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**TOPIC: ETHNIC DIMENSION IN ELECTORAL
VIOLENCE:
CASE STUDY OF KENYA FROM 1992-2007**

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DECLARATION

I do declare to the best of my knowledge that this research project is my original work and has never been presented before in any other university.

Signed Ann Minyu

Ann Minyu

Date 18/11/2009

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

Signed DR. Robert Mudida

DR. Robert Mudida

Date 18/11/2009

DEDICATION

This research project is dedicated to the entire Minyu's family, a family with a wide vision in academic lines. Their prayers, continued advice and encouragement have been the source of my success to this level of academic achievement.

ACKNOWLEDGEMENT

I wish to express my sincere appreciation to the following personalities for the part that each played in helping me to attain what I have attained and in bringing this work to completion. I am greatly indebted to my supervisor, Dr. Robert Mudida who was a source of valuable advice, support, encouragement and guidance throughout this work.

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ABSTRACT

Although democracy made a historical leap forward in Africa the last few years, many daunting challenges and obstacle are still threatening its consolidation. These impediments include, *inter alia*, violence and ethnic conflicts. Hence ethnic conflicts and the encompassing civil wars are among Africa's most savior societal crises. Since the 1990s violence and conflicts have become endemic in Africa. This fact is evident in the recent massacre in Rwanda, Burundi, the Democratic Republic of Congo, Sierra leon, Liberia, Somalia and Algeria, among others. In Kenya the governments unwillingness to expand the democratic space for political participation is being challenged by several pro-democracy movement though political actions and citizens campaigns at various levels. The wave of democratic political change appears to have led to the identification of democracy in terms of multi-party politics. This drive towards western liberal democracy has engendered the polarization of particularistic groupings as parties crystallize, mostly on the basis of ethnic and regional interests rather than common ideology or political principles.

Ethnic conflicts in Kenya appear to be the inevitable consequences of the unresolved political and economic contradiction behind apparently partisan political system. This system seems to place a higher premium on ideological or sectional interests at the expense of national interests. The "politics of the belly" syndrome appears to have been perfected by the Kenyan political elite. Political conflicts generally radiate around the imperative of accumulation and the problem of legitimization.

This study shows the correlation between governance, politics, ethnicity and violence in Kenya. There has been an upsurge in cases of conflicts and violence in Kenya since the re-introduction of political pluralism in 1991. These have taken the form of student protests, labour unrest, ethnic violence, banditry and cattle rustling. Such violence has caused death, destruction of property, dislocation of populations and has added lawlessness to statehood in Kenya. Such violence poses a threat to the proper resolution of the conflict between citizenship and statehood and among the diverse ethnic groups in the country. The study re-assesses the presupposition of violence, ethnicity and governance and is guided by the assumption that if violence is to be political, there must be an intention to change the political process. Thus when the state feels threatened and resorts to aggression to protect itself, this amounts to state violence.

CHAPTER ONE: BACKGROUND TO THE STUDY

1.0 Introduction

That electoral violence has become infused in the political process in Africa cannot be over-emphasized. According to the 2008 Amnesty International Report, “the violent struggle for power, even in states which do not descend into armed conflict; still remain an important component of political life in Africa¹. The violence experienced in the continent has been physical and structural in nature. Francis² observes that the physical violence is an event. It is characterized by coercion, the use of force or the threat of force. Physical violence is what we mean by warfare; however its definition is not limited to this. The physical violence occurs on the battlefields and in the streets. On the other hand structural violence is an ostensive label that may be applied to a broad range of phenomena. What Galtung notes as definitive is that Structural violence is the process of deprivation of needs. Each part of the violence equation depends on the existence of the other two (physical and cultural) before the violent conflict become truly serious and sustained³ . According to Galtung structural violence need not be consistent or radical. Simply put, it is violence embodied by a structure, or violence that ‘operates regardless of intent⁴’. It is characterized politically as repression, and economically by exploitation.

¹ Amnesty International Report, *The State of the Worlds Human Rights*.(London, 2008) P. 34

² D. Francis, *People, Peace and Power: Conflict Transformation in Action*, (Australia: Pluto Press. 2002) Pp. 23-26

³ J. Galtung, *Peace by Peaceful means: Peace and Conflict Development and Civilization*, (London, United Kingdom: SAGE Publications, 1996.) P. 76

⁴ Ibid

The violence that accompanied elections in Nigeria in 2003, and 2007⁵, Lesotho, in 1998 and 2007 Kenya in 1992, 1997, 2007,⁶ and Zimbabwe in 2008⁷ lends credence to the observation that Africa has experienced both physical and structural violence. For example, in 1998, elections in Lesotho led to a post-election conflict bringing the country to a new civil war situation. This situation was only contained through the diplomatic and military interventions of South Africa and Botswana. In 2007, elections were similarly accompanied by violence⁸. Africa seems to be under a curse of electoral violence that hangs precariously over the continent ready to explode at a slightest provocation.

Electoral violence in Africa, as elsewhere in the world, denotes the de-legitimation of governance by the state. The mobilization of communal identity, otherwise known as politicized ethnicity, accumulates a momentum which is manifested in a groups' drive to make its claims and concerns heard in electoral process.

The deprivation of cultural and socio-economic rights ultimately gives rise to identity politics⁹- an identity that has always manifested itself in election violence. This view is rooted in human need theory that postulates that violence is caused by deprivation of human basic needs-social, economic and psychological. To Burton, needs are considered to provide factual objective and rational criteria for analyzing and evaluating conflict situations. John Saul suggests that what Africa is confronted with today is the threat of

⁵ Analysts of Nigerian politics have noted that the historical trajectories of electoral politics in the country show the pervasive struggle to control electoral machinery for individual voters. Earlier in 2003 elections, electoral violence left 100 people killed and many injured. Thus with a history of electoral violence, elections in Nigeria are viewed not as a political; asset and legitimizing force but rather as a political liability and a source of instability and decay. See Human Right Watch (2004) *Nigerians 2003 elections. The unacknowledged violence*. See also O. Nwoliise, Electoral Violence and Nigerians 2007 elections: 6 *journals of Africa elections*. (2007) P. 153.

⁶ Ibid P. 154

⁷ Human rights watch, *They Beat Me like a Dog: Political Persecution of Opposition Activists and Supporters*. (UK, 2003) P. 56

⁸ See K. Matso, *Managing Post-election Violence in Lesotho*. (University of Lesotho. 2007)Pp. 36-37

⁹ D.Horowitz, *Ethnic Groups in Conflict*, (University of California, 1985.)P. 27

‘the uncontrolled escalation of electoral violence – particularly as driven by an extreme expression of the politicization of ethnicity’.¹⁰

In Kenya, ethnic identities have greater political salience than religious identities or class in determining who gets what, when and how. Elections in Kenya from 1992 to 2007 have shown how determined the political class is to cling to power not minding the cost implication to the political system¹¹. Ethnic clashes are thus a product of manipulation from both sides of the political divide in order to settle scores of old hatred and rivalries. Political acrimony across ethnic fault-lines in the run up to the 2007 elections and beyond was rooted and further influenced by deep-seated grievances, as well as economic and policy issues. The perception that certain ethnic groups have been discriminated against in terms of access to political power and equitable distribution of economic growth further heightened tension between the Kibaki led PNU supported by the Kikuyu and Odinga’s ODM supported by the Luo¹². The reality of the situation with respect to the Kenyan political system reveals that the mobilization of ethnic identities, has brought negative forms of ethnicity to the forefront, to the extent that virtually everything came to be defined in terms of ‘we’ versus ‘them’ or the disruptive power of competing ethnicities¹³.

¹⁰ J.Saul, ‘For Fear of Being Condemned as Old Fashioned: Liberal Democracy vs. Popular Democracy in Sub-Saharan Africa’, *Review of African Political Economy*, (1997) P. 73.

¹¹ C.Young, *Africa: An Interim Balance Sheet*. In L. Diamond, & F.M. Plattner, (ed) *Democratization in Africa*. (USA, John Hopkins University 1999) P. 54

¹² G.R. Romero, S.M. Kimeny, S. Dercon “*The 2007 Elections, Post-Conflict Recovery and Coalition Government in Kenya*”, Working Paper, Centre for the Study of African Economies, September.2008. P 16

¹³ A. Olukoshi, “State, Conflict, and Democracy in Africa: The Complex Process of Renewal”, in R. Joseph, (Ed) *State, Conflict and Democracy in Africa*, (USA, Lynne Rienner Publishers.1999). P. 20

1.1 Statement of the Research Problem

Democracy comes at a high price in many countries. Each year hundreds of people lose their lives in connection to competitive elections. While electoral violence is a longstanding phenomenon, ballots in Afghanistan and Iraq in recent years have brought attention to the challenge of establishing a secure environment that can facilitate free and fair democratic elections. From the perspective of democratic politics, violence and insecurity may affect the election results or the outcome of elections in various ways. Threats and intimidation may be used to interfere with the registration of voters. Voter turn out may be influenced if large sections of the population refrain from casting their votes due to fear of violence. Assaults, threats and political assassinations during the election campaign may force political contenders to leave the electoral process or prevent elections from taking place

It is a historical fact and current reality that most Kenyan districts are haunted by actual or potential violence after every general election. This is partly because of the fact that different communities continue to consciously or unconsciously rely on ethnicity to perpetuate their dominance and hegemony in an atmosphere characterized by scarce resources, fear and prejudice. The proliferation of electoral violence with ethnic dimensions in the country is so widespread that there is hardly any region where the problem has not reared its ugly head: Western, Rift Valley, Nyanza, Coast, Central, Eastern and even Nairobi. In 1992, electoral violence was experienced in parts of Coast province and some parts of the Rift Valley, in 1997; the same was experienced in parts of

Nairobi, and Rift Valley. In 2007, electoral violence was experienced in the entire eight provinces with a difference in the magnitude of the violence. Electoral violence of 1992, 1997 and 2007 led to massive destruction of property. Buildings were destroyed and the agricultural sector was brought to its knees when farm products were burnt. There was also loss of life in many regions. A common experience is that the violence in 1992, 1997 and 2007 took an ethnic dimension.

This commonality (electoral violence taking ethnic dimensions) provides the necessity for a new paradigm in approaching the issue of ethnic dimensions in electoral politics in Kenya. The aim of this study is to investigate electoral violence in the context of ethnicity and to identify some of the factors that explain the reason why electoral violence in Kenya has always taken ethnic dimensions. The study argues that a full understanding of political violence in conflict societies requires a better conceptualization of electoral violence. This pertains both to the basic characteristics (ethnicization) of electoral violence and the determinants of its occurrence. This study holds the thesis that political parties, unequal distribution of resources and weak electoral system have contributed to ethnicization of electoral violence.

1.2 Objectives of the Study

The overall objective of the study is to interrogate why electoral violence in Kenya has always taken ethnic dimensions with reference to 1992, 1997, and 2007 elections. Sub-objectives of the study are:

Firstly, to find out how political parties have contributed to ethnicization of electoral violence.

Secondly, to examine how the unequal distribution of resources has contributed to ethnicization of election violence.

Thirdly, to find out how weak electoral system contributed to ethnicized electoral violence.

Lastly to find out measures that have been put in place by the government to prevent electoral violence from taking ethnic dimensions.

1.3 Literature Review

This section introduces the concepts electoral violence and ethnicity. The two concepts are analyzed using selected literature, stressing on ethnic dimension of electoral violence. The section also looks at literature under the following captions: Elections and Electoral Violence, Actors, Motives and the Timing of Ethnicized Electoral Violence, Post Independence Africa and the Legacy of Ethnicized Electoral Process and finally an overview of Kenyan electoral violence and ethnicity. Within the section, a theory used in explaining the occurrences of ethnic conflicts is revisited, and relating it to ethnic dimensions of electoral violence in Kenya. This section has been subdivided into section in order to enhance better understanding of the issue area. This categorize helps in understand the actors and motives inherent in election violence, it also provides a road map in understanding the African experience with electoral violence.

1.3.1 Literature on Elections and Electoral Violence

According to Höglund¹⁴ the term electoral violence has been used generically in two strands of research. In a first approach, electoral violence is seen as a sub-set of activities in a larger political conflict. In particular, it has been studied as part of the trajectory of ethnic or communal violence in divided societies such as Kenya, Sri Lanka, and India. In these cases, it has been noted that violence tends to cluster around election times. He observes that more recent studies have focused on security-related aspects in connection to elections in cases such as Afghanistan, Liberia and Palestine. In a second approach, electoral violence is seen as the ultimate kind of electoral fraud. In this first approach Lehoucq¹⁵ defines electoral fraud as “clandestine efforts to shape election results”, and includes activities like ballot rigging, vote buying, and disruptions of the registration process. Both approaches focus on the goal-oriented or instrumental character of violence. Following such a view, Arendt¹⁶ argues in a classic analysis, that “like all means, it [violence] always stands in need of guidance and justification through the end it pursues.” However, anthropologists and other scholars have recognized that violence can be used for expressional purposes as well, without any apparent aim. A further aspect of violence has been introduced by Galtung¹⁷, who distinguishes structural violence from personal violence. Structural violence refers to a situation where damage is done to a person because of the structure of the social system, thus preventing that person from fulfilling his/her aspirations.

¹⁴ K. Höglund, *Electoral Violence in War-Ravaged Societies: The Case of Sri Lanka*. (Uppsala University 2006)P. 8

¹⁵ F. Lehoucq, *Electoral Fraud: Causes, Types, and Consequences*. Annual Review of Political Science: 2003.Pp 233-256.

¹⁶ H. Arendt, *On Violence*. In *Violence and Its Alternatives: An Interdisciplinary Reader*, edited by M. B. Steger and N. S. Lind. (London: Macmillan 1999.) P. 56

¹⁷ J. Galtung, *Violence, Peace, and Peace Research*. *Journal of Peace Research*. (1969) 6 (3): Pp. 167-191.

From this point it is worth noting that there may be a fine line between political violence and criminal violence, in particular in the context of armed conflict. During an armed conflict, the boundaries of political and criminal activity become obscured. For instance, armed groups may use criminal violence, such as kidnappings or extortion, to finance the armed struggle. In such cases, criminal violence clearly has political consequences, although these might not have been intended. It also means that violence that in non-warring societies would be considered criminal, oftentimes becomes politicized during the armed conflict. There have also been reports about political parties kidnapping wealthy people to raise campaign fund, for instance, in the Philippines.

Two attempts to classify different types of electoral violence have been identified in the literature. Rapoport and Weinberg¹⁸ present a typology of electoral violence which distinguishes between three types: “the election principle might be rejected; the principle might be valid but the application is not, as when citizens belong to different ethnic communities; and the most common and complex occurs when participants understand a particular instance to be unfair, but they do not explicitly reject the principle or system.” Fischer¹⁹ distinguishes between different types of electoral conflict and violence: (1) identity conflict, (2) campaign conflict, (3) balloting conflict, (4) results conflict, and (5) representation conflict.

Höglund²⁰ argues that Competitive elections are integral features of democracy and a way of dealing with issues of governance. In some definitions of democracy, competitive

¹⁸ C. Rapoport, and W. Leonard, *Elections and Violence. In the Democratic Experience and Political Violence*, edited by D. C. Rapoport and L. Weinberg. London: (Frank Cass Publishers 2001.) P. 34.

¹⁹ J.Fischer, *Electoral Conflict and Violence: A Strategy for Study and Prevention*. IFES White Paper (2002). Pp. 9-10

²⁰ H. Kristine, *Electoral Violence in War-Ravaged Societies: The Case of Sri Lanka*. (Uppsala University 2006.) P. 67

elections are the defining characteristic. For example the classic definition by Schumpeter²¹ posits that “the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.” On the other hand, Rapoport and Weinberg²² argue that the alternative ways of providing for a succession of governance is either through heredity or through violence. A common strand in this literature is offered by Lopez-Pinto²³ who argues that elections facilitate communication between politicians and citizens, and also have symbolic purposes by giving voice to the public. According to Lopez- Pinto, the right to elections has been enshrined in international law. For instance, the 1947 Universal Declaration of Human Rights (Article 21) first declared the right to elections, and the 1966 International Covenant on Civil and Political Rights (Article 25) stated:” to vote and to be elected at genuine periodic elections which will be by universal and equal suffrage which shall be held by secret ballot, guaranteeing of the free expression of the will of the electors.”

Reif²⁴ posits that in democratic societies, violence in connection to elections “attract attention precisely because they seem extraordinary and scandalous in a system that is supposed to be, by definition, nonviolent.” However, the increased importance of elections in conflict societies has given electoral violence new and intriguing dimensions.

²¹ A. Schumpeter, *Capitalism, Socialism, and Democracy*. (4 Ed) (London: George Allen & Unwin Ltd 1952). P. 43

²² C. Rapoport, and W. Leonard, *Elections and Violence. In the Democratic Experience and Political Violence*, edited by D. C. Rapoport and L. Weinberg. (London: Frank Cass Publishers 2001.) P. 32

²³ R. Lopez-Pintor, *Electoral Management Bodies as Institutions of Governance: (UNDP 2000.)* P. 67

²⁴ M. Reif, *Electoral Violence as a Political Strategy: How Institutions Define and Have Been Defined by Electoral Conflict in Mature and Emerging Democracies*. Dissertation Summary (unpublished paper) P. 1. Cited in Kristine Höglund (2006) *Electoral Violence in War-Ravaged Societies: The Case of Sri Lanka*. (Uppsala University 2006) P. 5

Most importantly according to Paris²⁵, elections have become part of the international peace-building strategy, which strongly links peace to democratic development. This means that most internationally sponsored peace agreements today stipulates the holding of free and fair elections.

From this stand point Lopez-Pintor²⁶ uses the term 'reconciliation elections' to denote such elections. According to Kumar and Reilly²⁷ Elections in such a context serve multiple functions. Besides establishing a legitimate and representative democratic government, an additional purpose is to seal the agreement and to put a decisive end to the war. Furthermore, Lyons²⁸ observes that, to the international community, elections for new political institutions provide a suitable point for reducing its presence in the country. Many scholars such as Kumar²⁹ would argue that elections in post-war societies are "fundamentally different from those organized under normal circumstances." According to them such elections are held although the parties are not fully disarmed and demobilized. This means that there may be threats and use of violence, people may vote for security, rather than elect leaders on the basis of their democratic merits, and violent parties may gain democratic legitimacy through elections. Moreover, local conflicts can surface as refugees return to their communities to vote. In countries ravaged by war, elections may not be held or are restricted in various ways.

²⁵ R. Paris, *At War's End: Building Peace after Civil Conflict*. (Cambridge: Cambridge University Press 2004.) P. 17

²⁶ R. Lopez-Pintor, *Reconciliation Elections: A Post-Cold War Experience*. In *Rebuilding Societies after Civil War: Critical Roles for International Assistance*, edited by K. Kumar. (Boulder & London: Lynne Rienner Publishers 1997) Pp. 46-48.

²⁷ Kumar, Krishna, *Post conflict Elections, Democratization, and International Assistance*. (Boulder & London: Lynne Rienner Publishers 1998) See also B. Reilly, and A. Reynolds. 2000. Electoral Systems and Conflict in Divided Societies. In *Conflict Resolution after the Cold War*, edited by P. C. Stern and D. Druckman. (Washington DC: National Academy Press 2000.) Pp. 45-55

²⁸ T. Lyons, *The Role of Post settlement Elections*. In *Ending Civil Wars*, edited by J. S. Stedman, D. Rothchild and E. M. Cousens. (Boulder: Lynne Rienner Publishers 2002.) P. 65

²⁹ Kumar op.cit p. 1

In reference to the motives of electoral violence Laakso³⁰ argues that the overall objective of electoral violence is to influence the electoral process. If disaggregated further Fisher³¹ observes that there are different motives behind the violence. He elaborates that some actors might object to elections of any sort and find elections an illegitimate method for the transfer of political power. Other perpetrators might not object to elections as such, but are opposed to the system under which the elections are held, and might try to prevent or postpone elections. Yet other actors behind violence might want to influence the outcome of election. Finally, he observes that if elections do not yield the expected results, groups or parties might use violence to overthrow or alter the election outcome.

Concerning the timing of electoral violence Reilly³² argues that violence can occur in all phases of an electoral process. He defines pre-election phase as the time from voter registration to Election Day. The registration of voters may take a long time if basic documentation and a popular census is lacking. For instance, in Cambodia voter registration ahead of the 1993 election took almost a year. Reilly further observes that sometimes violence occurs on polling days, but this view is refuted by Rapoport and Weinberg³³ who note that the day of the election often is remarkable peaceful. In some situations elections are held over several days. For instance, in the January 2006 elections to the Palestinian legislative council, the security forces voted a couple of days before the regular polling. Acts of violence and intimidation according to Reilly may also occur in the post-election phase as votes are counted and the results are analyzed. He defines post-election phase as the period leading up to the inauguration of the newly elected body.

³⁰ L. Laakso, *Insights into Electoral Violence in Africa*. (Boulder: Lynne Rienner Publishers 2005.) P. 24

³¹ Jeff Fisher. Op.cit

³² B. Reilly, *Post-Conflict Elections: Constraints and Dangers*. International Peacekeeping 9 (2) (2002): Pp 118-139.

³³ Rapoport and Weinberg. Op. cit

According to Panebianco³⁴ electoral violence in a conflict context can emerge from a variety of sources, such as state actors (military and police), political parties, guerrilla/rebel groups, and militia/paramilitary groups. Diamond³⁵ points out that armed groups are the obvious perpetrators of electoral violence in situations of sustained violent political conflict. He observes that electoral violence can be used as part of a militant organization's overall campaign to achieve a political goal. However, Rajat³⁶ cautions that while some armed actors reject elections outright, others will simultaneously participate in elections and carry out a violent struggle. He notes that Sinn Fein, the political wing of the IRA, for example, has used both tactics at the same time and has competed in elections since the 1980s. McAllister³⁷ observes that a dual strategy – combining electoral politics and violence – might have several benefits for a militant organization. According to him competition in elections may “complement rather than replace the organization's military orientation” and “reduce[s] the risk of major splits within the organization over tactics.” In contrast Horowitz³⁸ observes that, the Peruvian guerrilla group Sendero Luminoso had a Marxist orientation and was clearly anti-elections. They even targeted other leftist groups that chose to compete in the elections. Okendo brings in an interesting angle to this argument; he argues that political parties – both those who hold government positions and the opposition – have been key organizers of electoral violence. According to him Political parties have also been known to pay

³⁴ A. Panebianco, *Political Parties: Organization and Power*. (Cambridge: Cambridge University Press 1988)P. 43

³⁵ L. Diamond and G. Richard, *Political Parties and Democracy*. (Baltimore: Johns Hopkins University Press 2001) P. 87

³⁶ R. Ganguly, *Sri Lanka's Ethnic Conflict: At a Crossroad between Peace and War*. *Third World Quarterly* 25 (5) (2004): Pp. 903-918.

³⁷ I. McAllister, *The Armalite and the Ballot Box': Sinn Fein's Electoral Strategy in Northren Ireland*. *Electoral Studies* 23: (2004) Pp. 123-142.

³⁸ D.L Horowitz, and L. Donald, *The Deadly Ethnic Riot*. (Berkeley: University of California Press 2001) P. 76

thugs or make use of the youth wing to carry out the violence. He observes that in Kenya the ruling Kenya African National Union (KANU) organized youth wings to work as militias both in the 1992 and 1997 elections, and violent clashes became an element in the run up to the election. Rapoport and Weinberg³⁹ note that if the party system is weak and lacks legitimacy, opportunities arise for other groups to “exploit election tensions.” According to Rapoport and Weinberg political parties may fan violence to exacerbate these fears to win support. Bermeo⁴⁰ observes that “All fair elections involve elements of uncertainty, but if competitors become convinced that they will be ruined by an opposition victory, the uncertainties of democracy will prove intolerable and they will attempt to organize a coup coalition to either pre-empt or overturn the electoral process.” According to Bermeo,⁴¹ to forestall such developments, violence can be an attractive means to bolster votes in the run up to election. As argued by Lyons⁴² “voters in elections often choose to use the limited power of their franchise either to appease the most powerful faction in the hope of preventing violence or to select the most nationalistic and chauvinistic candidate who credible pledges to protect the voter’s community.” A similar argument is made by Wanchekon⁴³: “the likelihood of violence might paradoxically incite voters to prefer the most violent party.” Wanchekon⁴⁴ observes that in “electoral competition in conditions of political instability... parties have the

³⁹ Rapoport and Weinberg. *op.cit* p 42

⁴⁰ N. Bermeo, 2003. *What the Democratization Literature Says or Doesn't Say About Postwar Democratization*. *Global Governance* 9 (2) (2003):Pp. 159-77

⁴¹ *Ibid*

⁴² T. Lyons, Terrence, *Demilitarizing Politics: Elections on the Uncertain Road to Peace*. (Boulder: Lynne Rienner Publisher, 2005.)P. 67

⁴³ L. Wanchekon, On the Nature of the First Democratic Elections. *Journal of Conflict Resolution* 43 (2) (1999): Pp. 245-258.

⁴⁴ *Ibid* P.256

outside option of initiating political violence as an alternative to accepting electoral defeat.”

1.3.2 Post Independence Africa and the Legacy of Ethnicized Electoral Process.

In Africa, carefully negotiated independence constitutions were swept aside by the rise of authoritarianism. Independence constitutions were drawn to clearly identify the authority of the state and its limits; as well as proscribing the rights of communal groups. In parts of Commonwealth Africa electoral laws made provisions for federal and central legislative assemblies; more significantly representatives were elected by the British style - majoritarian electoral system without modification⁴⁵. In Francophone Africa, independence constitutions were also based on French formulas with national legislatures based on universal suffrage and governments nominally ratified by parliament but ultimately subordinate to a centralized executive presidency. Yet after independence the determination of ruling elites to entrench themselves in power led to the betrayal of constitutional democracy. The rise of unconstitutional activity (ethnicized power politics) gave birth to authoritarian power politics. Independence constitutions, with their electoral systems, were soon modified, altered or simply abandoned.⁴⁶ As Jackson and Rosberg remark:

Constitutional government was rapidly transformed into personal rule, and the coup d'état became the usual means of changing governments. Military intervention in politics was endemic in the late 1960's. Civil wars

⁴⁵ Ibid

⁴⁶V.Levine, 'The Fall and Rise of Constitutionalism in West Africa', *Journal of Modern African Studies*, 35/2, 1997. P. 98

occurred in Sudan, Ethiopia, Zaire [Congo-Kinshasa], Nigeria, Angola and Chad.⁴⁷

In Rwanda and Burundi major flaws in electoral process and ethnic conflict perpetuated a cycle of genocide. In other parts of Africa, ethnic conflicts continue unabated some have never been fully resolved- Kenya is a case in point.

The post-colonial government in Africa, therefore, was either based on the authoritarian one-party state, military government or in the rare exception by a continued, constitutional democracy – like Botswana. Wanyande observes that:

In the debates that ensued, the protagonists of one-party regimes or systems of government dismissed the fears that their systems would undermine democracy. Instead they argued that one-party systems would be just as democratic, if not more so, than the multi-party systems.⁴⁸

Despite the rhetoric, electoral systems became regimented and standardized. By definition a one-party system of government proscribes the existence of alternative forms of political organization; so for a start electoral laws are limited to defining the nature of electoral competition between individuals. According to Wanyande “rather than provide the electorate with the opportunity and freedom to choose a government of their choice, the government imposes itself on them”. Thus, the electoral system was used to prevent structural and institutional attempts to challenge the primacy of the ruling party government; a factor which undermined the democratic condition. Ultimately, this can lead to the activation of sub-national identities particularly when a sense of victimization by the government is perceived. The significance of the unconstitutional emergence of authoritarianism is integral to an understanding of the ethnic conflicts which continue to

⁴⁷R. Jackson & C. Rosberg, ‘Democracy in Tropical Africa’, *Journal of International Affairs*, 38/2, 1985. Pp 356-377

⁴⁸P. Wanyande, ‘Democracy and the One-Party State: The African Experience’, in W. Oyugi et al (eds), *Democratic Theory & Practice in Africa*, James Currey, (1988.) P. 57

afflict the African continent; and underpins efforts to understand the ways in which the reconstitution of institutions for electoral participation can assuage fears of socio-political exclusion.

Events in Africa have witnessed electoral systems designed to sustain an ethnic political culture, ultimately, subverting electoral process and exacerbating divisions. In Sudan where conflict continues between the Muslim north and non-Muslim south efforts to establish a democratic constitution, after the overthrow of Numeiri in 1985, led to democratic elections in 1986⁴⁹. However, politicized ethnicity derailed the process when political parties became identified with the major religious groupings. Failure to believe that the other parties were not bent on total domination led to the collapse of dialogue between the northern and southern parties and a renewal of ethnic conflict.⁵⁰

The Angolan experience is more telling, in that the cease-fire was secured between the two main disputing groups namely; Jose Eduardo dos Santos' MPLA and Jonas Savimbi's UNITA⁵¹. This included an agreement to hold multi-party elections in September 1992. Pereira observes that, under the majoritarian electoral system the results of the election emerged with neither side receiving a clear majority in the presidential elections. This under the electoral laws meant submitting to a run-off election. Yet Savimbi cut his losses and subsequently declined to partake in the run-off fearing defeat and disenfranchisement from power. He subsequently rejected the election results. In the run up to the election Savimbi had campaigned on an ethnic platform; with UNITA being primarily an Ovimbundu organization. After rejecting the electoral

⁴⁹M. Ottaway, 'Democratization in Collapsed States', in I.W. Zartman (Ed), *Collapsed States: The Disintegration and Restoration of Legitimate Authority*,(Lynne Rienner. 1995) Pp. 76-80

⁵⁰ Ibid

⁵¹ A. Pereira, 'The Neglected Tragedy: The Return to War in Angola, 1992-3', *Journal of Modern African Studies*, 32/1 1994. P. 54

outcome he appealed to ethno- nationalism and fuelled the fears of domination by the MPLA. This enabled him to command the loyalty of his UNITA forces; culminating in the re-ignition of violent conflict in January 1993.⁵² The Angolan case gives an indication that mobilization of ethnic groups with a view of seizure of state power before and after election gives rise to electoral violence with ethnic dimension. The violence experienced in 1993 after the 1992 election had ethnic undertones.

1.3.4 Literature on Kenyan electoral violence and ethnicity

Electoral violence is not entirely a new phenomenon in the politics of most states in Post-colonial Africa, especially in states that are heterogeneous in character. What is rather new is the nature and character of its resurgence as a result of the militant posture of ethnic groups consequently leading to electoral violence of monumental proportions and consequences. According to Nyong'o⁵³, it is common for African leaders to use state power and institutions to promote their own interest or those of their ethnic groups. Hyden⁵⁴ observes that this is achieved through intimidation, violence (ethnic dimensions) and other forms of terror against real and imagined enemies. Taking the argument further Horowitz⁵⁵ observes that in multi-ethnic societies, having a multiparty government may result in political parties organized to address the interests of particular ethnic groups. He observes that this has been the case in Malawi, Zambia⁵⁶ and Kenya.⁵⁷ Harowitz further

⁵² A. Pereira, 'The Neglected Tragedy: The Return to War in Angola, 1992-3', *Journal of Modern African Studies*, 32/1 1994. P. 56

⁵³ P.A. Nyong'o, *Popular Struggle for Democracy in Africa*. (London. Zed books, 1987.)P. 43

⁵⁴ See, G. Hyden, *African politics in comparative perspective*. (Cambridge University press 2005.) P. 67

⁵⁵ D. Harowitz (1998) "The Role of Ethnicity in Multiparty Politics in Malawi and Zambia" *Journal of contemporary African studies* 228. Pp. 256-270.

⁵⁶ Ibid P. 272

⁵⁷ See human right watch Op. cit

observes that although political parties may not be exclusively composed of particular ethnic groups, they obtain their support predominantly from identifiable ethnic groups.⁵⁸

The Kenya State has grappled with the challenge of managing diversities since independence in 1963, often without much success. The major test in management of diversity has been the ethnic factor which ramifications have sometimes been catastrophic. The most recent threat to the nation was the post 2007 general elections conflict which resulted in the death of close to 1000 people in less than two months and displaced about 400,000 others⁵⁹. Whereas it is often alleged that these tensions are class based, the place of ethnicity cannot be gainsaid. The International Crisis Group described the post 2007 general elections conflict candidly thus. In the slums of Nairobi, Kisumu, Eldoret and Mombasa, protests and confrontations with the police rapidly turned into revenge killings targeting representatives of the political opponent's ethnic base. Kikuyu, Embu and Meru were violently evicted from Luo and Luhya dominated areas, while Luo, Luhya and Kalenjin were chased from Kikuyu dominated settlements or sought refuge at police stations. Simultaneously, Kikuyu settlements, the largest migrant communities in the Rift Valley, were the primary victims of Kalenjin vigilante attacks that were reminiscent of the state-supported ethnic clashes of the mid-1990s⁶⁰.

According to Appolos, the current ethnic tensions are further exacerbated by past conflicts. These include the clashes in 1991/1993 in some parts of Western Kenya, the 1991/1992 and 1997/1998 ethnic clashes in the Rift Valley, the 1997/1998 tribal clashes

⁵⁸ D. Harowitz. Op.cit

⁵⁹ International Crisis Group, *The 2007 Election and its Consequences: An Evaluation*. African report no. 137. (London 2008) P.78

⁶⁰ Ibid

in some parts of Nyanza (Gucha, Migori and Kisii) and the clashes in Likoni, Coast Province⁶¹. These disagreements have been given different interpretations. For instance, the 1992 clashes in Rift Valley were perceived by some as a form of punishment to the Kikuyu⁶². There have also been allegations that some of these ethnic clashes were politically instigated ostensibly to alter the voting patterns in favour of the then ruling party, Kenya African National Union (KANU).

Ethnic conflicts have confounded Kenya's governance structures that they rank top on the list of the challenges of State. Mazrui has recounted Kenya's predicament, perhaps, in the most dramatic format:

One major characteristic of politics in postcolonial Africa is that they are ethnic-prone. My favourite illustration from Kenya's postcolonial history was Oginga Odinga's efforts to convince Kenyans that they had not yet achieved Uhuru but were being taken for a ride by corrupt elite and their foreign backers. Oginga Odinga called upon all underprivileged Kenyans regardless of their ethnic communities to follow him towards a more just society. When Oginga Odinga looked to see who was following him, it was not all underprivileged Kenyans regardless of ethnic group but fellow Luo regardless of social classes. It was not the song of social justice, which attracted his followers; it was who the singer was a distinguished Luo. Not the message but the messenger.⁶³

The forgoing literature has highlighted the correlation between elections and electoral violence; it has also shade light on post independence Africa and the legacy of ethnicized electoral process. Major arguments by scholars on Kenya's experience on electoral violence and ethnicity has been discussed however Lutz F. Krebs observes that while this area (ethnicized electoral violence) has been studied in detail for a number of prominent

⁶¹ See M. Appolos (2001) *Ethnicity, Violence and Democracy* xxii, 1 and 2 African development 6. (2001)P. 54

⁶² See class v kinship in kenyas eruption to violence (2008) 23, 1 and 2 Wajibu 16. Cited in *Ethnicity, Human Rights and Constitutionalism in Africa*. The Kenya section of the international commission of jurists. (Nairobi. Serigraphics Co. LTD 2008) P. 67

⁶³ A. Mazurui "katiba na kabila" if African politics are ethnic prone, can African constitutions be ethnic – proof? *University of Nairobi law journal* (2004) P.144.

cases, there is no general model of the deterioration of a thriving multi-ethnic society to the point of ethnic violence. According to him the question remains how leaders are able to reframe identity to the point where preexisting trust between ethnicities dissolves. For this reason it is peculiar to note that electoral violence to a large extent remains an unmapped research field. To be fair, elections per se have generated enormous academic interest and a growing body of literature deals specifically with electoral processes and systems in conflict countries. From a peace and conflict perspective, this research has plunged into the question of how the design of electoral systems can lead/prevent conflict or promote peaceful solutions to existing ones. Moreover, the conditions surrounding elections in countries emerging from violent conflict – in particular the matter of timing – have generated intensive debate among practitioners and scholars. However, in terms of research on the causes and effects of electoral violence, much is yet to be done. The present study is part of a pronged effort to understand the inter-ethnic conflict that manifest itself in electoral violence.

For the above literature, it is peculiar to note that electoral violence to a large extent remains an unmapped research field. To be fair, elections per se have generated enormous academic interest and a growing body of literature deals specifically with electoral processes and systems in conflict countries. However, its worth to note that, the foregoing literature does not link electoral conflict to electoral system. The literature does not bring out the role of political parties in exacerbating electoral conflict. From a peace and conflict perspective, this research has plunged into the question of how the design of electoral systems contributes to conflict or promote peaceful solutions to existing ones. Moreover, the conditions surrounding elections in countries emerging from violent

conflict – in particular the matter of timing – have generated intensive debate among practitioners and scholars. However, in terms of research on the causes and effects of electoral violence, much is yet to be done. It is this gap that this study will endeavor to fill.

1.4 Theoretical Framework

The study utilizes the Primordial Theory to understand ethnicized electoral violence. Primordialism postulates that relationships among human populations are based on kinship ties. The primordialist approach views ethnicity as an embedment of individuals into tribal groupings.⁶⁴ The primordial ties are persistent and often form the basis to legitimize political groupings as opposed to the aspirations of modern societies that wished to raise politics above the primordial levels.⁶⁵ It is these legitimize political groups that manifest themselves during electoral violence. According to primordialism, it is due to the assumed primordial ties that individual members of ethnic groups support and even risk their lives for the collective benefit of the group. This is often seen during electoral violence, for example the Luos in Kisumu and Kibera risked their lives for one of their own during the 2007 electoral violence.

The theory emphasizes that it's the strength of the ethnic bond that supersedes other motives including economic gains as a basis for action in favour of ethnic interests.⁶⁶ In this approach electoral violence is viewed in terms of ethnic differences between "us" and "them".⁶⁷ This approach is relevant to this study in that it brings out the correlation between ethnicity and electoral violence. It helps in the understanding how political elites

⁶⁴D. A. Smith, *The ethnic origin of nations*. (Blackwell, United Kingdom 1986) P. 43

⁶⁵ D. L. Horowitz, (2nd Ed.), *Ethnic groups in conflict*, (University of California Press Ltd, London. 2000) P. 38.

⁶⁶ Freeman op. cit

⁶⁷D. A Smith op. cit

have mobilized their ethnic groups with a view to seizure state power and how this mobilization has manifested itself in form of electoral violence.

However despite its usability, this approach has been criticized for its assumption of fixed identities and the failure to consider the emergence of new or transformed identities that might provoke conflict over time – class and ideology. The theory also fails to recognize that individuals can risk their lives for collective rights based on ideologies rather than only those based on the primordial ties.⁶⁸ Additionally, Freeman⁶⁹ considered primordialism from the perspectives of families, which in turn is connected to larger entities including clan, tribe and/or nation. The neo-primordialism approach views ethnic group as a big family but the boundary where the family ends and ethnicity starts is blurred in societies with extended families.⁷⁰ Revival of the primordial sentiments has been stimulated by the replacement of the superficial colonial governance by the “penetrative, mobilizing, and modernizing post colonial regimes”⁷¹

1.5 Justification of the Study

The study is has both academic and academic justifications. Policy justification will refer mainly to policy implications while academic justification will refer to the contribution made by the study to what is already known in the issue area.

⁶⁸ Freeman op.cit

⁶⁹ Ibid

⁷⁰ D.L Horowitz, op.cit

⁷¹ Freeman op.cit

1.5.1 Academic Justification

Firstly, the academic justification of this study is derived from its heuristic value; it will attempt to fill a theoretical gap in the study of electoral conflict. Rosenau observes that “the domestic aspects of electoral violence are yet to be processed for both theoretical and empirical analysis.”⁷²

According to modernization paradigm, which has dominated debate in the social science, the process of social change moves in a continuum from traditional to modern. In this framework, ethnic issues pertaining to the mutation from traditional to modern are grossly ignored. How the mutation leads to conflict is also ignored. In similar vein, the structural functionalists emphasize the comprehensive nature of transformation of the sub-national units and loyalties into a wider polity. Here again, ethnic issues are not considered.

Marxist approach on the other hand, relate ethnic conflicts basically to economic interests in which the groups tend to be social classes defined in terms of their position vis-à-vis the system of production. Where social relations of production are paramount in determining power relations in a society. This theory ignores the role of institutions like the electoral and political institution in fueling conflict in the society. In general, the result is that few theoretical models exist to guide research in this contemporary issue. It is envisaged that this study will contribute to this academic debate.

⁷² J. N Rosenau (Ed) *International Aspects of Civil Strife*. (Princeton, Princeton university press, 1964) Pp. 8-13

1.5.2 Policy Justification

It is envisaged that this study will help governments in formulating legislations that will guide the formulation of credible electoral system that mitigates against ethnicized electoral violence and anchor in a new democratic culture. Such laws will address issues related to elections, petitions, electoral violence, nominations, announcement of elections, political parties, and transitions. It is also hoped that the results of this study will be useful to Non Governmental Organizations and pressure groups as they continue to champion electoral democracy in Kenya. It is envisaged that the findings of this study will inform the debate on TJRC. The study will unearth issues like historical inequalities and electoral hooliganism thus providing a foundation for TJRC.

This study will also have policy implication for regional organizations like the OAU. Since the OAU has a primary role to play in Africa's resolutions of conflict as reflected in both Article 52 of the UN charter and Article VII of its charter, it is significant that this study will inform decision taken up by the AU in mitigating against conflict in the continent.

1.6 Hypotheses

- 1. In a divided society with ethnically based political parties, there is a potential of electoral violence taking ethnic dimensions.**
- 2. In societies with unequal distribution of resources among different ethnic groups, there is a potential of electoral violence taking ethnic dimensions.**
- 3. Weak electoral institutions have allowed political leaders to use violence during electoral process hence electoral violence takes ethnic dimensions.**

1.7 Methodology

Data for this study was drawn from both primary and secondary data. Primary data was collected by use of questionnaires and face to face interviews while secondary data was collected by consulting books on electoral violence and ethnicity, journals, magazines, organizations reports and newspapers. The study was conducted in Nairobi. This is based on the fact that Nairobi is one of the regions that has grossly experienced electoral violence with ethnic dimensions. Political parties, experts in electoral politics, officials of IIEC, members of political parties and NGOs based in Nairobi were consulted.

This study focused on employees of Kenya Human Rights Commission, Institute of Education in Democracy, and Interim Independent Electoral Commission. Purposive sampling was used in selecting (5) employees of the above named organizations operating in Nairobi. This sampling technique was used because it allows for the use of cases that have the required information with respect to the objectives of the study. The same (purposive) sampling technique was used to select (5) officials of political parties and (2) experts in electoral violence. Concerning members of political parties, random sampling was used to select (10) respondents

To realize the objectives of this study, structural interviews were used to collect data from members of NGOs, IIEC, and officials of political parties. An interview schedule with closed- ended and open ended questions was used to guide the interview. Structural

interviews were used because they allow a researcher to search for the full range of responses before reducing the replies to a set of categories. Secondly structural interviews allow the research to translate and code categories later in the office as opposed to the field study. It also allows for full concentration while conducting interviews. However interview schedules have the potential for bias introduced by the interviewer. To overcome this weakness the study gathered secondary data in respect to electoral violence and ethnicity and this helped in cross checking the information gathered from the primary sources. Also to overcome the bias weakness in the personal interviews, a large number of people was interviewed and consequently a wide range of views was analyzed before making conclusions on the study.

Thematic or, content analysis was applied to analyze qualitative data. Data contents were summarized and that information used as a starting point in analysis. Similarities and differences in the interviews were looked at in order to draw conclusions.

1.8 Chapter Outline

Chapter One: Introduction

Chapter Two: Debate on Ethnicity and Electoral Violence

Chapter Three: Ethnicity and Electoral Violence: The Kenyan Experience.

Chapter Four: Critical analysis of ethnic dimension electoral violence in Kenya

Chapter Five: Conclusions and Recommendations

CHAPTER TWO: DEBATE ON ETHNICITY AND ELECTORAL VIOLENCE

2.0 Introduction

The question why ethnicized electoral violence breaks out and what dynamics drive them remains one of the most complex and fascinating research topics in political studies. The more important violent, internal conflicts have become on the international political agenda, the more academic studies have tried to grasp with this phenomenon in theoretical and empirical terms. This chapter focuses primarily on ethnically divided societies and outlines the state of scientific debate concerning ethnicity and electoral violence. This chapter provides an overview of the debates and empirical literature in the area, with a strong focus on recent studies. The main goal is to identify major strands of discussion, not to provide exhaustive accounts.

2.1 Ethnic Mobilization in Electoral Politics

Wimmer and Min¹ posit that ethnicity often plays a role in defining and structuring conflict. They observe that civil wars between ethnic groups constitute a substantial part, if not the majority of all wars since the late 1950s, and the share of ethno-nationalist civil wars has risen steadily over the last seven decades. The veracity of this claim depends of course on the definition of ethnic groups, which are generally seen as groups formed on the basis of cultural, religious, linguistic or biological characteristics perceived to be shared by their members. While ethnic groups are essentially defined and delineated by a shared identity, their uniting characteristics are not primordial. In reviewing historic

¹ A. Wimmer, *Nationalist Exclusion and Ethnic Conflict: Shadows of Modernity*. (Cambridge, United Kingdom: Cambridge 2002) P. 23

conceptions of ethnicity, Smith² found that “the common denominator appears to be the sense of a number of people or animals living together and acting together, though not necessarily belonging to the same clan or tribe”. In essence, the constructivist view as being championed by Brubaker³ that currently dominates the debate sees interaction as the key, arguing that the relevant concept should not be the group “but groupness as a contextually fluctuating conceptual variable”.

The spectrum of opinions regarding the importance of ethnicity in electoral violence covers a significant range. One end of the scale is defined by the consideration that ethnicity and “ancient hatreds” between different ethnic groups are the exclusive basis of conflicts between them as argued by Kaplan⁴, even going so far as to argue that ethnic heterogeneity in itself is conflictive as argued by Vanhanen⁵. The other extreme is represented by Mueller⁶ who argues that parties to ethnic conflict are nothing but “bands of opportunistic marauders recruited by political leaders” operating under the banner of a shared ethnicity mostly for the sake of convenience and increased legitimacy. However, neither of the two extreme positions on this scale can stand on its own: Fearon and Laitin⁷ posit that if ethnic heterogeneity has an inherent propensity to stimulate violent conflict, ethnic wars should/would be much more prevalent in a predominantly heterogeneous

² D.A Smith, *The Ethnic Origins of Nations*. (Oxford, UK: Blackwell Publishing 1986) P. 21 Online version (cited 21 august 2009): <http://books.google.com/books>.

³ R. Brubaker, *Ethnicity Without Groups*. In *Facing Ethnic Conflict: Toward a new Realism*, eds. Andreas Wimmer, Richard J. Goldstone, Donald L. Horowitz, Ulrike Joras, and Conrad Schetter, (Oxford, UK: Rowman & Littlefield 2004.) Pp. 34-52 Online version (cited 21 august 2009): <http://books.google.com/books>.

⁴ D. R. Kaplan, *Balkan Ghosts: A Journey through History*, (Vintage Books, New York, 1993.) P. 65

⁵ T. Vanhanen, Domestic Ethnic Conflict and Ethnic Nepotism: A Comparative Analysis. *Journal of Peace Research* 36(1)1999) Pp. 55—73,

⁶ J. Muelle, 2000. *The Banality of "Ethnic War"*. *International Security* 25(1): 42—70. URL (cited 21 august 2009):<http://www.jstor.org/pss/2626773>. P. 42.

⁷J. D. Fearon and D. Laitin. 1996. *Explaining Interethnic Cooperation*. *American Political Science Review* 90(4): Pp. 715—735. URL (cited 21 July 2009): <http://www.jstor.org/pss/2945838>.

world. Yet, the fact that ethnicity has been the factor common to the majority of the world's conflicts suggests that it is more than just a thin veil, a marketing ploy used by common thugs.

From this stand point the discussion has therefore moved to the dynamics underlying the use of ethnicity in electoral violence. According to Gellner⁸, a first proposed link between ethnicity and electoral violence works through the concept of nationalism, the demand that the political state should be congruent with the territory of a nation. Given that nations are predominantly defined in ethnic terms—such as a shared heritage, culture, or language—this strand of the literature connects the existence of ethnic heterogeneity with underlying political and social processes.

The goal of attaining political control over an ethnically homogenous territory as such suggests certain pre-conditions for electoral conflicts. Gurr⁹ argues that the existence of a cultural identity in combination with collective political or economic grievances is the basis of group mobilization that eventually gives rise to electoral violence. Kaufman¹⁰ also identifies three main pre-conditions for mobilization that match Gurr's reasoning: firstly, the existence of narratives that define the ethnic in-group and in doing so also create an out-group, the in-group's opponent. Secondly, fears regarding the future of the in-group that can be linked to political exclusion and discrimination. Finally, a territorial base or a homeland for the ethnic group.

⁸ E. Gellner, *Nations and Nationalism*. (Ithaca, NY: Cornell University Press 1983) P.17 Online version (cited 21 August 2009): <http://books.google.com/books?id=j17t2yMfxwIC>.

⁹ T.R. Gurr, *Minorities at Risk: A Global View of Ethno political Conflicts*. (Washington, DC: United States Institute of Peace Press 1993.) P. 39

¹⁰ S. J. Kaufman, 2006. *Symbolic Politics or Rational Choice? Testing Theories of Extreme Ethnic Violence*. *International Security* 30(4): Pp. 45— 86. doi:10.1162/isec.2006.30.4.45.

These conditions can be seen as inter-linked stages in the build-up to violence: appeals to group myths, the presence of extreme mass hostility and the development of a security dilemma. According to Fearon such ethnic security dilemmas are based on the commitment problem between groups lacking access to an impartial third party that could enforce agreements between them. Given these factors, the temptation for each group to strike first in order to gain the advantage of early action is substantial. Yugoslavian politics leading up to the wars of 1991 – 1995 serve as an example here.

2.2 Electoral Transition and Ethnic Conflict

After looking at conceptual foundation of ethnic mobilization and electoral politics, this section tries to create a link between electoral transition and ethnic conflict with reference to Kenya.

Electoral transition has long been seen as a possible way towards more security and stability within the state. Almost irrespective of the exact definition of electoral transition, it is expected to bring about more accountable, legitimate and transparent government. Since citizens are consulted on a regular basis and institutionalized checks and balances are in place in democratic regimes, the assumption is that the outbreak of violent conflict or war becomes less likely, especially within established democracies. Thus, policy makers have increasingly promoted electoral transition mechanism and, in the case of development policy, introduced measures of conditionality concerning good governance, rule of law and the respect for human rights. The underlying assumption is that security as well as (economic) development can only be preserved in the context of a peaceful electoral transition.

While the hypothesis establishing that democracies do not go to war against each other has frequently found empirical support¹¹, processes of change from one regime to another can display very different characteristics. Not only can conflict—or as Tilly¹² more generally calls it, occasional shocks in the form of conquest, confrontation, colonization, or revolution—be the starting point for electoral transition with all the well-known uncertainties and dangers of a re-occurrence of violence: electoral transition can even be the very cause of instability and war.

Authors have underlined that a legitimate and viable order has to be established first, whether this refers to strong political institutions e.g. Huntington¹³, a functioning state bureaucracy (Linz and Stepan¹⁴), or the rule of law (Bratton and Chang¹⁵). In all these arguments, sequence matters and where electoral transitions take place before the basis has been laid, the process is said to be likely to lead to violence.

However, in the literature on the interaction between state building and electoral transition, a capable state is not only seen as a precondition for successful transition; electoral transition can affect state capacity as well¹⁶. Though it has been demonstrated that state strength is positively related to electoral transition, authors like Bratton and

¹¹ B. Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World*. (Princeton, NJ: Princeton University Press 1993.) P.32 Online version (cited 21 August 2009): <http://books.google.com/books>.

¹² C. Tilly, *The Politics of Collective Violence*. (Cambridge, United Kingdom: Cambridge University Press 2003.) P. 23 Online version (cited 09 September 2009): <http://books.google.com>.

¹³ P.S. Huntington, *The Clash of Civilizations*. *Foreign Affairs* 72(3)1993) Pp. 22—49. URL (cited 21 July 2009)

¹⁴ J.J Linz, and S. Alfred, *Problems of democratic transition and consolidation: Southern Europe, South America, and post-Communist Europe*. (Baltimore, MD: Johns Hopkins University Press 1996.) P. 76

¹⁵ M. Bratton, and C.C Eric, *State Building and Democratization in Sub-Saharan Africa: Forwards, Backwards, or Together*. *Comparative Political Studies* 39(9):(2006) Pp. 1059—1083,

¹⁶ C. P. Schmitter, W. Claudius and O. Anastassia 2005. *Democratization and State capacity*. Paper presented at the X Congreso Internacional del CLAD sobre la Reforma del Estado y de la Administración Pública, October 18—21, Santiago, Chile. URL (cited 09 September 2009):<http://www.clad.org.ve/congreso/schmitte.pdf>. P 23

Chang¹⁷ have underlined the mutually reinforcing process between state-building and regime consolidation which can become a vicious cycle leading to or intensifying the decay of the state, as in countries like the Democratic Republic of Congo.

The advantage of these studies is that they demonstrate how the relationship cannot only work in one direction. Thus, they indirectly question the existence of more or less fixed preconditions for successful electoral transition. An additional problem with the literature stressing sequencing is that certain countries seem almost doomed to fail when it comes to electoral transition because they simply lack the relevant prerequisites. Kenya's electoral transition in 2007 is a case in point.

This applies to the case of ethnically divided countries like Kenya, as it lies in their nature that the national and state questions have not been settled and that further prerequisites to electoral transition like a viable and legitimate order are often missing. Thus, some authors linking the electoral system and violent conflict concentrate more specifically on multi-ethnic states. They concern themselves with identifying the most appropriate political institutions to accommodate different groups, rather than with the "ideal" conditions for electoral transition. Reynal-Querol¹⁸ found that in addition to the level of electoral transition, the type of electoral system is decisive for the incidence of ethnic conflict. In her study, the level of representation of the population, and thus the degree of inclusiveness, is crucial. In accordance with the well-known work of Lijphart¹⁹, she recommends consociational systems in divided societies, because they provide adequate procedures for channeling participation. Much of the discussion therefore

¹⁷ Chang. Op.ct

¹⁸ M. Reynal-Querol, 2002. Ethnicity, Political Systems, and Civil Wars. *Journal of Conflict Resolution* 46(1)(2002): Pp. 29—54,

¹⁹ A. Lijphart, Constitutional Design for Divided Societies. *Journal of Democracy* 15(2): doi: 10.1353/ (2004) Pp. 96—100.

centers on voting systems and basic constitutional arrangements. Most prominently, Lijphart observes that the consociational approach proposes power sharing and regional autonomy arrangements to accommodate elites in heterogeneous societies. In that way, it does not only provide general inclusiveness, but resembles the compromise between old and new elites emphasized by Bunce²⁰. Others have challenged the consociational argument, claiming that power-sharing formulas and quotas deepen existing divisions in the medium and long run. In an alternative approach, Horowitz²¹ proposes incentives for inter-ethnic co-operation, especially by using specific voting systems (vote pooling) to make pre-electoral cooperation necessary, or at least more likely. Two key issues in this context are the controversy over proportional versus majoritarian systems, and the pros and cons of federalism.

Though the (cultural and institutional) setting of electoral transitions is certainly important for their ability to survive, some empirical, mostly quantitative studies call attention to potentially negative consequences of elections in general.

The central works of Mansfield and Snyder²² mainly focuses on emerging democracies and violence, though Snyder²³ has also published on electoral transition and ethnic conflict. In the latest version of their statistical analysis, they find that electoral transition is associated with an increased likelihood of ethnic conflict. However, this holds true only for countries experiencing incomplete transitions from autocracy toward democracy,

²⁰ V. Bunce, *Rethinking Recent Democratization: Lessons from the Post communist Experience*. World Politics 55(2): (2003) Pp. 167—92.

²¹ D. Horowitz, *Ethnic Groups in Conflict*. (Berkeley, CA: University of California Press 1985) P. 67 Online version (cited 09 September 2009): <http://books.google.com/books?id=1nC8htP6SEAC>

²² D. E. Mansfield, and S. Jack 2002b. Incomplete Democratization and the Outbreak of Military Disputes. *International Studies Quarterly* 46(4): Pp. 529—549.

²³ Ibid

and whose political institutions are weak²⁴—a finding which partly fits with the literature highlighting institutional pre-conditions. On the level of mechanisms, Mansfield and Snyder emphasize domestic factors, in contrast to arguments on international influences often stressed by scholars of international relations. They argue that under the condition of weak or absent institutions, “politicians have incentives to resort to violent nationalist appeals, tarring their opponents as enemies of the nation in order to prevail in electoral competition²⁵.” Especially elites whose positions are threatened have a strong motive to resort to this strategy, because they can pretend to act in the name of “the people” without being fully accountable to them. Vorrath, Krebs and Senn²⁶ observe that the opportunities are provided by the process of change, more specifically the opening of the political arena and the introduction of political competition. The same line of argument can be found in Snyder’s²⁷ work on internal conflicts stressing elite manipulation as the driving force. Overall, state weakness is seen as increasing the risk for (violent) action, and anocracies (mid-level democracies) are identified as especially conflict prone. A number of other studies confirm that anocracies face a higher probability of ethnic conflict (e.g. Hegre et al.), one making a direct link between changes brought about by regime transition and ethnic conflict. A more recent piece by Cederman, Hug and Krebs²⁸ indicates that the initiation of a transition period has a relatively strong and robust effect on conflict even when including measures of regime type that focus on anocracy. This

²⁴ Mansfield and Snyder. Op. cit

²⁵ Ibid pg 2

²⁶ J. Vorrath, Krebs, and S. Dominic 2007. *Linking Ethnic Conflict & Democratization: An Assessment of Four Troubled Regions*. Working paper No. 6. Zurich, Switzerland: NCCR Challenges to Democracy in the 21st Century. (2007) P. 34 URL (cited 09 September 2009): <http://www.nccr-democracy.uzh.ch/nccr/publications/workingpaper/pdf/WP6.pdf>

²⁷ Mansfield and Snyder. Op. cit

²⁸ C. Lars-Erik, H. Simon, and F.L. Krebs. Forthcoming. Democratization and Civil War: Empirical Evidence. *Journal of Peace Research*. (2005)Pp. 520-580

finding links the onset of ethnic conflict to the process of electoral transition as such, rather than to regime type.

Gurr²⁹ argues that the process of electoral transition creates threatening uncertainties for some groups and opens up a range of transitory political opportunities for ethnic entrepreneurs” Moreover, Dahl and Paris³⁰ posit that societies coming out of violent conflict usually does not fulfill the conditions that are considered conducive for peaceful transitions and that would help alleviate the uncertainty of the process, such as a strong economy and stable institutions.

Elking and Svensson observe that the opening up of political competition, which is a prerequisite for democratic elections, creates new opportunities to organize violence. According to them competitive elections – to be deemed free and fair – require fundamental political rights such as freedom of movement and freedom of speech. According to them these rights can be misused as a vehicle for militant political organization. In particular, the competitive nature of elections may aggravate existing conflicts and societal cleavages. Paris echoes this point when she observes that in countries which have experienced protracted conflict, political mobilization is likely to be along ethnic lines. Differences rather than similarities are brought to surface to win votes. Moreover, Rapoport and Weinberg observe that in electoral processes the use of military metaphors is common: “the parties’ wage ‘campaigns’, employing ‘strategies and tactics’. Party members are called ‘cadre’, and areas with many supporters are known as

²⁹ T. R. Gurr, *Peoples Versus States: Minorities at Risk in the New Century*. (Washington, DC: United States Institute of Peace Press 2000.) P.56

³⁰R. Dahl, *Polyarchy: Participation and Opposition*. (New Haven: Yale University Press 1971.) See also R. Paris, *At War's End: Building Peace after Civil Conflict*. Cambridge Cambridge University Press 2004) P. 190.

‘strongholds’ or ‘citadels’”. For this reason, the rhetoric used during the conflict is easily available to make use of in an election campaign to mobilize voters for support.

During the election campaign, Rapoport and Weinberg observe that the party candidates appear in public, which also increases the possibility of attacks. Indeed, a number of prominent politicians have been attacked during election campaigning. For instance, then Sri Lankan President Chandrika Kumaratunga lost her eyesight as a result of an attack by the LTTE in the run-up to the presidential election in 1999. A few years earlier, the presidential candidate of the main opposition party, along with 50 more people, were killed in a suicide bomb attack carried out by the LTTE during an election rally. In Kenyan experience an opposition candidate William Ruto was attacked in Kisii.

In competitive elections, groups that have had a dominant position in society run the risk of losing some of its power if the voters do not lend them support. According to Shugart such elections may create incentives for political actors to influence the electoral process through threat, intimidation and violence. The situation immediately after the elections is particularly sensitive: will the contenders accept the outcome, or will they resort to violence unless they emerge as winners? It is from this stand point that Rapoport and Weinberg conclude that election outcomes can produce outbreaks of violence. They give an example of East Timor after the 1999 referendum on independence.

Another matter related to the ethnicity, violence, and an election is the issue of timing. Different arguments about the timing of elections have been put forward. Paris³¹, for instance, contends that elections should not be held until the conditions for holding free and fair elections are institutionalized. This means the development of moderate political

³¹ R. Paris, *At War's End: Building Peace After Civil Conflict*. (Cambridge: Cambridge University Press 2004.) P. 190.

parties and of a “judicial mechanism to rule on election-related disputes”. Lyons³², on the other hand, argues that if elections are postponed, “opportunities to assist war-termination” may be lost. But he also argues that demilitarization of politics is a key priority in countries emerging from conflict. According to him elections that are held where parties have not demobilized or disarmed, might be more likely to generate violence and make it easier for a return to fighting if parties are dissatisfied with the outcome of the election.

The institutional arrangements surrounding the polling are also important to uncover the driving forces behind electoral violence. In particular, the electoral mechanisms – electoral administration and electoral system design – are central to understanding the attractiveness of violence in some societies and among certain actors. Broadly speaking, theories about the nature of and the rules determining political competition have been regarded as important to stimulate or prevent conflict, electoral fraud and violence³³. According to Fortman, electoral violence “erupts particularly in situations in which elections offer a genuine possibility of changing existing power relations”³⁴. Politicians with ‘close races’ have strong incentives to foment violence. Wilkinson³⁵ found that in India “polarizing events will occur disproportionately before elections as politicians use inflammatory issues to solidify their own ethnic community’s support or to intimidate their ethnic supporters”.

³² T. Lyons, *Demilitarizing Politics: Elections on the Uncertain Road to Peace*. (Boulder: Lynne Rienner Publisher 2005.) P. 96

³³ F. Lehoucq, *Electoral Fraud: Causes, Types, and Consequences*. Annual Review of Political Science: 233-256.(2003) Pp. 253- 253

³⁴ See D. L. Horowitz, *Making Moderation Pay: The Comparative Politics of Ethnic Conflict Management*. In *Conflict and Peacemaking in Multiethnic Societies*, edited by J. V. Montville. (New York: Lexington Books 1991) P. 67

³⁵ S. Wilkinson, *Votes and Violence: Electoral Competition and Ethnic Riots in India*. (Cambridge: Cambridge University Press 2004.)P. 87

The design of the electoral system may be a key variable in creating conditions conducive for violence. As put by Reilly³⁶: “the great potential of electoral systems for influencing political behavior is ... that it can reward particular types of behavior and place constraints on others.” More specifically related to electoral violence, Reif³⁷ argues that in systems where a small number of votes can make a big difference on the outcome of the election, such as first-past-the-post arrangements, violence is more likely to occur. As an example, electoral reform in Kenya which led to smaller parliamentary election districts, have encouraged ethnic cleansing in connection to elections.

Reynolds posits that the type of election – whether it is a referendum, a local election, a presidential election, or a parliament election – will influence the nature of electoral competition and the propensity of actors to use violence. For instance, the holding of a referendum may make the electorate extremely polarized, and projects a situation of all-or-nothing if you win or lose the ballot.

³⁶ B. Reilly, *Post-Conflict Elections: Constrains and Dangers*. *International Peacekeeping* 9 (2): (2003) Pp. 118-139.

³⁷ B. Reif, Megan. 2005. *Electoral Violence as a Political Strategy: How Institutions Define and Have Been Defined by Electoral Conflict in Mature and Emerging Democracies*. Dissertation Summary (unpublished paper).P. 2

Table 2:1 Matching Election Type to Conflict Considerations

Type of Election	Electoral System Considerations	Conflict Considerations/Common Types of Violence Seen	Issues and Analysis
<i>Presidential</i>	<ul style="list-style-type: none"> ▪ By definition are majoritarian, winner take-all contests ▪ May be single or two-round 	<ul style="list-style-type: none"> ▪ Usually high-stakes contests ▪ State repression of opposition, destabilization of voters; crystallization of conflict among two principal factions 	<ul style="list-style-type: none"> ▪ Much depends on the incentives generated by the details of the electoral system, to include super-majority requirements
<i>Parliamentary</i>	<ul style="list-style-type: none"> ▪ Common distinction between district or constituency voting for one or more candidates; in PR list, for political parties. ▪ Can be mixed in a myriad of often complicated ways 	<ul style="list-style-type: none"> ▪ Political parties tend to feature more heavily in parliamentary polls; ▪ Party and candidate rivalries are most acute ▪ Effects of boundary delimitation strongly affect identity conflict dimensions 	<ul style="list-style-type: none"> ▪ Election violence is not evenly distributed, and certain high-risk areas could be mapped prior to elections to identify this areas ▪ Critical to determining the extent to which an election result is broadly inclusive of a country's diversity
<i>Local and Municipal</i>	<ul style="list-style-type: none"> ▪ Can be mayoral or council (or mixed), mirroring presidential/parliamentary considerations ▪ Similar choices among electoral system 	<ul style="list-style-type: none"> ▪ Localized rivalry and attacks on candidates more likely; ▪ Competition may be high-stakes for control of local power and resources ▪ Personalized attacks on candidates and communities 	<ul style="list-style-type: none"> ▪ Local elections often involve thousands of candidates and potential offices, and because of the scale more diffuse opportunities for intervention strategies
<i>Constituent</i>	<ul style="list-style-type: none"> ▪ Choosing representatives for constitution- 	<ul style="list-style-type: none"> ▪ Often very high stakes as the composition of the 	<ul style="list-style-type: none"> ▪ Although rare in occurrence, such elections – because of their high

Assembly	<ul style="list-style-type: none"> ▪ making processes ▪ Tend to be PR in some form 	Assembly affects core constitutional matters	stakes– deserve especially conflict-sensitive assistance missions
Referenda	<ul style="list-style-type: none"> ▪ Majority-rule (50%) or super-majority(66%+) requirements; ▪ Often resolve major issues, including sovereignty; ▪ Can contribute to or work against peace 	<ul style="list-style-type: none"> ▪ May generate significant pre- and post election violence ▪ Losers have intense preferences that may surface much later ▪ Can lead to armed rebellion or mass rioting 	<ul style="list-style-type: none"> ▪ Commonly used to decide major issues such as sovereignty, however many analysts question whether such measures are appropriate for such volatile questions

Sources: T. Lyons, *Demilitarizing Politics: Elections on the Uncertain Road to Peace*. (Boulder: Lynne Rienner Publisher 2005)

The election administration may also encourage or discourage electoral violence. There are a wide variety of institutions managing the practical aspects of elections. Rafael Lopez-Pintor³⁸ observes that in some countries the government is administering the elections, while in other countries the government runs the elections under supervision of another kind of authority. Yet other elections are organized by independent electoral commissions. According to Lyons³⁹ the choice of electoral administration may influence electoral violence since “issues relating to impartiality and independence, efficiency, professionalism, and transparency are particularly important in the context of suspicion and mistrust that characterize post conflict elections.”

³⁸ R. Lopez-Pintor, Reconciliation Elections: A Post-Cold War Experience. In *Rebuilding Societies after Civil War: Critical Roles for International Assistance*, edited by K. Kumar. (Boulder & London: Lynne Rienner Publishers 1997) P. 64

³⁹ T. Lyons, *Demilitarizing Politics: Elections on the Uncertain Road to Peace*. (Boulder: Lynne Rienner Publisher 2005). P. 111

HAPTER THREE: THE HISTORICAL BACKGROUND OF ETHNICITY AND VIOLENCE IN KENYA

3.0 Introduction

Ethnic nationalism is not entirely a new phenomenon in the politics of most states in Post-colonial Africa, especially in states that are heterogeneous in character. What is rather new is the nature and character of its resurgence as a result of the militant posture of ethnic groups consequently leading to armed conflicts of monumental proportions and consequences.

At this juncture one is tempted to ask; how and when did ethnicity become such an important factor in Kenyan electoral politics? This section is divided into three subsections namely: a section on regime type (Kenyatta, Moi, and Kibaki's regime), a section on mobilization of ethnic identities as forms of political participation and finally a section on the economic consequences of ethnic violence and displacement. This will assist in answering the above stated question and in the understanding of the historical background of ethnicity and violence in Kenya.

3.1 The Kenyatta regime

Throup¹ posits that in the race towards independence in Kenya, two political parties emerged: Kenya African National Union (KANU) and Kenya African Democratic Union (KADU). These two parties represented ethnic affiliations and divisions that were already taking shape as independence drew closer. According to Throup at independence KANU represented the two large tribes of Kikuyu and Luo, KADU represented the smaller tribes

¹ D. Throup, Elections and Political Legitimacy in Kenya. 63 *journal of international African institute*. (1993) Pp 371-372.

of Kalenjin, Luhya and Giriama who feared domination by the larger tribes.² In the May 1963 pre-independence elections, KANU emerged the victor. At independence, therefore, KANU's Jomo Kenyatta became the prime minister with the English Queen as the head of state. A year later, KADU dissolved itself and joined the government making Kenya a *de facto* one party state. At the same time, the parliamentary system was abandoned as Kenyatta and Jaramogi Oginga became president and vice president respectively. The two represented the two dominant tribes; while Kenyatta was a Kikuyu, Oginga was a Luo.

According to Wanjala³ the first few years of Kenyatta's reign witnessed some form of democratic practice. He however observes that the picture began to change in 1966. Not only did Kenyatta begin to be uneasy with divergent opinions but, most significantly, he also began to surround himself with members of his Kikuyu tribe to the exclusion of others. This led to the resignation of Oginga as the vice-president in 1966. Upon his resignation, Oginga established the Kenya Peoples Union (KPU), returning the country to a multi-party system⁴. By 1969, with the assassination of Tom Mboya, the Luos had been successfully edged out of the government⁵. In the same year KPU was banned and, thus,

² Ibid.

³ See S. Wanjala (1996) *Presidentialism, Ethnicity, Militarism And Democracy In Africa: The Kenyan Experience*. In J. Oloka – Onyango et al (eds) *law and the struggle for democracy in east Africa*.(1996) P. 23

⁴ In reaction to the formation of K.P.U, the government enacted new legislation. Amendment No. 2 of Act no. 17 of 1966, requiring that all members of the Assembly who changed parties had to seek a new mandate from their constituencies.

⁵ At the time of his death, Tom Mboya was the Minister of Economic Planning, the Secretary-General of KANU and, more significantly, the only Luo of considerable political influence to have remained in government following the resignation of Oginga as the vice-president in 1966

the country reverted to a one party state⁶. Consequently, the path for the consolidation of kikuyu power in the economic and political spheres had been paved.

Ajulu⁷ observes that the government orchestrated an oathing campaign designed to unite the kikuyu ethnic group in a determination to keep the 'flag in the house of mumbi', that is, the government was to remain under Kikuyu leadership. Among the political elites, the Gikuyu Embu Meru Association (GEMA) was formed⁸. According to Matanga⁹ this association symbolized the power of the Gikuyu bourgeoisie and became the pipeline through which resources were exclusively channeled to the community. The upshot was that other ethnic groups were excluded both from state power and resources. Accordingly, by the time of his death in 1978 Kenyatta had presided over a highly ethnicized regime. He had set the tone for exclusionary and ethnic politics and his successor, Daniel arap Moi, would proceed to perfect it hence the emergence of ethnicized electoral violence that engulfed the country after the introduction of multiparty politics in Kenya in 1991.

3.2 The Moi regime

Ajulu¹⁰ starts by observing that Moi's ascension to power was unexpected, especially among the Kikuyu. He explains that although Moi was a Kalenjin, Kenyatta had granted him the vice-presidency primarily because he was seen as a conformist who would never

⁶ See H. O. Ogendo (1972) *The Politics of Constitutional Change in Kenya Since Independence, 1963-69:71 African Affairs* 9.

⁷ R. Ajulu (2000) *Thinking Through the Crisis of Democratization In Kenya: A Response to Adar and Murung'a*. 4 *sociological Review* 133, P. 140.

⁸ The Kikuyu, Embu and Meru occupy the Central Province of Kenya. While the association was banned in 1970 a long side other tribal unions (Luo union, Abaluhya union and Akamba union) the acronym is today used to refer to alliance of the three tribes. Today ethnic/tribal unions have re-emerged in Kenyan politics.

⁹ F. Matanga (2003) *Kenya: A chequered path to democracy. East African journal of human rights and development*. 31,37.

¹⁰ Ajulu. Op.cit

challenge the president¹¹. It was thus never intended that he would succeed Kenyatta. But as fate would have it, the sudden death of Kenyatta meant that Moi, then the vice-president, constitutionally rose to power despite GEMA's effort to bar him¹². On his inauguration as president, Moi vowed to follow the *nyayo* (footsteps) of Kenyatta¹³. He coined the *nyayo* philosophy of peace, love and unity purportedly to unite the country. According to Ajulu, the philosophy was meant to 'camouflage the qualitative shifts in power and class forces that were taking place at the level of economic and political control'¹⁴.

According to Katumanga¹⁵ Moi's men from the KAMATUSA¹⁶ community in general, and Kalenjin in particular, began taking over levers of state power and resources. Katumanga further posits that Moi sought to downsize the GEMA capital by crippling Kikuyu banking institutions¹⁷. Thus, according to Mueller, 'unlike Kenyatta, who could give without taking away, Moi had to take away before he could give'¹⁸. This process entailed creating state parastatals which became sources for amassing wealth among the Kalenjin elite. Accompanying this 'economic re-engineering' was the muzzling of political dissent. In June 1982, section 2A was inserted into the Constitution of Kenya making it a *de jure* one party state¹⁹. An attempted coup two months later only served to

¹¹ Ajulu op. cit

¹² Matanga op. cit

¹³ To gain the confidence of the Kikuyu, Moi appointed Mwai Kibaki as his vice president and retained all the Kenyatta ministers who made it back to parliament following the 1979 elections..

¹⁴ Ajulu op.cit P. 145

¹⁵ K. Musambayi (2006) After the Floods- the Rainbow: Contextualizing NARCS Election Victory-Lessons Learnt and the Challenges a Head in C. Maina and F. Kopsieker (eds) *political succession in east Africa: in search for a limited leadership*. Pp. 13, 46.

¹⁶ KAMATUSA is an acronym for Kalenjin, Maasai, Turkana and Samburu which are tribes that occupy the Rift Valley Province of Kenya.

¹⁷ Ibid

¹⁸ S. Mueller (2008) The Political Economy Of Kenyans Crisis. 2 *journal of eastern Africa*. Pp. 180, 188.

¹⁹ Constitution of Kenya (Amendment Act) 1982 Act 7 of 1982.

justify Moi's subsequent actions. He dismantled the Kenyatta security apparatus, and replaced it with his own. Further, constitutional amendments were effected to consolidate power in the presidency²⁰. Thus by 1991, when multi-partyism was re-introduced, Moi had created a strong presidential system which thrived on exclusionary and ethnic politics.

Multi-partyism did not, however, assuage Moi's stronghold on power and resources as was expected. According to Hammestad²¹ the political parties that emerged were so fragmented on ethnic lines that they could not pose meaningful challenge to his rule. Moreover, the 'rules of the game' were skewed in favour of the incumbent. Accordingly, Moi easily triumphed in the 1992 and 1998 multi-party elections. Most important though was the electoral violence that coincided with these elections. In Rift valley, Western, and Coast provinces the elections were marred with violence at the instance of the state through organized militias²². The strategy was to alter the political demography by ensuring potential opposition voters were prevented from voting. Therefore, in addition to perfecting presidentialism and exclusionary politics, the Moi regime added a third dimension into Kenyan politics: the institutionalization of ethnic violence during

²⁰ In 1986, the constitution was amended to remove the security of tenure of constitutional office holders including the Attorney General, the Controller General, and the Auditor General and the Judges of the High Court. In 1987, treason was made punishable by death. From 1988, the police could henceforth hold suspects for 14 days before producing them in court of law. While the security of constitutional office holders has since been restored the police customary period reduced to 24 hours, treason still remains punishable by death.

²¹ A. Hammestad (2004) *African Commitments to Democracy in Theory and Practice: A review of Eight Nepad Countries*. P. 15.

²² See report of the parliamentary select committee to investigate ethnic clashes in western and other parts of Kenya (1992): Human Rights Watch. Divide and rule: state sponsored ethnic violence in Kenya (1993) the report of the judicial commission of inquiry into tribal clashes in Kenya (the Akiwumi Report (1999) Kenya Human Rights Commission. Killing the vote: state sponsored violence and flawed elections in Kenya 1998.

elections. It is this third feature that would eventually explode at the end of Kibaki's first term in office.

3.3 The Kibaki regime

The victory of Kibaki in the 2002 presidential election was greeted with much euphoria. It brought an end to KANU's uninterrupted rule in Kenya since independence. According to Mutua, it marked 'the first genuine opportunity in 40 years for Kenyans to create a democratic state'²³. The victory was as a result of the fact that, for the first time since the advent of multi-partyism, the opposition parties agreed to join forces with the sole aim of trouncing KANU out of power²⁴. As such, a pre-electoral coalition was formed between National Alliance Party of Kenya (NAK) under Kibaki and the Rainbow Alliance under Odinga²⁵. This coalition gave birth to National Rainbow Coalition (NARC) which fielded Kibaki as its single presidential candidate to run against KANU's Uhuru Kenyatta. The coalition yielded the desired results as Kibaki routed Uhuru with a landslide.

The NARC government brought with it a spate of changes that expanded the democratic space. However, it was not long before tensions started to grow between the initial coalescing parties: NAK and Rainbow Alliance. During the negotiations that led to the formation of NARC, a secret Memorandum of Understanding (MoU) had been signed between the parties. Central to this MoU was the agreement that upon assuming power, a new constitution would be adopted within 100 days which constitution would establish

²³M. Mutua, 'Political parties in transitions: the Kenyan experience' in C. Maina and F. Kopsieker (eds) *political succession in east Africa: in search for a limited leadership*. Pp. 109, 116.

²⁴ W. Oyugi 'Coalition politics and coalition governments in Africa' (2006) 24 *Journal of Contemporary African Studies*. Pp. 53 -61

²⁵NAK in itself was a coalition of 14 small parties that had earlier decided to field Kibaki as its single presidential candidate The Rainbow Alliance was a team of politicians who broke away from KANU after President Moi unilaterally declared Uhuru the party's presidential candidate.

the office of the premier to be occupied by Odinga²⁶. This was never to be. Like his predecessors, Kibaki, himself a Kikuyu, was quickly surrounded by his tribesmen from the GEMA community. For this group, Kibaki's presidency signified a restoration of the political and economic power they had lost in 1978. They would thus begin the process of channeling resources to the GEMA community so as to 'regain the round lost during the years of being outsiders'²⁷.

In addition, Kibaki and his allies made it apparent that the president's powers would not be diluted. This position became clear when the government amended the draft that came out of the Constitutional Review Conference, with the effect that the provisions for the office of the premier were purged from the document²⁸. Consequently, the draft presented for the 2005 Referendum retained a strong presidential system and, as such, it was overwhelmingly rejected²⁹. Noteworthy, in the campaigns that preceded the referendum, the coalescing parties had taken diametrically opposing sides with NAK supporting the draft and Rainbow Alliance opposing it. The campaigns became highly ethnicised dividing the nation into two. On one side of the divide, those campaigning against the draft were seen as scheming to take the presidency out of the GEMA community³⁰. On the other side of the divide, the draft was viewed as an attempt by GEMA to cling to power³¹. The referendum was thus reduced to an 'ethnic census' in which the opposing sides weighed their strength in preparation for the 2007 elections. Ultimately, this division would play itself out in the 2007 elections with catastrophic consequences.

²⁶ Musambayi op. cit. P. 47.

²⁷ Oyugi op. cit P. 71

²⁸ Kenya National Commission of Human Rights Referendum report 2006. P. 25

²⁹ ibid

³⁰ Musambayi op.cit P. 50

³¹ Ibid

Against the foregoing historical account, the 2007 general election turned out to be a contest between the 'included' and the 'excluded'. These social classes were represented by the two main contending presidential candidates and their parties: Kibaki on a Party of National Unity (PNU) ticket represented the included while Odinga on an Orange Democratic Movement (ODM) ticket represented the excluded. For this reason, the contest was not only stiff but it also raised high hopes and fears³². Considering that the opinion polls had predicted a win for Odinga³³, the excluded saw the potential for inclusion. On their part, the included feared that they would slide into exclusion if Kibaki failed to recapture the seat. So high were the stakes that the included were not ready to let go off the presidency, and when finally the hopes of the excluded were dashed, violence erupted.

In sum, Kenya's political history is one of exclusion and the 1992, 1997 and 2007 general elections and its violent aftermath should be seen in this light. In the words of Cheeseman, the post-election violence in Kenya needs to be placed in the context of local understanding of, *inter alia*, belonging and exclusion³⁴. In essence, the violence was a reaction to historical grievances that had remained unresolved for years. This is particularly true of the violence in Rift Valley province where the question of land ownership between the Kikuyu and the Kalenjin has remained unresolved for decades now.⁷¹ Thus the Kenyan example lends credence to the argument made above that, more

³²See M Githinji & F Holmquist (2008) 'Kenya's Hopes and Impediments: The Anatomy. 2 *Journals of Eastern African Studies* 344. P. 76

³³N Cheeseman (2008) 'The Kenyan Elections of 2007: An Introduction' (2 *Journal of Eastern African Studies*. P. 166-168.

³⁴ See generally Anderson and Lochery (2008) violence and exodus in kenyas Rift Valley. Predictable and preventable. 2 *journal of eastern Africa studies*. P. 328.

often than not, electoral violence is not a spontaneous event but rather a reaction to a series of events that have taken time in gestation.

The Kenyan experience in the 1992, 1997 and 2007/2008 post-election violence is thus a wake-up call for Kenya to address the issues that it had neglected for decades. As Kambudzi notes, 'an outbreak of election-fuelled violence is a wake-up call for a country to engage in self scrutiny to find out what is not correctly functioning and why, and to find practical remedies'.³⁵ This wake-up call rings for the entire continent too. With so many fragile countries in the continent, the Kenyan experience reminds all African countries that unresolved political and economic grievances – although camouflaged under a semblance of peace - is bound to explode into violence at some point. This lesson is well couched by Cheeseman³⁶:

The importance of the Kenya crisis for the African continent is not that Kenya may become 'another Rwanda', but that it reveals how fragile Africa's new multi-party systems may be when weak institutions, historical grievances, the normalization of violence, and a lack of elite consensus on the 'rules of the game', come together to form.....a 'perfect storm.

3.4 The mobilization of ethnic identities as forms of political participation

A central feature of the post-colonial State and society in Kenya is its fragmentation along ethnic fault- lines. The consequences of the ethnicization of power and politics in Kenya is the constriction of the political space, hardened ethnic suspicion, deepened mutual ethnic antagonisms and the reduction of politics to a zero-sum game³⁷. The

³⁵ A. Kambudzi (2008) *Turning elections into a development asset in Africa* ISS paper 163. P. 5.

³⁶ Cheeseman op cit

³⁷ A.I Jinadu, (2007a). "*Explaining and Managing Ethnic Conflict in Africa: Towards a Cultural Theory of Democracy*". The Nordic Africa Institute, Claude Ake Memorial Paper Series No.1.P.20

implication of the ethnicization of power and electoral competition, as well as the challenge for the consolidation of electoral democracy and the future of the state as rightly observed by Jinadu³⁸ is that: If the state is the hotly contested hegemonic electoral terrain, where ethnic conflict takes place and invariably assumes deadly dimensions, as evidenced in electoral violence, we need to address the applied policy question of what modifications or alterations in the political and constitutional architecture of the state, including the administration of elections, are more appropriate than ones based on neo-liberal assumptions of possessive individualism to structure and direct ethnically-induced electoral violence to more manageable ends³⁹.

In Kenya, ethnic identities have greater political salience than religious identities or class in determining who gets what, when and how. Elections in Kenya from 1992 to 2007 have shown how determined the political class is to cling to power not minding the cost implication to the political system⁴⁰. Ethnic clashes are thus a product of manipulation from both sides of the political divide in order to settle scores of old hatred and rivalries. Political acrimony across ethnic fault-lines in the run up to the 2007 elections and beyond was rooted and further influenced by deep-seated grievances, as well as economic and policy issues.⁴¹ The perception that certain ethnic groups have been discriminated against in terms of access to political power and equitable distribution of economic growth further heightened tension between the Kibaki led PNU supported by the Kikuyu and

³⁸ A. L. Jinadu, "Political Science, Elections and Democratic Transitions in Nigeria", in Jega, A et al (ed) *Elections and the Future of Democracy in Nigeria*. Nigeria Political Science Association. P. 32

³⁹ Ibid

⁴⁰ C. Young, Africa: An Interim Balance Sheet. In Diamond, L. & Plattner, FM (Ed) *Democratisation in Africa*. (USA, John Hopkins University 1999) P.36

⁴¹ Observation made by programme officer working attached to Institute of Education in Democracy.

Odinga's ODM supported by the Luo⁴². The reality of the situation with respect to the Kenyan political system reveals that the mobilization of ethnic identities, has brought negative forms of ethnicity to the forefront, to the extent that virtually everything came to be defined in terms of 'we' versus 'them' or the disruptive power of competing ethnicities⁴³. The political parties and political class rely on this sort of mobilization as a vehicle for gaining legitimacy, to the extent that, it has become the most dominant negative feature of politics in Kenya. In fact, it is a great source of concern in terms of the future of democracy that rather than abating, this mobilization is a prominent platform for collective political bargain and mandate protection. The extent to which ethnic identity have been used to fuel electoral violence was captured by Georgette Gagnon. He says:

Opposition leaders are right to challenge Kenya's rigged presidential poll, but they can't use it as an excuse for targeting ethnic groups... We have evidence that ODM politicians and local leaders actively fomented some post election violence, and the authorities should investigate and make sure it stops now.⁴⁴

As Diamond (1986) rightly observed too:

In ethnically divided societies...elections...become not only the vehicle for protecting the general process of capitalist accumulation but also for promoting accumulation by one cultural section of the dominant class in competition with others. Thus, they become a major expression of ethnic conflict⁴⁵.

Ethnicity in Kenya is tied in complex and contradictory ways to the enduring legacies of uneven regional development. During colonial rule, Central Kenya, the homeland of the

⁴² G.R, S.M. Kimenyi and S. Dercon "The 2007 Elections, Post-Conflict Recovery and Coalition Government in Kenya", Working Paper, Centre for the Study of African Economies, September (2008.) P.47

⁴³ A. Olukoshi, "State, Conflict, and Democracy in Africa: The Complex Process of Renewal", in Joseph, R (ed) *State, Conflict and Democracy in Africa*, (USA, Lynne Rienner Publishers 1999.) P.67

⁴⁴ Georgette Gagnon is the Acting Africa Director of Human Rights Watch, an American Non-Governmental Human Rights Organization.

⁴⁵ L. Diamond, *Class, Ethnicity and Democracy in Nigeria* (Syracuse: Syracuse University Press 1986.) P.89

Kikuyu, became the heartland of the settler economy, while Nyanza, the Luo homeland, languished as a labor reserve that furnished both unskilled and educated labor to the centers of colonial capitalism. Not surprisingly, the Kikuyu bore the brunt of colonial capitalist dispossession and socialization, and were in the vanguard of the nationalist struggles that led to decolonization and they came to dominate the post-colonial state and economy. The structure of the colonial political economy reinforced domination of the Kenyan economy by the Central Province and the Kikuyu, a process that withstood the twenty-four year reign of President Moi⁴⁶, a Kalenjin from the Rift Valley, and was reinvigorated under President Kibaki's administration.

Central Province and Kikuyu dominance of Kenya's political economy bred resentment from other regions and ethnic groups led by the Luo. It fed into constitutional debates about presidential and political centralization of power, and the regional redistribution of resources that dominated Kenyan politics until 2005 when the draft constitution supported by the President and Parliament was rejected in a referendum. The ODM was born in the highly politicized set up in the run up to the referendum. Indeed, the aftermath of the general elections in 2007 resulted in a protracted stalemate pitting Kibaki and his ruling party, the Party of National Union (PNU) coalition, against an increasingly cohesive opposition, the ODM led by Odinga. In the last eight years, Kenya experienced advancement in democratic practice as well as economic growth. Worthy of note however is the fact that the nexus between democracy and development is yet to be realized or attained. The economic growth rates under President Kibaki resemble those in the early post-independence years under President Kenyatta.

⁴⁶ J. Barkan and N. Ng'ethe (ed) "Kenya Tries Again", In Diamond, L. et.al (eds.) *Democratisation in Africa*. (London, Johns Hopkins University Press 1999.) P. 51

Table 3:2 Kenya Experience of Ethnicized Electoral Violence

Years	Location of main violence	Ethnic groups Involved	Nature of violence	Death tolls⁴⁷ (approximate)
1952-56 (Mau Mau revolt)	Central Province	Gikuyu	Anti-colonial & Intra-ethnic	13,000-15,000
1991-93	Rift Valley & Western (limited)	Kalenjin vs. Gikuyu (most), Luhya & Luo	Ethnic & Electoral (pre- and post); sponsored by incumbent	1,500
1997	Mombasa & Rift Valley	Anti-upcountry immigrants in Mombasa (Kamba, Gikuyu, Luo); Kaleenjin vs. Gikuyu, Luhya & Luo in the Rift	Ethnic & Electoral (pre- and post); sponsored by incumbent	500
2008	Rift Valley & Nairobi, Mombasa, Kisumu	Kalenjin vs. Gikuyu; Luo vs. Gikuyu	Ethnic & Electoral (post), Antigovernmental	1,300

Source: These figures were obtained from the works of Lonsdale (1992) and Kershaw (1997) on *Mau Mau Revolt and Its Causes*. The violence of the 90s see Lafargue (1994), Medard (1996) and Klopp (2001).

3.5 Economic Consequences of the Clashes and Displacement

The total economic impact of the clashes in the affected areas is literally not easy to quantify. There was gigantic waste of human and economic resources as partly illustrated by figures in the government report⁴⁸. The clashes had lasting consequences that will continue to alter Kenya's economic development for many years. One overall observation that emerges from the study is the fact that the economic consequences go far beyond the available statistics. Much of the destruction worked to the economic advantage of the perpetrators of the violence and their close aides. Generally, the clashes allowed some groups of people and individuals to capitalize on the insecurity to usurp land or purchase it at throw-away prices from the victims who had no otherwise.

According to this study, one of the long term economic consequences of the clashes was the fact that land ownership patterns have been permanently altered. There was a general decline in economic production as many of the potential farmers ran away due to insecurity created by the violence. In a state of insecurity, as was the case in the study areas, agricultural activities were disrupted. In most cases, maize, coffee, pyrethrum, tea, sugarcane and other crops were either destroyed or abandoned because of the widespread violence caused by the clashes. In some areas of Trans Nzoia, Kericho, Nandi and Uasin Gishu districts, work on agricultural land stopped for a long time as farm workers stayed away for fear of being attacked by the 'clashing enemies'.

⁴⁸ See GOK report 2008 on the impact of post election violence on the economy. The Kenya agricultural industry and the tourism industry were the most affected. For instance, European countries and the America gave travel advisory to their respective citizens visiting Kenya. This move affected the number of tourist visiting Kenya given the fact that these are our traditional markets.

There were other subsequent economic problems related to the clashes such as food insecurity, labor disruption on farms, industry and the public sector institutions, destruction of property, land grabbing, commercial disruption, breakdown in transport and communication, resource diversion, misallocation and unexpected expenditure, infrastructural disruption, inflation and fluctuation of prices and environmental destruction among others. Food shortage was one of the far reaching economic consequences of the clashes in the study areas. There was a drop in food production, food supply and raw materials for the agro-based industries such as sugar, tea, coffee, cereal (maize), pyrethrum and other agricultural crops. As a result of food shortages, many clashes victims experienced famine and this necessitated the appeal for local and international food aid and relief. The output of maize and wheat experienced a drastic downfall due to the farmers' insecurity caused by the clashes. For instance, maize production for 2008 was estimated at 2.34 million tons, a 6.1% decrease from the previous year. The production of wheat dropped from 195,000 to 125,000 tons. The Red cross in its June 2008 Report observed that the victims of the clashes in the Rift Valley Province alone needed 7,200 tons of cereals and 1,080 tons of pulses and other food items in emergency aid for that particular year⁴⁹.

The clashes also led to the drop in milk production, particularly in the Rift Valley, which is one of the largest milk producing zones in Kenya. Although there were no reliable statistics to illustrate the drop, the figures of milk production in Molo is indicative of this falling trends. For instance, it was reported in a local newspaper that in Molo area, the milk supply had dropped from 75,000 litres per month to only 29,000 litres per month⁵⁰.

⁴⁹ *Daily Nation* 14th June, 2008 and 23rd June, 2008

⁵⁰ *Daily Nation*, 19th June, 2008

This study revealed that many of the victims doubted the seriousness of the Government's participation in food relief and whenever it was distributed, there were instances of discrimination and corruption involving public administrators in charge.

As a result of the clashes, the study area experienced an abrupt drop in effective demand for manufactured goods due to lack of cash income from the agricultural sector and employed labor in the agro-based industries such as tea, coffee and maize. Subsequently, some of the clashes-prone areas experienced massive unemployment, with all the attendant social and economic consequences as the farming, industrial and distributive trade sectors were forced to lay off workers.

The drop in the supply of food and raw materials for the agro-based industries necessitated costly imports of such items as sugar, maize and wheat. This in turn led to hiking and fluctuation of prices of essential commodities in the clashes-prone areas. For instance, the prices of bread, salt, sugar, flour and other basic goods went up by over 50% due to the shortage caused by insecurity. The price of bread rose from Shs.30 to Shs.35; sugar from Shs.64 per kg to Shs.85 in Eldoret, and Bunt Forest areas. Another noticeable feature in the area of commerce was the drop in the prices of cattle within the clashes areas. For instance, in Burnt Forest, a mature bull which before the clashes cost over Shs.7000 was being sold at Shs.3000 or less due to insecurity situation.⁵¹

Transport operators in most of the study areas before the clashes were mainly the Kikuyu and the Kisii. However, during the period of the clashes, the vehicle owners, fearing attack on their vehicles and passengers stopped their operations in the affected areas. The study established that during the clashes, areas such as Kericho, Thessalia, Burnt Forest,

⁵¹ *Daily Nation* 14th June, 2008 and 23rd June, 2008

Molo, experienced transport hardships as a result of the clashes. The transport problems have been eased, although the vehicle owners still have some fear and suspicion about losing them in the event of renewed clashes. With most of the businesses closed and their vehicle and goods at risk of being destroyed or stolen, manufacturers stopped regular supplies of commodities to the affected areas. This in turn caused considerable hardships to the "final consumers" of essential goods.

3.5.1 Environmental Consequences

In Molo, and Bunt Forest, large areas of forest land were set on fire as part of a defensive strategy taken by victims of the clashes, to deny their attackers hiding grounds. This development in the long run may lead to catastrophic effects on the environment of these areas. In fact, these areas are some of the densely forested zones in Kenya and some are important rain catchment areas. The consequence of massive destruction of forests as was witnessed during the clashes in the mentioned areas would therefore affect the pattern and intensity of rainfall and subsequently affect the viability of rain-fed agriculture and water supply in these zones⁵².

3.5.2 Social Consequences

The social consequences of the clashes in Kenya were enormous and cannot be easily quantified, especially the psycho-social ones. Most of the victims of these clashes were left homeless, landless, destitute, injured, dead, abused, to mention but a few of the atrocities resulting from the menace. The immediate and real consequence of the clashes

⁵² See a review report by the National Council of Churches in Kenya on The Causes of Post Election Violence and Its Effects 2008. P. 100

in Kenya was felt most at personal and family level. There was loss of security in the clash-prone areas as the civilians took the law into their own hands, targeting perceived enemies. As a result of insecurity, there was indiscriminate loss of human life. Many people sustained physical injuries and others were traumatized. The state of insecurity interfered with the day-to-day socio-economic and political undertakings within the clashes areas. There was loss of life among the Kikuyu, Kalenjin, Luhya, Luo, Kisii and others. However, there is increasing evidence to suggest that although the loss was felt on either side of the conflict, the non-Kalenjin ethnic groups suffered most.

The Kenya Human Rights Commission put the death toll of clashes victims at 2234, those injured at 1200 and those displaced at 300,000⁵³. The Human Rights Watch Africa estimated that the number of those killed by January, 2008 was at least 1500, while those displaced was at least 200,000⁵⁴. However, with continued clashes in February and March, the total number of those who died, injured or displaced increased drastically, following the Burnt Forest, Naivasha, Molo, Kuresoi and Kibera incidence. If we were to go by the NCKK Review Report of August/September 2008, the number of displaced people for 15 districts in Kenya was about 311,433 persons in 43,075 households⁵⁵.

A flashback on the Government figures of those who died, those who were injured and those who were displaced, reveals far much less number than the above estimates including its own in the joint report with United Nations Development Program (UNDP). In May 2008, a Minister of State for special program released a statement in Parliament claiming that the violence between December, 2007 and March, 2008 had claimed only

⁵³ See the report by Kenya Human Rights commission on the effects of post election violence in Kenya 2008. P. 25

⁵⁴ See a report by the Human Right Watch Africa in violence in Kenya; effects and consequences. P. 25

⁵⁵ See a review report by the National Council of Churches in Kenya, The Causes of Post Election Violence and Its Effects 2008. P. 100.

865 lives and had displaced only 150,000 persons. The Ministry of Special Program gave the ethnic breakdown for the dead up to March 2008 as follows: Kikuyu - 202, Kalenjin - 87, Luhya - 69, Kisii - 44, Luo - 130, Maasai - 12, Somalis - 10, Turkana - 6, Teso - 4 and Arab - 1. For others their ethnic background could not be ascertained⁵⁶. The figures for those who lost their lives and those displaced could be more than the estimates quoted here. However, the Government figures of the same were far much less than these.

All we can infer is that the figures of death, injured and displaced persons in Kenya during the clashes remains a mystery and one can hardly document such figures accurately due to contradictory statistics by the Government and independent sources.

The clashes in Kenya exemplified the potential and real consequences of conflict on inter-ethnic marriage, family and social life.⁵⁷ According to the field information collected, there were cases of breakdown of marriage and family life⁵⁸. Currently, inter-ethnic marriage between the Kalenjin and Kikuyu, Kikuyus and Luo is viewed with fear and suspicion. This was one of the far-reaching social consequences of the clashes which have also created mistrust, prejudice and psychological trauma characterized by mental anguish and general apathy, among the various ethnic groups in Kenya. This emerging negative tendency contradicts the view that the conflicting ethnic communities have co-existed and inter-married for several decades.

As a result of the clashes, thousands of schools going children were displaced. Some dropped out due to financial and socio-economic constraints attributed to the menace. For instance, the NCKK estimated that by May 2008, over 18,000 in Uasin Gishu District had

⁵⁶ Government of Kenya, *The Status Of Internally Displaced People*. March 2008. The Ministry Of State For Special Programme. 2008. P. 18.

⁵⁷ *Daily Nation* 14th June, 2008

⁵⁸ Interview with a programme officer working with IED. He was referring to the impact of electoral conflict. With reference to 2008 election.

been displaced as a result of the clashes⁵⁹. A similar number were out of school in Nakuru districts. This disruption of education activities was widespread in all the clashes - prone regions in Western Kenya, Rift Valley and Coast provinces. As a result of the clashes, many schools were burned down or looted in parts of Rift Valley Province. In a number of cases, both students and teachers belonging to the so-called 'wrong' (opposition) ethnic groups were attacked, a number of them fatally. Both the students and teachers belonging to the 'enemy' ethnic groups were forced to transfer to other schools while others abandoned schooling and teaching respectively.

In the district of Uasin Gishu, there was a mass exodus of non-Kalenjin teachers who feared for their lives while teaching in the hostile districts. Since then, many schools have had to do without the services of experienced teaching staff and the effect of this problem on the performance of examination classes was very serious.⁶⁰ The clashes prevented some of the primary and secondary school graduates from continuing with higher education and training because of financial constraints caused by the menace. Apart from the pupils losing their text and exercise books and uniforms, they often went hungry and often fell sick because of food insecurity and poor living conditions in the makeshift camps and schools.

As a result of the clashes in Molo, over 55 primary schools in Molo South catering for over 16,500 pupils did not re-open for the new term because of insecurity. The Standard

⁵⁹ See a review report by the National Council of Churches in Kenya, *On the Causes of Post Election Violence and its Effects 2008*. P. 100

⁶⁰ See the examination results of both KCPE and KCSE exams of 2008. It indicates that most schools in the rift valley that were directly affected by post election did not perform well in the two exams. Those affected most were those from make shift schools in IDP camps.

Eight pupils due to sit for their Kenya Certificate of Primary Education (KCPE) fled their homes in 2008 because of insecurity caused by the violence⁶¹.

As earlier recounted, several families have broken down and the children of mixed families are at crossroads in terms of ethnic and cultural identity. Some have been forced to leave on the paternal ethnic sides, while the others live on the maternal side, depending on where the pressure is most. This trend has created a new dimension in societal lives where children (potential marriage partners) are discouraged from engaging in any affairs with the 'enemy' ethnic group. This unless checked, may go a long way to affect inter-ethnic marriages and interactions.

The first-hand accounts by the clashes victims in the affected areas were extremely disturbing as far as health was concerned. The thousands of displaced families, having lost their shelters and food supplies, had to camp in over-crowded temporary shelters organized through donations and support from various organizations, such as the Catholic Mission, Red Cross, Action-Aid Kenya and the UNDP among others. These camps were established haphazardly all over the clashes zones and had poor ventilation. The grossly inadequate water supply and sanitation facilities, coupled with overcrowding, made these camps ideal conditions for major outbreaks of communicable diseases such as meningitis, typhoid, upper respiratory tract infections, cholera and other related diseases. The mixing of people with cattle, sheep, chicken, goats and other domestic animals was in itself a health hazard.

The clashes in various parts of the country brought about a situation of gender and child vulnerability⁶². Indeed, it is the children and women who suffered more during the period

⁶¹ See a review report by the National Council of Churches in Kenya, *On the Causes of Post Election Violence and Its Effects 2008*. P. 100

of the clashes. They were abused, violated, embarrassed and at times raped in broad daylight during the clashes. In most internally displaced camps, there was inadequate room to accommodate thousands of the displaced families. Both men and women, together with children, were forced to share the often congested sleeping places in close proximity with one another with little or no privacy⁶³. Nature being what it is, there was uncontrolled, indiscriminate sexual behavior, not only between adult men and women, but also involving sex abuse of young children, particularly girls. As a result of such immoral practices, sexually transmitted diseases and HIV/AIDS were passed from one individual to another, with children and women being the most affected victims of the circumstances.

⁶² See a review report by the National Council of Churches in Kenya on the Causes of post election violence and its effects 2008. P. 100

⁶³ Ibid.

CHAPTER FOUR: ANALYSIS OF ETHNIC DIMENSION OF ELECTORAL VIOLENCE IN KENYA

4.0 Introduction

African leaders have a propensity to use state power and institutions to promote their interests or those of their ethnic group. This is achieved through intimidation, violence or other forms of terror against real or imagined enemies. The ethnicized violence in Kenya should be seen in this light. Kenyan politicians have continued to trade accusation on the cause of ethnicized electoral violence in the country. Both the state and other non state actors blame each other for having instigated electoral mayhem to gain political mileage. Kenya has experienced substantial political violence in connection to elections ever since the 1960s. Over the years this violence has varied both in types of violence and intensity. To empirically explore factors influencing ethnicized electoral violence, this chapter analyses ethnicized violence with reference to political parties, electoral system and inequitable distribution of resources and how they have caused ethnicized electoral violence.

4.1 Political Parties and Ethnicized Electoral Violence

Ethnicity has clearly played a role in Kenyan politics since independence, but with multiparty elections the study observes that it became even more obvious.

Table 2: Ethnic Composition of Kenya

Ethnic Group	Share of Total Population (in Percentage)
KIKUYU	21
LUO	12
LUHYA	14
KAMBA	11
MERU	5
KISII	6
KALENJIN	12
MIJIKENDA	5
MAASAI	2
Others/Smaller communities*	12

* Individually these groups account for less than 1% of the population.

Source: Schröder, Günther (1998: Annex 8).

The study found out that from scratch political parties in Kenya had an ethnic inclination. The study found out that during the struggle of independence in the 1960s two major political parties emerged. These were the Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU). The large and more dominant Kikuyu and Luo ethnic group dominated KANU, while KADU was party of the small and marginalized ethnic groups such as the Kalenjins, the Luhyas and the Mijikendas. This view is echoed by Throup¹ in chapter three – he observes that KANU and KADU represented ethnic affiliations and divisions that were already taking shape as independence drew closer. According to Throup at independence KANU represented the two large tribes of Kikuyu and Luo, KADU represented the smaller tribes of Kalenjin, Luhya and Giriama who feared domination by the larger tribes.² Ajulu³ observes that the government orchestrated an oath-taking campaign designed to unite the Kikuyu ethnic group

¹ D. Throup, Elections and Political Legitimacy in Kenya. 63 *journal of international African institute*. (1993) Pp 371-372.

² Ibid.

³ R. Ajulu (2000) Thinking Through the Crisis of Democratization In Kenya: A Response to Adar and Murung'a. 4 *sociological Review* 133, P. 140.

in a determination to keep the 'flag in the house of *mumbi*', that is, the government was to remain under Kikuyu leadership. Among the political elites, the Gikuyu Embu Meru Association (GEMA) was formed

Ethnicized political parties seemed to have resurfaced with the advent of political pluralism in Kenya in 1991⁴. According to Akiwumi⁵, multiparty politics added a new dimension into Kenyan politics: the institutionalization of ethnic violence during elections. According to him this was manifested in political parties. FORD-Kenya led by Oginga Odinga was originally a coalition of several ethnicities⁶. Odinga himself brought the Luo, Martin Shikuku and other Luhya politicians that had been expelled from KANU brought the Luhya, and Matiba and Rubia brought the vote of the more disadvantaged Kikuyu.⁷ When Kibaki formed and became the leader of the Democratic Party, it was clearly a Kikuyu organization, and it was clear that Matiba would no longer have Kikuyu support while he remained underneath Odinga in FORD-Kenya. So Matiba decided to form his own party, FORD-Asili. He wanted to appeal to more than just the Kikuyu (since that vote would be split with Kibaki), so he offered his vice-presidency to Martin Shikuku, taking the Luhya vote from FORD-Kenya.

Since its split from the original Forum for the Restoration of Democracy (FORD), FORD Kenya has experienced a constant decline, transforming from a major opposition force in

⁴ Interview with a programme officer attached to Institute of Education in Democracy on 15th September 2009. .

⁵ See report of the parliamentary select committee to investigate ethnic clashes in western and other parts of Kenya (1992): Human Rights Watch. Divide and rule: state sponsored ethnic violence in Kenya (1993) the report of the judicial commission of inquiry into tribal clashes in Kenya (the Akiwumi Report (1999) Kenya Human Rights Commission. Killing the vote: state sponsored violence and flawed elections in Kenya 1998.

⁶ Interview with a programme officer attached to Institute of Education in Democracy on 15th September 2009.

⁷ Ibid

1992 to a comparatively small mono-ethnic party by late 1997⁸. Starting out as the larger part of FORD, it initially accommodated Luo, Kikuyu, Luhya, Meru, and Somali members within its leadership.⁹ Soon, however, FORD-K followed in the footsteps of FORD. In September 1993 Paul Muite and Gitobu Imanyara left FORD-K; they accused Odinga of having kidnapped the party and of running it like a Luo kingdom. Muite's public support for Kikuyu unity and his constant appeals to fellow Kikuyu leaders to unite politically illustrate the ethnic undertones that accompanied the FORD-K split. With the Kikuyu wing of the party gone and the takeover of the party leadership by Kijana Wamalwa (Luhya) after Odinga Oginga's death, FORDK leadership was increasingly drawn from Nyanza and Western Province¹⁰. This, however, did not lead to less controversial intraparty relations. As Raila Odinga was steadily emerging as the dominant political figure among the Luo, the relationship between him and Wamalwa deteriorated. In March 1995, FORD-K MPs dropped Raila from the influential parliamentary Public Accounts Committee after the party headquarters was cleansed of employees allied to him. Meanwhile, Raila increasingly advocated a strategic Luo-Kikuyu alliance and challenged Wamalwa more than once to resign over the leader's alleged involvement in the Goldenberg scandal.¹¹ The party's steady slide into chaos became unstoppable at the end of 1995 when Raila unsuccessfully staged a coup and declared himself chairman of FORD-K. Table 3 illustrates the ethnic factionalism which ultimately tore FORD-K apart.

⁸ D. Stefan, B. Michael, *Ethnicity, Violence and the 2007 Elections in Kenya* (Oxford University 2008) P. 34

⁹ Ibid

¹⁰ Ibid

¹¹ See the *Daily Nation* march 1995, the Titanic Battle Between Raila And Wamalwa. Onyango Obbo.

Table 3: Ethnic Factionalism inside FORD-K

Division	Factions	Issue	Outcome
Luo versus Kikuyu	Oginga Odinga (Luo) versus Paul Muite (Kikuyu)	Cooperation with KANU Odinga's leadership	Muite and Imanyara exit party □ end of Kikuyu participation
Luo versus Luhya	Raila Odinga (Luo) versus Wamalwa (Luhya)	Party leadership	Raila exits party □ end of Luo participation in FORD-K

Source: Researchers Compilation

The study found out that the mutation of ethnic groups into political parties continued even after the introduction of multiparty politics an analysis of the 2007 election brings out this scenario into the picture. The study found out that the voting patterns in 2007 election reflected a strong ethnic bias. This can be summarized as follows

Table 4: Voting Pattern by Ethnicity and Party Affiliation

TRIBE	ODM	PNU	ODM-KENYA
KIKUYU	8	90	2
LUO	90	5	5
LUHYA	65	20	15
KAMBA	10	70	20
MERU	10	80	10
KISII	65	30	5
KALENJIN	80	15	5
OTHERS	59	20	11

Source: Computation from presidential results of 2007 Mars group.

It is clear that among the Kikuyu, support for PNU was overwhelming, while support for ODM is similarly high amongst the Luo; the two parties had close to complete support from voters of their own ethnic groups that constitute them. But these two groups constitute less than a third of the total population. Some other ethnic groups supported specific parties as well: the Meru virtually all supported PNU; the Kamba overwhelmingly support ODM-KENYA; and similar levels of about 80 percent of the

Kalenjin voted for ODM. This implies that at least another third of the population intended to vote mainly along ethnic lines. The Kisii and the Luyha largely supported ODM. This view is replicated in the study conducted by Stefan, and Michael.¹² They observe that the voting pattern in 2007 elections reflected a strong ethnic bias.

The above observation manifested itself in the electoral violence that engulfed the country. The study found out that, those who were aligned to a give ethnic group (political party), were targeted. For example in Luo Nyanza an exclusive domain of the Luos (ODM party), the Kikuyus who were considered outsiders were targeted. The same scenario was replicated in other parts of the country.

The study also found out that most political parties lack coherent ideological base. This means that most political parties center their campaigns on ethnic hatred. This is captured by a respondent who said:

Most political parties are ethnic based they don't champion ideologies. Most party's manifestos are skewed to champion the interest of an ethnic group. In successive elections, I have seen political parties preaching ethnic hatred and marginalization this has often led to attacks on politicians or groups that are considered outsiders thus conflict of greater magnitude¹³.

The study found out that political parties in Kenya mirror the ethnic division and they tend to deepen and widen the differences in the groups. This view is echoed by Oloo in as outlined in chapter five. Oloo observes, "With no membership fees and few local offices, a very small circle of rich individuals who can easily switch allegiances are the only ones that fund political parties, and that, the greatest impediments to institutionalism of opposition political parties are lack of a positive political and party culture, ethnic

¹² D. Stefan, B. Michael, *Ethnicity, Violence and the 2007 Elections in Kenya* (Oxford University 2008) P. 34

¹³ An interview conducted with a political party activist in Nairobi on 16th September 2009.

divisions and funding.”¹⁴ According to the findings politicians base his/her campaign on issues of ethnicity rather than on substantial issues. Indeed, when major parties begin to centralize their campaigns or seek understanding with another group, the chances of inter-ethnic dissension increase and new politicians are likely to arise to take up the ethnic banner.

The study found out that after the 1992, 1997 and the 2007 elections, the political parties began a campaign to support the idea of ethnic alliances (vote for your own kind) politics. Because of the pervasive ethnic alliance campaign, the people were compelled to vote for their own ethnicity, or face violent reprisals. According to the programme officer with institute of education in democracy, if a person was identified as having voted for the “wrong” party, “activists applied various forms of pressure, including open attacks on the persons or homes of the uncommitted, as a means of persuading them to behave according to the tenets of ethnic allegiance¹⁵. It can be argued that voter turnout rose tremendously from 1992 to 2007 because of this pressure.

This sub-section has proven that all of Kenya’s politically significant parties represent Horowitz’s¹⁶ coalitions of convenience or commitment. Accordingly, all significant political parties in Kenya between 1992 and 2007 represent ethnic parties. Though the country’s dominant ethnic cleavages were at times overcome, these periods proved to be short-lived and tactically motivated. As a result, the return of multiparty democracy in Kenya has exacerbated the country’s dominant ethnic cleavages, in particular the division between the Kikuyu and the Luo people. In addition, ethnicity has consistently proven to

¹⁴ A. G. R. Oloo, “The Contemporary Opposition in Kenya: Between Internal Traits and State Manipulation.” *Kenya: The Struggle for Democracy*. Ed. Godwin R. Murunga and Shadrack W Nasong’o. (London: Zed Books, 2007.) P. 37.

¹⁵ Views given by a programme officer with IED on 15th September 2009 in Nairobi

¹⁶ Horowitz op. cit P. 56.

provide a stronger rallying ground for political activity than party structures.¹⁷ This is true of both opposition and government: The disintegration of KANU, once out of power, and NARC, once in power, illustrate this. The case of NARC is especially interesting for the study of African politics as the literature on neopatrimonialism assumes that governments provide stability by creating clientelistic networks of power. The immediate downfall of NARC, however, proves that ethnicity is the stronger of the two forces: access to state resources was not a sufficient condition to overcome the centrifugal powers of ethnicity.

4.2 Unequal Distribution of Resources and Ethnicized Election Violence

4.2.1 Economic Inequality

Though much of Kenya's ethnic violence can be attributed to political manipulation, the study found out there are economic inequalities between some ethnic groups, and long-standing bitter disputes over land, particularly in the Rift Valley. According to the 2007/2008 UN Human Development Index, Kenya ranks 148 of 177 countries on income inequality. Respondents interviewed believe the Kikuyu have accrued a disproportionate percentage of the benefits of Kenya's recent economic growth. The head of the Nairobi Stock exchange, the Central Bank of Kenya, and Kenya Electric Generating Company, the region's largest power generator, are all Kikuyu. These are "economic issues that get reflected through ethnic institutions," says a programme officer working with IED.

Because Kenya's political system concentrates power in the hands of the president and his political cronies, it only exacerbates these economic inequalities, experts say. There is evidence that political patronage in Kenya's public spending has increased economic and

¹⁷ W. Oyugi op.cit. P. 67.

regional inequalities¹⁸. The inequality issue is a chief source of Kenya's problems: "40 percent of [Kenya's] people live in urban areas and many of them in slums. This is where this volatility arising from inequalities comes from¹⁹."

The study found out that people in government have comparative advantage in the competition for resources. This advantage is always threatened by periodic elections. In addition, there is always fear on those in power that election defeat would have The president of the African Development Bank, Donald Kaberuka, told the *Financial Times* an impact on their financial fortunes. Given such expectations, the study found out that political entrepreneurs always resort to extreme measures to maintain the status quo thus the periodic electoral violence.

The study found out that most parties like Kanu in 1992, and 1997 and PNU and ODM IN 2007 acquired a political advantage through the physical displacement of a hostile community vote and that the progovernment elite emerged as the ultimate beneficiaries of the violence. Analysis also supports the view that the pre-election violence is aimed at altering the political demography and thus at predetermining the pattern and outcome of the elections.²⁰

The study also found out that electoral violence is aimed at disrupting the registration of voters before the elections, preventing thousands of those opposed to the ruling elite in the conflict areas from voting and thus ensuring a favorable outcome for a given political group. I suggest that the electoral violence is usually designed to instill such anxiety as to

¹⁸ Society for International Development, *Inequality in Kenya*, (Nairobi 2007) P. 45.

¹⁹ A view given by the president of the African Development Bank, Donald Kaberuka, to the *Financial Times*.

²⁰ Matanga op.cit P. 23.

cause a sufficient number of people to abandon their homes, thereby giving the ruling elite a head start in elections.

4.2.2 The Land Equation

Conflict over land rights is often seen as being at the center of ethnicized electoral violence in Kenya. In fact, electoral violence is always directed at members of minority ethnic groups in specific regions of the country with the intent of expelling them from those areas.

The primary result of electoral violence has been the displacement of people who had settled in parts of the country other than their ancestral land. There is a consensus that Kenya's "land question" is the primary source of the ethnicized electoral violence. Kanyinga²¹ observes that violence resulted from the elite's appropriation of the land issue to fight those opposed to them by reactivating demands for territorial land claims in the Rift Valley and on the Coast.

In analyzing secondary data, the study found out that land has been a source of conflict in Kenya. The problem of land started during the colonial time when the colonialists took large chunks of land belonging to the natives. The study found out that the post independence settlement schemes designed to transfer land from settlers to Africans were controversial. In a program known as the million-acre settlement scheme, the government bought some European farms ostensibly to settle the landless. There is evidence that the Kikuyu ended up being the main beneficiaries of the scheme. As Kanyinga²² observes, they were the most land-hungry and, being the ethnic group best placed to raise capital,

²¹ K. Kanyinga, *Re-distribution from Above. The Politics of Land Rights and Squatting in Coastal Kenya*. Nordiska Africa institute, Research Report 115, (2000) Uppsala.

²² Ibid

led the way in land purchase through cooperatives. Leys²³ reports that, in a survey of 162 cooperatives, 120 were exclusively Kikuyu and an additional 38 consisted of Kikuyu with members of other tribes. The Kikuyu could be found participating in faraway schemes in places such as Lamu, Kilifi, Trans Nzoia, and Uasin Gishu, whose intended beneficiaries were from other ethnic communities. This according to the findings of the study provided fertile ground for ethnic animosities. It is this animosity that has manifested itself in elections.

The study observes that one of the objectives of the electoral violence experienced in the country in 1992, 1997, and 2007 was to redistribute agricultural land by expropriating one ethnic group's land and giving it to another. There is considerable anecdotal evidence to support this observation. The study observes that it was common, in political rallies that preceded the violence, to hear the calls for the eviction of "outsiders" from the Rift Valley.

Land appropriation was indeed a motivating factor behind the electoral violence experienced in the country in 199, 1997, and 2007²⁴. Respondents observe that many people found widespread occupation of abandoned farms by the Kikuyus. For example, the Sabaots were reported to have occupied the farms and houses of victims who fled from some of the settlement schemes after its entire population relocated to Central province as a result of the violence, Rironi farm in Burnt Forest was reported to have been taken over by Kalenjin farmers who proceeded to rename it Kaplalech²⁵. Other reports in Molo indicate similar occupation of abandoned farms by Kalenjins; for

²³ C. Leys, 1975. *Underdevelopment in Kenya. The Political Economy of Neo-colonialism.* (Berkeley and Los Angeles: University of California Press.1975)

²⁴ A view given by respondents on 17th September 2009 in Nairobi.

²⁵ K. Kanyingi op. cit P. 43.

example, a large-scale farm that borders one of President Moi's farms is now occupied by Kalenjin teachers from the Kericho district. At Mitetei farm, the scene of the first attacks thought to be a land dispute between Kalenjin and Luo shareholders, land was subdivided and title deeds conferred exclusively to Kalenjin shareholders after the others were evicted. Evidence given to Waki commission of inquiry into the violence indicated that a cabinet minister from the Kalenjin ethnic group occupies and grows sugarcane on land in Buru farm from which the Kikuyus were evicted.

4.2.3 Electoral System and Ethnicized Electoral Violence.

The design of the electoral system may be a key variable in creating conditions conducive for violence. As put by Benjamin Reilly²⁶ "the great potential of electoral systems for influencing political behavior is ... that it can reward particular types of behavior and place constraints on others." The literature on electoral system design and its potential for encouraging or preventing conflict and polarization has focused on the pros and cons of integrative systems versus consociationalism. More specifically related to electoral violence, it has been argued that in systems where a small number of votes can make a big difference on the outcome of the election, such as first-past-the-post arrangements, violence is more likely to occur²⁷. As an example, electoral reform in Kenya which led to smaller parliamentary election districts, have encouraged ethnic cleansing in connection to elections.

The study found out the Kenyans electoral system encourages FPTP arrangements. This arrangement has been a source of conflict in Kenya electoral system. Under FPTP, only

²⁶ Reilly, Benjamin. 2002. Post-Conflict Elections: Constrains and Dangers. *International Peacekeeping* 9 (2): 118-139.

²⁷ Ibid

constituencies with a relatively equal distribution of the major ethnic groups win election²⁸. The effect of FPTP system has been that the ethnic cleavages immediately spread throughout the entire country. This has led to mobilization of people along ethnic line with the desire of capturing state power²⁹. The study found out that due to FPTP system the defeated group usually begin a destabilization campaign in order to show that the other was unable to govern. This was the case in the 2007 election due to FPTP system ODM party which had garnered substantial vote could not accept defeat. The same scenario can be said of the 1992 election. The system does not allow for proportionate representation thus making one group to feel alienated from the system³⁰. The alienated group usually resorts to violence to seizure state power. According to respondents this system encourages parties to compete for the political power by appealing to ethnic nationalism. The first-past-the-post (FPTP) electoral system in mainly single-member constituencies and the votes granted to the winner means that it is possible to win an election with only 51 percent of the vote.

Related to electoral system, the study found out that the type of election also contributed to ethnicized electoral violence. Whether it is a referendum, a by election, a presidential election, or a parliament election – will influence the nature of electoral competition and the propensity of actors to use violence³¹. For instance, the holding of a referendum in 2005 made the electorate extremely polarized, and projected a situation of all-or-nothing if you win or lose the ballot. The referendum pitted two groups – ODM on one side and

²⁸ A view given by respondents on 17th 2009 in Nairobi.

²⁹ W. Oyugi. Op. cit P. 54

³⁰ A view given by a respondent during the interview on 17th September 2009.

³¹ O. J. Osamba, Violence and Dynamics of Transition: State, Ethnicity and governance in Kenya *African Development*. Vol.xxvi, No. 1 and 2, 2001. Pp. 120-134.

NARK on the other side. It's critical to note that both sides were galvanized along ethnic lines

The study found out that election administration encourages electoral violence. The constitution of electoral commission members was a subject of debate before election. The study observed that the president declined to elected new commissioners according to the IPPG agreement of 1997 that stipulated the nomination of commissioners according to political party representation³². According to respondents this interfered with election out come thus the violence that rocked the country after the 2007 elections. Issues of impartiality and independence, efficiency, professionalism, and transparency were raised. According to respondents interviewed most of the commissioners were pro PNU and according to them this tilted the results to their favour.

Associated with electoral administration is the deployment of monitors to oversee the electoral process. The purpose of election monitoring missions is to safeguard the free and fair conduct of elections. The study found out that election monitors were not deployed to some areas as stipulated. This was evident in Central Kenya the stronghold of PNU and Nyanza a stronghold of ODM. This interfered with transparency election process in this areas and tracking of incidents. Thus, while the introduction of electoral monitoring might not prevent violence from occurring, it might have a dampening influence on violence intensity.

³² The IPPG was an inter-parliamentary agreement between major political parties. It outlined how the parties were to constitute the officials of Electoral Commission of Kenya.

4.3 Measures in Place to Prevent Ethnicized Electoral Violence.

The study found out that the government has put in place reforms to prevent ethnicization of electoral violence in Kenya. These reforms are captured under Agenda 4 of the Kenya National Accord and Reconciliation Act. The first reform the government has put in place to reform the electoral system and prevent ethnicization of electoral violence has been the establishment of the Interim Independent Electoral Commission. The Interim Independent Electoral Commission of Kenya (IIEC) was established by the Government of Kenya as part of the wider reforms to be undertaken under Agenda 4 of the Kenya National Accord and Reconciliation Act³³. The IIEC's mandate includes: reform of the electoral process, establishment of an efficient and effective secretariat, fresh registration of voters and creation of a new voters' register³⁴. This mandate underlies the Government's commitment to the realization of Vision 2030 priorities particularly the political pillar which seeks to transform the country's political governance system through cultivating a transparent electoral and political process.

As part of its (IIEC) agenda the commission organized a workshop to review electoral laws, which brought together members of Interim Independent Electoral Commission, MPs sitting on the parliamentary committee on legal affairs, Judges of the High Court, ICJ, Kenya Law Reform Commission (KLRC) and other stakeholders in election reforms, in the coastal town of Mombasa³⁵. The two day meeting discusses the Electoral Bill 2009 and Electoral Commission Bill 2009 with a view of building a consensus on the way forward in relation to the two draft bills. There is a growing thinking that Kenya's electoral system requires a one-stop legislation for elections rather than the pieces of

³³ See Kenya National Accord and Reconciliation Act 2008. . P. 3

³⁴ Ibid P. 4

³⁵ IIEC conference paper, *Electoral Reform In Kenya*. May 22 2009 in Mombassa.

legislations that may be confusing. It's envisaged that the IIEC will reform the electoral system – ensure transparency and accountability in the election process and it will ensure that the process of electioneering is all inclusive. These reforms will ensure peaceful election that is free from violence. Every ethnic community will feel part and parcel of the electioneering system.

In line with the electoral system, the government has formed the Interim Independent Boundary Commission under the Constitution of Kenya (Section 41 B). Whose mandate include: making recommendations to Parliament on the delimitation of constituencies and local authority electoral units and the optimal number of constituencies on the basis of equality of votes taking into account (i) density of population, and in particular the need to ensure adequate representation of urban and sparsely-populated rural areas; (ii) population trends; (iii) means of communication; (iv) geographical features; and (v) community interest; and making recommendations to Parliament on administrative boundaries, including the fixing, reviewing and variation of boundaries of districts and other units³⁶.

It is envisaged that the IIBC will redefine Kenya for Kenyans to ensure adequate representation and equitable distribution of resources taking into account population, population density and trends, diversity and geography in consultation with the people of Kenya thus paving way for a politically stable and prosperous society where electoral and administrative boundaries enhance democracy, good governance and national cohesion that captures the aspirations of the people of Kenya.

³⁶ See the Constitution of Kenya (Section 41 B. this section of the constitution outlines the formation of the IBC and its mandate.

The Kenya National Dialogue and Reconciliation process acknowledged the urgency and importance of addressing youth unemployment. This is because it threatens social and political stability and the very foundation upon which a nation is built. Youth unemployment was identified as one of the key factors behind the post-election violence. As such, prioritizing addressing youth unemployment is critical to consolidating national stability and generational posterity. A number of efforts have been undertaken to address this problem since the constitution of the Grand Coalition Government. These include:

Youth Enterprise Fund: The Government has significantly boosted allocation to the revolving loan facility from an initial Ksh1 billion to Ksh1.75 billion. Plans are under way to allocate a further Ksh500 million to the Fund in the 2009/10 financial year. Of the money allocated to the Fund, Ksh1.6 billion has been disbursed to over 55,000 youth enterprises, resulting in the creation of over 200,000 new jobs. The private sector has also set aside Kshs2.5 billion to boost the fund.

Youth employment programmes: The Ministry of Sports and Youth Affairs has also initiated a Youth Employment Marshall Plan, which aims to create 500,000 jobs for the youth each year, starting in January 2009.

Despite these efforts, youth unemployment persists. Job creation has not kept pace with the number of youth entering the market from schools and other training institutions every year. Further, efforts that seek to address unemployment among the youth narrowly focus on entrepreneurship without regard to the fact that not all youth are well organized to access the funds for entrepreneurship.

Consolidating national cohesion is critical in forging ahead as one nation where everyone feels that he or she belongs, and that his or her contribution is important for the prosperity of the nation. It entails eliminating feelings of marginalization, exclusion and

discrimination, and therefore cultivating a sense of belonging and justice. Given the divisions that resulted from the post-election violence, consolidating national cohesion was prioritized as critical to foster nationhood.

As such, the following legislative initiatives have been undertaken to provide legal framework to guide the consolidation of national unity. National Cohesion and Integration Bill, 2008 was enacted into law in December 2008. The law seeks to encourage national cohesion and integration by outlawing discrimination on ethnic grounds³⁷. To create a commission to foster this parliament passed the Truth Justice and Reconciliation Commission Bill, 2008, and it was signed into law in November 2008. The law seeks to address historical injustices but has been widely faulted for its contentious amnesty provisions that have been claimed could undermine the administration of justice³⁸.

In addition to these legislative initiatives, the President and the Prime Minister, together with a number of politicians, have held high-level meetings in Rift Valley Province to call for national reconciliation. Civil society organizations, including faith-based groups, have also undertaken activities to promote peaceful coexistence and national unity.

Nonetheless, these efforts have been ad hoc, uncoordinated and do not enjoy ownership by the targeted communities. Attaining national cohesion requires undertaking initiatives that would eliminate perceptions of exclusion on ethnic grounds, perceptions of marginalization and development imbalances. Furthermore, national cohesion requires cultivating a sense of belonging and fostering equity and fairness in society. Though legislation is pertinent, it is not the panacea to national cohesion. It is only by promoting

³⁷ See the National Cohesion and Integration Bill, 2008.

³⁸ See the Truth Justice and Reconciliation Commission Bill, 2008,

reforms to facilitate fairness, social justice and equality among citizens -- both at the local and the national level -- that the desired objectives can be met.

The stability and prosperity of Kenya depend on the successful implementation of issues outlined in Agenda Item 4. So far, there has been minimal progress on a number of these issues. Although this is attributable to the fact that some issues in this agenda can only be effectively addressed upon enactment of a new constitution, it is noteworthy that public perception of Government commitment to implementing aspect of this agenda item are as low as 30%. Making significant progress in implementing Agenda Item 4, especially with regard to institutional reforms, depends to some extent on the enactment of a new constitution. Political will and cultivating the right perceptions of belonging and nationhood among the Kenyan people is critical for the realization of the spirit of this agenda.

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.0 Summary

Ethnicized electoral violence is a broad subcategory of political violence that has received surprisingly little theoretical or methodological attention to facilitate its systematic study. While it has a limited objective in the sense that it is aimed at affecting the electoral process, its consequences may be wide reaching and can influence both attempts at conflict management and the consolidation of democracy. This study has discussed issues pertaining to the conceptualization of electoral violence, with an eye on Kenya.

Chapter one of this study formed the foundation of the study. This chapter outlined the objectives of the study and the hypothesis to be tested. The chapter reviewed scholarly literature presented by other scholars on the issue area. The chapter looked at the literature on elections and electoral violence, post independence Africa and the legacy of ethnicized electoral violence and an overview of Kenya's electoral violence and the issue of ethnicity. This chapter provided the conceptual frame work of understanding ethnicized electoral violence in Kenya. Works of scholars like Høglund, Lehoucq, Galtung, Rapoport et al were reviewed. The chapter analyzed the African experience with ethnic violence. Case study of Nigeria, Lesotho, Angola, Rwanda, Burundi, were cited. This chapter also looked at a theoretical frame that was used to guide the study. The study utilized primordial theory to analyse the problem of ethnicized electoral violence in Kenya. This theory brings out the correlation between ethnicity and electoral violence. It emphasizes that it is the strength of the ethnic bond that supersedes other motives including economic gains as a basis for action in favor of ethnic interest. The chapter

concludes by outlining the methodology used in gathering both the primary and secondary data.

In chapter two, the study looked at the existing debate on ethnicity and electoral violence. Specifically the chapter was divided into two broad sections: section one – ethnic mobilization in electoral politics. In this section the study looked at the debate on the importance of ethnicity in electoral politics, the dynamics underlying the use of ethnicity in electoral violence, the preconditions for electoral conflicts in both developed and developing countries. The second section of this chapter looked at how electoral transition – from one regime to another contributes to ethnic conflict. This section interrogated how state building and electoral methods contributes to the ethnicized electoral violence. Works of scholars like Gurr, Huntington, linz, Russet were reviewed for in-depth analysis.

Chapter three of this study looked at the historical background of ethnicity and violence in Kenya. The chapter looked at Kenya's political trend, the pre-independence Kenya and the impact of the colonial legacy and its influence on ethnicity and violence. The chapter goes further to look at post-independent Kenya. In reference to post-independent Kenya the chapter narrows down to the three presidential regimes that have been in place since independence. The section first looks at Kenyatta regime and its role in perpetuating ethnicity thus contributing to ethnicized electoral violence. It then looks at the Moi and Kibaki's regime and their contribution to the debate of ethnicized electoral violence. in Kenya. In a nutshell the chapter seeks to answer the question: how and when did ethnicity become such an important factor in Kenya's electoral politics. And what has been the consequence of ethnicized electoral violence.

Chapter four of the study presents the analysis of the ethnic dimension of electoral violence in Kenya. The section is blended by both primary and secondary data. The hypotheses generated in chapter one were used to organize this chapter. The first subsection of this chapter looks at the role political parties have played in enhancing ethnicized electoral violence in Kenya. The formation of political parties, their structure, compositions and their role in subsequent elections were looked. The second subsection of this chapter looked at the unequal distribution of resources and ethnicized electoral violence. The subsection traces the causes of inequality and narrows down to the land question in Kenya and how it has contributed to ethnic violence which has often manifested itself during election period. The third subsection of this chapter looked at the electoral; system and ethnic violence. Specifically the subsection looked at the design of electoral system in Kenya, election administration, the purpose of election and the type of elections and how they have contribute to electoral violence that has often taken ethnic dimension in Kenya.

5.1 Conclusions

In conclusions, the study has suggested that the enabling conditions for ethnicized electoral violence may be found in three main areas. Firstly, political parties. Secondly, electoral system itself, and in particular electoral system can provide new incentives and opportunities for violence in connection to elections. And, thirdly, inequitable distribution of resources.

It's plain to see that ethnicity plays a huge role in Kenyan politics, and always has since independence. Jomo Kenyatta was respected across the entire country as the father of the

nation, but even during his leadership, his fellow-Kikuyu gang of close advisors was despised by many of the other ethnic groups in the country. Although from a much smaller ethnic group, Moi consistently led the Kalenjin, Turkana, and Masai tribes and used patronage to gain the favor of whatever other tribe he needed to in order to rule as he wished. He dangled the vice-presidency in front of one or numerous tribal leaders, got their vote, and then eventually shut them out of power again, and tried his best to breed infighting in the groups he didn't bring into the fold. Unfortunately, to this day, Mwai Kibaki and Raila Odinga still seem to be operating with some of the same methods. It's clear that tribalism plays a significant harmful role in Kenyan politics, but what to do about it is a much more difficult question.

Political parties in Kenya have little to no institutionalization. Adams Oloo wrote that with no membership fees and few local offices, a very small circle of rich individuals who can easily switch allegiances are the only ones that fund political parties, and that "the greatest impediments to institutionalism of opposition political parties are lack of a positive political and party culture, ethnic divisions and funding"¹. Parties in Kenya are also not internally democratic or transparent. From this stand point we confirm the first hypothesis that stated that in divided societies (read Kenya) with ethnically based political parties, there is a potential of electoral violence taking ethnic dimensions.

The study also found out that inequitable distribution of wealth has contributed to ethnicized electoral violence. Political leaders have isolated some ethnic groups in resource allocation. This has led to a scenario where one ethnic group takes up arms to

¹ A. G. R. Oloo, "The Contemporary Opposition in Kenya: Between Internal Traits and State Manipulation." *Kenya: The Struggle for Democracy*. Ed. Godwin R. Murunga and Shadrack W Nasong'o. (London: Zed Books, 2007.) P. 37.

fight for state power. Elections have always provided the avenue for confrontation. The land issue in Kenya according to the findings of the study leads credence to our second hypothesis that stated that in societies with unequal distribution of resource among different ethnic group, there is a potential of electoral violence taking ethnic dimensions. The study found out that Kenya's electoral system is tilted to favor the one who has one with a simple majority (the first past the post system) according to the finding of this study, this system does not give room to other political actors to participate in governance despite the fact that they may have garnered substantial a mount of votes. According to the findings of this study this has always led to confrontation where each faction claims for political office. The study also found out that political administration in Kenya has always been constituted on ethnic basis and this has affected the independence, efficiency, professionalism and transparency of election in the country thus contributing to electoral violence. These findings give credence to the third hypothesis that stated that weak electoral institutions have contributed to ethnicized electoral violence. It is based on these findings that this study recommends that:

5.2 Policy Recommendations

The first recommendation is that the government should increase involvement with the opposition. This can be accomplished by having members of the opposition in key committees and in cabinet positions. This is the case in the coalition government but this should be the trend when a new government comes into place. This will enhance inclusiveness in government hence promote national unity².

² B. G. Powell, *Contemporary Democracies: Participation, Stability, and Violence*. (Cambridge, MA: Harvard University Press. Przeworski, Adam 1982) P. 46

Secondly, is to increase the level of civic education. By teaching children to think of themselves as Kenyans first and their ethnic groups secondly, the country may be able to increase the likelihood of continued peace into the future. Kenya has not had severe ethnic conflict for many years. Some see the country as constantly on the brink of conflict. However, there is also a shared history and experience. The people see themselves as Kenyans—maybe not as Kenyans first, but they do have a sense of patriotism. This can be used advantageously to decrease the chances of ethnic conflict.

Thirdly, there is broad consensus within and outside Kenya that the country needs constitutional reforms that strengthen local government and rectify regional resource imbalances. There has been a push for such reforms since 1991, and some experts say the current political environment offers an opportunity to catalyze action. If we don't create a new constitutional order, we will have even a bigger crisis in future. Others think there is a short-term opportunity for incremental reforms; these could be combined with an agreement on basic constitutional principles³.

A fourth recommendation is to decrease the power of the president (who is the head of the Government). Although the president is the chief of state, and the Prime Minister is technically the head of government, in effect, the president is the head of both. Given the current structure of the political system, the president wields ultimate authority. A decrease in presidential power would increase the power of parliament. This is expected to produce more debate and dialogue between the parties. If the legislature felt more empowered and distant from the president, they may be able to broach less ethnically charged legislation and work together with the opposition⁴.

³ A. G. R. Oloo, *op. cit.* P. 66.

⁴ *Ibid*

5.3 Recommendations for Future Research

Future research which seeks to account for variation in ethnic electoral violence and its effect can look for explanations both in structures and strategies. Research can focus on the structural factors which determine the costs involved for opposition groups and government actors in employing violence in connection to elections. The strategies and responses by local and international actors – political parties, police, military, and the international community – can also be important in explaining the bearing of violence on electoral processes and on conflict management.

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APPENDIX 1
STRUCTURED INTERVIEW SCHEDULE FOR GOVERNMENT
OFFICIALS AND NGOs

Section A General data

Date

Venue of interview

Respondent Gender

Male

Female

Hallo my name is Mrs. Ann Minyu I would like to have a few minutes of your time for us to share your experience of ethnicized electoral violence in Kenya. Any information given will be in confidence.

Political Parties and Ethnic Conflict

1. What are some of the political parties in Kenya?

2. In your view how are they constituted?

3. Do you think that these political parties have an ethnic inclination?

4. If yes what do you attribute these too?

5. Do political parties in Kenya have an ideological base?

6. If no why?

7. what are some of the reasons for ethnicization of political parties in Kenya

8. In your view has this ethnicization led to conflict?

9. If yes give example of some of the conflict

10. In your view what can be done to prevent ethnicization of political parties?

Inequitable distribution of resources and ethnic conflict

11. What are some of the resources that are found in Kenya? please name them

12. Where are they found?

13. Are these resources equitably distributed in the country?

14. If yes, what criteria have been put in place for distribution?

15. If no, how have they been distributed?

16. Have there been conflicts due to resources?

17. If yes what resources have been at the centre of conflict?

18. In your view is the electoral conflicts experienced in the country related to inequitable distribution of resources? Please explain

19. How can inequitable distribution of resources be solved?

Electoral system and ethnicized electoral violence

20. What do you understand by the term electoral system?

21. How is the electoral system organization in Kenya?

22. Does it allow for participation of all electoral actors? please explain

23. How is the membership of the electoral system constituted?

24. Is it representative?

25. How is the election process handled?

26. What types of election have been conducted in Kenya

27. How were they handled?

28. Has ethnicity infiltrated Kenya's electoral system? Please explain

29. How has this affected the electoral process?

30. Have you experienced conflict due to the electoral system? please explain

31. Have these conflicts taken ethnic dimensions? Please explain?

32. How can the electoral system be improved to prevent conflict?

THANK YOU