the integration stage. Odera says that the process takes a lot of time and patience to paint an accurate picture of the events as they slowly unfold. CEWARN analysts tried to build a picture of the kind of violence that would emerge from the indicators of violence they had received. The information pointed to a potential violence, but it was difficult to point out on how the violence would unfold, the magnitude of the violence or how long it would last.¹⁸² The analyst had to come up with possible outcomes from the information received. They developed numerous hypotheses to address the question at hand. Some of the hypotheses they came up with were that there would be no violence at all, that there would be a spontaneous violence that would grip the whole country, that there would be sporadic violence in different parts of the country, that the violence would be short lived, among other numerous hypotheses¹⁸³.

The analysts then started knocking down the hypothesis one by one by looking at the facts that had been collected. And as NRI representative said, “We started eliminating the hypotheses one by one by looking at the possibility of that event occurring relative to the facts at hand”. After a laborious but a rewarding process, the CEWARN analysts were able to come up with a few possible hypotheses which all pointed to a high probability of post - election violence. There was a very strong indication of potential election violence in the country, but as analyst they were not able to tell with a lot of certainty for how long the violence would last.¹⁸⁴

This fact is supported by the EU EWS report where it says “while violence around the election was predicted, its magnitude and its political, social, and economic consequences were not foreseen by the EU and most international and domestic observers and players”¹⁸⁵ A complementary approach is the generation of analytical reports employing explicit structural or dynamic models of crisis phenomena.

¹⁸² Interview with Thomas Odera, NSC. programs officer, research and documentation, Nairobi 11/06/13.

¹⁸³ Interview with Thomas Odera, NSC. programs officer, research and documentation, Nairobi 11/06/13.

¹⁸⁴ Interview with NRI representative, Nairobi 24/09/13

¹⁸⁵ Belgium. Early Warning and Conflict prevention report by the EU. 2013. *Learning lessons from the 2008 post-election violence in Kenya*. Brussels. 205 Rue Belliard, B-1040.

Models provide an essential complement to field monitoring and indicator monitoring through specifying the combinations of risk factors and sequence of events that are likely to lead to different types of crises, distinguishing between remote and proximate conditions. This approach has been favoured by academic researchers, and its advantages include being accessible for systematic testing and progressive refinement and adaptation based on cumulative results, and providing a means for identifying the key factors to be addressed for effective prevention.

3.6 CEWARN and Political Conflicts in Kenya

An understanding of the dynamics of conflict in Kenya is necessary if we are to determine the most appropriate means of mobilizing early responses to violent conflicts in the country. This requires knowledge of conflict issues and their causes, durations of conflict (short-lived, sporadic or protracted) and attentiveness to the identities, interests and concerns of actors, among other factors.¹⁸⁶ Most broadly, violent conflicts in Kenya can be said to be directly linked to factors that contribute to the escalation of conflict which can be categorized as structural factors, accelerators, and triggers. The structural factors/root causes of conflict in Kenya include, but are not limited to, Economic inequities and increasing levels of poverty owing to patterns of resource allocation or competition over their control, Ecological deterioration, shifts in demographic balance, resource scarcity, systematic political exclusion and marginalization of different groups.¹⁸⁷

Also contributing to the dynamics of conflict in Kenya are a variety of trigger factor-events that act as catalysts, thus igniting violent conflict, e.g. election fraud, and accelerators like negative ethnicity which work upon the root causes of violence increase their level of significance. It is important to note that most analyses of conflict and the early warning mechanisms attuned to them have been in a position to identify most, if not all, of the above as the causes of conflict with minor shifts in indicators depending on their particular contexts.

¹⁸⁶ Brahm, E. 2005. "Early Warning." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Research Consortium, University of Colorado, Boulder.

¹⁸⁷ Ibid.,p4.

While some responses have been mobilized to prevent violent conflict, these have not been adequate as they have focused on a narrow set of issues or geographical and political units, thus leaving most of these issues unattended to or responded to until they have been transformed into emergency concerns. This has led to the institutionalization of a conflict early warning-early response gap with far reaching implications for how ‘we’ respond to conflict early warning information in Kenya. As one might suspect, very little is done in terms of responding to structural causes of conflict characterized by slow-moving trends like environmental degradation, population pressure, large scale migrations, exclusionary policies or cultural shifts that create conditions conducive for crisis.

This reluctance to respond to early warning signs related to structural causes of conflict is directly linked to how issues are prioritized. This also impacts on how ‘we’ respond to various conflict accelerants that escalate these crises and trigger factors, such as contested election results, that provide the spark for the onset of violent conflict.¹⁸⁸ In light of the relative stability experienced over recent years, and compared to other neighbouring countries, the magnitude of the crisis following the 2007 presidential elections was largely unexpected. Analyses by intelligence agencies, as it emerged during public hearings conducted by the Commission of Inquiry into the Post Election Violence (CIPEV), indicated that the country was highly ethnically polarised in the period leading up to the general elections.

This was manifested in speeches by politicians at political rallies and in local print and electronic media. Many other assessments by CSOs shared these observations and had indicated the potential for conflict, but not on the scale experienced after the elections. Nevertheless, observers agree that despite signals of potential violence, the emerging analyses were not integrated into any conflict-prevention planning by different actors, and were therefore left unaddressed.¹⁸⁹

¹⁸⁸ Ibid.,p5.

¹⁸⁹ Interview with James Kiarie, programs administrator at NSC, Nairobi 20/06/13.

The specificity of CEWARN's original mandate was to deal with pastoral types of conflicts which pose a critical threat to rural communities in northern and western Kenya. The need to create a framework to specifically address these types of conflicts stemmed out of the realization that these conflicts had significant spillover effects in the region, and that therefore a regional approach with national structures was needed to operationalize the CEWARN mechanism. Its coverage is focused on trans-boundary regions called "clusters", which are traditional pastoral regions. However, in Kenya, CEWARN activities have further evolved to cover non-pastoralist areas, especially those considered as conflict hotspots, for example in the Rift Valley, Trans-Nzoia, Coast province and Nairobi. This design has been shaped by NSC's efforts to "domesticate" the CEWARN mechanism, to make it relevant in the Kenyan context.¹⁹⁰

3.7 Conclusion

CEWARN participated in preventive diplomacy by collection of conflict relevant data related to the PEV 2007/08. From the evidence gathered, the hypothesis that "CEWARN collected inadequate relevant data on conflict" has been proved to be true. This is because the data was collected in only two clusters of reporting, hence limiting the amount of data available. The data was collected through structure sourcing (Peace monitors/field officers, District peace committees, Police, Local administration), crowd sourcing and media sourcing (TV, print, institutional reports e.g. UNON security report, international crisis group and goggle alerts). CEWARN concentrated most of their collection efforts on the pastoral conflicts with less focus on the political violence. This limited their scope of collection hence leading to limited data collected. This can be attributed to the fact that pastoral conflict was perceived to be more detrimental in the region than political conflict. This perception was however disapproved during the 2007/08 electoral violence which nearly brought this country to its knees. Personal interviews indicate that data was collected on possible electoral violence. But Most of this data was either taken to be rumours or ignored on the belief that political violence was not as lethal as pastoral conflict in the region.

¹⁹⁰ NSC. 2011. *Consolidating early warning and early response capacity in Kenya towards 2012 and beyond*. Nairobi: NSC.

Also, most of the information collected by the field monitors was not included in the CEWARN reports to CEWURU. Indeed, CEWARN reports captured very little on political violence and to make matters worse, they were sent to CEWERU six months after the indicators were captured.

CEWARN through NRI were able to analyze the data collected and painted a picture of an impending electoral violence. From the evidence gathered, the hypothesis that “CEWARN analysis painted a potential electoral violence” has been proved to be true. The picture was however blurred due to the limited information collected by CEWARN. Also the analysis faced weak signals that results into weak interpretation of information hence low confidence of information by the response mechanism. The analysis was not devoid of challenges as personal interviews revealed that biased reporting based on ethnic backgrounds of the reporters and weak signal analysis- caused by weak indicators from field monitors took center stage. Personal interviews revealed that despite signals of potential violence, the emerging analyses were not integrated into any conflict-prevention planning by different actors, and were therefore left unaddressed. This might offer an explanation as to why the actors were caught off guard when the violence broke out immediately after the announcement of the presidential election results on 27th December 2007.

CHAPTER FOUR

CEWARN RESPONSE TO CONFLICT RELEVANT DATA

4.1 Introduction

Early warning and early response (EW/R) is considered one of the pillars of operational conflict prevention. Practised by international organizations, governments, research institutes and NGO's, EW/R has advanced our knowledge of conflicts and our strategies to address them. Yet, substantial gaps remain in this pioneering and experimental field necessitating further research and debate. Early response will refer to any initiative that occurs in the latent stages of a perceived potential armed conflict with the aim of reduction, resolution or transformation.¹⁹¹

The ultimate goal of early warning is not to predict conflicts, but rather to prevent them.¹⁹² In this regard, the credibility of early warning is at stake: the early warning actors should either become much better at prediction (the record has not been impressive so far) or redefine the rules of the game and put more emphasis on early action. Austin argues that unless the early warning system has a mechanism to mitigate conflict, there is little utility to be gained in refining the accuracy of current models. Meanwhile, as Lund notes, “the disparate and purely voluntary conflict prevention efforts that are carried out often overlook potential trouble spots, still respond belatedly rather than proactively, and are sometimes overly duplicative because they follow the flow of funds (e.g., few organizations have actually preceded governments into potential trouble spots”).¹⁹³

The ‘Early Response’ consists of three components: receiving, believing and acting upon the warning. None of these three main stages can be taken for granted. How the early warning signals are processed by the receiving side depends on who listens and which ideological factors condition their reception.

¹⁹¹ Alexander, A. 2003. ‘*Early Warning and the Field: a Cargo Cult Science?*’, Berghof Handbook for Conflict Transformation. Berlin .Berghof Research Center for Constructive Conflict Management.

¹⁹² David, J., 1996. *deputy Secretary-General of International Alert at the time, in interview with the author*, London.

¹⁹³ *Ibid.*, p4.

There exists a culture in international politics whereby non-action is safer than acting and running the risk of making a mistake and losing face.¹⁹⁴ Meier observes that early warning methodologies are not geared towards the existing realities of political decision-making structures. It is important not to look at warning and response as separate actions, but as two sides of one coin. While early response is the goal, early warning is a tool to achieve it. Therefore, the value of early warning lies in the response capacity, i.e. in generating tangible recommendations and for them reaching the right groups and individuals.¹⁹⁵

Despite a decade of debate, it is uncertain where and with whom the responsibility to prevent conflicts lies. The UN claims such a role, but its institutional capacity and political constraints are too severe for early action and its record so far has not been promising. Thus, there is a paradox: those who want to intervene (civil society or regional organisations), have no capacity to do so, while those with capacity are seldom interested in early intervention. Governments sometimes claim that NGOs have no role in resolving violent conflicts and see questions of peace and security as their own exclusive domain. NGOs themselves often do not perceive conflict intervention as their responsibility, or their capacity for prevention activities is dismal. A realization that it is everybody's responsibility to protect themselves and others is important, but it only has a chance to work if it is locally owned and supported.¹⁹⁶

Often, although information is generally available, it is not presented in a 'digestible' form. Clarke observes that 'the challenge lies in organizing and interpreting that information for action in an accelerated decision-making process where only small windows of opportunity exist'. Strategically-placed early warning signals, reinforced by a strong lobbying capacity, can make a difference in stirring the international community into action. Organisations such as the ICG seek to stimulate western political institutions who otherwise may choose not to act. Their strategy is to capture attention by sending out clear and strong signals without diluting the message.¹⁹⁷

¹⁹⁴ Ibid., p.7.

¹⁹⁵ Michael, L. 1996. *Preventing Violent Conflict: a Strategy for Preventive Diplomacy*. US Institute of Peace Press.

¹⁹⁶ Ibid., p.25.

¹⁹⁷ Ibid., p.27.

Lund and Adelman outlined difficulties with moving from warning to response. These revolve around the role and motivation of the actioneer and include the pressure of on-going commitments, altruism versus egotism, the confusion of an intervention and ‘noise’, i.e. more pressing matters, such as an actual violent conflict.¹⁹⁸ Levine also identifies socio-psychological factors, such as *by-stander* syndrome.¹⁹⁹

Austin notes that the reasons behind a lack of response or intervention remain under studied domain in conflict management. Schmeidl developed the following categories explaining obstacles to response or its late or incomplete nature.²⁰⁰ Situation dynamics (some regions are more interesting to outside actors, certain situations are more familiar than others, in some conflicts incentives are more ready at hand, i.e. the EU membership). Political dynamics (constraints at home, overall relationship with a government in question, i.e. Russia with regards to the conflict in Chechnya). Human - psychological factors (cognitive structures that impair our perception and judgment, fear of failure, delayed learning). Institutional - Bureaucratic factors (the capacities and mandates of organisations, UN inertia which played a detrimental role in Rwanda genocide case). Analytical capacity (early warning needs to be unique to the situation, counterintuitive and draw attention to what could be done, while this is not always the case).²⁰¹

Van de Goor and Verstegen propose a ‘Conflict and Policy Assessment Framework’ (CPAF) model to move from prognosis *per se* and integrate conflict analysis and policy response with issues of institutional capacity and political priorities. It departs from developing models with a global reach, and concentrates on what is feasible in terms of available capacities for intervention. It however warns against the risk of compartmentalization of conflict prevention, suggesting the existing capacity only be taken as a starting point and encouraging a search for cooperation with other actors.

¹⁹⁸ Howard, A., and Suhrke, A. 1996., ‘*Early Warning and Conflict Management*’, vol. 2 of *International Response to Conflict and Genocide: Lessons from the Rwanda Experience*, Copenhagen: DANIDA.

¹⁹⁹ Levine, R.M, 2004. ‘*Rethinking bystander non-intervention: social categorisation and the evidence of witnesses at the James Bulger murder trial*’, *Human Relations* 52, pp. 1133 - 1155.

²⁰⁰ Susanne, S. 2006. ‘*Early Response and Integrated Response Development*’, *Romanian Journal of Political Science* 1 (2): 4-50.

²⁰¹ *Ibid.*, p37.

According to John Koehler, early warning information faces a number of challenges from the response mechanism for it to be acted upon. Some of the challenges include limited resources to act, lack of political good will, lack of trust on the information, duplication of efforts by various early warning systems and lack of clear mandate on when to act on the information provided.²⁰²

CEWERU established in 2002, is the response mechanism of the CEWARN. The system is run by the National steering committee on peace building and conflict management (NSC). The system monitors, analyzes and disseminates information to the stakeholders in order to mitigate and avert potential violence. The NSC is composed of state and non-state actors like the parliamentarians, police, military and the community leaders.

Therefore, in the 2007/2008 PEV, CEWARN would have sent reports to CEWERU for it to respond to the electoral violence. CEWERU would then send the reports to its various stakeholders i.e. Office of the President, Ministry of Defence, Ministry of Internal Security, Police Commissioner, Provincial Administration, local authorities, and the local district peace committees for proper response to be taken. This chapter therefore, details the participation of CEWARN and CEWERU in accomplishing its mandate by issuing reports and acting on those reports, respectively, in the succeeding discussions.

4.2 Linking CEWARN Early Warning and Response in Kenya

Linking early warning and response is done through dissemination of information to the relevant stakeholders for appropriate action. Dissemination is the timely distribution of information in an appropriate manner and by any suitable means to those who need it. It must be done in a timely manner for the information to be of any use.²⁰³ The National Research Institute disseminates processed information to CEWARN and CEWERU/ NSC for appropriate response mechanism by issuing an indicator based early warning report.

²⁰²Jan, K., and Christoph, Z. 2004. *Conflict and the State of the State in the Caucasus and Central Asia: an Empirical Research Challenge*. Osteuropa-Institut der Freien Universität Berlin, Arbeitspapiere des Bereichs Politik und Gesellschaft, p. 58.

²⁰³Headquarters, Department of the Army. 2006. *Canada aide memoir on intelligence analysis*. Montreal; headquarters, Department of the Army.

Three types of reports are generated, such as, situational reports, incident reports and alerts. On receipt of the processed information, together with the appropriate courses of action, CEWERU/ NSC issues early warning and appropriate worst/best case scenarios to the various stakeholders in the country to take appropriate action to avert a potential crisis. These stakeholders include the Office of the President, Ministry of Defence, Ministry of Internal Security, Police Commissioner, Provincial Administration, local authorities, and the local district peace committees.²⁰⁴

The kinds of conflicts NSC/CEWERU are trying to prevent needs to be defined in accordance with the regions' specifics. For example, in the IGAD region the CEWARN has been successful in acting upon pastoral conflicts, but the challenge is how to move from pastoral to political conflicts. Foundation for Co-Existence (hereafter FCE) acknowledges a similar dilemma: although it has been successful in action at the communities' level, it was not possible to identify and impact upon the militant groups in the Eastern Province who refuse intervention by civil society. In this context, the FCE system has not been able to stop the political killings.²⁰⁵

Schmeidl and Okumu note a fine line between early warning and intelligence gathering, dubbing early warning a 'disinterested' intelligence system and pointing to cross-fertilisation of approaches. Indeed, the distinction between the two is not always clear, especially for suspicious outsiders. What passes as 'early warning' for some actors, may appear differently to security agencies. Moreover, intelligence services can also be interested in early warning information and analysis for their own purposes, for instance, to use it to hunt down potential conflicts.²⁰⁶

Interview with NRI representative, Nairobi, 14 June 2013 says that although the National Research Institute received little information from the field monitors on the impending electoral violence in the country, the information was received as rumours and it was not believed. This was attributed to the fact that the early warning staff never imagined that Kenya would be faced with political violence and hence their minds were focused on the pastoral conflict.

²⁰⁴ Kumar Rupesinghe, presentation at the UN Conference, p. 16.13.

²⁰⁵ Ayuko (unpublished). Towards a Coherent and Effective National Peace Infrastructure in Kenya. Saferworld: Nairobi.

²⁰⁶ Susanne, S., and Wafula, O. 2006 'Issues in Data Collection and Analysis', Presentation at the GPPAC Expert Group meeting.

Also the conflict between the sub mandate and the overall mandate of CEWARN limited their options with dealing with the indicators of electoral violence and hence they lost trust with the information from the field monitors²⁰⁷. John Koehler reinforces this feeling by saying that lack of trust on the information renders early response to be ineffective. In an interview with James Kiarie, shares the same thoughts, “Although electoral violence information was received, most of us took it as rumours and it was discarded because most of us did not know what to do with it.”

The NRI representative says they nevertheless developed best case and worst case scenario to mitigate the looming post - election violence. They came up with contingency plans which were disseminated to CEWARN and CEWERU/NSC, who in turn would send the reports to various stakeholders of the early warning for appropriate response. CEWERU/NSC disseminated early warning to the local district committee of the highly potential conflict areas of Trans-Nzoia, , and Isiolo. They forwarded both the early warning report together with contingency plan detailing on the best possible way to mitigate the potential election violence. The CEWERU/NSC representative said, “We told the local district peace committee to create awareness among the communities to take early response measures based on the early warning”²⁰⁸

This information contradicts with the information received from the response mechanism where the response mechanism denies receiving information from the CEWERU. They say that if they did receive, they received very little information if any, and the information came in very late after the violence has erupted and cooled off, thwarting the purpose of early warning.

According to the local peace committees in Trans-Nzoia, they received very limited information from CEWERU/NSC. The field monitor was also not very sure on how to handle the information since it was sensitive and it was not in their mandate. The information received also came very late since the field monitors reported to the headquarters without first sharing the information horizontally with the peace committee²⁰⁹.

²⁰⁷ Interview with NRI representative, Nairobi, 24//09/13.

²⁰⁸ Interview with CEWERU/NSC representative, Nairobi, 11/11/13.

²⁰⁹ Telephone Interview with LPC representative, Trans-Nzoia, 12/10/13.

According to a forum report of by NSC secretariat held on September 2011 at the Hill Park Hotel, Nairobi, the report says that “most organizations have a hierarchical/ vertical approach to information collection where information is collected from the field and then transmitted to the headquarters for analysis. Very few organizations reported sharing information at the local level (horizontal EW) before it is relayed to the headquarters”²¹⁰.

James Kiarie confirms this observation by saying that CEWARN field monitors reported directly to their headquarters making the information stale for the response mechanism. He further said that the dissemination of information to the relevant stakeholders was delayed by institutional bureaucracies. The report by the Early Warning and Conflict prevention by the EU on Learning lessons from the 2008 post-election violence in Kenya, confirms that like the CEWARN, the EU EWS has a less systematic way of dealing with weak signals and local level dynamics, which are both the consequences of and the drivers of tensions threatening state stability and social cohesion. While EU staffs sometimes have a good understanding of these dynamics, this knowledge is not systematically captured to respond in a preventive way.²¹¹

This is also true with the CEWARN where field monitors were able to get information on electoral violence, but did not know what to do with it. The reasons for this include lack of appropriate monitoring and analytical frameworks, but also a lack of a clear purpose. The LPC representative said that they however managed to marginally sensitised the youths to preach peace instead of engaging in violence. The peace committees approached churches, women groups, and youth groups and urged them against engaging in violence.²¹² This was, however done in small scale.

²¹⁰National Steering Committee. 2011. *Consolidating early warning and early response capacity in Kenya towards 2012 and beyond*. Nairobi: NSC.

²¹¹Belgium. Early Warning and Conflict prevention report by the EU. 2013. *Learning lessons from the 2008 post-election violence in Kenya*. Brussels. 205 Rue Belliard, B-1040.

²¹²Telephone Interview with LPC representative, Trans-Nzoia, 12/10/13.

The CEWERU/NSC also issued early warning to the Ministry of Internal Security and the police commissioner. The EW information from CEWARN was issued late while the little information they received from the field monitors was packaged and issued to the response organs. The CEWERU/NSC representative said, “We gave the police commissioner early warning of an impending violent conflict and advised them to intensify patrols to reassure the citizens of their security in major towns and in hotspots areas of Trans-Nzoia, Kaplamai, Kwanza, saboti,”²¹³ The CEWERU/NSC advised the Police, National Intelligence Service and the Provincial Administration to strive and confiscate weapons and arrest perpetrators of violence before they unleash the mayhem. The CEWERU/NSC issued early warning reports to the Ministry of Defence advising the military to be on high alert and to aid the police in case the police are overwhelmed. CEWERU/NSC also advised the military to be on standby to give protection to those who would be displaced from their homes due to the violence. CEWERU/NSC however cautioned the military against excessive use of force which would be detrimental to the already fragile peace.²¹⁴

However interviews conducted with the military, NIS, Provincial administration and Police representative contradicted the information given by the NSC. These stake holders said that they collect their own intelligence and hence do not rely on information from the NSC. They further claim that they knew there would be PEV based on the intelligence they had collected on their own. “We do not receive intelligence from NSC but collect and analyse our own.”²¹⁵

Thomas Odera, a programs officer, research and documentation at NSC collaborated the fact that civil based organisations were also warned of the impending violence. The Red Cross, AMREF, St. John Ambulance, among other NGOs, were warned way before to be prepared to deal with the potential electoral violence and more so in hotspot areas of Trans-Nzoia, Kitale, Cherangani. Lastly but not the least, CEWERU/NSC issued early warning report to the Office of the President. Being the commander - in - chief, the President has the power and resources to mobilize security agencies in conflict prone areas to avert the looming violence.

²¹³Interview with NRI Representative, Nairobi, 24/09/13.

²¹⁴Interview with Thomas Odera, NSC. programs officer, research and documentation, Nairobi 11/06/13.

²¹⁵ Interview with Military, NIS and Police Representative, Nairobi, 04/10/13.

The National Steering Committee (NSC) forwarded the early warning report together with the worst case and best case scenario to mitigate the potential electoral violence.

4.4 The Response of the Security Organs to National Steering Committee Reports

4.4.1 National Security Intelligence Service (NSIS)

It is not clear whether the NIS received information from NSC, but the NIS was privy to the fact that PEV would erupt from the information it had collected. The NIS also gathered information of what could potentially occur around the 2007 elections in terms of violence and developed a range of reports highlighting the issues and provided them to senior government officials as well as the Police, Military, Prisons, and other agencies.²¹⁶

The National Intelligence Service (here after NIS) produced both regular and special reports including hotspots/flash points up-dates, situation reports, weekly and fortnightly reports and briefs, security briefs at a provincial and district level as well as NSAC reports regularly throughout the months leading up to the General Elections. As early as September 2007 these reports warned of impending election related violence in clearly specified areas and provided a continuing alert process through updated assessments of potential PEV.²¹⁷ In many instances these documents identified various individuals suspected of being involved in such activities as in citing, planning disruption and violence, threatening behaviour and other offences.

The Service went as far as recommending that operational agencies prepare specific contingency plans, take special and decisive action against inciters and financiers of criminal gangs and ensure staff refrained from exercising partisan behaviour. The Service was in fact uncannily accurate in its forecasting of just what scenarios were likely to eventuate should either Odinga or Kibaki win the Presidential elections. The scenarios predicting possible 2007 election outcomes and consequences sounded a clear warning that security organs may well be overwhelmed by the high intensity and widespread nature of ensuing lawlessness.

²¹⁶<http://www.marsgroupkenya.org> Accessed October 21, 2013

²¹⁷ Ibid.,p14.

Many at the Provincial, District, and Division level were emphatic that they did not know of the likely magnitude of the violence that ultimately ensued. This seems strange since it is those very areas within which the NIS operatives work and therefore where knowledge of the impending crisis should have originated.

4.4.2 The Military

According to Mars Group Report of 2008, the testimony tendered by the Chief of General Staff of the Kenya Armed Forces, General Jeremiah Kianga, showed that the Military were well prepared for the PEV. By all accounts they not only took heed of the NIS reports but conducted their own assessments, scanning and planning arrangements based upon their view that the 2007 elections would see a level of violence occur to at least levels seen at previous elections. The military prepared contingency plans, anticipatory orders, trained troops and rehearsed in order to respond appropriately to likely scenarios, conducted barazas with staff around their need to remain apolitical in accordance with military values, and other work to ensure that should the need arise, military support could be provided quickly and effectively.²¹⁸

This report does not say whether the NSC gave any information to the military and it leaves a lot to be desired in terms of CEWARN and NSC proactively to address potential violence way before they erupt. The then Police Commissioner Major General Hussein Ali, testified that, “In the context of the events after the 27 the December 2007 elections, military resources were deployed for the limited purpose of supporting police in the restoration of transport infrastructure. The role of the military did not include quelling of riots²¹⁹. The military aided in the restoration of order in the following ways.

They transported IDPs from flash points to safe areas, guarded the IDP camps, cleared and secured blocked roads, secured the rail line, distributed food and medical supplies to IDPs, escorted trucks from Mombasa destined for Rift valley, Western Kenya and neighbouring

²¹⁸ <http://www.marsgroupkenya.org> Accessed October 21, 2013.

²¹⁹ Ibid.,p18.

countries, escorted passenger vehicles through unsafe insecure areas between Nairobi and Western Kenya.²²⁰

4.4.3 The Police

In terms of preparedness for dealing with the Post Election Violence, the Police were simply too far off the mark. There was, and still is, a lack of understanding and reluctance to accept that a comprehensive exercise in planning and preparation for the elections were not only required but constitute a basic responsibility for the Police. This was reflected early in the proceedings. The Commissioner of Police, Hussein Ali, stated to the Waki Commission that the violence was unprecedented and indicated that it could not have been foreseen. The Commissioner was asked by the Commission to provide copies of documents prepared by the Police for policing the 2007 General Elections and undertook to do so. By the time this report was written only two planning documents were received. The first was an operation plan from the Coast Province in the form of an undated presentation, and the second was a plan entitled “Operation Uchaguzi”.²²¹

In assessing the Police preparedness, the Commission determined that planning and preparation was scant, commenced far too close to the event, failed to take account of the intelligence received and information available on the ground, and did not encompass preventive activities designed to reduce and/or ameliorate the impact of violence around the 2007 General Elections. There was also no evidence provided that indicated the police were utilizing their own intelligence sources and systems that should have informed planning as well as responses. These fundamental failures set the scene for police unpreparedness, and lack of response, nationwide. It’s worthwhile to note that the Waki commission does not mention NSC and CEWARN giving information to the police. This might be due to the fact that they actually never provided the information at all or if they did, it was very little and hence not worth mentioning in the report.

²²⁰Ibid.,p20.

²²¹<http://www.marsgroupkenya.org> Accessed October 21, 2013

4.5 Options and Mechanism for National Steering Committee Response

The objective of early warning is two-fold: to prevent conflicts and to influence prevention. However, it would be naïve to assume that achieving an early response is simply a matter of providing the right information at the right time to the right department or person.

Prevention requires both capacity and that the intervening organisation has sufficient local credibility to provide it with a mandate to act.²²² The idea that early warning systems can mitigate conflict is based on two presuppositions: that conflicts can be mitigated and that one knows how to do it, both highly contentious assumptions. Until there is more concrete information resulting from best practices and lessons learnt, early warning will continue to be faced with major challenges on recommending what, when and by whom to respond.²²³

National Steering Committee on Peace Building and Conflict Management (NSC) and Pact Kenya convened a two day EWER Technical Forum on “Consolidating EWER Capacity towards 2012.” It was held on 22nd and 23rd September 2011 at the Hill Park Hotel, Nairobi. The forum brought together stakeholders from both the government and civil society involved in the EWER (both technology and early warning specialists). The purpose of the EWER Technical Forum was to explore how the government, CSOs and communities can harness early warning technologies and mechanisms to contribute to conflict and violence prevention towards the electoral processes of 2012 and beyond.

This was after the CEWARN and NSC were unable to avert the PEV 2007/08.²²⁴ The forum came up with various recommendations on how to avert future electoral conflict in the country. The forum recommended that a Central Repository for information be put in place in order to enhance information sharing. They were also to agree on the frequency and manner of sharing information (e.g. on ad hoc or regular basis regardless of whether or not something happens).

²²²Susanne, S., and Wafula, O. 2006 ‘*Issues in Data Collection and Analysis*’, Presentation at the GPPAC Expert Group meeting.

²²³Jan, K., and Christoph, Z.2004. *Conflict and the State of the State in the Caucasus and Central Asia: an Empirical Research Challenge*. Osteuropa-Institut der Freien Universität Berlin, Arbeitspapiere des Bereichs Politik und Gesellschaft, p. 58.

²²⁴National Steering Committee.(2011) *Consolidating early warning and early response capacity in Kenya towards 2012 and beyond*. Nairobi: NSC.

They also recommended on a collaboration mechanism where a proper mechanism, such as a web-based platform, be put in place to enhance collaboration among stakeholders across their mandates and harmonize their activities.²²⁵ The forum recommended a standardized Format for Information Collection in order to address the issue of inadequate and/irrelevant information. They also recommended that a verification mechanism be put in place to authenticate information received. EWER systems should always be conflict sensitive bearing in mind the principle of “Do No Harm.” For example, information should be verified before response is initiated or the information is disseminated. This is meant to solve the problem of biased reporting as was experienced during the periods of PEV 2007/08.²²⁶

The forum recommended the need to enhance Community Participation in order to enhance ownership and widen participation, the assumption that response is only in terms of resources need to be demystified; communities need to be capacitated (including through relevant information) to enhance their participation in response. They also recommended the need for linking EW and ER. The EW and ER strategies and efforts be put in place to create a stronger link between warning and response.²²⁷

The forum recommended that NSC be fully sustainable. This would ensure sustainability and continuity of NSC EWER infrastructure. They also recommended the inclusion of the media in its infrastructure. The media was identified as a crucial player in EWER and therefore should be included in the EWER infrastructure.²²⁸ The forum identified the need for proper information analysis. They recommended that researches should be encouraged to complement EW analysis. They also recommended expansion of the typologies of conflict to be covered by CEWARN mechanism to include political conflict. They also saw a need to expand the geographical reach of the EWS mechanism to cover the whole country (Initially it covered two areas of reporting i.e. Karamoja and Somalia).²²⁹

²²⁵ Ibid.opcit.,p7.

²²⁶ Ibid.opcit.,p8.

²²⁷ Ibid.opcit.,p9.

²²⁸ Ibid.opcit.,p10.

²²⁹ Ibid.opcit.,p11.

4.6 From the 2008 crisis to the successful 2013 elections

The NSC learnt lessons of their misdoing in the 2007/08 electoral violence in Kenya and adopted measures to mitigate such violence in future. The NSC adopted most of the recommendations raised in their 2012 meeting addressing their shortcomings in averting the 2007/08 electoral crisis. Most notable was the establishment of the NSC early warning system at the IEBC National Tallying Center in Nairobi. The two bodies supported each other to give early warning and response. The NSC created district peace committees in the whole country. This came in the aftermath of the post-election violence. The National Accord and Reconciliation Agreement recommended the establishment of peace committees in all the districts of Kenya, with priority given to the Rift Valley province, where most of the violence had occurred. As of 30th June 2011, there were 130 active district peace committees in the country.²³⁰

Under NSC coordination, the DPC have undertaken peace building initiatives involving the community and integrated a broad range of local stakeholders relevant to conflict resolution. In addition, they have enhanced government responsiveness to communities through regular joint peace and security forums, which identify problems and devise strategies to address them. Security agencies have also engaged DPCs, especially when responding to matters related to insecurity, most notably during the constitutional referendum held in August 2010.

In addition, their links to traditional community structures have made them more appealing to communities, as they have made use of existing conflict-resolution mechanisms to expediently solve disputes. For example, DPCs in pastoralist communities use widely accepted and binding social contracts or declarations which define relations among them and provide a form of informal justice recognized by the state.²³¹ The NSC adopted lateral sharing of information by the field monitors to the response agency. This approach worked very well. According to James Kiarie, “Security agencies worked hand in hand with the peace monitors. An example is in Mombasa where the MRC wanted to disrupt elections.

²³⁰ According to the National Steering Committee on Peace Building and Conflict Management under the Office of the President. June 5, 2014

²³¹ Ibid. opcit., p10.

This information was captured by the NSC EWS, the police were alerted in time and were able to mitigate the potential violence posed by the MRC.”²³² The NSC adopted an open system which encouraged Community Participation. This created confidence with the citizens and hence both the NSC mechanism and the community worked together to foster peace efforts. According to James Kiari, coast huliars in Mombasa provided the police with 30 pickups to ferry police to hotspot areas to avert violence. The civil community also gave food to the security agencies in Mombasa while the police maintained peace and order. This encourages members of public to share information freely.

This thought is shared by the EU EWS report where it says “The Kenya case study shows that one way to address conflict dynamics is by empowering people to identify their own security issues and to address them through track II mediation and community security types of projects. This is the kind of structure that has been set up following the post-election violence through the peace committee model. The Uwaino initiative, building on these national and local capacities, has been successful in contributing to violence prevention during the referendum process in 2010 and the election in 2013.”²³³

The NSC set up the UWIANO platform for peace in 2010. It was set up by NSC in partnership with the National Cohesion and Integration Commission (hereafter NCIC), Peace Net Kenya, and UNDP with a view to deliver a peaceful national referendum. Working to complement the existing CEWARN mechanism, this National Conflict Early Warning and Response System (NCEWERS) involved recruiting and deploying peace monitors and security agents in hotspots; equipping peace monitors with proper data- and information-collection equipment; installation of SMS platforms for reporting tensions and incidents; direct phone contact with administrative and security officials in target areas perceived to be hotspots, according to the continuous community conflict scans and assessments which were conducted throughout 2010.²³⁴ NSC has also established an early warning center at their headquarters where information is shared through SMS platforms (Amani108).

²³²Interview with James Kiari, programs administrator at NSC, Nairobi 20/06/13.

²³³According to the National Steering Committee on Peace Building and Conflict Management under the Office of the President. June 5, 2014

²³⁴Belgium. Early Warning and Conflict prevention report by the EU. 2013. *Learning lessons from the 2008 post-election violence in Kenya*. Brussels. 205 Rue Belliard, B-1040.

The NSC adopted new Information Technologies of early warning and early response mechanisms. They adopted Ushahidi and the Amani Kenya @ 108 platforms. These systems are based on a crowd sourcing process: information relating to violent incidents is sent by the public through SMS, email and online reporting to a central server and then posted on an online map. Such mapping systems are free of charge to the public, available on a 24-hour basis and are meant to inform any interested stakeholders of incidents and developments on an almost real-time basis. According to one interviewee at NSC, in most of cases where the platform received information and mobilised action during the 2010 referendum, tensions were eased and disputes resolved which might otherwise have turned violent.

As a result, such approaches are now being enhanced and promoted as a key component of the early warning and peace building mechanism in Kenya, like the Amani Kenya @ 108 platform, which was used, during and after the 2013 elections.²³⁵ Consequently, a Situation Room has been installed at NSC with data clerks and analysts, where information received from the platform is analysed, verified and disseminated to relevant actors for response.

Some of the information is also shared with the Kenya Police and Provincial Administrations. In cases requiring mediation, for example where the alerts indicate tensions, the information is sent to DPCs for targeted mediation and dialogue interventions. In parallel, efforts are also being made to integrate various early warning systems, which are being implemented by a broad range of other partners with a view to create synergies and enhance coordination and consistency.²³⁶

²³⁵ According to the National Steering Committee on Peace Building and Conflict Management under the Office of the President. June 5, 2014

²³⁶ Interview with James Kiarie, Programs administrator NSC, Nairobi 20/06/13.

4.7 Conclusion

The ultimate goal of early warning is not to predict conflicts, but rather to prevent them or to facilitate their prevention by others. The record on this score so far has not been very promising. Early warning actors should either become better at prediction or redefine the rules of the game and put more emphasis on early action. Civil society needs to think through what kind of conflicts it is trying to act upon and take up the tasks it can shoulder, rather than claiming a role it is unable to fulfil. Prevention requires both capacity and the local credibility of any intervening organisation which provides it with a mandate to act.²³⁷

From the evidence gathered, the hypothesis that “CEWARN early warning was not acted upon by the response mechanism has been proved to be true. Personal interviews conducted with the military, NIS, Provincial administration and Police representatives showed that the response mechanism did not act on CEWARN early warning since they never received them. These stakeholders said that they collect their own intelligence and hence do not rely on information from the NSC. They further claim that they knew there would be PEV based on their own intelligence collected. “We do not receive intelligence from NSC but collect and analyse our own.”²³⁸

CEWERU being the response mechanism of CEWARN should have responded boldly to the CEWARN warnings to avert the crisis. However, most of the IGAD direct response to the post-election violence was political, by sending the panel of eminent personnel to negotiate for a peace deal between the two warring parties. CEWARN seems to have been caught off guard by not averting a potential violent conflict and instead reacted to a full blown violence through sending Koffi Anan and his team. Based on the CEWARN reports and interviews conducted, CEWARN mechanism failed to address PEV 2007/08 due to many reasons.

Firstly, CEWARN delayed to send reports to the CEWERU for appropriate response to be taken. According to CEWARN country update report of January- April 2008, the report was sent to CEWERU 3 months after the electoral violence cooled off.

²³⁷Henrik, L. 2004. ‘*Crisis and conflict prevention with an Internet-based early warning system*’, ‘An Internet-Based Early Warning Indicators System for Preventive Policy’ Project Working Paper no. 2, p.33. SIPRI.

²³⁸ Interview with Military, NIS and Police Representative, Nairobi, 04/10/13.

Secondly, CEWARN was limited in its geographical coverage where it collected information on two areas of reporting (Karamoja and Somali cluster) while neglecting the hot- spot areas in the country where the brunt of electoral violence was felt. Thirdly, CEWARN field monitors did not handle the information collected with the seriousness it deserved since the information was taken as rumors. CEWARN staff never imagined that Kenya would be faced by a political violence and hence their minds were only focused on pastoral conflicts. The field monitors were also not sure how to handle the sensitive information since it was outside the scope of their mandate.

Fourthly, the conflict between the sub-mandate and the overall mandate of CEWARN limited their options in dealing with the indicators of electoral violence. This made them lack confidence with the information from the field monitors. Fifthly, the field monitors reported directly to the Headquarters without first sharing the information horizontally with the peace committees. This made the information stale to the response mechanism to act on it. Lastly, CEWARN lacked appropriate monitoring and analytical frameworks which was compounded by a lack of clear purpose.

The CEWERU response mechanism seems to be weak and lacking appropriate response capacity. The security agencies also seem to have received weak warnings from the NSC. However after the PEV, NSC seems to have realized their shortcomings and adopted a more proactive way to address their challenges that led to the PEV of 2007/08. This approach seems to have mitigated political violence during the referendum and the 2013 elections.

CHAPTER FIVE

5.1 Conclusion and Recommendation

This study set out to examine CEWARN EWS in addressing the Kenya post - election violence 2007/08. In order to achieve this, the study traced the origin of early warning systems, how the EWS have averted potentially violent conflicts in different parts of the globe, looked at the African Union early warning system and the creation and operationalization of CEWARN in Ethiopia in the year 2002. The study goes further and asks why the Kenya post - election violence was not averted despite the presence of regional conflict early warning systems. To address this concern, the study focused on CEWARN, the regional body mandated to collect, analyze and share information concerning potentially violent conflicts as well as mitigating their outbreaks and escalation in the IGAD region and develop case scenarios and formulate options for response. The study had a sharp focus on Trans-Nzoia, an area that experienced PEV of 2007/08 while covered by CEWARN EWS. The study could not be established without taking a look on the hotspots areas that suffered the greatest brunt of PEV 2007/08 though not covered by the CEWARN EWS i.e. Nairobi, Kisumu, Eldoret and Nakuru. The study looked at the mandate of CEWARN, their areas of reporting and CEWARN response mechanism.

The study delved on Kenya's electoral conflict and more specifically, how Kenya found its self embroiled in the post - election violence of 2007/08. The study examined the causes of electoral conflict in the country and the role played by different stake holders in the 2007 electoral process. The Kenyan land factor was cited as one of the major cause of electoral conflict in the country from the many reports reviewed. Other factors include unemployment and negative ethnicity. The Ndungu and Waki reports said that land was irregularly allocated throughout the 1980s and 1990s in total disregard of the public interest. The reports also cited the politician use of the unemployed youth as mercenaries to foster their selfish interest in the political arena.

The study looked at the roles of various stakeholders in the 2007 electoral process. The Kenya National Commission on Human Rights report said that the conduct of the political parties was wanting. The report further states that the number of political parties in the country grew from 10 to 160 between 1992 and 2008.

This was attributed to several reasons, including protracted power struggles within parties, ethnicity, personality differences, personal ambitions and self - preservation. The report also cites abuse of state resources for party political purpose, such as use of official vehicles during campaigns. The observers noted reports of vote buying and exceptionally high campaign expenditure. They also reported overcrowding in polling stations by dominant parties' agents, many of these without visible identification. Both PNU and ODM were castigated for holding press conferences and announcing their own final results for the presidential race, each claiming victory. While all parties generally called for calm, these actions appear to have led to significant unrest on the streets. In conclusion, political parties breached most of the rules in the national and international books regarding the orderly conduct of campaigns and elections.

To achieve its objective, the study applied both the greed vs. grievance theory and human need theory. According to Paul Collier and Anke Hoeffler in the greed and grievance theory, the two posited that armed conflicts are caused by a combatants' desire for self-enrichment. Their proposition here is that factors that increase the military or financial viability of rebellion correlated with more instances of conflict than factors leading to grievances i.e. Conflicts are more often caused by greed rather than grievance. The motivations are manifested in multiple ways, including economic gain through control of goods and resources or by increased power within a given state.

In the Kenyan context, greed can be seen in two folds. Firstly, the politician quest for power and desire for self enrichment motivated their propagation of violence in order to control economic resources and or power positions. Secondly, the citizen greed for economic resources puts them at greater risk of engaging in violent conflict. This greed makes them vulnerable to manipulation by the politicians to propagate violence.

In the hotspots areas of Eldoret, Nakuru, Nairobi and Trans-Nzoia, politicians mobilized youths to kills and loot from those perceived not to support their course. In return the, politicians were elected and maintained their political power position. In Rift valley, the masses were Promised Land left behind by the IDPs. In Kisumu, Nairobi and Nakuru, people looted shops to benefit themselves. In Trans-Nzoia shops were looted and the Kisii's, luhyas and Kikuyus were evicted from their lands by the Kalenjin whose main motive was the material resources.

The grievance side of the model states that the perpetrators of violence would hide under the cover of grievances to propagate violence. In the Kenyan contest, the politicians rallied masses to cause chaos under the guise of a rigged election. In Trans-Nzoia, the Kalenjin elders organized youths to kill and loot from the Kikuyu's, Luhya,s and kisii,s on the guise that they never voted for their preferred candidate (Raila Odinga) and that their TNA counter parts had rigged the election in favour of their preferred candidate (Mwai Kibaki)

The study also adopted the human needs theory. The theory proposes that all humans have certain basic universal needs and that when these are not met conflict is likely to occur. Abraham Maslow proposed a hierarchy of needs beginning with the need for food, water, and shelter followed by the need for safety and security, then belonging or love, self-esteem and, finally, personal fulfillment and self-actualization. In the Kenyan context, many people resorted to violence in Trans-Nzoia, Eldoret, Nairobi, Kisumu and Nakuru and attacked those that they perceived as having denied them of their basic needs. As a result of some people feeling their basic human needs were being denied e.g. land, Job opportunities and power resorted to use of force against their perceived enemies in the areas of Kitale, Trans-Nzoia, Eldoret, Nakuru and Nairobi. The elections being a key trigger for localized violence since the advent of multi-party politics in the early 1990s. Both the greed vs. grievance and human needs theory were used to show why people result into conflict. The causes of conflict have been used by the CEWARN EWS to develop indicators that help in identifying potential violent conflicts way before they happen. The two theories complement each other.

The study used three hypotheses to get a better understanding of how CEWARN mechanism addressed the Kenya post – election violence. The hypotheses stated that CEWARN collected inadequate conflict relevant data, CEWARN analysis painted a picture of a potential electoral violence and CEWARN early warning was not acted upon by the response mechanism. The entire three hypotheses were proved to be true by the evidence gathered.

The study used both the primary and secondary data. Secondary sources included books, scholarly journal articles, reports, and newspaper articles. The secondary sources from various libraries and databases were reviewed, among them the University of Nairobi library, Kenya National Archives and CEWARN databases among others.

Online journals and databases, like jstor and Google Scholar were used together with other academic articles relevant to the study. Reports from various humanitarian organizations and commissions like the Kenya National Commission on Human Rights, The United Nations, Commission of inquiry into the post - election violence and the Kriegler Commission report were used.

These data gave a clear understanding of conflict early warning system and the Kenya post - election violence of 2007/08. In addition, it provided the basis of the study. Gaps identified in secondary sources were filled by data from primary sources. The research findings show that CEWARN EWS did little to provide the early warning necessary to prevent the PEV 2007/08. Most of the primary data sources reviewed i.e. Books, scholarly journal and newspaper articles did not have much on CEWARN involvement/participation in regard to 2007/08. However, personal interviews and CEWARN reports revealed that CEWARN were privy of an impending electoral violence, but due to the conflicting nature between the overall mandate and sub mandate, information was not handled as it should have.

The study found that CEWARN marginally participated in preventive diplomacy by collecting conflict relevant data related to the PEV 2007/08. From the evidence gathered, the hypothesis that “CEWARN collected inadequate conflict relevant data” has been proved to be true. This is because the data was collected in only two clusters of reporting hence limiting the amount of data collected. The data was collected through structure sourcing (Peace monitors/field officers, District Peace Committees, Police, Local administration), crowd sourcing and media sourcing (TV, print, institutional reports e.g. UNON security report, international crisis group and goggle alerts). The study also established that CEWARN concentrated most of its collection efforts on the pastoral conflicts with less focus on the political violence. This can be attributed to the fact that pastoral conflict was “perceived to be highly likely to destabilize the region than political conflict” and disconnect between the overall mandate and sub - mandates of CEWARN.

The study also found out that CEWARNs sub - mandates seem to limit the realization of the overall mandate, which should not be the case. CEWARN's realization of its overall mandate is hampered by the limited geographical space in their areas of reporting and the limited typologies of conflicts. The indicators are also limited in scope, based on the sub-mandates while the indicators are biased towards pastoral conflicts than political conflicts. This leads to lack of clear and precise mode of operation. Personal interviews indicate that data was collected on possible electoral violence. According to James Kiarie, most of this data was either taken to be rumours or ignored on the belief that political violence was not as lethal as pastoral conflict in the region.

Also, most of the information collected by the field monitors was not included in the CEWARN reports that are submitted to CEWURU/NSC. Indeed, CEWARN reports captured very little on political violence and to make the matters worse, they were sent to CEWURU six months after the violence erupted and cooled off. As a result CEWARN became ineffective when it came to dealing with political conflict, especially in the case of post - election violence in Kenya.

The study also found out that CEWARN through the National Research Institute analyzed the little relevant data on conflict collected from different sources. The analyzed painted a picture of an impending electoral violence. The research institute collated, evaluated and integrated the data to give it meaning. The analysis faced weak signals that resulted into weak interpretation of information, hence low confidence of information by the response mechanism. Personal interview revealed that the NRI had a problem with weak signal analysis since the field monitors rarely passed a weak indicator to the NRI. Also when the analyst received weak indicators, they most of the times discarded it instead of confirming the signal with the field monitors who in most cases were reluctant to re- confirm. Biased reporting was also a challenge faced by the analysts. James Kiarie confirmed this challenge in the interview where he said he personally experienced "ethicized reporting" where a Pokot field monitor fails to report an impending Pokot cattle raid simply because he was a Pokot.

The research institute also generated both worst case and best case scenarios to respond to the potential electoral conflict in the appropriate manner possible. The analysts were able to build a picture of the kind of violence that would emerge from the indicators of violence they had received.

The information pointed to a potential violence, but it was difficult to point out on how the violence would unfold, the magnitude of the violence or how long it would last. The study found out that after a laborious but a rewarding process, the CEWARN analysts were able to come up with possible hypotheses which all pointed to a high probability of post - election violence. From the evidence gathered, the hypothesis that “CEWARN analysis painted a potential electoral violence” has been proved to be true. The picture was however blurred due to the limited information collected by CEWARN. Also, due to their limited mandate and belief that Kenya could not experience a political violence, these warning signs were not taken serious. The analysts were also not able to tell with a lot of certainty for how long the violence would last.

The study found out that the National Research Institute disseminated processed information to CEWARN and CEWERU/NSC for appropriate response mechanism by issuing an indicator based early warning report. However, there seem to be conflicting information between the NSC/CEWARN representative and the Response mechanism actors were the later deny receiving information from the former. Most of the response mechanisms interviewed denied having received information from NSC and CEWARN saying that if they indeed received information, it was very little if any, and the information came in very late after the violence has erupted and cooled off, thwarting the purpose of early warning. From the evidence gathered, the hypothesis that “CEWARN early warning was not acted upon by the response mechanism has been proved to be true. Personal interviews conducted with the military, NIS, Provincial administration and Police representative showed that the response mechanism did not act on CEWARN Early warning since they never received them.

NSC representative said that the NSC disseminated the processed information together with appropriate worst/best case scenarios to the various stake holders in the country to take appropriate action to avert a potential crisis. These stake holders included the Office of the President, Ministry of Defence, Ministry of Internal Security, Police Commissioner, Provincial Administration, local authorities, and the local district peace committees. NCS gave stakeholders contingency plans on how to deal with the potential violence. The military was advised to remain on high alert, to assist the police if need be.

The soldiers were also advised to provide security to those who would be displaced by the election violence. The police, on the other hand, were advised to increase their presence through patrolling to reassure the citizens of their security. The local district committees were not left behind. They were advised to hold peace meetings and sensitize the locals to refrain from violence and instead to preach peace.

However, interviews conducted with the military, the NIS and Police representative contradicts the information given by the NSC and CEWARN representatives. These stakeholders said that they collect their own intelligence and hence do not rely on information from the NSC. They further claim that they knew there would be PEV based on the intelligence they had collected on their own. To be precise, most of the representatives from the three response mechanisms were not aware of the existence and the role of the NSC. This blame game can be attributed to the fact that stakeholders do not want to take responsibility on who failed to take action to prevent PEV2007/08 and instead conduct a smear campaign against each other.

It's worthy to note that NSC and CEWARN have not been mentioned in both the Mars group and Waki report as having given the police, military and NIS information regarding post-election violence 2007/08. However, the reviewed CEWARN reports and personal interviews documented in the preceding chapters show clearly that CEWARN collected, analysed and disseminated data related to the electoral violence of 2007/08 but to a limited extent due to CEWARN conflicting and limiting mandates. Despite signals of potential violence, the emerging analyses were not integrated into any conflict-prevention planning by different actors, and were therefore left unaddressed. This reluctance caught actors off guard when the violence broke out immediately after the announcement of the presidential election results on 27th December 2007.

5.2 Recommendations

CEWARN should expand its sub- mandates on their areas of reporting (Karamoja and Somali cluster) to cover the whole country. This would avoid CEWARN from restricting its operation to pastoral areas, which hinders its accomplishment of its overall mandate. As it is currently, its overall mandate is to receive and share information concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region. However, its sub- mandate on areas of collecting information restricts it to pastoral areas, hence hindering CEWARN capability to accomplish its mandate.

In Kenya CEWARN only collects information in the Karamoja and Somali Clusters. CEWARN did not adequately cover the whole country and that might have led to stakeholders being caught off guard by the PEV 2007. One of the recommendations therefore was that NSC should deploy field monitors in the whole country to cover areas not previously covered by CEWARN. CEWARN should also expand on the typologies of conflicts covered to also include political conflict which is most likely to occur than pastoral conflict.

CEWARN should strive to share information both laterally and vertically to save on time and to expedite response by the response mechanism. The study established that the field monitors did not share information with the peace committees but instead sent the information to NSC/CEWERU to be processed. It took a lot of time for information to reach the response mechanism with some interviewees saying they received this information six months after the eruption of the electoral violence. As noted by the the Hill Park Hotel, Nairobi, the report “that most organizations have a hierarchical/ vertical approach to information collection where information is collected from the field and then transmitted to the headquarters for analysis. Very few organizations reported sharing information at the local level (horizontal EW) before it is relayed to the headquarters”²³⁹.

²³⁹ National Steering Comitee.2011*Consolidating early warning and early response capacity in Kenya towards 2012 and beyond*. Nairobi: NSC.

CEWARN should strive to improve its handling of weak signal. Indeed, EU confirms that like the CEWARN, the EU EWS has a less systematic way of dealing with weak signals and local level dynamics, which are both the consequences of and the drivers of tensions threatening state stability and social cohesion. This is also true with the CEWARN where field monitors and analysts were able to get information on electoral violence but did not know what to do with it. The reasons for this include lack of appropriate monitoring and analytical frameworks, but also a lack of a clear purpose.

The security Agencies like the Military, Police and National Intelligence Agency should be accountable for the information shared. It is evident that the security agencies denied receiving information from NSC and CEWARN while the later claimed that they provided the information. The Waki commission pointed a finger at the security agencies as having slept on the information given by NIS. It would, therefore, be prudent if these agencies became accountable for the information received from the NSC and CEWARN.

The Security agencies like the Military, Police and National intelligence Agency should strive to share information with CEWARN to avert potential conflict violence. They should endeavor to conduct joint training with CEWARN staff to improve rapport and build confidence of information between them. From the interviews conducted, security agencies said that they collected their own intelligence and hence did not rely on information from the NSC. It is evident that security agencies never recognized CEWARN early warning mechanism as a provider of early warning information as the military representative said that he had no knowledge of the existence of CEWARN.

In sum, the study of the assessment of CEWARN in addressing the Kenya post-election violence of 2007/08 represents an attempt to understand why seemingly preventable violent conflicts claimed so many lives in Kenya despite the presence CEWARN early warning system as part of the larger preventive diplomacy.

To this end, the research has achieved the set out objectives and established that CEWARN did not adequately play its role of preventive diplomacy by issuing early warning to the response mechanism. On the other hand, the response mechanism failed to act on the available information from the environment due to weak signals and lack of trust to the little available information. This has mainly been occasioned by the limitations imposed by its mandate to limit the geographical reach of CEWARN EWS, the range of typologies of conflict addressed by CEWARN thereby thwarting CEWARN capability in achieving its mission of undertaking conflict early warning and response, fostering cooperation among relevant stakeholders so as to respond to potential and actual violent conflicts in the IGAD region and contributing to the peaceful settlement of disputes in the sub-region.

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