

ELECTION VIOLENCE IN KENYA: A CASE STUDY OF NAKURU 1992-2008.

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DECLARATION

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DEDICATION

This thesis is dedicated to my beloved wife Fatuma Abdullahi Dima and daughters Sophia, Fatihiya, Nuzla, Lutfia, Tamima and son Kamaludin Osman who have been encouraging me to fight on in order to realize my success.

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LIST OF ABBREVIATIONS AND ACRONYMS

BBC	- British Broadcasting Corporation
CBD	- Central Business District
CIPEV	- Commission Investigating Post Election Violence
DP	- Democratic Party
ECK	- Electoral Commission of Kenya
EU	- European Union
HRW	- Human Rights Watch
ICC	- International Criminal Court
IDPs	- Internally Displaced Persons
IEBC	- Independent Electoral and Boundaries Commission
IFES	- International Foundation for Election System
IHL	- International Humanitarian law
IPPG	- Inter-Party Parliamentary Group
KADU	- Kenya African Democratic Union
KAMATUSA	- Kalenjin, Maasai, Turkana, Samburu
KANU	- Kenya African National Union
KBC	- Kenya Broadcasting Corporation
KEDOF	- Kenya Elections Domestic Observation Forum
KNBS	- Kenya National Bureau of Statistics
KNHRC	- Kenya National Human Rights Commission

KPC	- Kenya Population Census
MoU	- Memorandum of Understanding
NARC	- National Rainbow Coalition
NCEC	- National Convention Executive Council
NCPC	- National Convention Planning Committee
NDDP	- Nakuru District Development Plan
NGO	- Non-Governmental Organization
ODM	- Orange Democratic Movement
OHCHR	- Office of the High Commissioner for Human Rights
OSIEA	- Open Society Initiative for Eastern Africa
PEV	- Post Election Violence
PNU	- Party of National Unity
PPO	- Provincial Police Officer
SRIC	- Security Research and Information Centre
UNHCR	- United Nations High Commission for Refugees
USA	- United States of America
WWII	- World War Two

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OPERATIONAL DEFINITION OF TERMS

arms – Weapons used by armed groups during election violence in Nakuru Town

conflict – This refers to a serious disagreement between two communities or groups. For example, the people in Nakuru disagreed during elections

crime - This is a violation of societal rules by the people.

data - The collection of observations made by the researcher and his assistants.

deprivation, a state of having something taken away or withheld.

disciplined forces – Members of the Armed Forces, the Police and the Administration police.

Electoral violence refers to the use of force on the electorate by state security forces in Nakuru Municipality, or the eruption of armed antagonism between individuals or groups for reasons directly related to suffrage.

Election processes are vehicles through which political power is maintained or trailed and social differences are underscored by candidates and parties in campaigns for popular support as they tap profound vulnerabilities for violent interactions.

escalation – To make something more serious especially through worsening of a situation.

greed - The lust for amassing wealth, an excessive desire to possess wealth, goods, or abstract things of value with the intention to keep it for one's self, an inappropriate expectation. However, greed is applied to a very excessive or rapacious desire and pursuit of wealth, status, and power.

grievance - existing complaints like issues on Land ownership, unemployment and ethnicity

hate speech – Utterances or remarks that stoked hatred and disdain against others

historical injustices – Unresolved grievances dating back to colonial times and the period after independence

human rights are the universal, entitlements for all the people.

instrument - The tool or device used for survey

population – The people of Nakuru Town (persons, businesses, et cetera) being described or measured by a sample.

post election violence – all the activities that took place after 1992, 1997, 2002 and 2007 elections in Kenya which negatively affected the Nakuru populace .

relative deprivation - our perception of others and our sense of injustice by comparison

Rift Valley Province – This encompasses all the districts that are constituted under this administrative geographical area in Kenya.

sophisticated weapons – It is used in this study to mean powerful small arms used by the criminals and the security agents.

subaltern political structures - alternative political structures and administration

theory – a formal set of an idea that intended to explain why something happen or exist.

violence - Refers to the use of force to kill, injure or abuse others, the use of physical force to apply a state to others contrary to their wishes.

ABSTRACT

This study focused on the causes of election violence in Nakuru Municipality since the multi-party elections of 1992 and recommended countermeasures to be instituted to avoid the reoccurrence of the same. The causes of electoral violence might have been unique and different depending on the area. Among these factors are the political bargains at the founding of the Kenyan state, the post independence coalitions crafted to sustain ethnic hegemony and the insularity of post independence governing elites. These historical dynamics have been sustained by the patron - client nature of Kenyan politics and the resultant exclusion of non-power holding ethnic communities. Contemporary and historical factors were at the root of the vicious reactions before and after elections since 1992.

The study found out that, lust for amassing more wealth (greed) by politicians and the well-connected people, existing injustices (grievance) on land, stolen elections, poverty, and unemployment among others made election violence persistent. The Governments turned a blind eye to its responsibility to ensure fairness and inclusiveness as hallmarks of democratic governance. Inefficiency, laxity and reluctance of concerned ministries and electoral institutions greatly contributed to the violence's since the multi-party elections of 1992. The study used both qualitative and quantitative approaches and employed a descriptive survey design by analyzing a wide range of primary and secondary sources. Secondary data was utilized, especially police records, books, journals and newspapers in order to obtain a full picture of the spread of election violence. Secondary data provided a useful background and historical data on people and groups. The Greed-grievance theory by Paul Collier and Anke Hoeffler was used to guide this study – at one extreme, groups might arise because rebels aspire for wealth by capturing resources extra-legally while at the other extreme they might arise because such dissenting groups aspire to rid the nation or the group of people with which they identify, of an unjust regime. The researcher used purposive sampling, which is a non-probabilistic sampling method. The researcher brought into play questionnaires, interviews, focus-group discussions and observation in collection and qualitatively analyzing of data. Data analysis was done manually and presented in tables and graphs.

The study recommends that, a land acquisition and redistribution framework beneficial to all communities, which have been aggrieved since independence, must be on the Government's agenda as a permanent peace building incentive. The "willing buyer, willing seller" policy, which favours the richest communities, needs to be broken. A credible institutional framework for disarming and dismantling all party-supported mercenaries in the name of Vigilante groups within Nakuru is significant. The media and Government institutions should share information as a vital component of violence-free election planning. The finding of the study is projected to enlighten the poor, the unemployed and other vulnerable groups in Nakuru Municipality about the election violence trends and factors that contribute to election violence. This will thus make them more critical when called upon to participate in electoral violence. It will also benefit the Government administrators and those in authority in improving their administration.

CHAPTER ONE

1.0 INTRODUCTION

1.1 The Background of the Study

Globally, election processes have in recent year's catalyzed conflicts as some candidates mobilize extremist elements of the population to win office while rival factions vie for votes and to secure turf. In recent times, Philippines, Afghanistan, Pakistan, Egypt, Ethiopia, Iraq, Nigeria, Zimbabwe and Kenya all witnessed endemic violence with widespread consequences and in the worst cases, state failure. Since the 1990s many African autocracies have engaged in various efforts towards democratization, Kenya not being an exception. Support for democratization has primarily been used as an instrument to achieve accountability, install wide-ranging legitimate governments and help in mediating disputes among the diverse ethnic groups. These institutional efforts are expected to improve economic performance and reduce possibility of political violence (Fearon and Laitin, 2003).

There are several likely reasons for the frequent failure of African elections such as; having weak electoral commissions, inadequate judiciary and other institutions that can sustain democracy, but perhaps the main underlying cause is that no democratic means have been found to mediate the struggles over access to land and the resources controlled by the state (De Smedt, 2009 and Peters, 2009). Given these high stakes, politicians resort to a variety of means including vote buying, intimidation of electoral violence (Lindberg, 2003; Wilkinson, 2004; Schaffer, 2007; Vicente, 2007; Bratton, 2008) and other methods of manipulation such as the trick of stuffing ballot boxes, tampering with vote tallies and ballot stealing (Throup and Hornsby, 1998).

Multiple parties competed in the early elections following independence and voters often had a considerable range of choices from among the parties in most African Nations. For

example, Wiseman (1990) states that there were 130 different parties in Somalia at one stage following decolonization in 1960. However, these multi-party systems did not last long and were soon replaced by single-party rule in the 1960s. In countries such as Togo, Benin, Sierra Leone, Kenya, Zambia, Tanzania, Angola and Sudan, one party rule was introduced *de jure*. Tanzania and Kenya both used acts of parliament to make opposition parties illegal. In other African states like Somalia, a *de facto* one party system emerged after smaller parties dissolved voluntarily and their leaders and voters became absorbed into the ruling parties (Wanyande 2000, Adejumobi 2000).

The recent record of African elections with few exceptions have raised concerns that in ethnically divided societies, competitive electoral processes could undermine democracy by broadening and deepening the present divisions between winners and losers (Bardhan, 1997). Contemporary and historical factors were at the root of the vicious reaction to election results in Kenya and Nakuru town in particular.

Among these factors are the political bargains at the founding of the Kenyan state, the post independence coalitions crafted to sustain ethnic hegemony and the insularity of post independence governing elites. These historical dynamics have been sustained by the patron-client nature of Kenyan politics, and the resultant exclusion of non-power holding ethnic communities. Individuals sharing a common ethnicity are held together by a bond of ethnic capital which facilitates the distribution of resources which is the key to the group's survival (Azam, 2001). Elections are thus important vehicles for the control and transfer of state resources to favoured regions. Election time ethno-regional conflicts in 1992, 1997, 2002 and 2007 all have one thing in common, the determination to control the spoils of office.

Frantz Fanon says that colonialism, which at its heart assumes the superiority of the colonialists, is 'not a thinking machine, nor a body endowed with reasoning faculties'. He

further argues that colonialism represents ‘violence in its natural state and it will only yield when confronted with greater violence’ (Fanon, 1967). Besides its immediate connection with political violence, colonialism through ‘divide and rule’ policies has brought about or escalated inter-community conflict, the effects of which may still have importance for the prevalence of political violence. Likewise, the construction of a colonial state is said to have sustained effects on inequality, land ownership, and regional differences (Overton, 1987).

Cussac (2008) and Peters (2009) on Kenya’s politics and election violence have pointed to unresolved historical grievances, especially with regard to land allocation, as an important underlying factor in the violence. They further posit that colonial government alienated most of the agriculturally productive land for settler agriculture particularly in what is present day Rift Valley Province and Central Province. For example, in 1939, under British colonization, the Kikuyu were forced to move from the Central Province by the British, making way for an exclusive community of white settlers known as the ‘White Highlands’ (Mutua, 2008).

Following the Kenya African National Union (KANU) victory in the 1963 elections, Kenya became a *de facto* one-party state, with its leader and President of Kenya, Jomo Kenyatta, for example banning attempts of creating an opposition party associated with the Luo ethnic group. For some, this led to the perception that Kenyatta, an ethnic Kikuyu himself, was promoting Kikuyu interests over national interests (Africa Watch, 1993). Political rivalry and ethno-regional animosity is the result of historical grievances. The fresh democratic opportunity in multi- party governance engendered a violent effort for assets buildup, political supremacy, and aggressive rivalry between ethnic groups for control and control of strategic resources of the country (Human Rights Watch, 1993).

Accusations of betrayal by the political elite across communities underpin greater inter-ethnic distrust in addition to hardening the positions of the political elite. Thus, political opposition to an incumbent is based on diverse ethno-regional and political interests with the immediate objective of supplanting the early political elite. The fallout between President Jomo Kenyatta and Vice- President Oginga Odinga in 1966, the assassination of prominent Luo politician Tom Mboya 1969 (KSR Volume 1, number 1, December 2009) and the banning of Odinga's KPU and his detention in 1969 relegated Nyanza province into a conflict with the Kenyatta regime (Odhiambo - Atieno, 2004).

According to many observers, when Daniel Moi took office in 1978 following the death of Kenyatta, he pursued policies that benefited parts of his own ethnic group, the Kalenjin, while excluding individuals from other ethnic groups from gaining public office or access to state resources. To facilitate this, repression of the political opposition was common practice. Repression included excessive use of force, torture, indefinite detention, and other measures. In 1982, following a coup attempt, the Moi regime amended the Constitution and subsequently Kenya officially became a one-party state. Police and security forces dispersed demonstrations against this move forcefully. Only after intense donor-pressure did Moi allow multi-party elections to be held in 1992 (Waki Report, 2008).

In 1991 after many demands from Kenyan activists and the international community, multi-party elections were re-introduced. Several opposition parties emerged (FORD Kenya, FORD Asili, Democratic Party, Social Democratic Party, National Development Party of Kenya and other smaller parties). Nonetheless, KANU stayed put in power winning the general elections of 1992 and 1997 amid violence and allegations of electoral irregularities. Much of the violence occurred during the pre-elections period and was concentrated in the Rift Valley and Western provinces and according to Kagwanja (2003) apparent "local" warriors attacked the homes and farms of migrant "non-local" groups. The government described the violence as

ethnically motivated clashes that erupted spontaneously as a result of multi-party politics. Analysts though, argued that politicians instigated the violence as a tool for winning the elections. People's need for land was abused by some politicians to instigate violence, especially in the Rift Valley, as it has happened in other African troubled elections (Peters, 2009).

The election campaign, the election itself and its immediate aftermath were characterized by threats, harassments and the occurrence of violent clashes between supporters for different parties, claiming the lives of around 1,500 Kenyans and displacing more than 300,000 (Human Rights Watch, 2002). In 1991, Moi had warned that the return to multi-party politics in Kenya would result in tribal clashes, some observers note that, far from being the spontaneous result of a return to political pluralism, there is evidence that the government was involved in provoking this ethnic violence for political purposes and has taken no adequate steps to prevent it from spiraling out of control (PSC, 1992). Moi maintained power with the 1992 elections and despite increased openness in the political system, commentators' note that the Moi regime continued to repress the political opposition (Human Rights Watch, 2002).

Like the 1992 elections, the 1997 elections were associated with violence. Six months prior to the elections, KANU party activists allegedly backed armed gangs who attacked 'non-native ethnic groups' in the Coast Province, causing the death of more than 100 and leading to the displacement of more than 100,000 people. After the elections, politically motivated violence between ethnic groups took place. According to Amnesty International, more than 120 Kenyans lost their lives in the Rift Valley when KANU supporters clashed with armed youths belonging to the Kikuyu ethnic group (Amnesty International, 1998). The Kenyan Human Rights Commission (2001) estimates that state-sponsored or state-condoned violence killed 4,000 people and displaced 600,000 others over the period 1991-2001. Much of this violence

was sponsored in the Rift Valley and in urban areas, especially in Nairobi where the opposition held sway since 1992 (Kagwanja, 2003). The end result of this violence was the detribalization of politics and the erosion of civic nationhood (Kagwanja, 1998, 2003; Throup and Hornsby, 1998).

In 2007/2008 PEV, after the coalition Government was set up, little has been done to address the issues surrounding what was described as historical injustices. According to Gavin (2008) the coalition Government set up in 2008 had to pursue the four agendas that reflected the Kenya's societal needs. These include tackling poverty and inequity as well as combating regional development imbalances and tackling unemployment, particularly among the youth. However, basing on Kenya's history of election violence (1992-2008), almost the same pattern is evident as the cause and triggers, since the anomalies went unresolved even after successive governments. These leads us to wonder whether election violence in Nakuru Municipality (1992-2008) were due to grievances or other factors basing on history and hence the need for this empirical study.

1.2 Statement of the Problem

The recurring electoral violence in Kenya since 1992 demonstrated the fluidity of grievance and other factors, which shredded cohesion, exposed the depth of historical injustices and further polarized the country along ethno-regional lines. At the core of these grievances is the belief that political power provides the ethnic group of the president with exclusive advantages. Historically, the political leaders who direct political powers in Kenya also control the direction and magnitude of economic and political resources of the state. The resulting intra-regional variations in access to political and socio-economic power have in turn sustained deep-seated grievances, sometimes causing the kind of violence witnessed in Nakuru Municipality during the general elections held between 1992-2008. The socio-

economic and political differentiations based on socio-cultural identities (horizontal inequalities) have been observed as grievances used by politicians to incite people into violence while on the face value, they are driven by own voracity. The election violence in Nakuru Municipality since multi-party elections of (1992-2008) had been viewed as a phenomenon that was due to grievance and other factors. Incumbent governments have failed to take control of election violence situations, even as they command the security resources and institutions at their disposal. Therefore, the problem that provided the impetus of this study is to establish the factors that contributed to the election violence and evaluate the trends in Nakuru Municipality.

1.3 Objectives of the Study

The specific objectives of this study are to:

- (a) Evaluate the factors that contributed to election violence in Nakuru Municipality (1992-2008).
- (b) Trace the trend (historio-political) of election violence in Nakuru Municipality (1992-2008).

1.4 Research Questions

- (a) What were the factors that contributed to election violence in Nakuru Municipality (1992-2008)?
- (b) What were the trends (historio-political) of election violence in Nakuru Municipality (1992-2008)?

1.5 Assumptions of the study

This study was premised on the following;

- (i) There were diverse factors that played a great role in the escalation of election violence (1992-2008) in Nakuru Municipality.

- (ii) The pattern of election violence in Nakuru Municipality between 1992-2008 could be attributed to historical factors.

1.6 Justifications and Significance

Violence may be used positively to resist dictatorial regimes and advance some forceful changes though others may pay the price. Electoral violence had taken a centre stage during all the electioneering years, the worst of its kind being 2007/2008. It is only through an empirical study that we got evidence that can be used to formulate and introduce the measures to be used to curb such violence in the near future, that will affect the general wellbeing of the inhabitants of the Municipality. The researcher recognized that there has not been a key study carried out to seal this space, thus the study is not only significant but enormously vindicated. Nakuru has been a hotbed of election violence after every five years, hence the need for the research. The study contributes to the provision of solution and the methods to be employed in controlling election related violence. This will impact greatly on reduction of incidents of criminal activities and lawlessness in Nakuru. This study will benefit; the Government officials and security agents, who will gain by building on their strength and improving on their weaknesses from the 1992-2008 election violence; the members of the public will take advantage of this research literature and present their views on the research topic which will be brought forward and disseminated while releasing bottled up emotions will also be a relief to most of them. The students at various levels will learn a lot from the study, criticize it and do further research to fill the gaps. The IDPs as well are bound to benefit as some suggestions touching on their lives in the camps may be addressed. Solving such problems will impact positively on the lives of the affected people and hence an opportunity for growth and development.

1.7 Scope and Limitations

The location of the study was Nakuru Municipality and the views of respondents who are above eighteen years and from the estates of Kaptembwa, Ponda Mali, Langalanga; and the central business district formed the main focus that was considered.

The general application of the findings of the research in this area can only be done with caution to other areas as the violence in Nakuru may have been unique in its own ways. Moreover, the study is limited as it only addressed the election violence between 1992 and 2008 and not any other violence in its scope. The researcher chose the dates of the study coverage of 1992-2008 because it was after the introduction of multi-party politics that those resisting change and advocating for status quo decided to cause chaos and mayhem. It was in 2007/2008 elections that much violence was also experienced. The causes of election violence and trends in Nakuru Municipality were dealt with as the main focus of the study. This study encountered limitations in oral data collection especially the language used as the researcher does not speak the language of some of the respondents. The help of Research Assistants were sought on this matter and helped to overcome language barrier.

CHAPTER TWO

2.0 LITERATURE REVIEW, THEORETICAL FRAMEWORK AND CONCEPTUAL FRAMEWORK

2.1 Introduction

The literature reviews in this section were based on election violence and trends between 1992-2008, grievance and other factors. According to Collier (2001) grievances can be present without greed, but it is difficult to sustain greedy motives without some grievances. Although greed and grievance are regarded as competing views, they may be complementary, as greed may lead to grievances and vice versa. Motivation for conflict is important as lust for power and perceived grievance is a common issue. The main issue lies on how a dissenter group can maintain itself as conflict involves a lot of financial resources (Collier, 2001).

2.2 Review of Related Literature

Collier, (1999) posits that a useful conceptual distinction in understanding the motivation for violence is that between greed and grievance. Collier, argued, instead that the key to understanding why such wars erupt lay in greed and the quest for loot by rebel actors. The likelihood of greed-driven conflicts breaking out was particularly high. Further, Collier suggested that, a country that relied heavily on surplus of young unemployed and poorly educated men, experiencing a period of rapid economic decline are likely to engage in violence. The issue of unemployed youth being used in perpetuation of electoral violence is rampant in Nakuru Municipality as this was due to their vulnerability. The implication is that countries with various forms of deprivation are prone to violence. He emphasizes that the real cause of most rebellions is not the loud discourse of grievance but the silent voice of greed.

However, it is difficult to rule out greed even if the grievances are present and therefore, our study examined the possibility of this link to election violence.

Furedi (1989), on the origin of inter-ethnic distrusts in Nakuru County, expresses that the issues dealing with land were not accorded adequate consideration in the dialogues for Kenya's independence from Britain. The former White Highlands in the Rift Valley attracted the attention of both the European settlers and Africans. Among the Africans, the Maasai and the Kalenjin were apprehensive of massive migration of larger ethnic groups like the Agikuyu into the Rift Valley region, which they considered to have been illegally snatched from them by the Colonizers (British). Therefore, Furedi reports that the strains over land issues in Nakuru County led to ethnic clashes in Nakuru Town in January 1961.

Keen (2000) on *Incentives and disincentives for violence*, argues that, although elites have often amassed considerable personal wealth, they have frequently presided over states that lack the means for effective and disciplined counterinsurgency (not least because available revenues have been siphoned into private pockets). In these circumstances, and particularly in Africa, we have seen elites repeatedly recruiting civilians into unpaid or underpaid armies or militias. Such recruitment has typically, but not always, been along ethnic lines. Some combination of fear, need, and greed created willingness to be mobilized for violence among this civilian population. Keen's contributions were considered for interrogation in Nakuru municipality where organized gangs had been mobilized to cause mayhem in every election year.

Further, Keen argues that civil violence in most developing countries should not be written off as simply "irrational." For him, they constitute more than a breakdown of social order. They are an economic exploitation by segments of the elite whose aspiration has been obstructed by competing elites. Kaplan (2000) supports this position when he says that most

rebel movements in Africa – the National Patriotic Front of Liberia (NPFL) and the Revolutionary United Front of Sierra Leone (RUF) have no clear political agenda, as their leaders are more business executives than political leaders. This borders on greed as the main contributor in economic exploitation.

William Tordoff (1993), on *Government and Politics in Africa*, says that success of political leaders in winning popular backing depends upon the trust which they inspire and ultimately on their ability to obtain material benefits for their faction in the form of government jobs or loans, a school or clinic, a road or electric supply. In this case "we are dealing with a kind of patronage politics, with economic resources used as a political tool to enable the leadership to buy support for their policies. Since political and bureaucratic leaders may also appeal to ethnic identities to fulfill their ambitions, the practice of politicizing ethnic identities becomes one cause among many causes of ethno-political violence. By appealing to ethnic identities and loyalties political leaders urge people to keep allegiance to those who safeguard ethnic interests. The way of persuading people to support politicians tends to appeal to the traditional methodologies of supporting the traditional chiefs. Ordinary people feel that such politicians are about to restore the traditional political systems.

However, a number of political leaders, under the cover of African cultures, apply principles of manipulation and predation to serve their own interests. The consequence of using these methodologies is that ethnic groups are trained to acquire an attitude of concentrating on winning favors and fighting for the limited national resources. Their participation in public affairs is reduced to a game of advocating ethnic interests rather than building structures that can guarantee equal participation, justice, and development for all. The study concentrated in interrogating such linkages.

Gurr (1970) says that the civil war in Sierra Leone cannot really be understood without comprehending the deep sense of anger at lack of good government and educational opportunities (the significance of the latter suggesting a problem with taking lack of education as a proxy for grievance). In this overall context of grievance - greed and other factors have undoubtedly played a role. The failure of the state to provide economic security was matched by a failure to provide physical security. In this case, appropriate economic guidelines and policies were non-existent. However, this coupled with wide spread insecurity in almost all the sectors brought the civil war to the climax. But it is not clear whether the idea of relative deprivation has been used either to measure fairness, inequality, social justice, or to explain grievance, social hostility or aggression.

Allen (1994) argues that the conceptions of 'ethnic group' in the post colonial period have been changed by the former colonial policies, formal education and politicization of tribes. Ethnicity is not bad in itself, because it is the recognition of a people's right to be different from others. However, when such recognition is accompanied by exclusion of everybody else from that group and a view that anybody who does not belong to that group is culturally inferior (Musau, 2007), there is cause for concern. Allen's explanation on issues of ethnicity did not bring out clearly how ethnicity has contributed to election violence and especially in Nakuru Municipality.

Machira (2010), in his book *Armed Conflict and the Law*, postulates that since 1992 Kenya general elections have been characterized by sporadic violence and ethnic conflicts. He says that there were no free and fair elections in Kenya as there were manipulations from all quarters struggling to ensure political dominance. However, he fails to relate the failure on any government institution or clearly highlight on the root cause of such terminal conflicts. Machira failed to clarify whether the electoral violence was due to grievance or other factors.

Lederach (1997) in his article – *Building Peace* advances that, in identity conflict, individuals in opposing factions seek out communal alliance based on ethnicity, language, religion and tribal alliance in pursuit of access to natural resources, territory, security and ultimately to political power. On the same, other scholars such as (Bardhan, 1997) suggest that from a general perspective international experience has shown that in situations where (ethnic) groups distrust each other and are afraid of being victimized, this fear might drive them to resort to violence first in a preemptive move to minimize damage. One of the ways of weakening political opposition is by deflecting the discontent of one ethnic group by turning their frustrations against another ethnic group. Nevertheless, they did not specify how the power of grievance or other factors contributing to violence covertly influenced ethnicity.

Further, Bardhan puts forward that ethnic conflicts are often the result of the decline of mediating institutions such as political parties as a forum of democratic negotiations and the lack of pre-existing credible commitments across groups. Therefore, this study was used to evaluate how the failures of such institutions have been used to perpetuate violence while hiding behind the cover of ethnic grievance.

Bayart (1999) postulates that in contemporary African states, ethnicity mainly exists as the mechanism for accumulating wealth and political power. In this sense, control of the state is core to political competition because it means access to and disposal of resources and patronage through which ethnic elites can remain in power. Because of the ethnic competition for the scarce economic resources and political power, each ethnic group tends to fight to have a president from their group. For them, the president will loot the state for his ethnic group. In other words, the president is not for the state, but his ethnic group. This is the root cause of the struggle to control the state. Ethnic strategies are often connected with the resources of modern economy, such as in gaining employment, education, securing loans, and seizing appointments for lucrative offices. The competition for the limited economic

resources within the state today, to a certain extent, has changed the meaning of ethnic identities. Election violence in Nakuru municipality was interrogated along these facts.

Holloway and Stedman (2002) posit that one approach to violence is the underlying economic conditions, which create the risk of violence. Some societies will have repeated conflicts, not because of the cumulative legacy of the desire for vengeance but because war is profitable for some groups. Economic factors are particularly acute when they are associated with patterns of discrimination between groups. The perception by some groups that there are strong unequal economic opportunities and access to resources, as well as vast differences in standards of living between groups, will contribute to a sense of grievance. However, Holloway's argument on recurring conflicts did not come up with the modalities for averting the repeated conflicts, which might have been caused by many factors.

John Githongo, (2006) the former Kenyan anticorruption tsar, identifies land, power and access asymmetries planted by colonialists and perpetuated by decades of unscrupulous and myopic political leadership, as the roots of societal and inter-ethnic tension. However, he vests the actual perpetrators of violence with little agency. The citizens who engaged in the violent episodes are projected almost as automatons responding to the social (power) arrangements they have inherited in the course of history. Githongo gives an account of the main cause of this trend in relation to election and violence. His article was used to trace the existence of this colonial bias on land and power as having set unfortunate precedence in Nakuru Municipality.

Frey (1991) postulates that actors using violence for political purpose are those in power or their agents and that state instigated violence is aimed at preventing changes in the status quo. He further says that the strategy of instigators of state sponsored violence is to inspire the target population with terror by means of random acts of violence. Moreover, a government

that lacks a popular mandate tends to resort to violence in an attempt to bolster support. Frey did not justify how the Government alone is solely to blame for violence as it must have opposing forces and therefore left out other actors.

Nnoli (1989) notes that once a group takes over a state power, it organizes itself and society in such a way as to perpetuate its control of power and use it to pursue its group's interest. To a large extent it is perceived that ethnic sentiments and identity were manipulated for political ends in the ethnic violence in Kenya. However, Nnoli's study was used for further interrogation and provision of useful information on the study on election conflict.

Misra Amalendu (2008) in his book *Politics of Civil Wars: Conflict, Intervention, and Resolution* undertook an ambitious project to explain the initiation, process, escalation, termination, and recurrence of violence. He concludes with a warning that poor, autocratic states with massive regional imbalances and corrupt leaders are most likely to fall victim to civil wars. However, Misra does not come out clearly to state whether this violence is due to grievance or other factors and therefore, our study examined the possibility of this link.

Hegre et'al. (2001) point out that the risk of conflict is lower in both well established democracies and autocracies perhaps because of greater state capacity. This may be attributed to the existence of the two extremes in terms of freedom in all senses on one side and tyranny and dictatorship on the other. However, this claim therefore, gave some direction to this study as it was used to form some basis whether the weak social contract contributed to the continued growth of electoral violence. Nevertheless, Hegre failed to address the situation of the countries which do not belong to either of the two categories, Kenya being an example.

Dreyton (1995) in his book, *Demystifying Tribalism*, suggests that the emergence of political pluralism has engendered the polarization of particularistic groupings as political parties crystallize, mostly on the basis of ethnic and regional interests rather than common ideology

or political principles. Nevertheless, Kenya had previously maintained a remarkable modicum of peace and stability despite changes in its political system and recurrent crises in neighbouring countries. Therefore, as much as Dreyton's argument had some truth, it was just an escape for greedy politicians surviving under the blame of political pluralism.

Gerard Prunier concentrates on the history of the 1994 Rwanda genocide. He argues that the genocide militias 'Interahamwe' and 'Impuzamugambi' were recruited from low-class and middle class young people. The interpretation here is that it is easier to manipulate these groups of people into violence, as they are very vulnerable and ready to be hired even at small fee. Did these militias have a cultural setting? Prunier's work looks at a politically instigated violence that involves one ethnic group but two social classes which over history have developed their differences to arrive at ethnic hatred that took place in Rwanda. One of the ways of weakening political opposition is by deflecting the discontent of one ethnic group by turning their frustrations against another ethnic group (Keen, 2000).

Okoth and Ogot (2008) advance that though the phenomenon of electoral and political conflicts in Africa has traditionally been explained in terms of inter-ethnic hatred, their causes lie elsewhere. They suggest that they are caused by contest over state resources in context that is devoid of effective political institutions. Political competition and division in Africa tend to assume vertical rather than horizontal dimensions leading to the apparent high rate of political conflicts in the continent. Therefore, skewed approaches to resource allocation in the face of low levels of political institutionalization constitute the paradigm within which political conflicts in Kenya may be explained.

2.2.1 The Ndungu Land Report

Land seizure has its genesis in pre-independence Kenya when a small group of white settlers were allocated 20 percent of Kenya's landmass consisting of the best agricultural land. The

post colonial government of Mzee Jomo Kenyatta used the land formerly held by settlers for patronage purposes-to solidify support and build alliances. This tendency continued and intensified in the successive Moi regime. The Ndungu Report reveals how illegal land allocations regularly increased around the time of competitive elections under former President Moi. Jacqueline M. Klopp has argued that when faced with declining patronage resources, Moi and his group increasingly turned to public lands, which are less fettered by international scrutiny, as a patronage resource and instrument to maintain control. This land problem had been one of the causes of election violence.

Apart from the above, gross corruption in the acquisition, registration, and administration of land matters has been a major problem in Kenya. The Ndungu Report noted that throughout the 1980s and 1990s public land was illegally and irregularly allocated in total disregard of the public interest and in circumstances that fly in the face of the law. Land grabbing and the allocation of public land as political patronage were part of the gross corruption of this period. Those involved in this allocation were senior public servants, but also local land boards, the courts, and a range of officials including members of the provincial administration, politicians, and others. Land allocations were therefore, used to reward “politically correct individuals”, and became heavily politicized. Given that the recommendations of the Ndungu report were never implemented, this increased the sense of frustration in attempting to deal with land tenure disputes. The fact that institutions which could have been used to resolve land disputes have not been impartial has encouraged individuals to take matters into their own hands and to use violence to resolve them (Ndungu Report, 2004).

Land being an emotive issue, politicians capitalized on issues surrounding it, including encouraging violence during elections. In discussions of post-election violence, many Kalenjin argue that it is a product of longstanding anger over land distribution following

independence. They argue that land was alienated by the colonial government and then unfairly parceled out to Kikuyu and other groups whom they view as outsiders. Many Kalenjin believe that issues relating to land were the reason for both the pre-electoral violence in the 1990s and the post election violence after the December 2007 elections.

2.2.2 The Akiwumi Report

In 1991, President Daniel arap Moi of Kenya confidently predicted that the return of his country to a multiparty system would result in an outbreak of tribal violence that would destroy the nation. His prediction was alarmingly fulfilled as violent clashes between different ethnic groups erupted across the country from 1991 to 1998. However, far from being the spontaneous result of a return to political pluralism, there is clear evidence that the government helped to provoke this ethnic violence for political purposes and did not take adequate steps to prevent it from spiraling out of control.

A presidential commission of inquiry was established in 1998 to investigate the so-called "tribal clashes" (inter-ethnic violence), the causes of the violence, the actions of police and other law enforcement agencies in addressing these incidents, and the preparedness and efficacy of law enforcement agencies in preventing and controlling such violence. The commission was to recommend further investigation or prosecution of perpetrators as well as ways to better prevent and control future inter-ethnic attacks.

The Akiwumi report's release had been long sought by human rights groups in Kenya and victims of the violence. There was a resurgence of interest in the report which HRW helped spark with the publication of "Playing with Fire," a report on weapons proliferation and political violence in Kenya. At a Nairobi press conference issuing the HRW report, and in numerous interviews in the Kenyan and international media, HRW made a strong call for the Akiwumi report to be released. Renewed attention to the report from the Kenyan media,

parliamentarians, and civil society groups followed, helping build pressure for its eventual release. The HRW report, which was mentioned in a New York Times article on the forthcoming elections, documented the role of ruling party politicians in armed ethnic violence on Kenya's prior to the last general elections, in 1997. Previous Human Rights Watch research, including a 1993 report titled "Divide and Rule," described the role of the ruling party politicians in fomenting earlier incidents of politically motivated ethnic violence.

The Akiwumi Report noted that the origin of the ethnic violence spinned around the re-preamble of multi party politics in 1991. Non-Kalenjin communities especially the Kikuyu, Kisii, Luhya and Luo supported the return of plural politics but the Kalenjin and Maasai communities, then supporters of the ruling Kenya African National Union (KANU) were opposed to any confrontation on KANU's monopoly of Kenya politics. The purpose of the election violence in 1992 and 1997 was to evict the so called non indigenous communities who were perceived to be opposing KANU. Nakuru County however, still remains one of Kenya's most cosmopolitan where most of Kenya's ethnic communities are found though the dominant ones are the Kikuyu and Kalenjin with substantial numbers of Kisii, Luo and Luhya.

The Akiwumi Commission came to the conclusion that there were three underlying reasons for the election violence, "ambitions by Kalenjin of recovering what they think they lost when the Europeans forcibly acquired their ancestral land. Secondly, the desire to remove "foreigners", derogatorily referred to as "madoadoa" or "spots" from their midst. The reference was mainly towards the Kikuyu, Kisii, Luo and other communities who had found permanent residence in the Rift Valley and finally, Political and ethnic loyalty. The Akiwumi Commission also came to the conclusion that the security forces and the Provincial Administration were negligent and unwilling to take firm action to prevent the clashes from

erupting or once these erupted, to bring a quick end to them. Tribal leaders and politicians were also found to have instigated the clashes.

Recommendations were made to prevent the future recurrence of violence including recommendations for the investigations of named individuals suspected to have had a hand in the violence. But the findings and recommendations of that Commission, as related to the Rift Valley, were rejected by sections of the Government of the day and there followed no further visible action on the report. The 1999 report of the commission was finally made public in October 2002. It confirmed that prominent ruling party politicians have fueled multiple incidents of so-called ethnic clashes in Kenya since 1991.

Akiwumi Report dismisses the land explanation factor, pointing out that individuals from different groups lived side by side for many years until the advent of multi party democracy when violence was used to kill and displace opposition party voters to keep them from voting. Hence, the Report argues that even though the promise of getting land from those who were displaced was used to entice youth into violence, the desire for political power and not land hunger was the causal factor. While grievance based issues like ethnicity, poverty, land and relative deprivation are at the core of the process that led to election violence, in the absence of immediate tangible benefits greedy leaders tend to lose their incentive to continue the protest. Greed motives were covertly in play while protesting under the cover of grievances.

2.2.3 Commission Investigating Post-election Violence in Kenya (CIPEV-WAKI Report)

The mandate of the Commission of Inquiry into Post-Election Violence (CIPEV) was to investigate the facts and circumstances surrounding the violence, the conduct of state security agencies in their handling and to make recommendations concerning these and other matters.

“Sadly, violence has been a part of Kenya’s electoral processes since the restoration of multi party politics in 1991. However, the violence that shook Kenya after the 2007 general elections was unprecedented. It was by far the most deadly and the most destructive violence ever experienced in Kenya” (WAKI REPORT, 2008-Government of Kenya)

When the resistance to Moi’s leadership grew over the years, civil society became increasingly vocal and donors increased demands on him, including through the use of financial sanctions, to democratize. In the end, President Moi very reluctantly agreed to allow multi-party democracy in 1991 and he presided over two multi-party elections during his rule, one in 1992 and another in 1997. Although he agreed to multi-party democracy, President Moi did not accept the idea that through this he might lose the presidency. Thus, it was in this period in the 1990s that violence became institutionalized during presidential and parliamentary elections.

Various reports covering elections held during this period alleged that high ranking political figures, civil servants, and others close to the heart of the Government organized and used violent gangs to intimidate people in areas of potential opposition support, most of whom were Kikuyu, Luo, Luhya and Kamba. The strategy was to keep opposition supporters from voting and the means used was to hire gangs in the Rift Valley and elsewhere to kill people and displace individuals from their home areas so that KAMATUSA candidates could win and President Moi could be assured of obtaining 25% of the vote in five provinces, the majority of the votes cast for the President, and the majority of elected Members of Parliament.

Violence became a means of securing political power and winning elections. In spite of the death and destruction that these methods caused and the reports from NGOs such as the

Kenya Human Rights Commission, Human Rights Watch, and two Government Inquiries - the Kiliku Parliamentary Committee and Akiwumi Commission - no one was ever punished for this wanton killing and destruction even though names of perpetrators to be investigated and those “adversely mentioned” were contained in the reports of both Commissions. This led to a culture of impunity whereby those who maimed and killed for political ends were never brought to justice.

This changed Kenya’s political landscape with regard to elections, a point noted by Human Rights Watch. Each of these reports implicated politicians as the organizers of the violence and killing for political ends and noted that the warriors and gangs of youth who took action were both paid and pushed into service. There were others who were sometimes Promised land and jobs after evicting up country dwellers. However, from testimony in the Akiwumi Report, it is not clear if they got either. A pattern had been established of forming groups and using extra-state violence to obtain political power and of not being punished for it.

The attempt to reduce the personal power that had been accumulated by former President Moi initially was the reason opposition forces sought to introduce the post of Prime Minister. This culminated in an informal Memorandum of Understanding (MoU) before the 2002 election between the then opposition coalition under which the coalition agreed to introduce the post of Prime Minister after the election. Once elected, however, President Kibaki reneged on the MoU. Discussions continued concerning constitutional change and the devolution of power. The Kibaki Government then came up with a draft Constitution put forward by Attorney General, Amos Wako watering down some of the provisions in the draft agreed to during the “Bomas” discussions.

Gangs and militias continued to proliferate all over the country, thereby increasing the presence of institutionalized extra-state violence both during and after elections, a pattern that

continued to increase up through the 2007 elections, even after President Mwai Kibaki took over power in 2002. Up through to the last elections, Mungiki and other political gangs continued to sell their services of violence on a willing buyer willing seller basis. As extra state violent gangs began to proliferate and continued to be used by politicians, the political terrain was transformed. Violence trickled down into daily life and the State no longer commanded the monopoly of force it once had in a previous era. As such diffused extra state violence existed all over the country, where it could be called up and tapped at any time, including being used to arbitrate over elections as it has been doing since the early 1990s (CIPEV, 2008).

In 1992, the Kikuyu were forcibly evicted from Chepakundi in Olenguruone division in Nakuru County. The witness claimed that this was viewed by the Kalenjin as a success because, the Government resettled the displaced Kikuyu at Kapsita near Molo town. Thus, according to the witness, there was a feeling among the Kalenjin starting from the aftermath of the 2005 Referendum that the Olenguruone precedent should be replicated elsewhere in the District since Olenguruone was the only division that had managed to bring about the complete removal of *madoadoas* through violence and that if this was repeated elsewhere in the District, the Government would similarly resettle the displaced Kikuyu as had happened with those from Chepakundi. The witness was therefore of the view that the pre-election violence of 2007 had some connectivity in one way or another to the violence in 1992. It was not surprising that post-election violence erupted in settlements of varying sizes in western Kenya, especially in Rift Valley where, as the Kiliku Report (ROK, 1992:36) stated, the chui (Kiswahili for leopards), Kalenjin, had been braying for the blood of madoadoa (Kiswahili for “spots”, i.e. non-Kalenjin in the province).

In the 2007/2008 violence, a level of calm returned to Nakuru town in February 2008 after skirmishes in January 2008 when the County and town experienced the worst acts of

violence. Members of the Kikuyu community were enraged by stories of fleeing Kikuyu IDPs and influential Kikuyu business people allegedly held meetings to raise funds for attacks against the Luo, Luhya and Kalenjin communities. During this period of a tense and uneasy calm, a member of the Kalenjin community was killed and to avenge his death, Kalenjin youths from Kaptembwa and Kwa Ronda areas attacked Githima Estate-mainly inhabited by Kikuyu on 24th January 2008, torched their houses and stole property.

Kikuyu militias supported by members of the outlawed Mungiki sect and angry displaced Kikuyu youth armed with new pangas, knives and petrol bombs were assembled and deployed to various estates-Kaptembwa, Kwa-Ronda, Mwariki, Free Area and Kiti to flush out 'enemy' communities. They rounded up Luo men who were forcefully circumcised using pangas and broken bottles and those who resisted were beheaded. The Provincial Medical Officer of Health for Rift Valley confirmed that the Nakuru Provincial General Hospital attended to 4 cases of Luo men who had been forcefully circumcised while another Luo man had his penis amputated by his attackers on 25 January 2008.

The Kalenjin community living around Nakuru, who had already been mobilized and reportedly paid to fight the Kikuyu, retaliated immediately by attacking the Kikuyu dominated areas of Kaptembwa, Mwariki and Githima where they burnt houses, business premises and also killed a number of people. According to Commission witnesses, the estates of Kaptembwa, Free Area, Kiti and Githima were the hardest hit by this violence which lasted from the 24th to 27th January 2008 while Kiamunyi middle and upper income neighbourhood was unaffected. In one night alone, the 26 January 2008, 48 people were killed in the aforementioned estates of Nakuru (CIPEV 2008).

According to County and sub-county government officials, the January attacks in Nakuru were neither organized nor planned. The former Rift Valley Provincial Commissioner was of

the view that since 1992, elections were the excuse rather than the cause of ethnic fighting and that a simple incident such as a fight in a bar between members of different communities could spark serious violence. The retired Rift Valley PPO was of the opinion that the violence was not entirely unforeseeable. Emotions had been raised by the high numbers of fleeing IDPs arriving in the town and this made it logical that retaliatory violence was bound to occur.

However, Waki Commission was able to determine from compelling testimonies and evidence that the January 2008 violence in Nakuru was well planned and organized by both Kikuyu gangs believed to be Mungiki members and Kalenjin, Luo gangs, and that security agencies knew in advance about the planning and organizers of the attacks. It was established that planning for and anticipation of violence in Nakuru by both sides of the ethnic and political divide began in the weeks leading to the elections and intensified immediately after elections, in the first week of January 2008.

Nakuru district, due to its high Kikuyu population was the hardest hit by the tribal clashes that came to be associated with the region from 1991 to 1998. The rationale for dealing with the region separately was informed by the fact that it has been a theatre of internecine ethnic conflict that first erupted in 1991 after the re-introduction of multi-party politics. Further, it is a cosmopolitan and strategic region, which has attracted heavy focus from different political parties seeking to hold sway. Nakuru Town, a highly multiethnic town is Kenya's fourth largest town and the administrative capital of the entire Rift Valley Province. The politics of the region have been extremely competitive and volatile, no doubt informed by the fact that this zone having once formed part of the former white highlands saw different ethnic communities purchase land under various settlement schemes some of which were set up prior to Independence.

2.3 Theoretical framework

2.3.1 Greed – Grievance Theory

This study was used based on the Greed – Grievance Theory. The proponents of greed-grievance theories are Paul Collier and Anke Hoeffler. "Greed" is shorthand for the argument that rivals in conflicts are motivated by a desire to better their situation and perform an informal cost-benefit analysis in examining if the rewards of joining a rebellion are greater than not joining. In this case the benefits derived from organizing violence or motivations of greed must pay well for the organizers. Collier and Hoeffler (2004) advance that civil wars stem from the greedy behaviour of a rebel group in organizing an insurgency against the Government. In Nakuru Municipality, politicians employed the hungry, unemployed and vulnerable youths paying meager handouts to unleash terror and mayhem on poor locals every electioneering year.

The basic tenet of the greed theory is that greed is about opportunities faced by the rebel group. Greed is used here as a desire for private gain. It is argued that the existence of a “lootable” resource base is both a motive for rebellion and a facilitating factor (Collier and Hoeffler, 2000). Rebels have an incentive to challenge governments because of private gain. Typical opportunities are the chief conditions for profit seeking, for rebel organizations to exist. For example, in the case of election violence in Nakuru Municipality between 1992-2008, the political leaders foresaw some opportunities to gain either politically, economically or socially through engagement in violence. Political opportunities would include political leadership, which serves narrow and selfish interests. This is also apparent in the manner in which incumbent politicians embarked on extending their terms beyond the stipulated periods. Greed behaviour is a culture of undemocratic governance where politicians regard the state as an avenue to the accumulation of wealth (Nyongo, 1993).

As far as economic activities are concerned both the politicians and their supporters would hope for job opportunities such as politicians exploiting sentiments of economic discrimination or dominance of one ethnic group by another. The hope of such gains would provide the impetus for engaging in violence. Countries whose citizens enjoy high levels of economic well being and have access to various forms of benefits offered by the state are less likely to experience conflicts than countries with low levels of individual welfare (Walter, 2004).

Grievance stands for the argument that people rebel over issues of identity, for example- Injustices, social class, among others, rather than over economics. One of the main basic tenets of grievance theory is relative deprivation. The notion of relative deprivation dates back to the work of Ted Gurr (1970) who defines it as the discrepancy between what people think they deserve, and what they actually believe they can get. In short, the disparity between aspirations and achievements. For instance, educational achievements may raise the aspirations of young people but they will become frustrated if unemployed, occasionally venting their feelings in mass political violence. Such violence may be used to compensate for the deprivation.

Gurr (1970) puts forward the hypothesis that the potential for collective violence varies strongly with the intensity and scope of relative deprivation among members of a collectivity. This lays down the notion of relative deprivation as the micro-foundation for conflict. According to the resource-war proposition, groups engaged in violent conflict are not primarily motivated by grievance (i.e. ethnic discrimination, inequality, historical animosity) but essentially by economic agenda and therefore, greed (Collier, 2004).

The theory thus provides two variables (Greed and grievances) that could be intertwined in such a way that it may be difficult to tell from the face value, which is the main motivating

factor in a conflict situation. However, whereas grievance would provide legitimate course of violence as it is assumed that the result could be positive for the larger society, greed is not. Specifically the grievance if addressed would lead to development of the society. Understanding the possible grievances that could have contributed to election violence was thus a concern of this study.

Greed and grievance is a powerful framework for understanding the determinants of violent civil conflict as advanced by Collier and Hoeffler (1998, 2004). They contend that violent conflicts may either result from “grievances”, for example related to economic inequality, discrimination, or political exclusion, or from the “greed” of opportunistic, political entrepreneurs, who organize violence if this provides the shortest way to power and wealth. In cross-country analyses of the onset and duration of civil wars, Collier and Hoeffler find that factors most obviously related to greed are more robustly correlated with the incidence of civil war than factors most obviously related to grievance. This study confirmed such relationships.

They conclude that the opportunity to finance and conduct a successful rebellion is the most important factor determining whether or not a country experiences civil war. Similar conclusions are reached by Fearon and Laitin (2003). We exploit the greed-or-grievance conceptual framework, but apply a somewhat different perspective than Collier and Hoeffler. In particular, Collier and Hoeffler regard ethnic fractionalization as a factor “most obviously related to grievances”, and consider it as a potential determinant of civil wars, alongside other potential factors. In the Kenyan case, we conclude that ethnic polarization between certain groups was obviously a key factor determining the severity of the 2007-8 conflict. The task being to determine why the effect of ethnic polarization was much more devastating in some areas than in others.

Two major, potential sources of group grievance in Kenya are land issues, and struggles over access to state expenditure. As a predominantly agricultural economy with a rapidly expanding population, the pressure on agricultural land resources in Kenya is severe. The history of land relations since colonial times has given rise to strong inter-ethnic tensions related to land, especially in the Rift Valley. In pre-colonial times, Maasai, Kalenjin and other, smaller communities primarily populated the Rift Valley. During British rule, large areas were expropriated for European settlement. They were included in the so-called “White Highlands”, which covered large parts of what is now Rift Valley and Central provinces. Around the time of Independence, the bulk of the White Highlands shifted back into Kenyan hands. However, many buyers of land and beneficiaries of government operated settlement schemes, such as the Million Acre Scheme, were from communities not indigenous to the Rift Valley.

First, through their closer association with the British colonialists, the Kikuyu were more comfortable with modern, capitalist modes of economic activity, such as commercial land transactions, than the people of the Rift Valley were. The Kikuyu are also the dominant political and economic power at the center in Nairobi. The Kikuyu community had suffered bitterly as a result of the crackdown on the Mau-Mau rebellion during colonial the era. This generated a feeling of entitlement to compensation in the minds of some Kikuyu, such as the former Mau-Mau fighters. Many Kikuyu had worked in the Rift Valley as staff on the European farms. Around the time of Independence, some farms were simply given, or sold cheaply, from the European farmer to his most trusted African employee. Hence, Kikuyu and other immigrants in the Rift Valley generally believe that their families have obtained land through legitimate means. Among the communities that consider themselves natives of the area, on the other hand, an important view has been that the settlers were trading in “stolen goods”, since the British had originally paid no compensation for occupying the White

Highlands. Stolen goods, of course, should be returned to their rightful owners (1984, Kanyinga 2009).

A drawback of this measure is that no information is included about “horizontal inequalities”, that is, the correlation between land holdings and ethnic background (Stewart 2002). Apparently, land inequality is a more potent source of conflict if, for example, the largest farms are owned disproportionately by ethnic “outsiders”. Important grievances are also related to the distribution of public expenditure. Citizens depend on the government for the provision of a number of essential, public goods, such as water, sanitation, electricity, roads, schools, clinics and hospitals. The limited financial resources of the government mean that coverage for all these goods is far from universal. Qualitative as well as quantitative evidence suggests that the distribution of government spending is determined to a large extent by ethno-political factors (Burgess et al. 2009).

We assume that frustration is more likely to result from absolute or relative decline in access to public goods than from low levels of service provision. On the other hand, the change in access to services experienced over recent years is directly linked to the policies of current and recent governments. Even if a group has lower access to public goods than other groups, it is unlikely to react aggressively to this state of affairs if it is currently experiencing rapid increase in access. Conversely, a decline in access to electricity, water or other goods is likely to engender disappointment and frustration, even if local levels of access remain relatively high, compared with other areas. This study investigated and confirmed the above factors contributed to the electoral violence between 1992-2008.

Greedy ethnic polarization may explode into violence because of grievances over land or public resources, especially when the allocation of land and public goods is perceived to take place according to unfair, ethnic criteria. Nevertheless, ethnic tensions may also be a tool in

the hands of opportunistic, political entrepreneurs. Polarization may only have turned violent because local political leaders, or leaders of criminal gangs, saw the post-election period as an opportunity to reach certain targets by means of violence. The Waki Commission collected evidence suggesting that politicians, including members of parliament as well as Ministers, played a part in organizing and arming militias. There is even evidence that some perpetrators of violence were paid a piece rate fee for each hut they burned down (Waki 2008, p. 87). Alternatively, political and criminal leaders may have had more self-centered motives. A politician may wish to engage in ethnic cleansing in order to drive out groups traditionally backing political opponents. He or she may also wish to drive certain groups off the land, in order to make way for occupation by supporters. Land may be used as a patronage good. Criminal leaders may have taken the opportunity to increase their areas of control, for example within slums. They may also have been able to exploit episodes of violence to recruit new members. An important factor determining the political or criminal leader's desire to organize a campaign of violence is the availability and cost of "labour" resources to be deployed in the campaign. Based on this line of reasoning, we use a measure of unemployment among young males, the most likely militia members as a proxy for "greed". Second, the bulk of potential, greedy entrepreneurs who may have organized violence are politicians. The study confirmed that the incentive for electorally motivated ethnic cleansing is higher in areas where elections are close.

Cederman, Hug, Wenger (2007) and Collier (2009) agree with the position that the transitional stages to democracy are turbulent and can lead to violence. They advocate a gradual approach to establishing democracy in divided and weak states. Collier stresses that incomplete democratization increases the danger of war when political institutions are especially weak and elites are motivated to employ strategies of exclusionary nationalism in the effort to survive.

David C. Rapoport and Leonard Weinberg (2001) take the argument further, by theorizing that, by their nature, elections are divisive because competition rhetoric must emphasize party differences to attract votes. In the process, utterances exaggerate the potential stakes of contending parties, thereby threatening the success of the process. The stakes are even higher in multicultural states where political patronage is common.

On the other hand greed would be detrimental, as leaders would strive for their own selfish ends thus sustaining the very factors that would lead to relative deprivation. In this case, it was important to expose such motives such that the society is made aware in order to be more critical whenever they are mobilized by the politicians to take part in violent conflicts. This study investigated the motivating factors that made neighbour turn against neighbour and take arms for sole purpose of killing, maiming and displacing. This made it possible for a more effective solution to be sought.

Touching on other relevant theories, Van de Goor (1996) says that *frustration-aggression theory* and the *relative deprivation theory* suggest that individuals become aggressive when there are obstacles (perceived and real) to their success in life. For example, in what became known as the frustration-aggression hypothesis, it is argued that “the occurrence of aggressive behaviour always presupposes the existence of frustration and contrariwise, that the existence of frustration always leads to some form of aggression”. For example, frustration will easily develop when people who toiled and struggled to acquire education are left out of the job market for semi-schooled but well connected fellows. While egoistic deprivation is the feeling that one individual is deprived relative to another, fraternal deprivation is group and egoistic deprivation is related to individuals. Fraternal deprivation is most closely linked with prejudice, social protest and nationalism. Relative deprivation is a sense of inequality resulting from a comparison with some reference group. The choice of

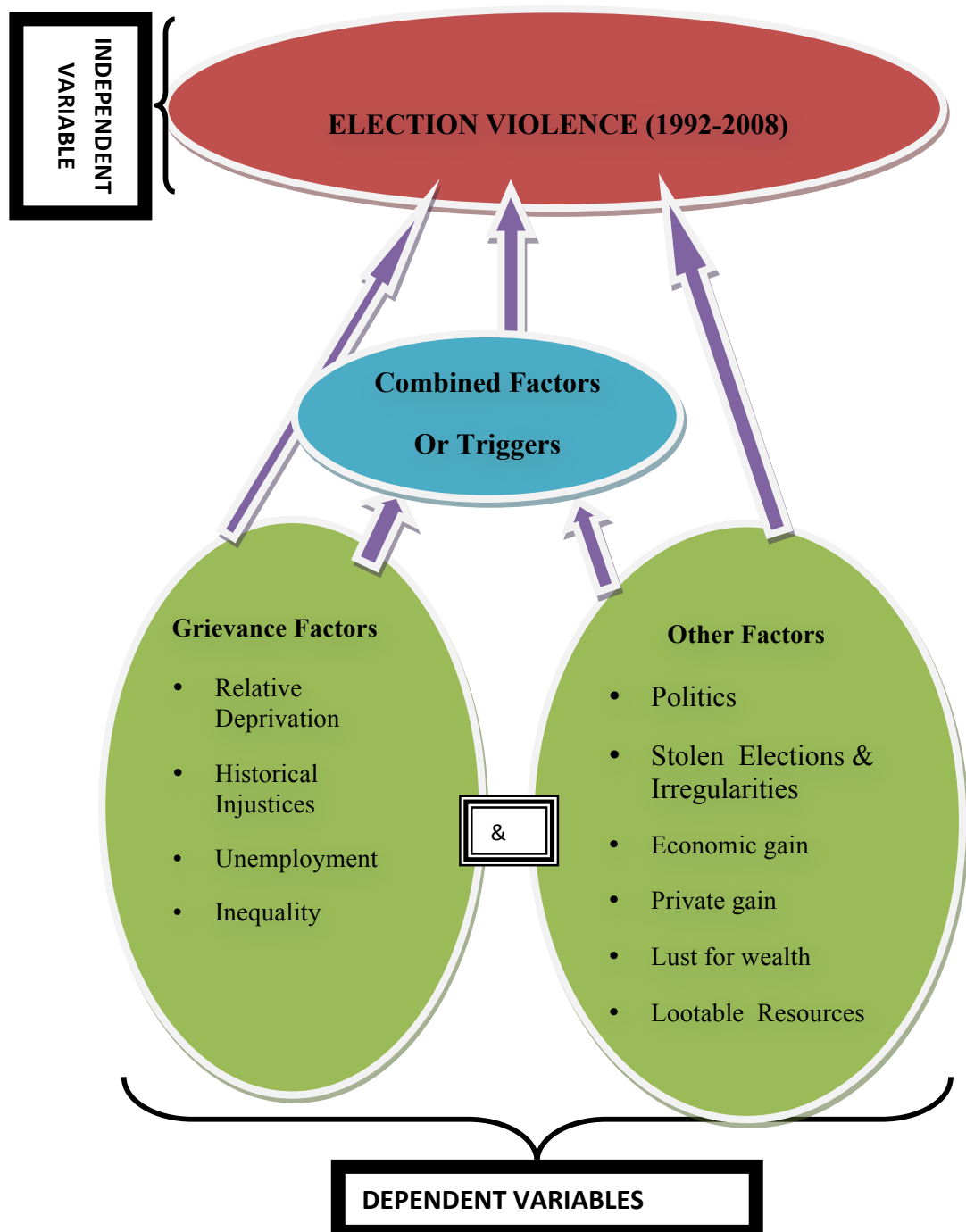
this group is crucial, for it would be possible to choose in such a way that one's sense of deprivation, or lack of it, does not reflect objective inequalities.

2.3.2 Critique on the Collier-Hoeffler Framework

The Collier-Hoeffler theories had some weaknesses though it had made an unprecedented contribution to the economic literature that deals with causes of civil wars. However, we can level considerable criticism that focuses on the proxies, the greed-grievance dichotomy and the blame the rebel syndrome. It is the continuous power struggle between those who have decision-making power and those who have not that is at the base of political action. The passage from individual interests to collective decisions involves a confluence of shared interests that must be organized and mobilized, in possession and use of adequate resources. Collective political action, including collective violence, will occur if there is sufficient opportunity for it yet, not solely economic opportunity. Economic incentives and opportunities may be a powerful force in motivating individuals and groups to engage in unrest or internal conflict, yet they only gain prominence when they interact with other social, economic and political grievances, interethnic disputes and security dilemmas in triggering the outbreak of warfare (Ballentine 2003).

2.4 Conceptual Framework

This theoretical framework and literature review dwell on varied factors and grievances in instigating conflict hence violence. Therefore, it is varied factors that provide a basis upon which the conceptual framework to guide this study is built. While grievances could be a genuine factor in conflict, politicians who are greedy hide behind the grievances with an aim of gaining. Indeed, we need to understand how the two interact out of an outright conflict though; election violence could also be caused by other factors apart from grievances. The concept therefore, as diagrammatically illustrated below informs this study on the areas of concern and the relationship between the dependent and the independent variables.



CHAPTER THREE

3.0 METHODOLOGY

3.1 Research Design

The study mainly adopted a qualitative approach. The descriptive survey design was taken to collect information by interviewing and administering a questionnaire to a sample of individuals. This design was useful in obtaining an overall picture of the respondents' opinion at that time. A descriptive survey design enabled the researcher to collect information about people's attitudes, opinions and experiences in relation to historical trends, grievances and other causalities on election violence of 1992-2008 in Nakuru Municipality.

3.2 Location of the Study

The study was carried out within the limits of Nakuru Municipality. The region has been a theatre of cyclic ethnic-based violence that first erupted in 1991 upon the reintroduction of multiparty democracy. It has also many popular politicians with a wide ranging experience in Kenyan politics. Opinion was acquired from the estates of Kaptembwa, Langalanga, Ponda Mali, and Central Business District (Map A8 attached).

Being cosmopolitan and a strategic region geographically, economically and politically, the Central Rift region attracted unprecedented focus by the contending political parties during the 1992-2008 general elections. Nakuru Municipality was chosen for this study because it was the epicenter of the violence. The violence in Nakuru might have happened in a unique way while it also has an ethnic diversity. Most populated estates are found in the South-West part of Nakuru town, in the neighbourhoods of Kaptembwa, Langalanga, Ponda Mali and CBD. These are the neighbourhoods with low-cost housing.

3.3 Study Population

In order to find the right face of the research topic, the study established the assistance of different classes of people – business people, IDP's and Clergymen. The Municipality population is 309,424 persons as per 2009 KPC. This study targeted the population of the adults in Nakuru Municipality. This was in order to collect information only from those members of the community who are mature, above eighteen years, capable of proper account and explanation of the election violence scenarios.

3.4 Sampling Technique and Sample Size

The accessible populations were drawn from members of Langalanga, Ponda Mali, Kaptembwa estates and CBD. They were of different ages (above eighteen Years) who were available at their residence or place work in the CBD during the day and sometimes early evening. The aim was to obtain as much varied information as possible. The researcher used purposive sampling after putting the estates selected under strata, a non-probabilistic method where respondents from the selected estates in Nakuru Municipality (Lanagalanga, Ponda Mali, Kaptembwa and CBD) were involved. The researcher also considered three hundred and eighty five (385) people as a reasonable sample size for this study. This is a case of a population above 100,000 people, which were arrived at by adopting a model by Krejcie, and Morgan (1970). The sample size was determined depending on the manageability of the size of the sample, time available and other constraints such as pressure and stress that were associated with research job. Opinion was sought from the security agents, youth and religious leaders, political/social leaders, the business community and the IDPs.

3.5 Research Instruments

The study employed questionnaire guidelines and interviews. Semi structured Interview guides were used so as to ensure a desired coverage of the areas of enquiry and comparability of information across respondents through probing. The in-depth interview gave the

researcher a chance to directly address his clients, which enhanced their relationship (Appendix A6).

Questionnaire guides were employed as a means of data collection. Open-ended questions were used to obtain a detailed data at least within the available time (see appendix A6). Questionnaires were also employed as appropriate because the questions are clear and easier to understand, less expensive and offers greater anonymity. The questionnaire covered a wide area and had no bias. Observation method was also used to capture the non-verbal cues such as expressions of bitterness from the informants that enriched this study.

3.6 Pilot Study

A pilot study was carried out in Gilgil area in Nakuru County covering a small sample population. The researcher analyzed whether the answers are supplying the appropriate information and whether the questions as set in the questionnaires produce results and address the research questions. The pilot study was used as a correction tool for the research instruments.

3.7 Validity and Reliability

The researcher maintained a good rapport and cordial relationship in the interview setting. To ensure validity, data triangulation was employed through collection from multiple sources including interviews, observations and document analysis. The assistance of a peer examiner and the supervisors was sort. To assess the content validity, the researcher revised the research instruments and its content for accuracy while construct validity was achieved through the use different research instruments to gauge its suitability. The researcher used the test-retest method for establishing the reliability. Checking of transcripts was done to avoid obvious mistakes made during transcription.

3.8 Data Collection Procedures

Information was sought from adult residents of Kaptembwa, Langa langa, Ponda Mali, and Nakuru CBD as these areas are cosmopolitan and the main epicenter of fracas during the election violence. The questionnaires were distributed by the researcher and the research assistants and later collected after duration of one day. Oral interviews were conducted face to face by the researcher. Interviews were administered on areas which required deep clarification and understanding. Secondary data were collected and utilized including police records, books, journals and newspapers. Secondary data provided a useful background and historical data on people and groups. The researcher recorded details of observations in a field notebook.

3.9 Data Analysis Procedures

Data analysis involved both qualitative and quantitative methods. The use of the two approaches allowed the researcher to obtain more comprehensive data. Qualitative data was analyzed inductively, entailing organizing, transcribing the obtained data, coding, categorizing, developing patterns (themes) and concepts which resulted to narrative structures. Patton, (1990) argues that mass qualitative data collected from questionnaires, interviews and observations need to be organized into significant patterns to reveal the essence of the data. Qualitative content analysis was also used by the researcher by perusing through all the interviews, questionnaires and field notes transcripts.

For quantitative data, the researcher employed descriptive statistics entailing tabulating, computing frequencies and percentages in ensuring distribution of responses. Data was also analyzed by the use computer packages as meaningful data chunks were identified, retrieved, isolated, grouped and regrouped for analysis. Data were presented through the use of bar graphs, tables and pie charts. Categorizing, tabulating and drawing of inferences were

engaged as analysis requires such related functions. The researcher carried out the operations of collection, presentations and analysis.

3.10 Data Management and Ethical Consideration

The approval to carry out the research (study) was obtained from the Ministry of Education (National council for science and technology) through the university authority. The investigator explained to the respondents the purpose of the research and avoided any kind of bias in the cause of his research in order not to harm his respondents (See attached letter A4). Respondents may become suspicious and uneasy to volunteer information at some point. To tackle this setback, the researcher made it lucid of the intent that the research study is for scholarly purposes only and observe confidentiality in the interviews. The researcher explained that information recorded will be put under safe care and storage. This will also ensure confidentiality and trust to respondents. Confidentiality of the study procedures and findings was highly ensured and emphasized.

The researcher pursued the ethical consideration for ensuring the acceptance of an informed consent on the part of the respondents. Therefore, the researcher gave clear information on the benefits, importance and implications of the information given by the respondent. Respondents were free people of sound mind. Participants were competent to give consent, sufficient information was provided to allow for a reasoned decision and consent was voluntary and uncoerced. Researchers anticipated the possibility of harmful intimate Information being disclosed during the data collection process. It is difficult to anticipate and try to plan for the impact of this information during or after an interview (Patton, 2002).

CHAPTER FOUR

4.0 AN ANALYSIS OF FACTORS AND TRENDS IN ELECTION VIOLENCE 1992- 2002

4.1 Introduction

The chapter captures the context of 1992-2002 election violence and the results of the investigations as collected from the respondents and put to understandable interpretations. It contains comprehensive information analyzed and interpreted on election violence in Nakuru town especially, the people living in the estates of Kaptembwa, Ponda Mali, Langalanga and the Central Business District from 1992 -2002.

4.2.1 Response Rate

The initial focus and study target was 385 respondents and with the help of the Research Assistants 341 respondents promptly filled and returned the questionnaires. This translated to 88.57% response as shown below.

Table 1.4: Response Rate

Response	Frequency	%
Complete Questionnaires returned	341	88.57%
Questionnaires not returned	44	11.43%
Totals	385	100%

Source: Researcher (2013)

4.2.2 Gender Distribution

Table 2.4: Gender Distribution

	Frequency	Valid %
Female	154	40
Male	231	60
Total	385	100

Source: Researcher (2013)

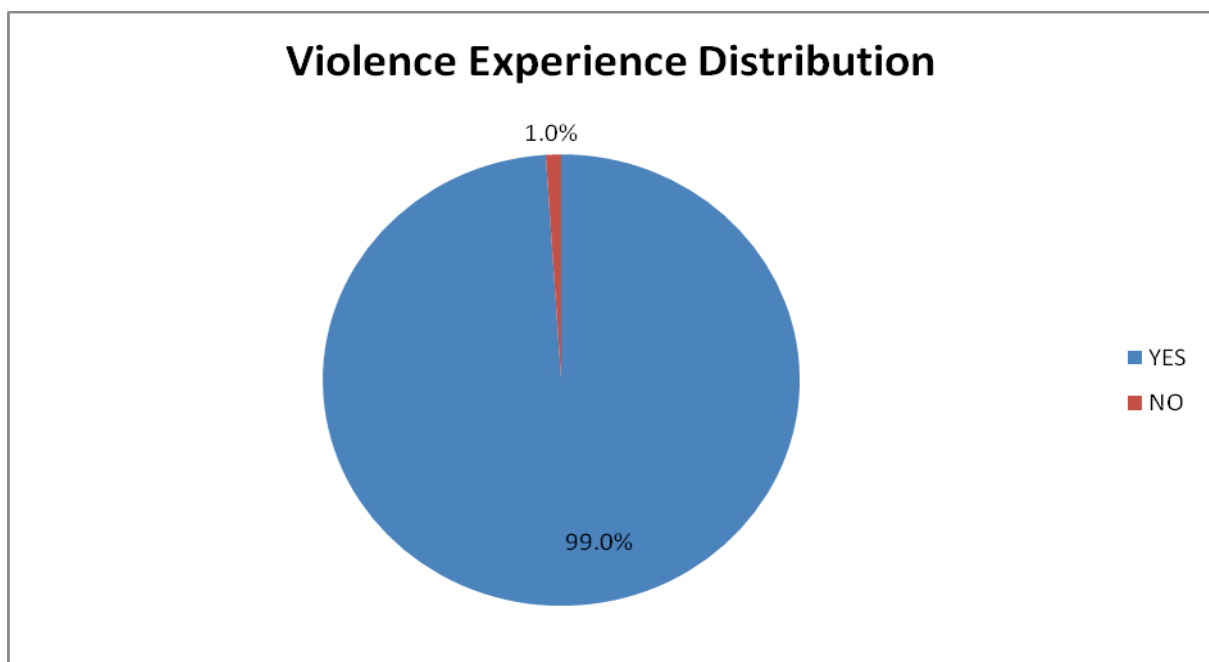
As evident in the above table (2.4), 60% of the respondents were male because of easy availability of the male in most times.

Table 3.4: Violence experienced by locals

Samples	Violence Experience
341	99.0%
4	1.0%

Source: Researcher (2013)

Graph 1.4: Violence experienced by locals



Source: Researcher (2013)

From the above data, we can deduce that out of the 341 people who answered the questionnaires, 337 of them said they experienced acts of violence in 1992 and 1997 in one way or the other, translating to about 99%.

4.3 The Election Violence in 1992

In the early twentieth century, divide and rule tactics, as well as careful alliances at the local level, allowed a relatively small number of British officials to dominate the diverse and decentralized communities which fell within the territory named Kenya (Berman 1990; Berman and Lonsdale 1992).

Originally, the provincial administration represented the highly concentrated powers of the governor at the local level. In the post-colonial context, it came to represent presidential authority. This institutional configuration ensured that electoral politics became a high stakes game. The center of power, the Office of the President, with its allocative and coercive powers, including, in particular, control of the provincial administration and hence, to some degree, the electoral playing field itself, became the logical target of ambitious politicians. These concentrated powers of the president, delegated through the provincial administration, were central to Kenya's "electoral dictatorship"; semi-competitive elections were periodically held but were strictly controlled by a dictatorial state, particularly the Office of the President. Political parties emerged during the colonial period when national level organizing was illegal. At first, by necessity, such parties were local or ethnic. When this ban was lifted, unsurprisingly, parties tended to be "mere federated ethnic loyalties grouped around individuals" (Okoth-Ogendo 1972).

The repeal of section 2(a) of the Constitution in December 1991 and reintroduction of multipartyism against KANU's dominance was viewed by KANU loyalists as a threat to their life interest. The major periods of violence and displacement centred on the 1992 and 1997 elections and the main perpetrators of the violence in both these elections were predominantly dispossessed Kalenjin and Maasai supporters of the KANU government against members of opposition groups. By 1993 about 300,000 people had fled their homes (HRW, June 1997). This was witnessed in the run-up to, during and shortly after the multi-party elections in 1992.

The 1992 multiparty General Elections were riddled with irregularities with some opposition candidates even being physically prevented from presenting their nomination papers. The

incumbent, then President Daniel Arap Moi, campaigned freely all over the country while other party leaders could not. President Moi traversed the country using government resources. Moreover, he enjoyed a monopoly of media coverage from the official broadcaster, the Kenya Broadcasting Corporation (KBC). In addition, the Electoral Commission was made up of presidential appointees whose loyalty to the incumbent was never in doubt. The ethnic conflict in the Rift Valley took place against a background of an impending general election. This was to be the first time since independence when a truly multi-party election was to be held in post-independent Kenya. This is because this time round, the ruling party was seriously threatened with the probability of being removed from power by the combined political opposition, which had in the first place mobilized public opinion that ultimately forced the government to change the constitution to allow the operation of multi-partyism. Playing a major role in the emergent opposition movement were the Kikuyu and the Luo communities," (Oyugi, 2002).

In the 1991 clashes, non-Kalenjin and non-Maasai ethnic groups were attacked, their houses set on fire, their properties looted and in certain instances, some of them were killed or severely injured with traditional weapons like bows and arrows, spears, pangas, swords and clubs. In its investigations, witnesses told the Kenya National Commission on Human Rights, (KNCHR), that violent clashes between the Kalenjin, on the one hand, and the Kikuyu and Kisii on the other, began in 1992. These clashes pitted these groups along ethnic lines as well as on political lines. In 1992, the Kalenjin were overwhelmingly members of the then ruling party, the Kenya African National Union, (KANU). Moi was opposed to the introduction of multi-party politics in the country and the existence of opposition political parties particularly in the Rift Valley. Many non-Kalenjin and non-Maasai communities in the Rift Valley supported the then budding opposition parties. The Akiwumi report on the 1992 clashes

reported that the provincial administration was partisan in its support of the then KANU government and against those considered to be opposed to KANU in the Rift Valley.

In 1992 elections, speculation about official agreement in this reappearance was rife. Mungiki casted itself as the defender of the besieged Kikuyu in Nakuru area, Molo and the Rift Valley in general. Its handlers and supporters, who are said to include some senior members of the Kikuyu elite, wanted to make it an effective counterweight to the Kalenjin warriors. The sect also brought young men from Central Province for oathing and then transferring them to the Rift Valley for operations. The group aggressively stepped up the search for new members, having deployed recruiters in most of the Kikuyu-dominated IDP camps. It was particularly targeting vulnerable Kikuyu youngsters displaced by the violence. The Mungiki message stark: “it is time for revenge”. The angry young men in the camps were manipulated into believing counter-violence is their only way out. The 1992 elections in Kenya were held against the backdrop of a violent electioneering campaign in which vigilante groups such as the “Baghdad Boys,” “*Angola Musumbiji*,” and the “Old Man’s Army” (*jeshi la mzee* in Kiswahili) terrorized non-conformists of the KANU party and the government with impunity (Mueller, 2011).

Political analysts contend that the KANU government used violence to intimidate supporters of the then political opposition, which posed a challenge to its legitimacy. Others maintained that violence was a tool to retain political monopoly in geographical zones designated as ‘exclusive’ to particular ethnic communities and political parties. By creating insecurity, it made it difficult for other political parties to penetrate or sustain support in these zones.

In 1992, ‘land’ or ‘ethnic’ clashes, as the violence came to be known, spread in multi-ethnic regions of Rift Valley provinces, resulting in death of an unknown number of persons and displacement of thousands of others.

While the media and politicians across the board characterized the armed hostilities as 'ethnic', 'traditional' or 'communal', Human Rights observers and conflict analysts argued that existing communal conflicts over land claims and cattle raiding were manipulated so that communities appeared to be fighting over 'traditional' issues. Confessions made to Human Rights Watch researchers by perpetrators also revealed that while attackers were allegedly dressed in traditional garb, sometimes they were brought from outside the conflict area to assail the local people.

Kenya's first post-independence government preserved colonial legislation that protected title owners. It also opted for a "willing buyer-willing seller" land resettlement programme, in which many of those who had lost land during the colonial period could not afford to participate and corrupt members of the elite themselves acquired land that was meant for the landless. "Instead of dividing up the land post-independence, it was appropriated by the political elite," said Abdullahi Boru Halakhe, an independent Horn of Africa analyst. "The majority never benefited." Grievances related to the alienation of land date back to colonial times and are not confined either to the Kalenjin or Coastal ethnic groups. For example, under the colonial government, the Kikuyu lost much of their land to the white settlers. European settlement began in the southern districts of Kikuyu land. By 1933, 109.5 square miles of valuable Kikuyu land had been alienated for European settlement. In the Kiambu-Limuru area alone, about 60,000 acres of land were alienated between 1903 and 1906 and thousands of people were rendered homeless (Kanogo 1987).

Illegal and irregular allocations of public land in particular continued under Kenya's second president Daniel arap Moi, with the Kenya National Commission on Human Rights describing this as perhaps the regime's "most pervasive corrupt practice". According to the Ndungu Land Commission, established in 2004 to investigate land allocation, more than

200,000 illegal or irregular title deeds were created and registered between 1963 and 2002. "Since freedom of expression improved in Kenya, concerns about land really came to the fore," (Klopp 2002). "People have been pushing for land policy reform for some time, but violence in the 1997 election, sometimes justified by land grievances, helped make crystal-clear the need to change laws and institutions dealing with land." Forced population displacement or eviction of certain communities from some geographical regions served to change the electoral demography, in order to predetermine election results. It also enabled powerful people to fraudulently acquire land belonging to those associated with the political opposition. The said land was later used to reward political clients. Part of the forestlands and Agricultural Development Corporation (ADC) farms degazetted for the purposes of relocating displaced persons in Naivasha, Elburgon and Keringet were allocated to senior government officials and KANU supporters.

However, the initial violence was the result of explicit incitement by leaders of the ruling Kenyan African National Union (KANU) determined not to cede their political monopoly in the Rift Valley. At a political rally in September 1991 a group of Rift Valley KANU politicians announced that they were "banning" members of the opposition from entering the area and threatened Kikuyu, Luo and Luhya living there. In the year leading to multi-party elections in December 1992, KANU leaders continued to issue threats and ultimatums. Political parties emerged during the colonial period when national level organizing was illegal. At first, by necessity, such parties were local or ethnic. When this ban was lifted, unsurprisingly, parties tended to be "mere federated ethnic loyalties grouped around individuals" (Okoth-Ogendo 1972).

Mutua (2008) in his article, *Kenya's quest for democracy*, posits that the reality on the ground is that most African political parties are not communities of political ideology or philosophy rather they are vehicles of ethnic nativism. He adds that African political elites exploit the

social diversity of their countries for personal political gain by politicizing ethnic identities. While ethnic diversity, in itself, is not a problem, the elites' deliberate politicization of it in order to gain power and control of state resources is a major problem. Identity politics represent a third dominant characteristic of recurrent electoral violence. Mutua's views were used to interrogate ethnic nativism as a ladder to greed qualification in this study area.

4.4 The Election Violence in 1997

In December 1997, Kenyans went to the polls to elect members of parliament and the country's president. The elections were conducted in the glare of international publicity, not least because the international community was seriously concerned about whether the elections would be free and fair. Despite evidence of electoral irregularities, political violence and a legal framework which favoured the incumbent government, observers of the elections endorsed the resulting victory of President Moi and the Kenya African National Union (KANU) as being an expression of the will of the people.

Although KANU and President Moi emerged victorious from the December 1997 elections, KANU's majority shrank from 82 seats in the 1992 elections to just 4. In total, KANU won 113 seats, followed by the Democratic Party (DP) with 41 seats. The DP won 17 of Central Province's 29 seats and 7 of Rift Valley Province's 48. In Rift Valley Province, the DP won Laikipia East, Laikipia West, Nakuru Town, Molo, Subukia, Kajiado South and Naivasha. By comparison, KANU won no seats in Central Province but 38 in Rift Valley Province. The effect of these results was to make Central Province a DP stronghold and Rift Valley Province predominantly KANU territory.

In the presidential race, President Moi's margin of victory over his nearest rival, Mwai Kibaki of the DP, was less than 10 per cent, with the latter having obtained the majority of votes in two provinces. In Central Province, Mwai Kibaki obtained almost 90 per cent of the

votes cast compared to Daniel Arap Moi's 5.6 per cent, while in Nairobi, he obtained slightly over 43 per cent of the votes compared to Daniel Arap Moi's 20 per cent. After the announcement of the results, Mwai Kibaki lodged a petition at the High Court challenging the election results on the grounds that there had been Post-Election Political Violence irregularities in the electoral process (Economic Review, 30 March–5 April 1998). At the same time, KANU formed parliamentary alliances with most of the other opposition parties, including FORD Kenya, the National Development Party (NDP) and the Kenya Social Congress.

In the wake of the elections, there rapidly followed a waning of international interest in political developments in Kenya. This was despite the fact that within a month of the elections, politically motivated ethnic 'clashes' erupted in Rift Valley Province. The violence left hundreds of people dead or injured, and thousands of others displaced from their homes and living in makeshift shelters. It was clear that this violence was following a pattern similar to that encountered during previous outbreaks of conflict in Kenya between 1991 and 1994 – prior to and after the country's first multi-party elections in 1992— in which predominantly Kalenjin supporters of KANU attacked members of ostensibly 'pro-opposition' ethnic groups. The important difference between then and now was that for the first time, members of a 'pro-opposition' ethnic group, the Kikuyu, were organizing and actively fighting back.

At a rally in Busia in May 1992, Odinga reminded the nation that he could not be expected to surrender the presidency again having done so at independence (Nation 3.5.92). Odinga and the Luo believed that this was their turn. They had supported the Kikuyu in 1963. It was now the turn of the Kikuyu to pay back their 'debt'. But the Kikuyu would have none of this: some senior Kikuyu politicians such as Kimani Nyoike and Njenga Mungai chose to publicly deny that Odinga ever relinquished the presidency in favour of Kenyatta (Daily Nation & Weekly Review May 1992).

Some of the people whom the joint mission met sought to explain why more Kikuyu than Kalenjin had been arrested and tried. One view expressed was that the initial attacks by Kalenjin had caught the local police unawares. Consequently, the police had not been able to arrest the attackers because of lack of organization and numbers. By the time of the counterattack by the Kikuyu a few days later, the police were better prepared to take action against them. Another explanation which the joint mission heard was that Kikuyu were easier to arrest because their settlements were adjacent to the main road which made them accessible to the police, while Kalenjin were located further away in forest areas to which the police did not have easy access.

The violence was also connected to the issue of land. As indicated earlier, virtually all the attacks took place in Molo, Laikipia and Nakuru Town. These were not only constituencies which had been won by the Democratic Party at the elections, but also the sites of controversial land allocation schemes initiated by the government. These schemes involved the resettlement of Kikuyu and Kalenjin who had been displaced from their original lands during the violence that had occurred during the 1992 elections. Among the people resettled in these areas under this scheme were some Kalenjin who had moved from Baringo, Bomet and Kericho and who were allocated land in Likia Forest adjacent to Kikuyu settlements on the Mau Narok road. It was claimed by some sources that some Kikuyu had earlier been evicted from this forest by the government on the ground that the settlement was not conducive to protection of the environment. The sensitivity of the allocation of land in this particular area is borne out by the fact that during the post-election violence, it was here that the most serious fighting occurred. The area was also the scene of the further 'clashes' in late April 1998, soon after the departure of the joint mission (Daily Nation, 28 April 1998).

One of the major reasons why Kenya has not disintegrated is the fact that there was no regime change in over two decades between 1978 and 2002, during which time President Moi

ruled Kenya. In the 1992 elections, his party KANU emerged victorious, with a majority of 82 parliamentary seats. The victory was repeated in the 1997 elections, but this time the majority was much slimmer. Incidences of violence abated after 1993. Observers have attributed the abatement not just to the election victories but also to the fact that the ruling elite succeeded in achieving what it set out to do. Thousands remain displaced and dispossessed. One report estimates that in the Uasin Gishu, Nandi, Trans Nzoia, Kericho, and Nakuru districts, 20 percent of the displaced people would probably never return to their land without "circumspect and realistic political intervention" (Kenya Human Rights Commission 1996).

Kenya's "clashes" clearly demonstrate that playing the ethnic card can be an effective short-term strategy for "winning" multi-party elections. Moi and his patronage bosses played a well-known and dangerous game. They raised the stakes of political change by creating what Menkhaus (1998, 221) has called "constituencies of conflict." These constituencies, which include those in the highest rungs of power, have benefited from the violence and have little interest in the politics of reconciliation. When certain provincial administrators sympathized with the aims of reconciliation, they were often promptly transferred. At a local level, collaborators in the massacres continue to police the violently imposed boundaries of fear between Kenya's peoples. The raw, Machiavellian success of Kenya's "ethnic clashes," including the minimal international cost of the violence, encouraged the use of large-scale violence.

The threat of future massacres has become a routine aspect of Kenyan politics, and "ethnic clashes" are now part of the elite bargaining process. Two examples illustrate this argument. In 1997, just as pressure was building for constitutional reform, "ethnic clashes" broke out on the Coast and in the Rift Valley. KANU's bargaining position was thus strengthened since a number of opposition MPs, fearing large-scale violence, broke from a hardline position in

constitutional negotiations and agreed to a much weaker package of reforms. As Kuria (1994, 15) writes, It is clear that ethnic cleansing and its attendant violence is designed to instill such anxiety as will cause a sufficiently large number of opposition members to support a majimbo constitutional amendment bill or to defect to KANU to "buy" peace for themselves and their electors.

Indeed, this technique was used again after the December 1997 election. When presidential runner-up Mwai Kibaki challenged the electoral results through the courts, he was warned by Moi's highest patronage bosses through a new spate of majimbo rallies to drop the petition. As Biwott cautioned at one such rally, "Kibaki's petition is being viewed as an affront not just to Moi, but to the entire Kalenjin community," and hence it will "directly affect relations with the Kikuyu" (Economic Review 2-8 February 1998).

Shortly after, a new round of "ethnic clashes" emerged in Laikipia, directed against migrants from Kibaki's home area of Nyeri (Klopp 2001, 176-83). Such a development clearly shows how insufficient attention to the dynamics of Kenya's "ethnic clashes" can lead to a failure to understand how localized violence relates, not only to elections, but also to the wider process of formal bargaining over constitutional change at the National level. Most significantly in this regard, the legacy of this violence presented one of the most difficult problems in future Kenyan transition. This whole phenomenon has, however, received scant attention even though this routine of large-scale violence is one of the most dramatic and significant "transitions" in Kenyan politics over the last decade.

4.5 The Election Violence in 2002

The 2002 Kenya's General Elections, was to the great relief of Kenyans and international observers, relatively accompanied by little political violence. The donor community was happy to claim credit, not only for the dissuasive effect of its conflict monitoring network,

but also for the funding it had provided for civic education over the previous era. Kenyan NGOs and church groups, who had carried out nation-wide civic education campaigns, were also quick to cite their own efforts as the main causal factor in clash deterrence.

Due to past experience of violence during elections, many Kenyans and sections of the international community expected the 2002 General Elections to be marred by bloodshed. Expectation of violence was heightened by the emergence of ‘armies’ and vigilante groups (*jeshi*), known to cause mayhem in urban areas or to unleash or threaten violence on supporters of political opponents. *The gangs* are supported or sponsored by influential individuals or political parties. During the campaign period, however, only a few isolated cases of violence were reported. Political leaders from various ethno-regional groups had committed to sharing power within a NARC government, thereby eliminating the winner-takes-all scenario that encourages a no-holds-barred battle for power (Kamungi, 2009: 353).

These incidents were often between supporters of different candidates, sometimes even within the same party; they did not reflect underlying ethnic tensions. The absence of much violence in 2002 could be attributed to various factors; firstly, the unification of thirteen political parties into one coalition meant that communities that were hitherto conflicting drew closer on the same side. Secondly, with the weakening of KANU and subsequent defections, politicians’ loyalties were divided, especially because they were uncertain how the incoming government would treat the issue of impunity for electoral violence. The empirical work of public choice scholars argues that ethnic identification in politics is alive and well in Africa (Kimenyi, 1997).

Besides, those who had instigated the ethnic clashes were afraid of being exposed by those who had defected from the party widely associated with the conflict. Thirdly, the electorate shunned violence and militant politicians due to painful memories of the clashes and remorse,

in addition to the negative effect bloodshed had on their livelihoods. Therefore, aspirants were unable to influence people to engage in violence, in spite of existing differences that could easily have been manipulated. The youth and other idle persons who had been used to perpetrate violence in 1992 are said to have 'refused to be used' because the promises made to them then (especially of employment) had not been honoured. Fourthly, in parts of the Rift Valley and Western, eviction or displacement of communities associated particular parties had been successfully accomplished during the KANU era; hence local support for the said parties could only be tolerated. NARC's two-to-one lead in the polls was too decisive for organized violence to have an impact (Brown 2004: 332-33).

The ECK, the civil society, and the media engaged a rigorous and aggressive civic education campaign, which went a long way in promoting political maturity amongst Kenyans. The electorate this time round was tolerant of people who differed with their political views. Furthermore, the political culture of voting for candidates who gave tokens was countered by the desire for change, which seemed to be sweeping across Kenya after the formation of the umbrella opposition party, NARC. Realizing that a Kibaki presidency would not be much of a threat to KANU politicians' interests, KANU officials' efforts to rig the poll and intimidate voters were only "spasmodic and halfhearted" (Throup 2003: 1).

In 2002, Kibaki inherited an economy clouded by insecurity and the growing threat of terrorism. It also suffered from high crime rates in Kenya's urban areas since the early 1990s due to bad governance (authoritarian rule and corruption) and a declining economic outlook. Other challenges were rural-urban migration, the burden of managing nearly 900,000 AIDS orphans, and the influx of small arms and refugees from Somalia (Barkan, 2004). These factors created a climate of fear and insecurity among Kenyans. To reverse this trend and to make good the NARC's promise to the electorate, the Kibaki government embarked on a series of reforms and realistic policies to revamp the Kenyan economy. The government

claimed it appointed competent people into the top hierarchy of the governing machinery, it reformed and resized the bloated civil service from the bottom up and instituted a comprehensive pay policy reform that necessitated retrenchment in the civil service.

The lack of private-sector employment opportunities for potential displaced civil servants led the Kibaki government not implementing the retrenchment exercise. It embarked on a program to expand, equip and motivate the Kenya Police Force, provided better salaries for workers, and reduced unemployment (Barkan, 2004). By 2007 the economy recorded growth of 6.4 percent. Ironically, the poverty indicators for the same period showed that 58 percent of the population lived on less than two US dollars a day (Human Rights Watch, 2008).

Like his predecessors, Kibaki did not deal with the most fundamental problem underlying Kenya's violence and disunity (injustice, grievances over land ownership and inequalities). Although Kibaki launched the Ndung'u Commission to investigate patterns of corruption and unfair allocation of land, the final report was deemed too controversial and was never implemented (Waki Report, 2008). The report recommended radical measures to redistribute land and to take measures to deal with the injustice and inequalities in the country. Kenyans, especially those who feel discriminated against, are disappointed that Kibaki's performance was business as usual as little significant happened to change things for the better.

Kenya's struggle for constitutional reform was set back to square one (African Election Database on Kenya, 2012). It was a major blow to Kibaki's government and was seen by some political analysts as a referendum on Kibaki's government. The Kenyan electorates' resounding defeat of a new draft constitution backed by the Kibaki government in the 2005 referendum further boosted public confidence in the ECK to conduct credible elections free of intimidation, harassment and rigging. However, the Kibaki government's subtle withdrawal from pursuing reforms shortly after the failure of the referendum to approve the

proposed constitution, raised suspicion about Kibaki's commitment to sustain the improved environment for free and fair elections (OSIEA, 2006). Despite this pessimism, Kenya remained remarkably stable, probably because the coalition leaders were determined to chart a path of peace and to allow the ballot box to decide in 2007. Unfortunately the ECK delivered flawed elections to Kenyans in 2007 that threw the country into chaos and violence. As the political temperature of Kenya heated up, several opinion polls pointed to a close contest between the ODM and PNU. This raised the stakes very high.

The Kibaki government took certain actions that were interpreted as a well-orchestrated plan to ensure a predetermined election result. President Kibaki abrogated the IPPG 1997 agreement (10 seats reserved to be filled by persons appointed by the president on the recommendations by opposition parties in parliament) for appointments to the Electoral Commission and instead single-handedly appointed all the 22 commissioners of the ECK. Kibaki's unilateral action elicited protests from the opposition who said that he was fortifying the ECK with his supporters. Another issue was allegations of questionable procedures in the appointment of returning officers (IFES Final Report, 2008). In addition, the Kibaki administration and the ECK fueled suspicion when they turned down an offer from the International Foundation for Election Systems (IFES) to install a computer program that would have enabled election officials in the constituencies to submit results electronically to Nairobi and then display results on to a giant screen available to the public to promote transparency and forestall any manipulation of election results. Furthermore, the practice of using ECK staff in the verification and tallying center was abandoned in favor of direct recruitment of casual staff by the commissioners. The commission also refused the proposal that election officials in areas with large predictable majorities for any of the candidates should be people from different areas to reduce the likelihood of ballot stuffing. With the benefit of hindsight, it is possible to infer that a well-orchestrated plan was implemented to

ensure a predetermined election result (IFES Final Report, 2008). Kibaki ignored the criticisms saying that the ECK is neutral and has the capacity to conduct free and fair elections, citing the 2002 and 2005 elections which results were accepted by most political actors made inflammatory speeches in support of this chauvinistic interpretation of majimboism that led to ethnic violence (Human Rights Watch, 2008).

Apart from bypassing political parties to appoint electoral commissioners, Kibaki prepared the ground for rigging when he made his former lawyer the vice-chair of the commission. He also created a number of new judicial vacancies, including appeals judges before the election. As a result of these actions, institutions that already had been seriously weakened totally lost their autonomy, independence, integrity and legitimacy over time (Mueller, 2011).

4.6 Political parties and political processes in Kenya

Although African political parties remained banned after the Mau Mau uprising, nationalist leaders continued to agitate for independence. The nationalist movements (through protests and other forms of political dissent) pushed for independence from the British from the mid-1950s. As resistance to colonialism deepened and grew more sophisticated in urban settlements, particularly after WWII the first cross-ethnic political movements were formed. KANU under Jomo Kenyatta and KADU led by Ronald Ngala were the first such groups to champion the fight for independence. KANU, which had its stronghold in the largest ethnic groups, the Kikuyu (of Central Province) theoretically had its stated objective of becoming a center-left ideological party but never developed along that line as ethnicity has become the medium through which class politics is mediated (Ajulu, 2002).

KADU which was dominated by the Luo (from Nyanza) also aimed to become generally more conservative. It favored a federal system of government and a capitalist economic system with minimal state interference (Githu, 1998). The KADU, concerned about the

prospect of Kikuyu domination and the strong white settler community who had substantial control over the colonial state, pressed for *majimboism* (federalism based on ethnicity). It was envisaged that regional assemblies would be semi-autonomous (Ajulu, 2002).

In 1961, the British government began the Lancaster House constitutional process. KANU and KADU began to operate legally and that paved the way for the first general elections in Kenya in which African political parties freely competed for power. With overwhelming support from the two largest ethnic groups in Kenya, the Kikuyu and the Luo, a large following in the urban centers and relatively better organization, KANU won the 1963 elections despite the colonialist maneuvers to let KADU, which was more sympathetic to the colonialist course, to win. However, in protest at the continued detention of its leader, Jomo Kenyatta, by the colonial administration, KANU refused to take office until after KANU and KADU forged an agreement to incorporate federalism in the independence constitution. The British government influenced the negotiation process in favor of federalism which the colonialists believed would protect the interests of white settlers in Kenya. In June 1963 Kenya was granted internal self-rule and it attained independence on December 12, 1963 (Ajulu, 2002).

Federalism was, however, short-lived because the Kenyatta administration was bent on frustrating what was seen as an “imposed” constitutional dispensation. KADU merged with KANU at the beginning of 1964 (Holmquist and Githinji, 2009). Nonetheless, the violent conflicts, triggered by differences over *majimboism* and unfair distribution of resources in the Rift Valley Province, for example, have become hot spots for election-related violence in Kenya (Ajulu, 2002).

The second attempt of Kenya’s multiparty democracy dates back to 1991 with the abolition of one-party rule. The re-introduction of pluralism in Kenya notably changed electoral

politics and the formula of the political system but failed to weaken the dominance of President Moi and KANU until the early 2000s. A total of eight political parties contested the 1992 elections yet Moi's divide-and-rule strategy of stimulating trouble and sponsoring vigilantes to perpetuate violence in opposition strongholds, controlling and manipulating the election process and setting up opponents against each other. As a result, the opposition was not strong enough to tussle power from KANU (Commonwealth Secretariat, 2006).

Supporters for multiparty democracy took on strategies to put pressure on the government to initiate reforms. The reformists networked within the Ufungamano Initiative to organize and push for a legislative framework to govern the process. The attempt to force out of Rift Valley those voters who were unlikely to vote for Moi, particularly the Kikuyu, led to clashes that claimed the lives of up to 1,500 people and 300,000 were displaced in the Rift Valley and Coast Provinces (Human Rights Watch, 1993). Election-related violence in 1997 and 2002 confirmed the lack of government obligation to deal with criminal behaviour and connived with such acts (Alston, 2010).

Moi had blown the last chance that Kenya could have had a constitution before the 2002 elections. Moi eventually submitted to the will of the people in December 1991 by revoking Article 2(a) of the Kenyan Republican Constitution and reluctantly agreed to move to multiparty politics. Hopeful about the brighter chances of a Kikuyu candidate to win the elections, Moi appointed Uhuru Kenyatta as the presidential candidate against the will of many stalwarts in the party. KANU could no longer legislate as Moi pleased with a narrow parliamentary majority after the 1997 elections. A coalition of politicians led by Mwai Kibaki began to assert its independence and openly defy Moi. The gradual process to unseat KANU's dominance of Kenyan politics was in sight as the tide began to turn. After losing the 1992 and 1997 elections, Kibaki made gains and finished second in 1997 (Electoral Commission of Kenya, 1998).

The “Ufungamano Initiative” was a church-led coalition consisting of over 52 religious and secular groups who opposed parliament's control of constitutional reform from 1991-2005 (Human Rights Watch, 2008). President Moi predicted that Kenya was going to slide into violence and chaos under multiparty democracy. He made this a self-fulfilling prophecy by consistently adopting divide-and-rule strategy to keep the opposition weaker and instigated violence in regions that supported the opposition parties (Barkan and Ng'ethe, 1998).

4.7 Political Development and Electoral Reforms in Kenya (1992-2002)

Since returning to multiparty elections Kenya has conducted four presidential elections in 1992, 1997, 2002 and 2007. During these periods, ethnicity has emerged as the single most important factor in political competition. Although party mergers and coalitions in 2002 and 2007 ended the dominance of KANU, it is yet to neutralize the forces of ethnicity in the voting behavior in Kenya. Political parties were organized along ethnic identities and state power is aggressively contested on the basis of mobilized ethnicity. There are no identifiable established traditions or ideological patterns associated with political parties in Kenya (Ajulu, 2002). The establishment of the electoral commission of Kenya was to sanitize the electoral process and reduce government control of the process.

In December 1992, Kenyans voted in the country's first multiparty elections in 26 years. As Kenya prepared for elections in 1992, a fierce tribal conflict gripped parts of Kenya. About 2,000 people were killed in the run-up to the election, caused by state sponsored gangs in opposition strongholds (Ajulu, 2002). The divided front of the opposition parties was an opportunity for Moi and the KANU party to dominate the politics of Kenya. Opposition members of parliament (MPs) continued to view the single-member constituencies as local battle-fields between contenders carrying different party colors without linking their competition to national politics and therefore, forging a united front to unseat the president.

Civil society, with support of external donors, continued to push for democratization and institutional reforms and threatened to boycott the elections (Commonwealth Secretariat, 2008). Agitation and civil demand for electoral reforms increased after the 1992 elections that were won by Moi who had not shown any commitment to reforms.

On December 31, 1995, President Moi responded to public demand for reforms by promising the public that constitutional review would begin. Civil society organizations mounted pressure on the government to make good on its promise. A National Convention Planning Committee (NCPC), the executive branch of prodemocracy forces was formed to advocate for constitutional change. The independence of the ECK was put to a test in the 1992 elections. According to several elections observer reports, the ECK's management of the electoral process was below standard (Commonwealth Observer Group Report, 2003). Part of the problem was identified as the lack of independence of the ECK, particularly the mode of appointment of commissioners and its composition (Okello, 2006). Although the 1992 elections were declared free and fair by observers, albeit with reservations, there were widespread electoral malpractices and rigging.

Government's instigated violence was reported in many areas. President Moi and KANU maintained control over the electoral process and instigated 'ethnic clashes' in opposition strongholds that deprived hundreds of thousands of their right to vote and the loss of lives and property. The elections were non-competitive (Mueller, 2011). They were described by observers as not being free and fair, and did not bring the expected victory for the opposition because it had split along inter and intra-ethnic lines. President Moi was re-elected with 40.6 percent of the vote, while his nearest rivals, Kenneth Matiba of the FORD-Asili party won 26 percent, Mwai Kibaki of the DP won 19.5 percent and Oginga Odinga of FORD- Kenya won 17.5 percent (African Election Database on Kenya, 2012).

In 1997, the National Convention Assembly and its executive branch, the National Convention Executive Council (NCEC), were formed to advocate for reforms in Kenya. Between May and July, pro-democracy forces led widespread mass actions. Kenyans went to the polls to elect a president and parliamentarians in the second multiparty elections at the height of tension between the opposition and the ruling KANU party. Once again, Moi had managed to strike a last-minute parliamentary alliance of opposition parties and KANU had agreed on some minor constitutional and political concessions in October 1997 but ignored the question of presidential powers and the design of the electoral system. The elections took place at a time of economic decline as articulated by Barkan (2004).

Despite the unimpressive economic and social conditions, Moi was re-elected for the second time under the multiparty system. As was the case in the 1992 elections, Moi's victory was largely due to divisions within the opposition camp and the inability of the opposition to back a single candidate against Moi and the KANU (Commonwealth Secretariat, 2008). KANU won a narrow majority of seats in the National Assembly but not a majority of the ballots cast.

International and local election observers such as the EU, Carter Center and domestic monitors reported that while there were some irregularities, the results of the elections reflected the wishes of most Kenyans. The 1997 elections were also characterized by communal violence and foul play. Therefore, the elections could not be described as completely free and fair, despite the presence of domestic and international observers (Barkan, 2004).

President Moi's long reign was characterized by impunity, shielding criminals for political gains and promoting sectarian private security forces. Two separate commissions, the all-party group and the task force established by the National Council of Churches of Kenya (NCCCK) and the Parliamentary Select Committee, conducted an inquiry on the clashes and

arrived at the same conclusions that they were instigated by the government for political gain (Ajulu, 2002). This approach, coupled with Moi's unwillingness to implement recommendations of commissions of inquiry into election-related violence and malpractices amounted to purposeful neglect. Therefore, aggrieved sections of the Kenyan population harbored the desire for revenge and were ready to strike at the least provocation (Kagwanja and Southall, 2009).

According to the Kenyan Human Rights Commission (2001) state-sponsored or state-condoned violence killed an estimated 4,000 people and displaced 600,000 others over the period 1991-2001. Much of this violence occurred in the Rift Valley and in urban areas, especially in Nairobi where the opposition held sway since 1992 (Kagwanja, 2003).

4.8 The Common Factors and Differences in the Elections

The 1992 and 1997 elections are the only previous elections, which have been fairly competitive due to the fact of re-introduction of multi-democracy after the aforementioned repeal of section 2(A) of the Constitution. Before the elections in 1997 a new Section one (a) of the Constitution was introduced, stipulating that Kenya is a multiparty democracy. In both the 1992 and the 1997 elections, Mr. Daniel arap Moi won the presidency and his party KANU gained a majority of the seats in parliament. There were numerous reports, in some cases confirmed by media and EU observers, of candidates handing out money and goods to potential voters. According to the EU, EOM's latest information, no one was arrested or convicted for these practices.

Election-related violence in the 1992, 1997 and 2002 elections confirmed the lack of government intervention in criminal behaviour as demonstrated by the unwillingness of the then government to implement the recommendation of commissions it had set up to

investigate post-election violence such as the Akiwumi and Kiliku parliamentary select committees in the 1990s. The government's inaction led to recurring violence, murder and evictions in the Rift Valley just before the general elections in 1992 claiming 779 lives and creating 50,000 displaced persons; Coast Province in 1997 and the Likoni areas in the 2002 elections witnessed similar levels of violence (Human Rights Watch, 2003). As the debate about majimboism resurfaced with retaliation, politicians in the Rift Valley and the Coast provinces incited and organized violence against 'outsiders,' mostly Kikuyu, Luo, Luhya, and Kisii emigrants perceived as political rivals.

The 2002 elections were the ninth general elections since Kenya became an independent in 1963. Previous elections were held in 1963, 1969, 1974, 1979, 1983, 1988, 1992, and 1997. To the great relief of Kenyans and international observers, comparatively little political violence accompanied the 2002 elections. The donor community was happy to claim credit, not only for the dissuasive effect of its conflict monitoring network but also for the support it had provided for civic education over the previous decade. Kenyan NGOs and church groups, who had carried out nation-wide civic education campaigns, were also quick to cite their own efforts as the main causal factor in conflict prevention.

One legacy of Moi's long rule is the creation of a violent elections environment as, every election held since the establishment of a multiparty system in 1991 witnessed widespread violence (Human Rights Watch, 1993). Among the most explosive periods in the pre-2007/2008 period in Kenya's post-independence history was between 1991 and 1993 when President Moi tried to blend up sentiment against the Kikuyu in the Rift Valley to consolidate his vote in that province (the area with the most parliamentary seats).

4.9 Conclusion

Ethnic relations in some regions affected by clashes have healed and life returned to 'normal', but others are characterized by deep-seated suspicion. The onset of the violence, in September 1991, coincided almost precisely with the amendment of the Kenyan Constitution to permit multi-party politics. President Moi, who had made this change only under concerted foreign and internal pressure, presented the "tribal clashes" as evidence that multi-party democracy was divisive and that Kenyans were unready or unsuited to it.

2002 Kenya General elections were important in many ways, most considerably for the fact that, for the first time in Kenyan history, KANU was voted out of office. Moi was constitutionally striped from running again and chose as his party's candidate Uhuru Kenyatta, who was the son of Kenya's first post-independence ruler, but a political trainee. Many KANU stalwarts, several of whom expected to succeed Moi at the head of KANU, decamped in frustration to the opposition alliance, the National Rainbow Coalition (NARC), and backed its leader Mwai Kibaki as presidential candidate. The 2002 and 2005 polls were surprisingly peaceful and lulled Kenyans and donor officials into a false sense of security.

Though the elections fell short of being free and fair, NARC's lead was far too large to be easily deleted, because, even donors had mounted a strong joint electoral observation team. Opposition leader Kibaki was elected with over 62% of the popular vote, compared to only 31% for Uhuru Kenyatta (Electoral Commission of Kenya 2003). Once Kibaki assumed office, Kenya completed its transition to democracy, at least according to formal definitions, a monumental milestone. The violence witnessed in 2002 escalated in 2007, as we shall see in the subsequent chapter.

CHAPTER FIVE

5.0 THE KENYAN CRISIS: POST ELECTION VIOLENCE 2007/2008

5.1 Introduction

This chapter addresses itself to the Post Election Violence that engulfed Kenya in the period between 27 December 2007 and 28 February 2008. Kenya has had a history of election violence as we have discussed in the previous chapters. Notably, violence was usually witnessed in the run up to elections. But, for 2007/2008, there was a shift to mass violence after Kenyans had decided through the ballot. This chapter is structured as follows: First, The triggers, the patterns, the course and an attempt is made to address lessons learnt that can inform the conduct of politics for a stable Kenya.

5.2 Causes and Patterns of Violence

5.2.1 Ethnicity

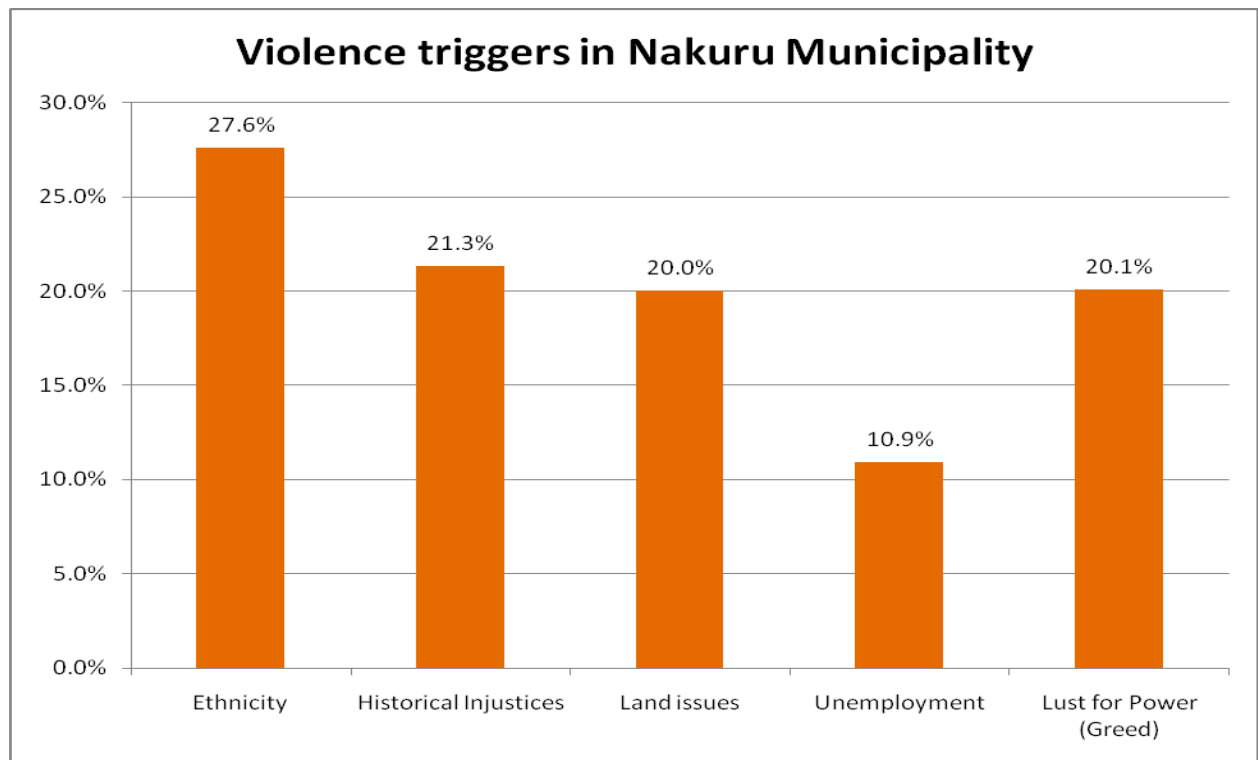
Ethnicity is not bad in itself because it is the recognition of a people's right to be different from others. However, when such recognition is accompanied by exclusion of everybody else from that group and a view that anybody who does not belong to that group is evil, there is cause for concern. In Kenya, the tendency by politicians to sensationalize and politicize existing differences along ethnic lines, hence pitting communities against each other is intricately related to the democratization and the electoral cycle. Ethnic loyalty and rationality has been a central feature to Kenyan politics since independence. Control of the state is core to political competition because it means access to and disposal of resources and patronage through which ethnic elites can remain in power. Ethnic conflicts are often the result of the decline of mediating institutions such as political parties as a forum of democratic negotiations and the lack of pre-existing credible commitments across groups as supported by Bardhan, (1997).

Table 1.5: Triggers of violence in Nakuru Municipality

Samples	Violence triggers in Nakuru Municipality
273	27.6% - Ethnicity
211	21.3% - Historical Injustices
198	20.0% - land Issues
108	10.9% - Unemployment
199	20.1% - Greed
989	

Source: Researcher (2013)

Graph 1.5: Triggers of violence in Nakuru Municipality



Source: Researcher (2013)

The ordeal of disputed elections reduced trust across ethnic groups, a key element of social capital among communities. Most respondents in Nakuru Municipality commented that experience has shown that in situations where (ethnic) groups distrust each other and are afraid of being victimized, this fear drove them to resort to violence first in a preemptive move to minimize damage.

"The post-election violence in 2007-08 was all about land - the vote was just the trigger," says a 33 year old female IDP.

The National Accord, which was signed in late February 2008 and brought an end to the post-election crisis following the controversial 2007 vote, specifically mentioned land reforms as central to long-term reconciliation in the country. This was one of the fora used for getting the views of different categories of people within the estates of Nakuru's County Central Business District, Kaptembwa, Ponda Mali and Langalanga. These focus group discussions were based on issues of election violence in Nakuru Municipality from 1992 to 2008 and addressed different topical issues. The participants were drawn from Municipality administrators, women and youth.

1. *"In 2007, we saw politicians claiming that some communities had privileged access to land, meaning that simplifying and distorting complex land issues became part of playing the ethnic card for winning elections."* (Personal Communication, LangaLanga, IDP/Hawker – 12/3/2013)."
2. There are many reasons attributed to the causes of the PEV and the subsequent expulsion of some communities from estates that they are not considered indigenous to, but the respondent who is a resident of Ponda Mali estate for over 30 Years (16/5/2013) says that he believes, the 2007/2008 election violence:

"was all politics nothing but politics... it was after the announcement of the election results, indicating that Kibaki had won. The following day people started fighting. The problem started because in the beginning of the vote tallying, Raila was leading Kibaki. They announced over and over on the radio that Raila was leading and Kibaki was behind. At the beginning we knew that Raila had won. Later we heard that Kibaki was leading. Problem started when people began questioning how it was possible that the one who

was leading has now been overtaken in the vote tallying. Relations between communities were already bad during the campaigning period. I thought that elections results should be the ones to separate the winner and the loser and the winner will be our leader” (Personal Communication, Ponda Mali, 16/5/2013).

On voting and the future of democratic elections, he said:

“Despite what happened I have a voter’s card, I have registered and I will vote. I will vote because I am a Kenyan and I must vote because the vote will separate those who are truthful and those who lie, it’s the vote that chooses a leader. But we pray that voting will always be peaceful just like the 2013 election where everything went smoothly”.

Taking into account that having experienced conflict in the recent past is a good predictor for future conflicts and therefore, reoccurrence of the same since 1992 - 2008. Kenya experienced violence in the 2007/2008 general elections because institutions were not strengthened to cope with the underlying grievances, the need for justice and the mistrust among ethnic groups. The data above clearly explains ethnicity as one of the main triggers of all election violence in 2007/2008. Over 27% of the respondents raised ethnicity as the main trigger factor (Table 1.5 and Graph 1.5). This was closely followed by land issues and political greed where those who had power and influence kept on amassing wealth at the expense of the larger poor population.

5.2.2 Land and Boundary Disputes

Land ownership rights and disputes can be traced back to the pre-colonial times when the less advantaged communities were displaced by more powerful ones through tribal conquest. Some communities later lost their land to the colonizers and settlers. Pastoralists occupied

most of the Rift Valley, while the Kikuyu and other agricultural communities inhabited the central highlands. After independence, those allocated farms left by the colonialists were not necessarily from the tribe originally displaced. For example, the Kikuyu benefited from the settler farms either because they had the resources to buy them, or due to connections to the Kenyatta post colonial government. The Kikuyu tribe settled in the Rift Valley, protected by Kenyatta's power (Cussac, 2008). This was a view supported by 198 respondents out of the 385 sampled in Nakuru Municipality. Jacqueline Klopp, who works on land and displacement issues in Kenya at Columbia University, says that since the reemergence of multi-party democracy in Kenya in 1992, politicians have used unresolved land disputes as rallying points during election campaigns.

Widespread failures of governance are at the core of the explosive anger exposed in the wake of the election fraud. Clausewitz, (1976) says that the main source of violence is politics. He further advances that violence is simply a continuation of political intercourse, with the addition of other means. A 2004 commission of inquiry on irregular allocations of public land (Ndung'u Commission) appointed by the NARC government of President Mwai Kibaki detailed the corruption in land allocation. However, even after the report was handed to the president, the government failed to act on it, dampening public hopes for land reforms. Land related conflicts, stem from colonialism which not only imposed alien land-tenure relations in Kenya but also introduced conceptual, legal and sociological confusion in the traditional tenure system then prevailing in traditional Kenyan society before the advent of colonization (Lumumba 2005:13).

5.2.3 Competition for Access to Scarce Vital Resources

Studies have for the most part centred on the role played by scarcity or relative scarcity of resources as prime triggers of violence, both at the individual as well as the collective level. Structural adjustment policies and shifting allocation of resources may act as triggers of

violent conflict. According to the 'resource-war' proposition, groups engaged in violent conflict are not primarily motivated by grievance (i.e. ethnic discrimination, inequality, historical animosity), but essentially by economic agendas and therefore greed. Issues of identity and self-determination are dismissed in favour of a focus on the role that resources by themselves play as the main objectives of groups engaged in electoral conflicts.

The greed-based approach to conflict would argue that it is the underlying economic conditions which create the risk of conflict. Some societies will have repeated conflicts, not because of the cumulative legacy of the desire for vengeance, but because election violence was profitable for some groups in Nakuru Municipality. Economic factors are particularly acute when they are associated with patterns of discrimination between groups. The perception by some groups in this municipality was that there are strong unequal economic opportunities and access to resources, as well as vast differences in standards of living between groups that contributed to a sense of grievance. Life style and standards of living for the inhabitants of Langalanga estate and Ponda Mali is totally different and yet they are neighbours.

5.2.4 Politics and Greed

Politicization of conflict issues by both the government and opposition politicians, in addition to rising poverty have yielded poor governance. Rather than seeking ways of resolving conflicts, politicians blame certain communities and incite the people into violent confrontations. Unclear policies and conflict over traditional communal and individual land ownership are easily manipulated issues. Tensions also reign due to a perceived bias in development interventions by the government, aid agencies and church organizations. In Nakuru Municipality, politicization of the land issue and incitement to expel 'outsiders' has led to a fractured society marked with ethnic animosity, intolerance, bitterness and stereotyping. This view supported by Hirshleifer, (1995) who refers it to a state of anarchy -

something akin to primitive tribal warfare that led to wanton destruction of property and lives. This can also be viewed as confirmed by the respondents sampled in the research area. 55.3% of the respondents gave destruction of property perpetuated by politics as being the highest among other offences.

No Kenyan government has yet made a good-faith effort to address long simmering grievances over lands that have persisted since 1963. High-ranking politicians who have been consistently implicated in organizing political violence since 1992 have never been brought to book and continue to operate with impunity. In Nakuru municipality, armed groups used electoral results to infer political loyalties and then undertook cleansing of opponents to win territorial control. This was much evident in 1992 and 2007 elections. While displacement later had electoral consequences, the need to identify opponents and collaborators, driven by the logic of electoral violence, drove the initial displacement as supported by Steele (2011).

Major changes went on and the ones who benefitted from the earlier situation always hold change back. Therefore, it can be viewed from this perspective that the few beneficiaries of the incumbent regime never wanted change and insisted for status quo and hence opposition protests resulting to violence every after an election. Thus, while transition brings about the hope for better times, this might not be delivered is likely to occur, this being the position of Gurr, (1970).

The greed versus grievance dichotomy is a useful tool of analysis on the causes of conflict. In certain instances, where there are substantial quantities of capturable natural resource wealth present such as land or drugs, greed may be the dominant factor prolonging conflict, but without group formation (for which some historical grievances are important) violent collective action cannot take place. In short, grievances can be present without greed, but it is difficult to sustain greedy motives without some grievances. Although greed and grievance

are regarded as competing views, they may be complementary, as greed may lead to grievances and vice versa (Collier and Hoeffler, 2000).

The greed or grievance explanations (or some hybrid form of both) may be necessary for the outbreak of electoral violence, but arguably they are not sufficient. This is because the causes enumerated contribute to the risk of electoral conflicts, yet some societies despite having conditions pre-disposing them to election violence, such as horizontal inequality and polarization, do not descend into conflict. Peter Muraya (not real name), a resident of Lanagalanga estate argued that for the forces behind either greed or grievance to take the form of large-scale election violence there must be other factors at work, specifically a weakening of what he called the ‘social contract’. This is similar to the fragile state capability and poor institutional quality. Explosion of election-related violence emphasizes the view that an ‘electoral process is an alternative to violence as it is a way of realizing governance.’ When an electoral process is influenced and abused, the legality of the governance outcome is questionable and the premium placed on choice undermined. Choice matters in an electoral process (Murunga, 2011).

Even if benefits from resources do constitute a sizeable prize, violent electoral conflict is unlikely to spread if a country has a framework of widely-agreed rules, both formal and informal, that govern the allocation of resources, including the peaceful settlement of grievances. Such a viable social contract can be sufficient to restrain, or rather eliminate opportunistic behaviour such as large-scale theft of resources and the violent expression of grievance during electioneering years’. Greed (lust for power) was noted as one of the main factors that contributed to electoral violence in Nakuru Municipality.

5.2.5 Corruption

Corruption in nearly all sectors in Kenya was entrenched. For example, the resettlement of IDPs project at in different areas also affected the people of Nakuru Municipality. For example, Interviews at one of the settlement in 1992 though not in this Municipality, revealed that each Kikuyu family was given two acres of land, the Maasai five, while Kalenjin families got in the excess of ten acres. Most of the Maasai and Kalenjin beneficiaries were not displaced in the first place. Politically correct individuals also got large tracts of land under the resettlement scheme and therefore, this was attributed to corruption.

Since independence, the regime has been largely characterized by a centralized state with a dominant executive presiding over a patronage network that benefits mostly ethnically defined elites (IDASA country profile). The regime was further characterized by, systematic looting of state's assets, economic mismanagement and authoritarian rule, respecting few civil liberties and civil rights and occasionally violently suppressing opposition (Lansner, T, 2012). A report by international risk consultants Kroll commissioned by the government to investigate claims of corruption carried out by Retired President Moi's regime and delivered in April 2004 alleges that more than £1 billion of government money was stolen during his 24-year rule and details assets still allegedly owned by the Moi family in 28 countries (The Independent, 2007).

Shadows of doubt fell over the ECK's handling of the elections when electoral commissioners, including Chairman Samuel Kivuitu, announced contradictory or incomplete results from some areas, and blamed the delay of results on local officials who could not be reached (Bengali 2008). Protests began on December 29th even before Kivuitu certified Kibaki's re-election on December 30th, as observers witnessing the chaotic count lodged allegations of rigging (European Union 2008; Independent Review Commission 2008;

Kenyans for Peace, Truth, and Justice 2008). Free and fair conduct in elections is necessary to allow citizens to use elections as mechanisms of accountability. Fraud thus compounds the social choice problems that already exist in aggregating preferences into outcomes that arise from extant challenges in translating vote shares into seat shares (Lehouq 2002), and may allow poorly performing politicians to retain office.

5.2.6 Proliferation of Firearms

Introduction and use of firearms has made it easier for raiders to attack more frequently because home made guns are sophisticated and more effective than the traditional bows, arrows, spears and machetes. Anybody who has a homemade gun is now able to participate in raids. Negotiation as a means of conflict management has been replaced by arrogance and aggressive use of force. Consequently, unarmed men, women and children form the bulk of the victims, contrary to former rules of war (killing of such people was taboo). The option of use of sophisticated arms has jeopardized conflict management efforts, making identification and resolution of the source of conflict much more complex. In election violence between 1992-2008 different types of weapons have been used by different ethnic and political groups in a bid to gain an upper hand over their contemporaries. Witnesses attested that in almost all the election violence illegal guns were used to carry out heinous acts. The 1979 collapse of the Idi Amin regime led to vandalism of armouries in military barracks in northern Uganda, which fed small arms proliferation in North Rift. Similarly, the overthrow of Ethiopia's Mengistu Haile Mariam contributed to increased small arms flows to northern Kenya (Adan and Pkalya, 2005, pp. 47–48).

Small arms proliferation across the globe led to the more rapid spread of violence and magnified the devastating effects of violence, contributing significantly in areas of armed conflict to human rights abuses and violations of international humanitarian law. In countries emerging from war, the widespread availability of guns contributes to high levels of crime

and makes more difficult the transition to a lasting peace. In Kenya and other countries not at war, the ready availability of these weapons undermines security (including with relation to crime), eroded prospects for development, contributed to social disintegration, and made the resort to violence more likely-and more deadly. Current challenges regarding urban insecurity and small arms proliferation in Kenya can be traced back to the Mau Mau anti-colonial struggle of the 1950s. Mau Mau fighters are believed to have introduced illicit firearms to the Nairobi Area and Central Province (Katumanga and Cliffe, 2005, p. 5).

Kenya is vulnerable to weapons trafficking because of its geographic location in a conflict-ridden region. The weapons circulating in Kenya originate from places as far away as China and the United States, but most of them passed through war zones in neighboring countries before making their way to Kenya's illegal gun markets. For years Kenya's territory has been a conduit for weapons shipments destined to nearby areas of violent conflict, but more recently the spread of weapons has spilled back into Kenya itself. For the time being, guns in Kenya are circulating on a small scale when compared to its war-torn neighbours. They are smuggled into the country a few at a time in a steady flow and sold by traders in secret markets, with some larger-scale illegal arms trafficking also reportedly taking place. The impact of even relatively modest quantities of such weapons, however, is already being felt. The increasing availability of weapons in Kenya has helped fuel rising insecurity and, in some areas, the growing militarization of society. Much media attention has focused on the prevalent use of sophisticated weapons in urban crime, particularly in Nairobi. Often, refugees living in Kenya are scape-goated as the source of these weapons. Border town centres documented as points of dispersion of small arms to Nairobi include Mandera, Moyale, El Wak, Lokichoggio, and Isiolo, located in the north-eastern and upper eastern regions of Kenya (Sabala, 2002, p. 38; HRW, 2002, p. 11).

The proliferation of small arms is most serious along Kenya's northern and western borders, where pastoralist communities have ready access to AK-47s and other automatic rifles obtained from neighboring countries. The introduction and spread of such sophisticated weapons among these communities has intensified conflict and blurred the line between long-standing ethnic competition-traditionally manifested in cattle theft or rustling-and political violence. Guns are now widely used to carry out acts of banditry and cattle rustling in Kenya, and have been responsible for growing numbers of human casualties, including during armed confrontations that pit ethnic groups against each other. This grave insecurity, as rightly noted by a Kenyan civic leader, derives both from "the influx of small arms" and "careless utterances and incitement" by politicians." (HRW, 31 May 2003, pp. 1-2)

5.2.7 Historical Injustices

Election-related violence is typically systemic and is often an indicator of challenges faced in terms of economic development, nation building and the consolidation of political power. This has certainly been the case in Kenya, where violence of varying degrees has flared up consistently in elections since 1992, most recently after the 2007 Presidential election where the outcome was deeply contested led to violent protests. Although Kenya is frequently cited as a model for political stability and economic development in Africa, as Anderson and Lochery remind us, the violence in the aftermath of the Kenyan 2007 poll must be seen in the context of the contested nature of land settlement schemes since the 1960s and subsequent political violence. Violence is a process, not an event. Violent acts may be spontaneous, but they are more often the product of a longer sequence of historical decisions and political actions (Anderson and Lochery, 2008).

Scholars and commentators on Kenya's politics and post-election violence have pointed to unresolved historical grievances, especially with regard to land allocation, as an important underlying factor in the violence. The colonial government alienated most of the

agriculturally productive land for settler agriculture particularly in what is present day Rift Valley Province and Central Province. This alienation raised a large number of squatters especially among the Kikuyu. At independence, the Kenyatta government created a land market of “willing - seller willing buyer” with many of the landless being encouraged to join land-buying companies. Rift Valley Province was earmarked for settlement of the landless through these schemes. However, land did not necessarily revert to those who had lost it through colonialism as supported Kenya Land Alliance (2004).

Most of us share a common problem, that of neglect by the Government. We are all here because of displacement due to the post-election violence. I ran away from home at least to secure my safety. That is why I keep wondering why I am running away when I am still in Kenya. Yes, we are Kenyans, we were born in Kenya. Even if I run away to Uganda I will not be a Ugandan citizen, I will still remain a Kenyan citizen. The government must protect the rights of every Kenyan. If I wish to visit Western Kenya I should go without fear, if I wish to go back to Eldoret, I should be able to go and stay there knowing that I am safe. I am Kenyan, born in Kenya and will live anywhere in Kenya. We were evicted by our neighbours, they were the ones telling us to leave. We did not just pick our belongings and left. No, we were threatened. I was told to migrate to Othaya as though it is a different country. I was internally evicted within my own country. I did not want to leave; It was the circumstances that threatened my life that made me to leave where I knew best (Personal Communication, CBD, 14/03/2013).

From the above narrative, we realize that many Kenyans are aggrieved and feel that they have been marginalized by the state. They therefore cannot hesitate to engage in violence in response to the forces that oppress them, leading to frequent outbreaks of violence and

protracted social conflict which dots Kenya's recent history. According to Azar (1990), a Protracted Social Conflict represents, the prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions and economic participation are recipe for violence. Azar goes back in the conflict history to the colonial period where community groups are directly influenced by historical rivalries and a colonial policy of divide and rule. In the post-colonial period, Azar stresses, in many multiethnic societies states emerge which are dominated by a single communal group. This communal group (or a coalition of groups) ignores the needs of other communal groups, thereby breeding frustration and polarization. In terms of human needs, Azar argues that all individuals aim at fulfilling their (collective) needs through their collective identity group. Needs deprivation leads to increasing grievances, which individuals express collectively (Fisher, 2001).

The failure of the successive governments to take any positive action on these grievances did not institute normalcy into the volatile land issues. Even after president Moi's regime, Kibaki government again failed to address the land question which meant that yet again in 2007 the unresolved land question was an election agenda especially for the opposition ODM. The respondents in Nakuru Municipality rated historical injustices as second to ethnicity in terms of contributing to the election violence between 1992-2008. This is evident as shown in Table 2.5 and Graph 2.5.

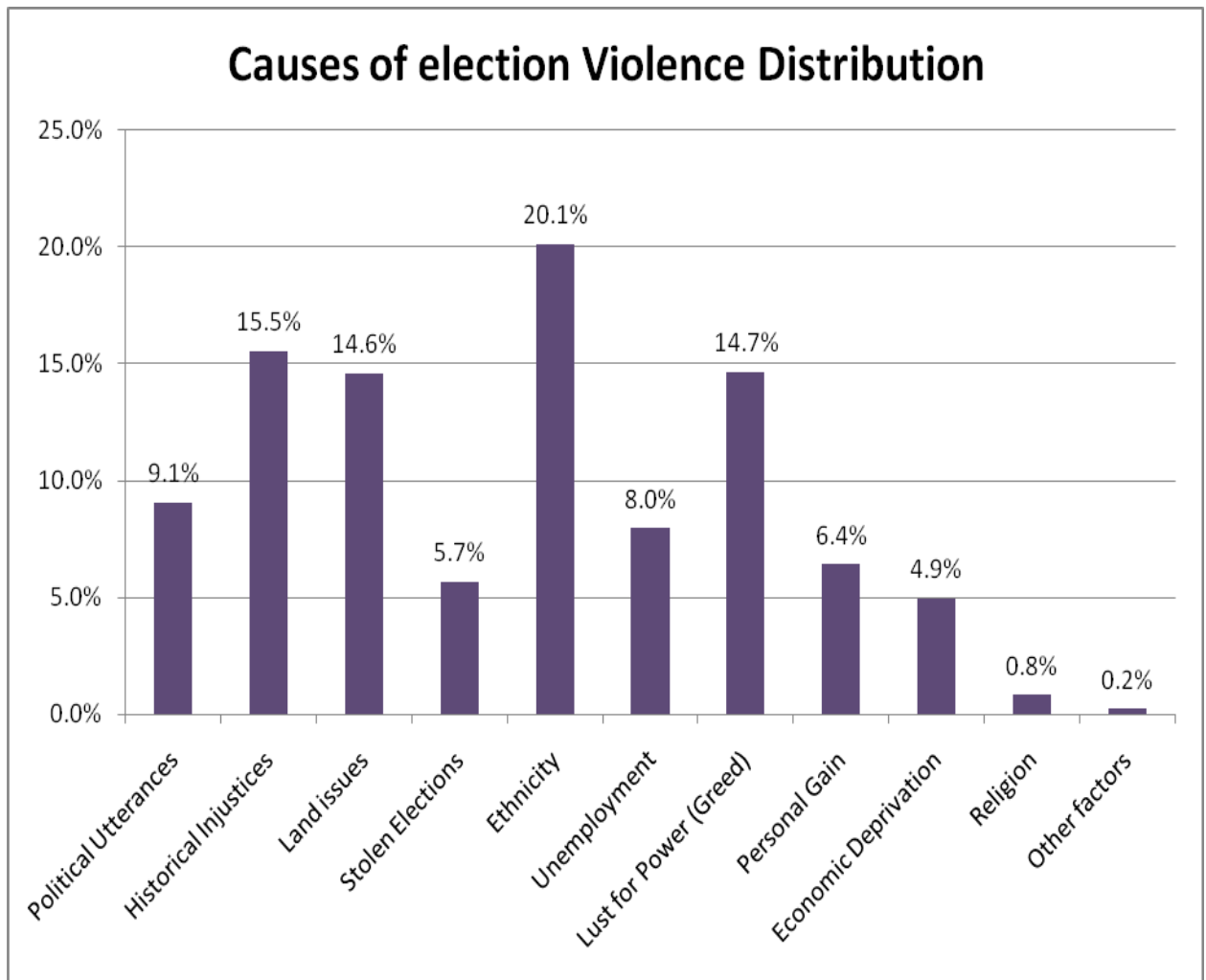
Table 2.5: Distribution of causes of election violence

Samples (Persons)	Causes of election Violence (Distribution)
123	9.1% - Political Utterances
211	15.5% - Historical Injustices
198	14.6% - Land Issues
77	5.7% - Stolen Elections

273	20.1% - Ethnicity
108	8.0% - Unemployment
199	14.7% - Greed
87	6.4% - Personal Gain
67	4.9% - Economic deprivation
11	0.8% - Religion
3	0.2% - Other factors
1357	

Source: Researcher (2013)

Graph 2.5: Distribution of causes of election violence (1992-2008)



Source: Researcher (2013)

Generally in Nakuru Municipality, It is evident from the respondents suggestions (as explained in figure 2.5 and Graph 2.5 above) that ethnicity is among the main cause of violence every electioneering year since 1992. This was followed by historical injustices, greed and land related violence. Religious conflicts in this municipality have not or minimally contributed to election violence.

A clear finding from recent experience is that electoral processes can stimulate or catalyze destructive social conflict: Burundi, Cambodia, Ethiopia, Guyana, Haiti, Kenya, Sri Lanka, and Zimbabwe are just a few of the examples of countries where electoral processes have been persistently violence ridden. In the most destructive instances such as the 1992 and 2007/2008 elections violence scenarios in Rift valley and especially Nakuru and their outcomes can often be a strong stimulant for violence that escalates to the level of civil war.

5.2.8 Relative Deprivation

Moreover, income inequality and poverty have become more prevalent since independence (Ndege, 2008). Colonialism had its own share in the country's inequality and poverty as it promoted rural-urban, regional and class differences in development. As a consequence the contradictions that characterized colonial Kenya have been accentuated. These include contradictions in the social relations of production between the international and domestic bourgeoisie, between the peasantries and the bourgeoisie, and between capital and labour (Ake, 1980, Swainson, 1980 and Leys, 1996).

Like the colonial state, the post-colonial state has had to cope with these series of contradictions. The local bourgeoisie habitually resort to high level corruption to accumulate wealth and power. They also invoke racial and ethnic sentiments to stay in power (Leys, 1975 and Atieno Odhiambo, 2004). Superintending class and ethnic politics is the president and the political elites around him. The character of the contemporary African state has been

determined by its colonial origins. The colonial legacy in turn has been altered in crucial and often negative ways (Crawford Young 1986: 25).

Relative deprivation is considered one of the causes of election violence as well as routine violence between 1992 and 2008. In the eastern Indonesian province of Maluku, the traditionally privileged Christians group felt relatively deprived against the rising Muslim community economically and politically, which resulted in the bloodiest Muslim-Christian conflict in the country's history (Tadjoeddin, 2003). In Kenya, religious issues were kept on as a bargaining factor to woo the masses on each side of the competing political parties. Political parties like the ODM went further to sign a Memorandum of Understanding (MOU) with leaders of some religious groups. Hence, making it look like a religious contest when elections are decided by the individual voter. Can the issue of religious disparities be an issue in the context of the violence that rocked Nakuru Municipality in 2007/2008?

There are circumstances in which some people feel sufficiently strong to protest, to the extent of being insensitive to the risks of government reprisal. Evidently, the impetus for such protest should be entrenched in objective grievances, some of which are potentially measurable. To distinguish three of them: inter-group hatred, political exclusion, and vengeance. Inter-ethnic hatreds are probably the most common popular explanation for election violence. It is possible that such hatreds exist and since many conflicts are inter-ethnic, it is widely presumed that the hatreds are the cause of the conflict. The overall consequence of such violence induced destocking had been noted by the Nakuru County Development Plan in its projection for the period 2002-2008. The land clashes has also played a big role in the current state of poverty by creating tension, insecurity, forced migration and time wastage which would have been otherwise directed towards productive activities (NDDP, 2002-2008:23).

Although such animosity is usually not directly observed, they evidently only occur in societies which are multi-ethnic or multi-religious. However, the respondents failed to link the 1992-2008 election violence to any kind of religious animosity.

Types of Violence

Looking at Table 3.5 and graph 3.5, it is evident that 213 respondents attested that destruction of property during election violence takes a larger share among other crimes and attributed this to the various ethnically based vigilante groups.

Table 3.5: Types of Violence in Nakuru Municipality

Samples	Types of Violence
91	23.6% (Arson)
81	21.0% (Murder)
213	55.3% (Destruction of Property)
385	100%

Source: Researcher (2013)

5.2.9 Politicians and Vested Interests

Politicians have an incentive to challenge governments because of private gain. Typical opportunities are the chief conditions for profit seeking, for rebel organizations to exist. For example, in the case of election violence in Nakuru Municipality between 1992-2008, the political leaders foresaw some opportunities to gain either politically, economically or socially through engagement in violence. Political opportunities would include political leadership, which serves narrow and selfish interests. This is also apparent in the manner in which incumbent politicians embarked on extending their terms beyond the stipulated periods. Greed behaviour is a culture of undemocratic governance where politicians regard the state as an avenue to the accumulation of wealth (Nyongo, 1993).

Elections have heightened the expectations of Kenyans, as politicians have promised to address the issues of inequality overnight. Resolving issues concerning truth and justice, particularly the issues of corruption and past violence, demand that political leaders give up their own privileges and ambitions (such as fringe benefits and winning elections at all cost) in favor of the national interest and development (Ndungu, 2008). Kenyan democracy is far from being consolidated as it may be best described as a shell of democracy produced by political liberalization without the democratization of political institutions and the establishment of rules of the 'political game.' The institutions of democracy, particularly the Electoral Commission of Kenya, have been sacrificed for personal and sectional interests and the control of power and resources (Nasong'o, 2007).

However, the National Cohesion and Integration Act of 2008, provided a ray of hope for change in Kenya as it has created an opportunity to criminalize discrimination of any form, ensure fairer representation and distribution of national resources by political leaders, and work towards building a more cohesive Kenya.

5.2.10 Poverty

Another important underlying factor in the violence is the widespread poverty and major inequality in Nakuru Municipality. The Kibaki government managed to resuscitate the economy that had been ailing under the Moi government to record a respectable 6 to 7 percent growth by 2007. However, the benefits of this economic growth did not translate into enhanced real incomes especially for those Kenyans living in extreme poverty in urban slums Ponda Mali and Kaptembwa. This is evident as 64% (Ponda Mali) and 62% (Kaptembwa) of residents in these estates are very poor and live below the poverty line (living with less than 1 USD a day). The conflict between (PNU) and (ODM) supporters took three phases and varied from one region to the next. The first spontaneous violence emerged from frustrated,

unemployed poor youth living in Kibera and Mathare slums. They perceived the presidential result as rigged (OHCHR, 2008).

Individuals are easily susceptible to forms of violence against the prevailing systems during periods of economic hardship and deprivation. Most violence affected countries in the twenty first century are in the low income developing and underdeveloped parts of the World as posited by Murshed (2002). The implication is that poverty as a grievance has the capacity to mobilize communities against each other especially if it's perceived that one community is doing better than the other economically. This is a concept that many politicians have seemingly used to ascend to power. Respondents gave evidence that grievances in terms of resource deprivation and poverty can lead to rebellion, protest and election violence as witnessed between 1992-2008.

Moreover, Ethnicity is one of the prime causes of civil wars. According to Azam, (2001), individuals sharing a common ethnicity are held together by a bond of ethnic capital. Organized along the principal of who gets what and when, a common ethnicity enhances the groups' solidarity. Any rupture in the process of distribution of resources or competition posed by another group, which is organized along the same principles but with a different ethnic identity, creates tension leading to the eruption of violence. The political class has since then recognized ethnicity as a source of grievance that can be utilized whenever they realize that their ascendance to power is threatened. There has been a fear of dominance and mistrust between the Kikuyu and the Kalenjin while others also support them. Nonetheless, the violent conflicts, triggered by differences over *majimboism* and unfair distribution of resources in the Rift Valley Province, for example, have become hot spots for election-related violence in Kenya (Ajulu, 2002).

From a broader perspective, problems of inequality and marginalization are often viewed in ethno geographic terms all over the world. In Kenya, For example, such grievances were heavily cited as factors that contributed to PEV of 2008. The violence in Nakuru Municipality and other towns of Rift Valley province of Kenya started on 29 December 2007, as a protest against delays in the announcement of Presidential election results. The next day, immediately after the ECK announcement, riots broke out across the country, mainly in Nairobi, Kisumu, Eldoret, Nakuru, Naivasha and Mombasa. The Orange Democratic Party supporters turned their anger on those they perceived as supporters of PNU, while the PNU supporters went on a revenge mission. Hundreds of people were killed, properties destroyed and thousands internally displaced. Some studies have found that typically ethnically mixed societies are more likely to engage into conflict (Gurr 2000).

The commission that had been set up to look at the underlying factors has cited cases of historical injustices as the main trigger towards PEV. These historical injustices include, land issues, tribalism, unemployment, inequality, poverty and distribution of resources among other things. However, behind the grievances lies a possibility that some politicians had motives beyond what was seen at the face value. There have been arguments that some politicians were mainly motivated, among other things, by their own political mileage. Politicians with greed for power could ideologically frame their political agenda hidden behind the grievances of the community. Such politicians will correctly identify and articulate the communal need with an aim of getting to power and once they are there they will forget about the communal course that drove them to power. For example, in Kenya, politicians have often cited communal grievances as a gate way to power but little is seen in the way they address the communal needs. PEV in Nakuru Municipality was not of any difference.

5.2.11 “Stolen Election”

The 2007/2008 elections were characterized by relative peace and calm on the voting day until the tables began to turn during ballot counting when it was reported that Kibaki, who was trailing Raila Odinga initially, closed the gap and overtook his opponent by a substantial margin to win amid largely substantiated claims of rigging (IFES Final Report, 2008). Democracy promoters have hyped the need for elections as the most important event to show that a country is democratizing to the extent that countries that do not have the minimum systems in place to conduct credible elections are encouraged to do so. The results have often been disastrous, a situation which Paul Collier describes as “democracy in dangerous places” (Collier, 2009, p. 1).

Collier states that among the ‘bottom billion’ (people living in developing countries), the great political sea change, superficially, has looked like the spread of democracy, but was actually the spread of elections. That is, developing countries’ adoption of electoral democracy (without efforts to establish liberal democratic institutions and structures) makes the democratization process superficial as many elections are described as shams. He argues that when elections become a zero-sum game without strict adherence to the rules of conduct of elections, the contestants are driven to extremes. The result, Collier contends, is not democracy but “*Democracy*” (Collier, 2009, p.16).

Collier’s call for all parties in the election process to be subjected to the rules of conduct is a fundamental duty of Electoral Commissions/Authorities or institutions whose mandate is rule making, rule application, and rule adjudication of the electoral process. He stresses that if this role is not played properly the election results are disputed by contending parties, leading to chaos and violence (Collier, 2009).

Despite the aforementioned trend of increased election governance institutions and election fraud globally, some African countries like Ghana, Botswana, Cape Verde, and Benin are progressing steadily on the path to establish democratic rule through the conduct of credible elections, but others, such as Zimbabwe, Kenya, Nigeria, and Côte d'Ivoire, with similar demographic, ethnic, socio-economic and political characteristics are associated with flawed elections (Lindberg, 2009).

Post-election violence resulting from the 2007 election in Kenya involved many facets of society. It involved youth, who had little opportunity for employment despite Kibaki's 2002 election promise of job creation. Barred from peacefully protesting in public, many youth violently reacted after the announcement was made of the questionable Kibaki victory. The post-election violence was also seen when Kalenjin tribesmen violently reacted against their Kikuyu neighbours due to long standing land disputes since 1963.

In the contested 2007 Presidential elections, the flawed election process and allegation of rigging triggered widespread public anger that degenerated into post-election violence, causing more than a thousand deaths and lasting well into 2008 (DFID, 2009). There were reports about manipulations and fraudulent counts by the Electoral Commission of Kenya (ECK). The Independent Review Commission found that electoral fraud was rampant at all stages of the tallying process, and ruled that "The integrity of the electoral process, widespread bribery, vote-buying, intimidation and ballot-stuffing, compounded the defective data tabulation, transmission and tallying, impaired the integrity of the process and irretrievably polluted the results (IRC, 2008).

One of the victims narrated how bad the violence was in 2008 as he was caught up by a group of youth wielding machetes and simi's shouting that he shall serve as an example of those uncircumcised men who will taste the knife;

The gang, at first decided that they should just chop off my manhood, “had it not been my cooperation with the young men, I would not have lived to tell the tale”. However, they circumcised me using pieces of broken bottles and declared that I am no longer a ‘kehee’- (a Kikuyu name for uncircumcised men). In view of this, I also boast among my peers as being one of the lucky men to have faced the knife, though my friends jokingly comment that mine was the “bottle” but not the “knife” (Personal Communication, Kaptembwa, 19/3/2013).

When domestic and international observers judge that an election has been marred by violence, the legitimacy of the result is jeopardized, as is the legitimacy of the elected official and therefore, discredited the whole process. These were attributed to the comments by observers in 2007 elections, which contributed to the already doubtful election and hence protests and violence (Geoffrey Korir – Criminologist Nakuru CBD – 29/3/2013).

One of the residents, a 46 years old female who lived in Kaptembwa Estate for over 30 years – 27/3/2013 and experienced the election violence, comments that, there was no planned violence prior to the 2007/2008 election even though there were inciting utterances by some politicians; She says,

“The hell broke loose immediately the ECK announced that Kibaki had won, contrary to what was in public domain and expectations that Raila Odinga was leading Kibaki by far. The main trigger of the sporadic violence was the strong opinion that the election victory was snatched from Raila” (Personal Communication, Kaptembwa, 27/3/2013).

Abuse of the electoral system and process necessarily invites alternative means of achieving legitimate government. It is in this sense that the people turned to street protests as a legitimate form of political expression. With specific reference to post-election Kenya, protests became a means of achieving governance where the ballot box failed (Murunga, 2011).

The counting and tallying of presidential votes at the constituency levels, at the national tallying center in Nairobi and the transportation of ballot boxes were criticized as deeply flawed by observer teams including the EU, East African Community, the Commonwealth and the Kenya Elections Domestic Observation Forum (KEDOF). Serious concerns were raised about the manner in which the ECK concluded the presidential elections, declaring a winner under tight security and hurriedly inaugurating Kibaki as president (OSIEA, 2009).

In the recent and accessible book, *Wars, Guns and Votes*, Oxford academic Paul Collier asks a foreground question, “do elections increase the likelihood of violence?” and if so, why and what should be done about it? The question of whether elections are held “too soon” or are for some other reason counter-productive in terms of transitions is beyond the scope of this report. A post-conflict election shifts the risk of conflict reversion. In the year before the election the risk of going back to violence is very sharply reduced but seemed that the net effect of the election is to make the society more dangerous. Collier is not alone in reminding us that the process of elections, during which differences are emphasized as a way of gaining political support, can exacerbate polarization, conflict and societal cleavages. Throup (2008) Early announcements from ODM strongholds contributed to the expectation that ODM was headed for victory over PNU, even though PNU strongholds were not announced until later (Throup, 2008).

5.2.12 The Media

A major issue in the study of violence is the role of the mass media in communicating or fostering violent attitudes. A survey of television programming conducted by the Christian Science monitor six weeks after the assassination of Senator Robert Kennedy in 1968 found portrayals of 84 killings in 85.5 hours of prime-time evening and Saturday morning programming. The bloodiest evening hours were between 7:30 and 9:00, when the networks estimated that 6.7 million children between the ages of 2 and 17 were watching television (Siegel, 1970). Some researchers believe that the effects of television are more subtle. Hartnagel, Teevan, and McIntyre (1975) found that the effect of televised violence on behavior is indirect: "Values and attitudes or perceptions of the world may be substantially affected by television programming which may, in turn, influence behavior". This suggests that young viewers may become calloused by overexposure to violent programming and that, although they may not become violent themselves, they may more readily tolerate violence in others. The Kenyan media scene has witnessed a level of mediatization and the media still remained the main source of information on political, economic and social matters in the country (Somerville 2011).

The influence of the mass media, particularly television, in the coverage and reporting of civil protests, demonstrations, civil disorders and other forms of potentially violent activity is another important issue. Do the media distort the facts by stressing the violent aspects of news events, and does the presence of media reporters at such events tend to increase the possibility that violence will occur? The answer to both questions was yes, in some instance. Distortion and provocation are difficult concepts to measure, however, and the matter is far from settled. Even so, the media "both contribute to the appearance of increased frequency and accelerate the cycle of protest. It is an over simplification, of course, to assume that any portrayal of violence will tempt spectators to act out what they have seen. Hate speech in its

many forms; text messaging, radio broadcasts, leaflets and speeches should not be confused with the root causes of conflict and in the case of susceptible nations such as Kenya, would be disputed elections, inequality, economic decline and long standing conflict over land and political power (Hirsch 2013, 2).

Both the context of the stimulus and the attitude of the viewer must also be considered. The desire to imitate what is seen on the television or movie screen is likely to depend largely on how it is presented. During conflicts, a democratic media serves to encourage dialogue, tolerance and interaction among communities hence reducing inherent conflicts and building lasting peace. But, the media can either report negatively on political opponents, or raise the legitimacy of those supporting peaceful negotiations (Wolfsfeld, 2004:12).

Abuse of media freedom hence endangers essential human rights and goes against the spirit of a free society, under which independent media are established. It imperils the very rights the media is expected to protect. The subject of human rights is recognized in the field of Journalism, especially if the media conditions are set to honour and defend against abuse (Watson, 1998).

The election violence has also involved a certain amount of indoctrination and incitement. Politicians and traditional chiefs in the Rift Valley have been whipping up anti- Kikuyu feelings for a long time and the tempo of their incitement was elevated up shortly before every polling year. Vernacular radio stations may also have played a part in belting up ethnic prejudice. Kass FM, a Radio station that broadcasts in Kalenjin was much blamed for broadcasting inflammatory statements by politicians and ordinary people. A respected clergyman in the Rift Valley has frequently complained that Kass was inciting violence and warned it could provoke “Rwanda-style” killings. Its broadcasts were mostly aired prior to the elections in December. The station, aware it was being watched closely, has since toned

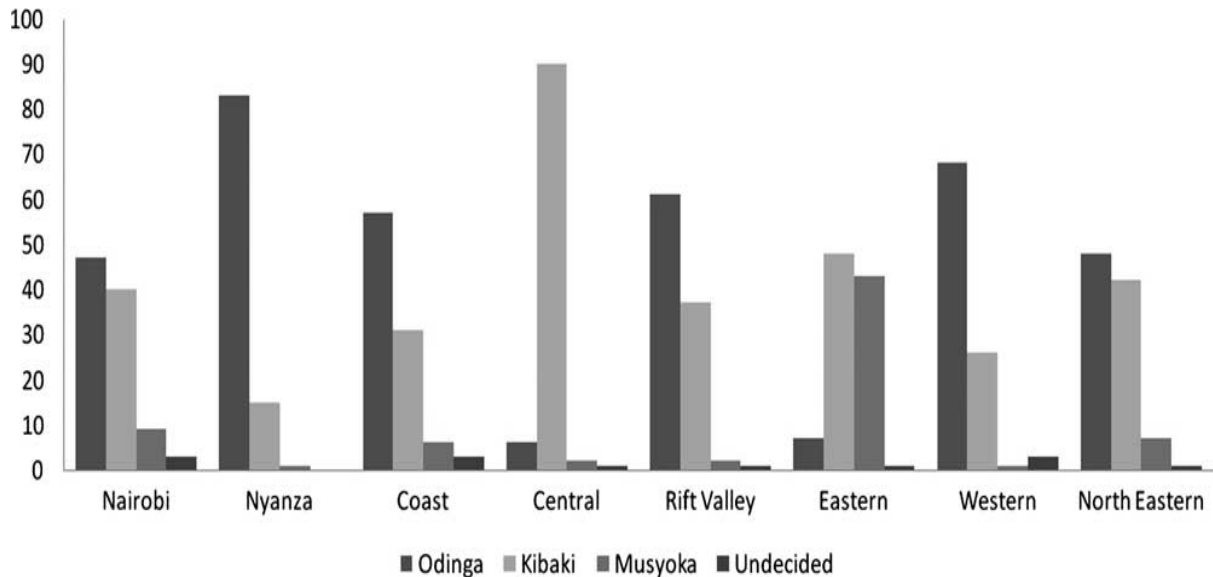
down its propaganda and is careful not to air tribal statements. It was common to hear descriptions on Kass FM before the elections that some communities as greedy, land hungry, domineering and unscrupulous, as well as thinly veiled threats, like “the time has come for us to reclaim our ancestral land”, or “people of the milk” must “clear the weed”. But these were not all; there were intermediaries such as bar-room talk, cartoons, ethnically conscious music, mobile phone text messages and web-based blogs (Wa-Mungai, 2007: 340).

Radio FM stations like Inooro, Coro and Kameme were also accused of waging an ethnic propaganda campaign against certain political parties and communities. Again, much is usually hidden in the calls. Inooro FM is particularly notorious for putting highly emotional and distraught people from the confrontation areas on air. It also inserts into or ends the call with gospel songs, an obvious effort to increase the emotional effect. “How many people have to die before we say: enough is enough. Our people will be exterminated”, a woman called Mama Ciiru typically sobbed in one such broadcast on Inooro on 23 January 2008. In the run up to the elections, different key players such as vernacular FM radio stations, the ‘yellow press’ and some politicians relayed inflammatory news and intemperate language. They also played offensive music aimed at intimidating their opponents. Kikuyu FM stations, in particular, Inooro, Coro and Kameme, waged an ethnic propaganda campaign against ODM and the Kalenjin using call-ins with gospel songs (Crisis Group, 2008: 13)

However, the question still lies on whether digital technology matters in the struggle for democracy. The crises in Kenya both in 2008 and the elections in 2013 are an insight in the emerging power of new media tools. In the Kenyan context, whether aspiring to promote an ethnic-based hate crime or a global human rights campaign, the Internet and mobile phones have lowered the barriers to participation and increased opportunities for many-to-many communication. Clay Shirky gets to the heart of the matter: “The current change, in one sentence, is this: most of the barriers to group action have collapsed, and without those

barriers, we are free to explore new ways of gathering together and getting things done.” However, the effectiveness of social media to actually bring about social change is highly contested (Goldstein and Rotich 2007, 9; Haider 2011).

Graph 4.5 Presidential popularity by province (2007/2008).



Source: Daily Nation, ‘With Eight Days to Go, Race Too Close to Call’, 19 December 2007.

Though it is just a perception survey, it is evident that Raila Odinga led in seven out of nine provinces in Kenya while Kibaki and Musyoka commanded one region each which as usual are their ethnic strongholds. Such strong opinion displayed by the media prior to 2007/2008 election was obviously expected to influence the voting process.

5.3 Political Parties

With the failure of the NARC party, many who were left out of power from the failed power-sharing MOU in 2002 formed the Orange Democratic Movement (ODM). The ODM was largely comprised a tribal alliance between the Kalenjin, Luhya and Luo. Kibaki and the Kikuyu in power formed the Party of National Unity (PNU). The three main groups involved in the 2007 post-election violence were the Kikuyu, Luo and Kalenjin. The Luhya were a part of the ODM, however, not much is written about their involvement. The reality on the ground

is that most African political parties are not communities of political ideology or philosophy rather they are vehicles of ethnic nativism (Mutua, 2008).

So I thought I was a typical Kenyan but I found out that I am not a Kenyan because when I voted to elect a leader for my country it was said I was an ethnic Kikuyu who is not part of the other Kenyan tribes; I was called a Kikuyu who was disliked by the other 41 ethnic groups. I still ask myself where the Kikuyu came from. I am not so sure of what it means to be Kenyan anymore. I have registered as a voter, yet I don't know what it means to be Kenyan, is it based on the particular place you were born? I would like to know how this post-election violence occurred. If I was a true Kenyan the government would have committed to help me but they have not. Like many other IDPs I also ask what type of Kenyan I am. I see myself as being Kenyan because I was born and brought up in Kenya. Yet, despite how I see myself, other communities do not identify me as a Kenyan (Personal communication, Ponda Mali, 19/03/2013).

The parties were driven by ethnic interests with winner-take-all views of political power and its associated economic rewards (Mueller, 2011). The elections took place in an atmosphere of diffused violence that could be ignited easily but not controlled, non-credible and non-neutral but critical institutions coexisted with political leaders and followers who perceived the elections as a 'do or die,' zero-sum game. Had the election not been so close, these same factors may have been held in check for a while but there is no guarantee that that would have been the case, given the poor performance of the ECK (Mueller, 2011).

We were evicted, we were many. One community was being evicted. Why were we evicted? Because we voted for the candidate we liked. That was the

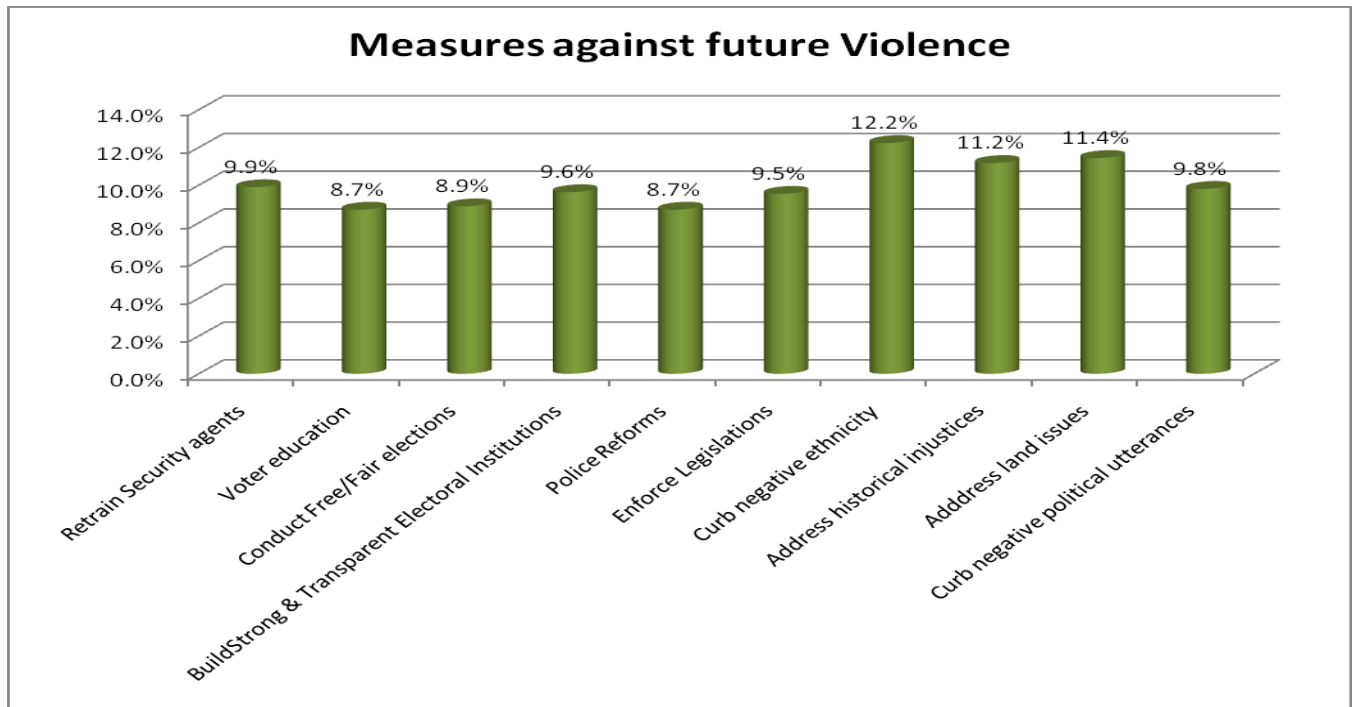
beginning of everything. Nobody cares about us. I am a refugee in my own country. Nobody cares about me. Even refugees from other countries like those from Somalia are well cared for. I am a Kenyan who is a refugee in his own country, nobody cares. We never received services from our own government but the Rwandans, Sudanese and others on the other hand do. The same government that I voted for has turned me into a refugee and has forgotten about me. The Government conducts its business as usual while I am still landless. This is a big joke and human rights abuse (Personal Communication, Kaptembwa, 14/3/2013).

5.4 Mitigating future electoral violence

Table 4.5: Mitigating future electoral violence in Nakuru Municipality

Samples	Measures against future Violence
224	9.9% - Retrain Security Agents
197	8.7% - Voter Education
201	8.9% - Conduct Free/fair Elections
218	9.6% - Build Strong and Transparent Electoral Institutions
197	8.7% - Police Reforms
216	9.5% - Enforce Legislations
277	12.2%- Curb Negative Ethnicity
253	11.2% - Address Historical Injustices
259	11.4% - Address Land Issues
222	9.8% - Curb negative Political Utterances
2264	

Source: Researcher (2013)

Graph 5.5: Mitigating future electoral violence in Nakuru Municipality

(Source: Researcher (2013))

From the above table 4.5 and graph 5.5 as indicated by the respondents the ten point issues raised can be used to avoid or reduce future election violence in Nakuru Municipality. Leading point to be implemented in terms of priority is curbing negative ethnicity followed closely by land issues and historical injustices.

5.5 International Actors

In 2007/2008 election violence, attempts by the ODM to stage public, peaceful protests in Nairobi and other cities were squashed by the police. Kibaki, on the other hand, was legally certified as the president and had the legal right to ban the protests, especially if the protests could compromise the stability of the government. The first to step in to mediate a solution between the PNU and ODM was led by an African Union negotiator along with a combined team of the French, British, US diplomats (Lafargue & Katumanga, 2008). After this mediation attempt failed, the former Secretary of the UN, Kofi Annan stepped in and negotiated a power sharing deal between Kibaki and Odinga where Odinga would become

Prime Minister and the ODM would be given 10 cabinet positions. This deal was very similar to that which should have occurred in 2002 under the NARC's pre-election agreement.

5.6 Land, Government and Majimbo propaganda

The issue of land in Kenya is central in its history of conflict and is an example of structural violence. This is in part because of long and complex histories of land dealings among ethnic groups. Often the members of the group in power were unethically given or allowed to use land, frequently at the expense of other disadvantaged groups. This is also in part due to the complex legal structure surrounding land in Nakuru Municipality. People's need for land was exploited by some politicians to instigate violence, especially in allocation and influencing buying of plots in Langa Langa and Kaptembwa areas. Such irregular land deals also happened in other African troubled elections (Peters, 2009).

In other areas of the Rift Valley, motivations for the violence were not necessarily election related but may also have been linked to longstanding competition for access to land and jobs. They killed over a dozen, and many more were executed during the subsequent police crackdown. This development reinforces the view that the conflict in the Rift Valley is essentially over land.

By the early 1990s, a more blatant form of accumulation through land grabbing of state land by privileged individuals through corruption and manipulation of the land laws had become apparent. As Jacqueline Klopp (2002) has illustrated, this land grabbing was motivated by simple greed and was not principally geared to ethnic ends. The Kalenjin appear determined to reclaim what they see as their ancestral lands from the so-called immigrant communities such as the Kikuyu and the Kisii.

The Kalenjin argue that Kikuyu, backed by big land companies and state bureaucracy, bought large tracts in the fertile parts of the Rift Valley. The Kenyatta regime indeed gave former Mau Mau combatants priority to resettle in the Rift Valley as a reward for their contribution to independence, but more importantly to avoid the continuation of what was mostly a Kikuyu civil war over land in Central Province. To protect the large properties accumulated by collaborators with the colonial regime and members of the establishment in Central Province, Kenyatta decided to resettle the Kikuyu landless poor and Mau Mau supporters on Kalenjin land in the Rift Valley. Some aspects of the violence have a historical dimension. Bates (1989) argues that the Kikuyu were forced to migrate out of their traditional areas as a result of displacement by the white settlers and settled in the Rift Valley.

Kalenjin communities were further angered by the renaming of their areas with Kikuyu names, thus erasing part of their heritage. The problem is further compounded by a *laissez-faire* system of land sale and allocation, which often takes no account of communal tenure and is deeply flawed due to corrupt allocation and registration practices. The dream of many poor Kenyans to own land had turned into a nightmare, with double or triple registration and the repeated issue of fake title deeds issued to plot owners in Nakuru Municipality.

The ODM did well in the Rift Valley and Coast Province because of its promise the two regions would become a self-governing, semi-autonomous state if it won. The ODM's *majimbo* cleverly exploited the yearning for regional autonomy among the Kalenjin and other so-called minority tribes. But ODM did not provide details on what such devolution would involve, and many Kalenjin saw *majimbo* as a chance to "throw off the Kikuyu yoke". That view was echoed in Coast Province. The violence has also involved a certain amount of indoctrination and incitement. Politicians and traditional chiefs in the Rift Valley have been whipping up anti-Kikuyu feelings for a long time, and the tempo of their incitement was ratcheted up shortly before the polls. The net effect was a consistent message that Kikuyu are

the cause of all the region's ills. A powerful tribal elder was heard making statements that would have seen him prosecuted in many countries. One characteristic of Kenya's political system is that parties and voters are mobilized along ethnic and regional lines (Oucho, 2002).

5.7 Youth and Vigilante Groups

Post-election violence that resulted from the elections in 2007 election in Nakuru Municipality involved many facet of society. Perhaps in 2007, the most volatile of these were youth with little opportunity within the previous Kibaki government for jobs and had even less hope for the future. The ODM understood this and harnessed the youth vote by organizing them, for the first time in a Kenyan election, into voting blocs. This vehicle of organization combined with Kibaki making peaceful demonstrations illegal is thought to have been why the youth violently reacted after the announcement of the Kibaki victory. One of the ways of weakening political opposition is by deflecting the discontent of one group by turning their frustrations against another group (Keen, 2000).

Electoral violence is that political violence that aims at the electoral process. It is geared towards winning political competition or power through violence, subverting the ends of the electoral and democratic process. "Its tool of trade is the intimidation and disempowerment of political opponents. Election violence takes place not just at election time, but in periods leading to elections, during the elections themselves and in the period immediately following elections such as during the counting of ballots." Various metaphysical and dialectical reasons are given as the root causes of both political and electoral violence. On the metaphysical front, violence is seen as part of nature meaning that certain human beings are so bad that they are inherently violent. Hence the only way to deal with the problem is to get rid of them. In some circumstances, violence is seen as a result of the prevailing environment surrounding an individual. In this case, it is clear that there is room to change the situation

and hence alleviate or totally eliminate the violence. Hence, this view encourages political dialogue and negotiation between competing parties.

The high incidences of political and electoral violence can also be explained by cultural factors. Here, there is a political culture of thuggery that generally predisposes actors to engage in violence and intimidation during political contests. Within the context of the trends, existing political system, the decay of political and social systems in Nakuru Municipality resulted in violence becoming the tool for settling political contests and managing political conflicts.

Vigilantism in Africa has been one of the major avenues of the youth's involvement in election violent violence. In many African countries, vigilantes have been used to clinch or maintain political power. Most literatures have concentrated much on the activities of the groups but lives out on most important point that really needs to be studied in depth, the origins and factors that give rise to these groups. Media reports, such as the one by Ohito and Obonyo (2010), state that an estimated 1,000 deaths are linked to the Kenyan Police alone and hundreds are attributable to politically- connected gangs such as Mungiki.

Vigilantism is a concept that is understood differently by different people in regions of the world. According to an elder in Ponda Mali, vigilante in Nakuru Municipality as a member of a volunteer committee was organized to suppress and punish crime; in short, vigilantes suppress crime when the processes of law appear inadequate. A vigilante group in Nakuru Municipality is an informal group organized to enforce its own concept of law and order or advance its own interests outside the established process of law. These interests led to disruption of the same law and order. Vigilantism is therefore a worldwide phenomenon that arises out of a need to air views or justify certain actions.

In Kenya, vigilantes have sprouted out of the need to protect economic and political interests of a certain group and most of the time the group is ethnically based. One of the vigilante groups that have been very significant in politics is Mungiki. In the 1980's and 1990s, vigilante groups such as Mungiki in Rift Valley, Central and Nairobi Provinces, Sri Lanka and Kuzasha Boys in Mombasa, Baghdad Boys in Luo Nyanza, Chinkororo and its political rivals Amachuma from Kisii, and Kaya Bombo Youth in Kwale . Others were, Jeshi la Mzee which was formed in April 1997 by senior members of KANU to disrupt opposition political rallies, Jeshi la Embakasi supported by David Mwenje and Jeshi la King'ole who supported the Party of Independent Candidates of Kenya (PICK) leader, Harun Mwau. Towards the end of 2001, Taliban was formed under leadership of David Ochieng as a response to growing criminality in the Kariobangi area. In 2005, the Sabaot Land Defense Force (SDLF) was formed in Mount Elgon region to resist government's attempts to evict population in the Chebyuk area as part of a resettlement programme. During nominations and campaigns, Vigilante groups would fight it out sometimes paying the ultimate price (Mutahi, 2005).

5.7.1 The Return of Mungiki and Kalenjin Warriors

In the second wave of violence in 2007/2008 that rocked the Rift Valley, ethnic gangs engaged in deadly combat for control of two of the principal towns in the province, Nakuru and Naivasha. The busy Nairobi-Nakuru highway was impassable for a few days, with barricades and ethnic militia checkpoints popping up and passengers in buses and minibus taxis (matatus) being asked to produce their national identity cards and then brutally lynched if they belonged to the wrong western tribe. Some of those murders can be blamed on the notorious crime cult, Mungiki.

In 1992 election violence, the sect had its roots in the Rift Valley, Nakuru being a principle Town but is well entrenched in Nairobi slums and central Kenya. Membership is gained by

swearing oaths (often forced) and strictly limited to Kikuyu men. The initial aim was the “liberation” of Kikuyu from Moi oppression and a cultural revival of the traditional Kikuyu way of life. It borrows much from Mau Mau symbolism and argues that no one except a Kikuyu should ever rule Kenya. Over the years and especially between 1992 and 1997, it had contacts with parliamentarians from central Kenya and Nakuru. Though they were sometimes forcibly sworn into group, they found cooperation with Mungiki useful for political mobilization. Mungiki was in disarray following a mid-2007 crackdown by the security forces but is believed to have regrouped and operated openly despite being a banned organization.

The deadly inter-ethnic clashes that rocked the industrial towns of Nakuru and Naivasha 2008 are said to have been mostly carried out by these new recruits. There were warning signs during the 2007 campaign that serious violence could emerge. Donors ignored the 600 or so deaths that occurred in the final months leading to the vote, most of which were the result of the police’s extrajudicial killing of suspected members of Mungiki, a Kikuyu religious group cum protection racket cum political militia (Cheeseman, 2008: 170).

The sect seemed to enjoy a degree of support from the local establishment and police, who used minimal force against them as they were torching and killing. Reports that some gangs leading the onslaught in the Central Rift are led by members who have long been in prison suggests that local authorities are releasing some Mungiki convicts. In Naivasha and Nakuru, Mungiki members were guided by local youths, who identified houses of non-Kikuyu, especially those of Luo and Kalenjin. After the residents had been killed or fled, their property was taken outside and burned as a sign of cleansing before the house was reoccupied by Kikuyu IDPs. In Naivasha the sect was behind the ban on women wearing trousers. Operating from land which some of its leaders own along the highway, it wanted to assert its authority over the Kikuyu population. To speak of ethnicity is to speak of inter-ethnic

interactive situations characterized by suspicion, competition, rivalry and often conflict as well (Oyugi, 1993).

The violence in Nakuru Municipality, though sparked by the disputed elections, has its roots in deeply entrenched, long-festering anti-Kikuyu sentiment within certain segments of the Kalenjin, particularly the Nandi and Kipsigis communities. They continued feeling aggrieved by the settlement of Kikuyu in their home areas after independence and often view Kikuyu communities as unscrupulous and greedy land grabbers, who have historically manipulated the political system to ensure their dominance in commerce and politics.

In 2007/2008 elections, organized violence barely minutes after the announcement that Kibaki had won, Kalenjin youths armed with machetes, arrows and jerry cans of kerosene and petrol attacked Kikuyu settlements. In less than two hours, large areas with a heavy concentration of Kikuyu families near Eldoret were ablaze. Most of the Kalenjin youth were ferried to the attacks by lorries and were allegedly paid thousands of shillings to carry out the raids.

This heightened fears that Kenya's recurrent ethnic violence could be entering a new and more deadly phase, similar to the murderous campaign, which rocked the country in the 1990s. However, while there was a certain amount of anti-Kikuyu incitement by local elders, the suggestion there was a systematic, well-orchestrated campaign to purge the region of Kikuyu needs to be treated cautiously. In a less publicized incident in 1997/1998 election violence, a Kalenjin mob "hunting for Kikuyu to kill" at the University of East Africa, Baraton, was persuaded by a lone police officer to disperse, not a likely response by an organized group bent on genocide. Much of the violence around Nakuru was perpetrated by well-organized groups of Kalenjin warriors. These young men usually took orders from the elders of their settlements, who still wield considerable influence over some sectors of rural

communities. Young recruits undergo group initiation rites (based on age) before achieving “warrior hood” status and are sworn to secrecy. Each age group, usually involving several hundred youths circumcised together, has its own name. Members of the Kimnyigei age group have reportedly been involved in much of the violence. There is nothing either new nor sinister in the existence of these groups themselves.

Similar initiation rites for young male adults exist elsewhere in the country, especially among the Maasai, Pokot, Turkana and Samburu and pastoralist communities who have retained an age-based division of labour. The purpose of the ritual is to cement solidarity and courage and instill discipline. The “warriors” are cattle herders, farmers and traders, who lead a routine existence and are only mobilized when the community is believed to be in danger. Warrior units are autonomous, non-hierarchical and without central command. Since the 1990s in particular, when ethnic clashes were organized by senior members, this social institution has, however, been manipulated by business people and politicians, often to settle scores with perceived enemies. The warriors’ arsenal is predominantly traditional – bows and poisoned arrows, spears, machetes and clubs. Several informed sources suggest these groups had wealthy athletes as new benefactors. They Kikuyu’s became clients and workers for Maasai homesteads in exchange for access to land (Kanogo 1987, 55).

The Rift Valley is famous for producing world-class long-distance runners. The athletes have made fortunes from competing in international track and field events and have transformed some of the depressed and sleepy rural villages in the region by investing in farmland and other real estate. The motivation for giving the raiders cash and transport is said to be partly economic. They allegedly want the Kikuyu evicted so they can take their farms and property.

The scale and speed of the violence that engulfed Kenya following the controversial presidential election of December 27, 2007 shocked Kenyans and the world at large. Two months of bloodshed left over 1,000 dead and up to 350,000 internally displaced in a country viewed as a bastion of economic and political stability in a volatile region (IFES Final Report, 2008). Snyder (2000) supports the locals' views when he said that elections can engender violence. Protesters discredited the ECK for collaborating with the government to rig the elections. The conflict escalated into unprecedented violence in Kenya. The first attacks were led by opposition supporters, mostly against Kikuyu. Later retaliatory attacks were led by Kikuyu on ODM supporters (Mueller, 2011).

In Nakuru, different from the dominant pattern, the PNU won this constituency. Lee Kinyanjui defeated Mike Brawan (ODM) with 12.9% more votes. These two parties were the most relevant ones in the Nakuru election; The town is divided in the two ethno-political camps (Parsitau 2010: 498). The most systematic and widespread violence in Nakuru occurred in January and February 2008 (Waki Commission 2008: 79). In the cases discussed above violence had started after the announcement of the election results. In Nakuru these dynamics were different. Youths and gangs of Kalenjin versus Kikuyu clashed violently in the streets. The Kalenjin community living around Nakuru, had been mobilized and reportedly paid to fight the Kikuyu (Waki Commission 2008: 102). They were willing to protect their fellow ethnics from the violence and atrocities committed by the gangs including the Mungiki. This violence was most eminent in the Nakuru slums from which Mungiki drove out the Luo in order to protect Kikuyu (Parsitau 2010: 496). Strong evidence exists that the security forces were divided along ethnic lines as for example the Rift Valley Police head of operations assisted the Mungiki gangs in their attacks on ODM supporters in Nakuru (KNCHR 2008: 210). On the other hand the police forces were incapable to effectively contain the violence killing many in the slums of Nakuru (Parsitau 2010: 496). Nakuru

remained rather peaceful directly after the announcement of the election results. The late outbreak of violence is associated with the induced tensions between ethnic groups due to the high number of Internally Displaced Persons coming to Nakuru (Parsitau 2010). Rumors spread under the population that for example 'Kikuyu were recruiting youths in Naivasha, Laikipia and Dandora to come and protect Nakuru town' (Waki Commission 2008: 100). The ethnic tensions in Nakuru thus came with the IDP's from other parts of the country.

5.8 Conclusion

In my own view, since the early 1990s, Kenyans have learned to live with political violence. Indeed, it has become a normalized part of politics, so much so that acts of political violence are observed and reported without any expectation that prosecutions or other consequences might arise. Some political candidates employ thugs to 'represent' them, if only to protect themselves from the thugs 'representing' their rivals. The pervasiveness of political violence and the complete impunity of those who routinely use violence as a political tactic is now one of the most striking features of Kenya's political scene. The dangers of allowing this violence to continue with impunity are manifest in the backlash to the expulsions from Rift Valley. A wave of Kikuyu retaliatory violence hit the Rift Valley towns of Nakuru and Naivasha between 24 and 28 January, with Luo, Luhya and Kalenjin being targeted and expelled from business districts, residential areas, and labour housing areas linked to industries and large-scale farming enterprises.

It would be facile to propose that Kenya's violent crisis of January and February 2008 could have been predicted, and therefore, prevented in any substantive way. The maliciously corrupt and exploitative condition of Kenya's politics at that time, the fragile, sadly inadequate nature of its state institutions and the lack of any consultative process through

which anxieties about election violence could have been reasonably addressed, all militate against the view that anything might practically have been done.

Kenyan politics is characterized by leaders' manipulation of the constitutions to control and weaken democratic institutions to their advantage. All three presidents rode to power on the back of ethnicity and sometimes relied on the subtle endorsement of the use of violence or election malpractices as a means to sustain them in power. For many years this practice helped to keep Kenya deceptively stable, with change of governments through sometimes flawed elections but without the progressive development of institutions that support and sustain the democratization process. Therefore, despite an impressive record of successive elections since independence there has been little alternation in power. All three Kenyan presidents, Jomo Kenyatta, Daniel Arap Moi and Mwai Kibaki, ascended to power through a strong coalition of two or more of the four major ethnic groups in Kenya (Kagwanja and Southall, 2009).

CHAPTER SIX

6.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The objective of this study was to investigate the triggers of the Kenyan electoral violence, its trends and consequences. We showed that before most of the elections (1992-2008) there were widespread irregular electoral practices, including instigation of violence, attempted vote buying, organized gangs connected to politics instigating violence in their communities and intimidations. The belief that the elections had been stolen in most elections was the straw that broke the camel's back triggering the unprecedented levels of violence. However the violence, which affected one out of three Kenyans and the economy in the East Africa region, was rather the explosive result of a combination of historical, economic and political factors. Old grievances such as land disputes became entangled in the outbreaks of electoral violence.

The politics of the 1992 general elections in Kenya, demonstrates that ethnicity continues to be a major force influencing the behaviour of politicians and voters alike. What is more, where power and wealth were at stake, ethnic relations became conflictual. The 1992 elections involved the choice of power holder(s) and in the process, the determination of the structure of access to state patronage — the major source of wealth in Kenya. The ethnic conflicts in various parts of the country during the elections should be viewed in this light. The elections also manifested how the elites can mobilize ethnic passions to defend and or promote what is otherwise their narrow sectional interests. The masses followed their leaders because of the lingering belief that only 'one of your own' can best serve communal interest if placed in a position of power. But it was also clear that ethnic ideology has its limitations. Intra-ethnic divisions were manifest where parochial interests came into play. The emergence of splinter parties led by members of the same ethnic group was the inevitable consequence of such contradictions. Ethnic solidarity nevertheless still remained a major factor influencing

both presidential and parliamentary elections. The ethnic groups that were regarded as being in opposition remained loyal to their ethnic leaders just as those perceived to be in the ruling party did.

We found evidence of politically instigated violence in the form of organized gangs both before and after the elections. As such the chances of being a victim of violence were higher in areas with land conflicts and where politically-connected gangs operated. Institutional failures at the macro-level (weaknesses of the Electoral Commission, the administration of the police, the judiciary system, political parties, among others) were also at the root of the problem contributing to the conflict and the deterioration of trust in institutions and social capital at community level. According to Mueller (2008, 186), the violence was as a result of weak institutions, mostly overridden by a highly personalized and centralized presidency that does not exercise the autonomy or checks and balances normally associated with democracies and political parties that are not programmatic, driven by ethnetism and have a winner-take-all view of political and its associated economic by-products.

The nature of much of the electoral-violence potentially calls into question how democracy in Kenya and in general of African countries alike can work when deeply divided by ethnic allegiances. If allegiance is based on ethnic identity the normal beneficial consequences of elections may not hold, elections may fail to discipline governments into improved economic performance. Conversely, they may leave a dysfunctional legacy of violence and uncertainty (Collier et al. 2010). International evidence provided by Chauvet and Collier (2009) suggests that elections in developing countries only improve policies if they are well-conducted. Hence, from the perspective of Nakuru Municipality the contested results and the aftermath of the 2007 election constituted a setback to what had until then appeared to be a beneficial process of democratization.

So what can Kenya do to continue growing and remain a peaceful democratic country? Some requirements are evident. As the recent experiences of other African countries have shown, it makes little sense to run elections in an environment where violence is openly instigated by politicians. It is crucial then to have an independent electoral commission that is equipped with all the judiciary and other capabilities to guarantee free and fair elections. Reforming the current centralized fiscal system such that it provides inclusion and resources to all, regardless of which party is in power, could also help to reduce much of the disputes. Solving existing land disputes and irregularities, and avoiding them particularly during the elections can also reduce the risk of violence.

There is no handy roadmap for reconciliation. There is no short cut or simple prescription for healing the wounds and divisions of a society in the aftermath of sustained violence. Creating trust and understanding between former enemies is a supremely difficult challenge. It is, however, an essential one to address in the process of building a lasting peace. Examining the painful past, acknowledging it and understanding it, and above all transcending it together, is the best way to guarantee that it does not – and cannot – happen again.

In most instances, election-related conflict has devastating effects on governance and development. When such violence occurs, it often impairs the function of the governmental institutions that emerge from processes where violence has tainted the fairness of the process and the legitimacy of election outcomes. The security agents in Nakuru Municipality especially, the Police seem undecided on what actions to take in election violence cases as each opposing team has the support of most influential politicians. As scholar Kristine Hoglund observes (Hoglund 2006: 2): From the perspective of democratic politics, violence and insecurity may affect the election results or the outcomes of elections in various ways. Threats and intimidation may be used to interfere with the registration of voters. In Nakuru

Municipality, voter turnout was influenced as some sections of the population refrained 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. From the conflict management perspective, electoral violence may have a negative impact by polarizing the electorate along conflict lines and in extreme cases lead to new outbursts of violence. In situations of insecurity, appeals for law and order are often a more tempting alternative than calls for reconciliation. There is a clear linkage between violent conflict and limited human development as this is attested by the state of living in Kaptembwa and Ponda Mali estates. In the Philippines, for example, those provinces that have experienced the most election violence are also those that are most impoverished. Election violence, like other forms of violent conflict, can mean 'development in reverse' as incidents of violence undermine government legitimacy, scare away domestic foreign investors, and result in low levels of social trust.

6.1 Recommendations

Having collected data, findings and analysis done, the study recommends that a number of issues and approaches need to be developed in order to realize a reduction in election violence in Nakuru Municipality in the near future.

6.1.1 Incentives and dividends

Lessons have to be learned from the experience of the 2002 MoU on the election platform that originally brought former president Kibaki to power. Implementation of that document produced disagreements over carrying out power sharing, the constitutional review process and economic policy. If power sharing is sealed by a constitutional amendment, all these matters should already have been negotiated as a matter of priority, not put off to a yearlong process. For this to happen continued international pressure will be essential.

A resident of Kaptembwa estate said that, Nakuru political leaders are known for paying little heed to the suffering of its own constituents and at the peak of the crisis, you would find them totally unconcerned and “enjoying their usual drinks in the confines of their expensive clubs” (Personal Communication, Kaptembwa, 3/4/2013).

Constitutional reviews constantly use lobbying to combat impunity in Kenya. The enforcement of the electoral code of conduct and the dramatic increase of poverty led to a class of economically disenfranchised people (especially the youth) who were used to perpetrate political and electoral violence Incitement as revealed by the study. The breakdown of conflict management mechanisms within the executive, legislature and judiciary led to a sharpening of incidences of political and electoral violence ethnic balkanization through political manipulation such as the arbitrary creation of districts and constituencies within the larger Nakuru district as well as other parts of the Country. The lack

of independence of the Electoral Commission of Kenya and reluctance to accept legitimate political competition or pluralism during the electioneering years led to use of political power to disenfranchise opponents and selective use of the law. The study recommends the respect of the rule of law and legitimate process. All sides of political divide between 1992-2008 (KANU, DP, FORD ASILI, FORD KENYA, ODM, PNU....) agreed that constitutional and legal reforms are necessary, including a complete review of the electoral framework. However, the parties were more interested in consolidating their own share of power than providing the new foundations for Kenya's democracy.

This study revealed that incidents of fraud and stolen elections were noted as some of the factors that contributed to the election violence in Nakuru Municipality between 1992-2008. This processes should address the legal and constitutional reforms necessary to prevent another such fraud and to restore the credibility of the electoral process. The keys are to strengthen the budgetary allocations of IEBC and administrative independence, including detailed, apolitical procedures for appointment of its commissioners and to empower the judiciary to become a credible arbitrator of electoral disputes. To ensure political stability, the electoral structure itself might also need to be modified and strengthened to accommodate more reform compliance.

6.1.2 Economic Reforms

Private sector representatives, including the Kenya Association of Manufacturers and Kenya Federation of Employers, have indicated they would be ready to implement vigorous job creation policies in lesser-developed areas if they received tax rebates. They should be brought into the negotiations on political decisions, the Government's economic policies or even inclusion in important Commission Boards.

A land acquisition and redistribution framework beneficial to the communities which have been most aggrieved since independence must be on the Government's agenda as an immediate peace building incentive. The "willing buyer, willing seller" policy, which favours the richest communities, needs to be broken. While respecting property rights, the government, with donor help, must allocate resources, such as land and basic services, to address inequalities.

A credible institutional framework for disarming and dismantling all party-supported mercenaries is also required. Kenya cannot have Kalenjin warriors and the Mungiki sect armed and organized when new elections are held. Mungiki nor Kalenjin Warriors is a legitimate interlocutor. Its structures should be disbanded and its leadership brought to book, but reintegration processes have to be designed for its large, mostly urban and rural poor following. Such structures should not legitimize local criminals and undermine State Authority, but they should provide concrete means for restoring State Authority and legitimacy. An opportunity, with incentives, should be prearranged for voluntary disarmament and dismantlement of all armed groups before the full arm of the law is brought to bear.

This study found out that evidence to date suggests that atrocity crime may have been committed in the violence since 1992. The parties have already decided to establish an internationally supported truth, justice and reconciliation commission (TJRC) with a mandate to collect information on responsibility for that violence. TJRC has since completed its findings and handed over the report to the president. These measures are no guarantee against impunity or further atrocities, however, as an initial matter, the TJRC should have been mandated to recommend a vetting mechanism to prevent any politician or civil servant found implicated in crimes against humanity or seriously involved in the violence from holding any

public office, pending the conclusion of criminal proceedings. Further, domestic and international pressure must ensure that those responsible for atrocity crimes are prosecuted.

The UN Security Council should do its part by considering the report of the OHCHR mission and endorsing the accountability mechanisms proposed, including, robust domestic justice processes. The International Criminal Court (ICC) has not effectively played its role as mandated. The ICC came in late and the process of justice still taking too long to conclude. This has been caused by shoddy evidence and slow pace of the investigations. Because Kenya is a state party to the Rome Statute of the ICC, the Court has jurisdiction over atrocity crimes committed within the country or by its nationals. The Office of the Prosecutor made some progress and considered all alleged crimes within its jurisdiction regardless of the individuals or groups involved. The Prosecutor went ahead with the prosecutions, which is now at an advanced stage as the trial, though shoddily investigated is still on going. Such a move could at the very least deter any further atrocities.

6.1.3 Accountability and Cooperation through Participation

All observers and respondents would agree that the issue of sharing information is a vital component of violence-free election planning. Yet, in practice, there are almost always complaints by vital role players and officials that others did not properly inform them.

In many countries, during election periods, voters rely only on the information given to them through party rallies and the media. Constituents in Nakuru Municipality failed to realize the power they have to call politicians to citizen-initiated meetings. Whether formally organized into civil society organizations or acting informally on their own, citizens can have significant influence. When civil society takes control of the information process and calls a cross-section of politicians to the same forum to explain to the voters their policies on matters that affect them, civil society moves into the role of voters who hold politicians accountable,

not only on voting day, but continuously on the basis of promises made in public. Political leaders are unlikely to come up with a commitment to sign a code of conduct alone. More often than not it has been civil society that facilitated processes and applied pressure to commit to a code of conduct or an accord. Codes of conduct for the media have been successful in Guyana and Sierra Leone, among other countries while Kenya would have adopted the same.

Participation, freedom, understanding, protection, and identity are all fundamental human needs that have to do with the value of inclusion. Exclusion leads to the frustration of these needs, which in turn could lead to violent resistance. The principle of inclusion is often sacrificed on the altar of rigidity, justified by slogans such as ‘we don’t talk to this party’ or ‘you have not been elected,’ or ‘first suspend the violence before ...’, ‘we refuse to recognize your right to exist in this municipality’, etc. All sustained violent conflict either ends with total destruction or at a peace negotiation table, and in all cases the violent conflict should have been prevented in the first place. Taking to note that Nakuru Municipality is cosmopolitan county.

The euphoria of ‘the-winner-takes-it-all’ may very well lead to a situation where everybody loses it all, because this trend has a tendency to blur the victor’s vision so that contributions of those who now find themselves on opposition benches are not recognized as something of value. In fact, this was the fear of politicians in Nakuru Municipality. Those who propose anything, whether they are in government or opposition, are usually suspected of sinister motives. The attitude is mostly to deny credit for progress to others outside of ‘our party’ as it is in the case now after 2013 election. Such situations are often made further inflexible in the presence of economic hardships, which are often the result of unresolved political power struggles and which inevitably lead to pathologies of hopelessness for those at the bottom of the political, economic and social ranking.

Justice, unjust economic, political and electoral policies are the fuel for violent conflict. Governments, often with the support of the international community, turn a blind eye to their responsibility to ensure that fairness and inclusiveness are hallmarks of democratic governance.

6.1.4 Elections and Conflict Prevention

On the other hand, it is possible to see the causal connections between underdevelopment and violence the other way around. Sharp inequalities in the distribution of wealth, power, or access to social benefits make more societies more susceptible to violence. Although it is difficult to definitively describe causal connections, the linkage between election-related conflict and development is described best in terms of a vicious cycle in which strife and underdevelopment are mutually reinforcing. This finding suggests that conflict prevention in electoral processes can also help turn the vicious cycle into a virtuous one in which more credible elections contribute to legitimate governance and thus to greater opportunities for human development. How do credible, fairly conducted electoral processes contribute to managing social disparity and the peaceful pursuit of political power? In theory and in practice, elections help manage and process conflict in the following ways.

When electoral processes are credible, approaching the ideal of free and fair, and when they are inclusive of all elements of society through a well-considered law of citizenship and of voter registration, the 'mandate' given by the people to victorious candidates and political parties imbues governance with legitimacy. Legitimate governments are more likely to manage conflict positively than illegitimate ones.

It is equally important to restore the rule of law and to prosecute electoral malpractices such as the instigation of violence by political parties or organized gangs, intimidation, vote buying and ultimately the stuffing of ballot boxes. No single person has yet been tried for the

electoral violence or the electoral irregularities. Amnesty and oblivion is a way of legitimizing violence. Amnesty is unlikely to help in the reconciliation of Kenyans and in the prevention of the atrocities that Kenya witnessed from reoccurring. It is a matter that Kenya needs to take seriously. Kenya will have to act now or face the consequences, especially so considering that an international predictor of civil conflict is having had a conflict in the past. Because of Kenya's crucial economic role in the East African region, the efforts of preventing a new crisis is no longer reduced to preventing the socio-economic devastation solely of Kenya but beyond her borders.

As Derrick Marco of the Institute for Democracy in Southern Africa (IDASA) writes, "Credible elections must be understood as elections where the will of the people has been expressed in an environment that is free of intimidation, violence, coercion, fully participatory and enabling for the voters to exercise their right to vote. The term credible provides a much broader framework for measurement including the environment in which the elections occurred than terms such as free and fair and legitimate. It also leaves the responsibility of declaring an election free and fair to the electoral management body that is legally bound to make the final declaration on the outcome of the results and the elections generally.

Good electoral processes do not pre-judge the nature of people and who should represent whom, indeed, electoral processes are about defining what is meant by 'representation'. In Nakuru Municipality, representation has over the Years been pegged on negative ethnicity and political party. Though, a good electoral process will allow society on its own to determine the nature of its similarities and differences (Ellis 2006). Representation may be geographic, ideological, identity-based (religion, ethnicity, or gender) or along other lines but must be positive.

6.1.5 Voice, Education and the Media.

Electoral processes give voice to the citizens, ideally, in that they provide an opportunity for each individual in the political community on polling day to ‘speak’ as political equals as they cast their vote. Each vote, and each person’s voice or view, is heard equally on that day. At the same time, in considering how they will vote, voters are ‘educated’ on policy issues by candidates. Ideally, voters learn about what political leaders think the key issues are, and they learn through debate and dialogue about the range of possible public policy options and costs, consequences, and considerations for each. Many electoral processes are characterized by few articulated policy differences among the parties and very little evidence of voter ‘education’ or of a diversity of views on policy issues being raised. Whether any given electoral process fulfils all of the functions mentioned above is a consequence of its overall quality, often described in terms of an election being either ‘free and fair’ or not.

As Reynolds and Elklit argue, “The greatest failing of election assessment to date has been the tendency to see election quality in bimodal terms. The election is either good or it is bad, or when a qualification is required, it is ‘substantially free and fair’. Though, there is no doubt that the quality of elections across cases and across time can be seen as existing on a scale. In essence, one needs to look at the process and outcome to gauge a full picture of election quality.” (Reynolds and Elklit 2005). Governance and leadership training at community levels needs to be carried out to encourage ethnic integration. This should target opinion leaders, leaders of academic institutions and cultural icons.

Post-election violence should not be seen as an isolated event of violence but part of a longer process and history of conflict, often with political and economic grievances going back for decades. Media monitoring can be an effective tool in both gauging the potential of violence associated with the elections but it should not just occur in the pre-election and voting period as is most often the case, but in the post-election period as well. Notions of professionalization

should be probed in each society and normative assumptions of journalists being ‘balanced watchdogs’ should be avoided. Understanding the ideology of journalists is essential to understanding the media and political systems.

The importance of legitimate institutions in regulating the media, managing elections and resolving disputes is central to the issue of media and post-election violence. Rather than focusing on normative discussions about the media, the transparency of political parallelism of media should be emphasized. There is no model for either analyzing media systems in election violence or an ideal system for media in fragile states. The historical and political context must be central to any study of the media’s role or analysis.

6.1.6 Nationhood, National cohesion and Integration

The state should encourage people to recognize that they live in an artificial state and deliberately accept their commonness. Media can play a central role in entrenching inter-ethnic tolerance and trust. The Kenyan state should put in place mechanisms to promote Kiswahili as a national language.

The establishment of a social movement is crucial to mobilize the people cutting across communities and other identities, to demand for economic development, legal and other changes towards the artificial statehood. To be spearheaded by civil society organisations, the social movement ought to involve the gatekeepers and opinion leaders to ensure community ownership. There is a need by civil society to design and implement programmes that empower communities. This will ensure equitable distribution of resources and access to opportunities by all communities. The government should adopt strategies and policies that ensure redistribution of resources. Establishing basic principles and values on how a society is managed is needful. These principles should be agreed upon and written down in a National Political Charter.

6.1.7 Land, historical injustices and ethnicity

Recognizing that the recently adopted land policy is largely considered progressive. The stakeholders including the relevant Institutions and NGOs should;

- a) Create community awareness in order to put pressure on relevant state organs to act on the policy.
- b) Translate the policy into law by establishing a legal regime to charter implementation of the policy.
- c) Establish an institutional framework through capacity building for policy implementation and develop relevant institutions representative of all stakeholders, including civil society.
- d) Establish a monitoring and evaluation framework, with appropriate milestones/indicators to ensure that policy and legal commitments are followed through.

The Government should ensure;

- a) Following the enactment of land policy, research and concretize claims related to this phenomenon across the country.
- b) Establish a forum for discussion on this phenomenon (include outside experience to give the exercise a trans-national outlook), for example by supporting a joint state-civil society project.
- c) Design a program on how to move forward, in line with the provisions of the land policy, for example on how to engage the relevant regional and national institutions including the National Cohesion and Integration Commission as well as the Truth Justice and Reconciliation Commission. These recommendations can be picked and worked on from a number of;
 - Reparation and rehabilitation policy or measures aimed at granting reparations and restoring the civil and human dignity of the victims.

- Prevention of violations and abuses of human rights through institutional, administrative and legislative measures.
- Granting of conditional amnesty to persons who make full disclosure.
- Prosecution of perpetrators or persons involved.
- Promotion of healing, reconciliation and coexistence among ethnic communities.
- The implementation of the reports of the relevant commissions of inquiry.
- Repossession or determination of cases relating to public land acquired through irregular and illegal allocation.
- Addressing the real or perceived economic marginalization of communities.

6.2 Further Research

Further study on electoral violence may be done to improve and capture areas not fully exploited by this study. This is because of shortcomings that usually go with research work. Areas of improvement may be identified.

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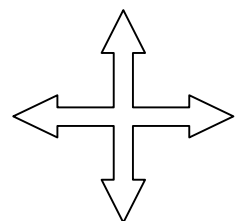
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APPENDICES

A1: Geographical map of Kenya showing *Nakuru Town*.



Source: <http://maps.google.co.ke/maps> accessed on 10/06/2012



A2: Nakuru Municipality Map



A3: Budget for the Study

ITEMS	QUANTITY	AMMOUNT
FOOLSCAPS	6 REAMS	4,200.00
PHOTOCOPYING PAPERS	10 REAMS	5,000.00
PENCILS AND ERASERS	10 EACH	500.00
BIRO PENS	3 PACKETS	1,500.00
TRAVEL & ACCOMODATION	28 DAYS	64,000.00
ENVELOPES A3	4 PACKETS	800.00
ENVELOPES A4	5 PACKETS	1,000.00
RESEARCH ASSISTANTS	THREE	30,000.00
PRINTING AND PHOTOCOPY	QUESTIONNAIRES & BOOKS	36,000.00
INTERNET SERVICES	-	14,000.00
BINDING & PHOTOCOPY	BOOKS	20,000.00
OTHERS	-	17,700.00
TOTAL		194,700.00

Source

The source of these funds to be used during the course of this study will be raised through the Researcher's own resources and efforts including savings from the monthly salary and other emoluments.

A4: Request letter

Nov, 2012
Kenyatta University
Nakuru Town Campus
P. O. Box
Nakuru -Kenya

Dear respondent,

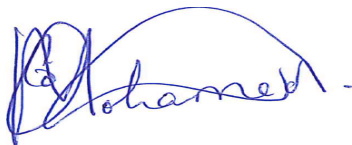
RE: REQUEST TO ANSWER QUESTIONNAIRES

I am a student at Kenyatta University, Nakuru Campus carrying out a research in Nakuru Municipality area in partial fulfillment for the requirement of my course in Peace and Conflict Management.

The information that will be volunteered is for academic purpose only and will be treated with maximum confidentiality.

Thank you very much for your cooperation and understanding. I profoundly appreciate your help and contribution.

Yours sincerely

A handwritten signature in blue ink that reads "Osman O. Mohamed". The signature is written in a cursive style with a large, sweeping flourish over the first part of the name.

Osman O. Mohamed
Osmanow72@yahoo.com

A5: List of Focus Group Discussion Team

	NAME	GENDER	AGE	ESTATE
1	MR. KOECH	M	45	CHIEF KAPTEMBWA
2	MR. LAWRENCE OBIYA	M	42	PONDA MALI
3	GEOFFERY KORIR	M	38	CBD
4	JOHN MOMANYI	M	46	KAPTEMBWA
5	JUSTUS KIMELI	M	30	NAKURU CBD – REGIONAL OFFICER PEACE COP
6	BORA GUYO	M	44	SECURITY OFFICER
7	LINDA BOSIBORI	F	39	LANGALANGA
8	FATUMA HASSAN	F	54	LANGALANGA
9	JAMLECK MURIITHI	M	37	KAPTEMBWA
10	RABECCA WAMAITHA	F	31	CBD
11	STEPHEN KARANJA	M	65	PONDA MALI

A6: Questionnaires

Welcome to this session and feel free. The main purpose of this interview is clearly and sincerely for the purpose of a course I am undertaking and seeks to establish the truth on certain security matters of which you are an important person. Any information you volunteer will be treated with the confidentiality it deserves.

Instructions

- i. Any information offered will be handled with a lot of confidentiality and used only for the study purpose.
- ii. The questions are in two parts.
PART ONE: - Questions that deal with personal information.
PART TWO: Deals with knowledge on issues of 1992-2008 election violence in Nakuru Municipality, social, cultural factors and solution seeking behavior.
- iii. Tick (√) or insert your response in the space provided.

PART ONE: SOCIO –DEMOGRAPHIC INFORMATION

1. AGE
 - (a) 18-27
 - (b) 28-37
 - (c) 38-47
 - (d) 48 and above
2. SEX
 - (a) Male
 - (b) Female
3. Martial status
 - (a) Single
 - (b) Married
 - (c) Divorced
 - (d) Others (Specify)
4. Religion
 - (a) Christian
 - (b) Muslim
 - (c) Hindu
 - (d) Others (Specify)

- 5. Level of Education
 - (a) Primary
 - (b) Secondary
 - (c) College
 - (d) University
- 6. Employment status
 - (a) Employed
 - (b) Business
 - (c) Casual
 - (d) Others (Specify)
- 7. How long have you lived/worked in this Municipality?
 - a. Less than 5 years
 - b. More than 5 years
 - c. Not working

PART TWO: LEVEL OF KNOWLEDGE ON 1992, 1997, 2002 AND 2007 ELECTION VIOLENCE, SOCIAL, CULTURAL FACTORS AND SOLUTION SEEKING BEHAVIOR

- 8. Have you experienced any case of violence in any electioneering years?
 - (a) YES
 - (B) NO
- 9. If yes, what kind of violence?
 - (a) Case of Arson?
 - (b) Case of murder?
 - (c) Destroying of property?
 - (d) Other specify.....
- 10. Personally, how do you rate the magnitude of election violence since 1992 in terms of disruptions, injuries and death?

.....

.....

.....
- 11. What do you suggest are the main factors that contributed to election violence between 1992-2008 in Nakuru Town?

	PEV CAUSES	(√) OR (X)
--	-------------------	-------------------

1	POLITICAL UTTERANCES	
2	HISTORICAL INJUSTICES	
3	LAND ISSUES	
4	STOLLEN ELECTIONS	
5	ETHNICITY	
6	UNEMPLOYMENT	
7	LUST FOR POWER	
8	PERSONAL GAIN	
9	ECONOMIC DEPRIVATION	
10	RELIGION	
11	OTHER FACTORS	

12. What were the trigger factors that contributed to Election Violence in Nakuru Municipality?

.....

13. What is your general perception of the 1992-2008 election violence in Nakuru Municipality?

.....

14. In your opinion was interest for power a major factor contributing to violence in Nakuru Municipality? Please explain

.....

15. Has the perceived trigger factors for the violence been addressed?

.....
.....
.....

16. What role did the political leadership play in instigating the Election Violence?

.....
.....
.....

17. Is it right to conclude that political utterances and hate speech by leaders and politicians were some of the key factors that acted as a catalyst for the frequent election violence? Comment.

.....
.....
.....

18. Were the election violence just by accident or by design?

.....
.....
.....

19. Do you think there are grievance(s) that existed before the election violence?
Comment

.....
.....
.....

20. State the main actors and parties to the violence?

.....
.....
.....

21. What were the weapons commonly used in perpetration of Election Violence in this Municipality?

- a. Pistols
- b. Guns
- c. Machetes and Clubs
- d. Bows and Arrows

22. What were the reactions of the security agents to this violence?

- a. Concerned and Impartial
- b. Never concerned and Partial

23. What is your observation on the performance of the security agents in terms of impartiality and honesty?

.....
.....
.....

24. How do you perceive the performance of the legal department including the police in reaction to election violence (1992-2008)?

- a. Effective
- b. Very poor

25. Explain

(Q24).....
.....
.....

26. Was there any kind of assistance from the Government, especially for the IDPs?

- a. Yes
- b. No

27. Apart from the Government, were there other Governmental and Non-Governmental organizations that assisted the affected people?

- a. Yes
- b. No

28. Do you think the Government was committed in ending the violence?

.....
.....
.....

29. What do you suggest as the way forward to avoid a repeat of such violence in the near future?

.....
.....
.....

Thank you.

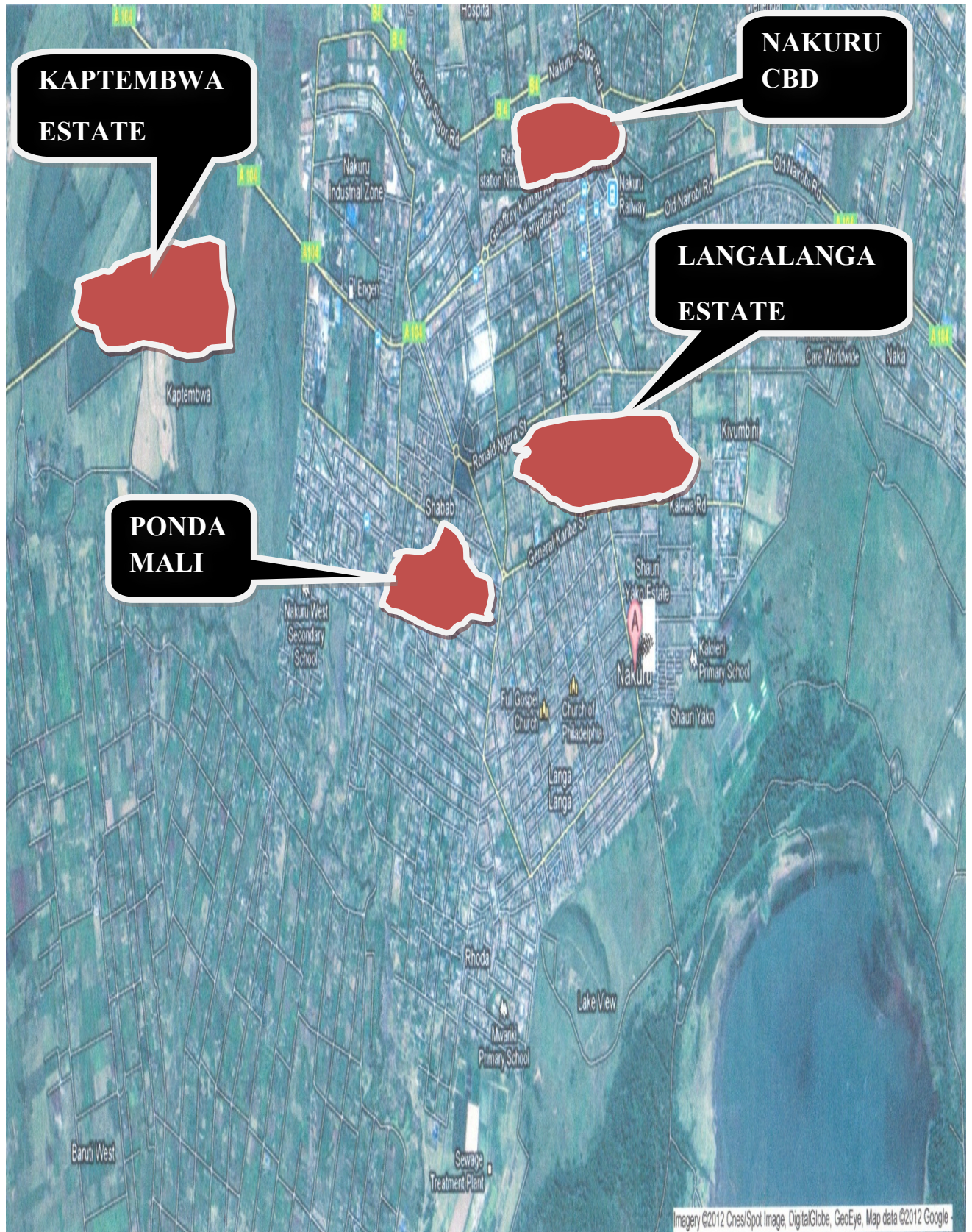
A7: INTERVIEW SCHEDULE FOR ADMINISTRATORS, YOUTH, WOMEN AND BUSINESS OWNERS WITHIN NAKURU MUNICIPALITY.

1. How many election violence did you witness? Which Years?
2. In which part of the Municipality were you living during the said elections?
3. Briefly, describe the violence?
4. Mention the mostly affected communities during the electoral violence in this municipality?
5. Were there ethnically designed groupings during these electoral violence since 1992?
6. How do you comment on the general organization of the antagonist groups?
7. Were the existing gangs organized along ethnic consideration or political grouping?
8. What do you feel were the contributory factors to the electoral violence in this municipality since 1992?
9. What is your rating of the reaction of the security forces in the municipality in relation to electoral violence? (On 1-10 scale)
10. What do you think about violence during elections? Has the government taken any action to stop such violence in 1992, 1997, 2002 and 2007/2008?
11. Do you feel there is cordial relationship between different communities in this municipality?
12. From your own experience, how do you term the trend of the electoral violence since 1992?
13. Do you agree that there were other existing grievances that escalated the violence since 1992? Explain?
14. What were the main types of arms used during the electoral violence between 1992-2008?
15. How do you advise one who wants to settle or operate business in this municipality?
16. Most politicians give promises while on campaign trails, do they fulfill these promises?
17. If yes, is it beneficial to the general members of this municipality?
18. Nakuru municipality is a cosmopolitan area, Are the politicians voted on development progress?
19. How different are the four General Elections of 1992, 1997, 2002 and 2007?
20. The Government controls the state security machinery, How do you see the hand of the government in the election violence since 1992 (1992, 1997, 2002 and 2007)

21. How has electoral violence since 1992 affected this municipality? (1992, 1997, 2002 and 2007)
22. In your own view, what measures do you feel should be instituted to avoid a repeat of such election violence?

Thank you.

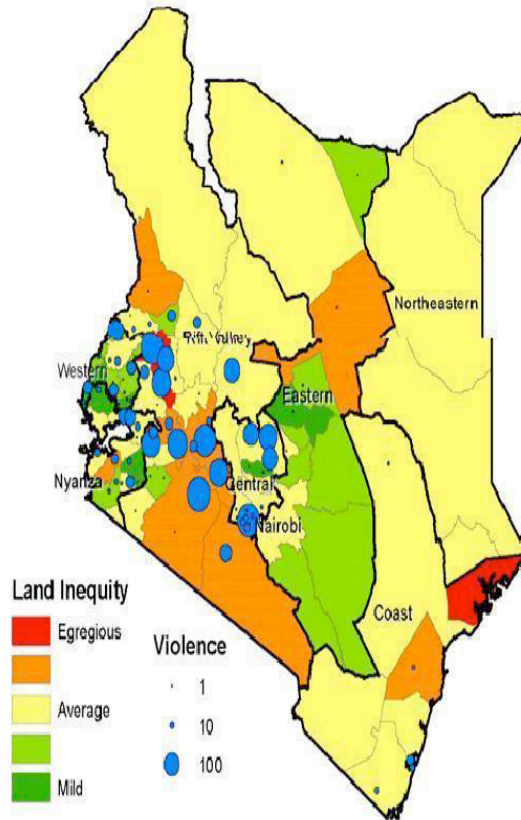
A8: Nakuru Town Map showing *Kaptembwa, Langalanga, Ponda Mali and CBD.*



Source: Google Map 2012

A9: Kenya Land, Inequity and Violence

Figure 3.3: Kenya land Inequity and Violence



Source: Kniss, Michael (2010), p. 17).



**KENYATTA UNIVERSITY
GRADUATE SCHOOL**

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P.O. Box 43844, 00100
NAIROBI, KENYA
Tel. 810901 Ext. 57530

Internal Memo

FROM: Dean, Graduate School

DATE: 16th February, 2013,

TO: Mr. Osman Omar Mohamed
C/o History, Archaeology &
Political Studies Department
KENYATTA UNIVERSITY

REF: C50/NKU/PT/24555/10

SUBJECT: APPROVAL OF RESEARCH PROPOSAL

This is to inform you that the Graduate School Board at its meeting of 13th February 2013 approved your M.A. Thesis Research Proposal entitled, "A History of Kenya's Election Violence: A Case Study of Nakuru Municipality, 1992-2008."

You may now proceed with your Data Collection.

DAVID NJOROGE
FOR: DEAN, GRADUATE SCHOOL

c.c. Chairman, History, Archaeology and Political Studies Dept.

Supervisors:

1. Dr. Felicita Kinyanjui
C/o History, Archaeology and Political Studies Dept.
KENYATTA UNIVERSITY
2. Dr. Lazarus Ngari
C/o History, Archaeology and Political Studies Dept.
KENYATTA UNIVERSITY

DN/fwk



**KENYATTA UNIVERSITY
GRADUATE SCHOOL**

E-mail: kubps@yahoo.com
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Website: www.ku.ac.ke

P.O. Box 43844, 00100
NAIROBI, KENYA
Tel. 8710901 Ext. 57530

Our Ref: C50/NKU/PT/24555/10

Date: 16th February, 2013

The Permanent Secretary,
Ministry of Higher Education, Science & Technology,
P.O. Box 30040,
NAIROBI

Dear Sir/Madam,

**RE: RESEARCH AUTHORIZATION FOR MR. OSMAN OMAR MOHAMED - REG.
NO. C50/NKU/PT/24555/10**

I write to introduce Mr. Osman Omar Mohamed who is a Postgraduate Student of this University. He is registered for an M.A. degree programme in the Department of History, Archaeology and Political Studies in the School of Humanities and Social Sciences.

Mr. Osman intends to conduct research for a thesis project entitled, "A History of Kenya's Election Violence: A Case Study of Nakuru Municipality, 1992-2008."

Any assistance given will be highly appreciated.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Lucy N. MBAABU', written over a blue circular stamp.



**MRS. LUCY N. MBAABU
FOR: DEAN, GRADUATE SCHOOL**

LNM/fwk

A12: NACOSTI Research Permit



**NATIONAL COMMISSION FOR SCIENCE,
TECHNOLOGY AND INNOVATION**

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2241349, 310571, 2219420
Fax: +254-20-318245, 318249
Email: secretary@nacosti.go.ke
Website: www.nacosti.go.ke
When replying please quote

9th Floor, Utalii House
Uhuru Highway
P.O. Box 30623-00100
NAIROBI-KENYA

Ref: No.

Date:

10th November, 2014**NACOSTI/P/14/2916/4083**

Osman Omar Mohamed
Kenyatta University
P.O. Box 43844-00100
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on *“A history of Kenya’s election violence: A case study of Nakuru Municipality, 1992-2008,”* I am pleased to inform you that you have been authorized to undertake research in **Nakuru County** for a period ending **31st December, 2015.**

You are advised to report to **the County Commissioner and the County Director of Education, Nakuru County** before embarking on the research project.

On completion of the research, you are expected to submit **two hard copies and one soft copy in pdf** of the research report/thesis to our office.


**DR. S. K. LANGAT, OGW
FOR: SECRETARY/CEO**

Copy to:

The County Commissioner
Nakuru County.

The County Director of Education
Nakuru County.

