

6-2015

Number 4 - "Silence! Peace in Progress": The 2013 Election and Peaceful Post-Election Dispute Management in Kenya

Akanmu G. Adebayo

Kennesaw State University, aadebayo@kennesaw.edu

Muthoni K. Richards

Kennesaw State University

Follow this and additional works at: http://digitalcommons.kennesaw.edu/working_papers_ccm



Part of the [African Studies Commons](#), [Peace and Conflict Studies Commons](#), [Political Science Commons](#), and the [Politics and Social Change Commons](#)

Recommended Citation

Akanmu Adebayo and Muthoni Richards. "Silence! Peace in Progress": The 2013 Election and Peaceful Post-Election Dispute Management in Kenya. Peace and Conflict Management Work Paper No. 4, pp 1-15.

This Article is brought to you for free and open access by the The Center for Conflict Management at DigitalCommons@Kennesaw State University. It has been accepted for inclusion in Peace and Conflict Management Working Papers Series by an authorized administrator of DigitalCommons@Kennesaw State University. For more information, please contact digitalcommons@kennesaw.edu.

Peace and Conflict Management Working Papers



Number 4, 2015

Published by the
Center for Conflict Management

The logo for Kennesaw State University, featuring a stylized yellow mountain range above the text "KENNESAW STATE UNIVERSITY" in white, all on a black background.

KENNESAW
STATE UNIVERSITY

“Silence! Peace in Progress”: The 2013 Election and Peaceful Post-Election Dispute Management in Kenya

Akanmu G. Adebayo and Muthoni K. Richards

About the Authors

Akanmu G. Adebayo is Akanmu G. Adebayo is professor of history and director of the Center for Conflict Management at Kennesaw State University, Kennesaw, Georgia. He was also formerly executive director of the Institute for Global Initiatives at KSU. He received his education at the University of Ife (renamed Obafemi Awolowo University) and earned his PhD degree in history, focusing on economic history. He is author, co-author, and co-editor of many books, and his articles have been published in many scholarly journals. His latest publications include a co-edited book, *Marginality and Crisis: Globalization and Identity in Contemporary Africa* (Lanham, MD: Lexington Books, 2010), a monograph, *In the Sphere of the Dragon: China's Economic Relations with Africa in the New Millennium* (Ibadan School of History Monograph Series, No. 2, 2010), and co-edited book, *Indigenous Conflict Management Strategies in West Africa: Beyond Right and Wrong* (Lanham, MD: Lexington Books, 2015). In addition, he is editor-in-chief of the *Journal of Global Initiatives*. His current research projects are on African Diaspora, alternative dispute resolution (ADR) design, and post-election dispute management in Africa.

Muthoni K. Richards holds a Master of Science degree in International Policy Management (MSIPM) and a Bachelor's degree in International Affairs at, both Kennesaw State University. She worked as a Graduate Research Assistant in the Center for Conflict Management where she participated in a project that examines Kenya's peaceful transition in the 2013 election after the near catastrophic failure of the 2007 election. She completed an Internship with the Independent Electoral and Boundaries Commission (IEBC), Kenya's election management body. As an active member of the Kenya Diaspora Advisory Council in Atlanta (KDAC-Atlanta), she is working closely with the IEBC on the implementation of the newly formulated Diaspora Registration and Voting policy. As a passionate advocate of the Kenyan Diaspora, she actively participated in the review of the Diaspora Policy put forth by the Ministry of Foreign Affairs in 2013. Her research interests are on the role of women in transitioning democracies. In her spare time she enjoys reading, the arts and fitness training.

About the Working Papers Series

The *Peace and Conflict Management Working Papers Series* is a non-refereed online publication in the field of Peace Studies and Conflict Management and Resolution. The series is offered as an outlet for papers that are in various stages of development prior to publication in refereed journals or books and, in some cases, submitted by the authors to solicit feedback from the larger academic community on their theory, argument, or interpretation. The authors hold copyright to the papers. Once published elsewhere in a refereed outlet, authors may ask the Center for Conflict Management to take down the papers from the Working Papers Series.

Papers published in this series may be cited, with or without permission of the author(s), as follows:

Author. (Year). Title. Peace and Conflict Management Working Paper No. ??, pp ?-??.

“Silence! Peace in Progress”: The 2013 Election and Peaceful Post-Election Dispute Management in Kenya

Akanmu G. Adebayo and Muthoni K. Richards
Kennesaw State University

On March 4, 2013, Kenyans went to the polls to elect the president, vice-president, senators, county governors, and members of parliament. Tension was high; fears and uncertainties gripped the nation, and the international community watched with keen interest. Five years earlier, on December 27, 2007, a similar event had resulted in a horrific post-election violence (PEV) that left thousands dead and hundreds of thousands displaced, and that disrupted the economic and social conditions of the country and the entire sub-region. As the 2013 elections approached, the fear became palpable that there might be a recurrence. Those fears were unrealized; Kenya had an election that the Commonwealth Observer Group, among other observers, reported to be “credible” and to have met “many of the benchmarks for democratic elections to which Kenya is committed.” Based on a series of interviews conducted in Kenya in June-December 2013, this paper evaluates the factors that contributed to preservation of electoral and post-election peace (PEP) in Kenya.

Keywords: Uhuru Kenyatta, election, Kibaki, Independent Electoral and Boundaries Commission (IEBC), post-election violence, International Criminal Court (ICC), Orange Democratic Movement (ODM)

INTRODUCTION

Kenya didn't have a perfect election in 2013. In fact, there is no such thing as a perfect election in Africa—or anywhere for that matter. But Kenya's post-election dispute management in 2013 was markedly different from the previous election. It was deliberate and decisive. Although the two weeks of widely televised Supreme Court proceedings over the election petitions were tension-filled, the process prevented mass violence as the petitioners accepted the Court's ruling as final. This paper examines the factors that promoted a peaceful resolution of the disputes over the presidential election in 2013. These

factors are numerous and multifaceted. They included peace activism by government and ordinary citizens; the horrifying memory of the recent post-election violence of 2007-2008; and the pressure of the international community, including the shadow of the International Criminal Court.

Other factors were the increased confidence in the electoral management body, the Independent Electoral and Boundaries Commission (IEBC); the performance of security agents in managing tensions in the period leading to the 2013 general election; and the adoption of a new constitution which, through devolution, shifted some of the powers hitherto concentrated in the central government to

the Counties. Still other factors were the vibrant social media which absorbed most of the irreverent, inflammatory statements shocks, as disputes that ordinarily would have been vexed on the streets were taken online; the civil society organizations and opinion leaders that worked hard to educate and mobilize the citizenry towards a more peaceful conflict resolution; and the increased confidence in the Supreme Court, especially in the newly appointed justices. The paper looks closely at several of these factors and draws lessons for post-election dispute management in similar African countries.

Relying mostly on interviews conducted between June and December 2013, the paper presents Kenyans’ thoughts and reflections about the country’s efforts in 2013 to hold its general elections and manage the results with minimal violence. Methodologically, the authors combine specific approaches from history and social sciences disciplines. The authors review and examine government and political party publications, selected civil society records, independent commission reports, and citizens’ opinions published in newspapers and social media for their historical information relevant to the subject. They also review the existing literature to inform and validate this study’s findings. In addition, they conduct oral interviews and focus group discussion. The research design took the form of semi-structured interviews; the bulk of these interviews were conducted in Nairobi in June 2013,¹ and the last one in Washington D.C. in December 2013. A purposive sample of participants was generated by referral. A total of fifteen participants were interviewed. In addition, a focus group discussion (FGD) was held at the Africa Leadership Center in Nairobi. The location of interviews ranged from participants’ offices and homes to hotel lobbies and an airport gate (as the participant was traveling out of the country). These hour-long interviews (by average) were transcribed and, subsequently, analyzed for common and dominant themes and responses. Participants were given pseudonyms; Table 1 presents a list of participants by pseudonyms.

The small sample size is a major limitation of the study. However, since the study is exploratory and

hypothesis-generating, the interviews do not constitute the main source of information. Moreover, in evidence from oral interviews and focus group discussion are triangulated with evidence from the literature and published sources. The result is a truly robust exploration of the factors that promoted the experience of post-electoral peace in Kenya in 2013.

Table 1: List of Participants

Code Name in Study	Date Interviewed	Brief Biography
Timothy	6/27/2013	Scholar, contestant in 2007 election
George	6/21/2013	Journalist, writer for newspapers and social media
Najib	12/16/2013	Top-ranking IEBC official
Pius	6/20/2013	Pastor of a leading, non-denominational church in Nairobi
Sarah	6/20/2013	Presidential candidate in 2013 election
Aaron	6/26/2013	Scholar, pastor, leader in Christian Council of Kenya
Joshua	6/21/2013	Chairman of a commission established in 2008 by the government to promote peace and co-existence
Moses	6/21/2013	Kenya’s influential ambassador
Naomi	6/24/2013	Attorney, head of civil society that champions constitutional rights, law, and justice in East Africa
Isaiah	6/21/2013	Scholar, head of a major leadership training center
Barnabas	6/20/2013	Renowned artist, peace activist
Mwendwa	6/25/2013	Top-ranking IEBC official
Martha	6/25/2013	Attorney, head of civil society that champions transparency, governance, and electoral credibility
Peter	6/24/2013	Presidential candidate in 2013 election
Luke	6/24/2013	Renowned musician, peace activist

REVIEW OF RELEVANT LITERATURE

The unholy connection between elections and conflict in Africa has been the subject of numerous studies. The most relevant to the theme of this study are those that explore issues related to the 2007-2008 PEV in Kenya. Perhaps the best place to start is Andrew Reynold's 2009 article entitled "Elections, Electoral Systems, and Conflict in Africa."² Published a year after Kenya's PEV, the article opines that elections are "not only transition points; they are repeatable moments that become critical to democratic development."³ Reynolds argues that electoral systems are a significant reason why there is conflict in Africa. By his definition, electoral systems are how votes that are cast translate into seats.

The system also has the ability to create space for election frauds but can limit malfeasance. If there are no limits on the power of the winner of an election, Reynolds states, then elections themselves become a matter of life and death. In addition, post-election conflicts have often led to a peace settlement that sometimes includes power sharing—making the election seem unnecessary in the first place. If power sharing arrangement requires inclusion of minority and majority groups, then an electoral system might be designed to allow proportional representation. Reynolds proposes the Elklit-Reynolds Election Quality Assessment⁴ framework which measures the quality of an election. The resulting score (out of 100) tells how high the administrative quality and institutional legitimacy of an election are. In Kenya's case, the 2007 election scored 51, signaling an ineffective electoral system.

A much more Kenya-specific review of elections and conflict is the article by Marcel Rutten and Sam Owuor, appropriately entitled "Weapons of Mass Destruction: Land, Ethnicity and the 2007 Elections in Kenya."⁵ In this paper, Rutten and Owuor discuss the origins of conflict in Kenya, specifically conflict that occurs during election cycles. Land is identified as the main cause of conflicts, including land alienation from the colonial period, unfair land reallocation practices since independence, increased land pressure caused by the alienation, droughts and

famine as well as the attempts to forcibly remove those ethnicities that are deemed interlopers. Rutten and Owuor further set the historical context, which they date to the late 1800s, to the early intra-ethnic conflicts of the Nilotic groups such as the Turkana, Samburu, Oromo and Maasai. In the post-independence era, the land commission that was charged with the reallocation of White Settler lands did not return lands to the original communities; rather, the land was sold to the wealthy who were mostly Kikuyu. President Jomo Kenyatta himself took large parcels and awarded others to his closest friends and supporters. Dissatisfied communities later decided to take their ancestral lands back, evidenced in land clashes in 1993-1997 during the Moi era. In the view of Rutten and Owuor, on the surface the political parties were established based on ethnic cleavages; below the surface, however, many ethnic parties were also formed along land issues.⁶ These cleavages were also represented ideologically, for example, by Jaramogi Odinga urging his supporters not to pay for the land since it was theirs previously.

If, indeed, the media constitutes the political watchdog, how was the 2008 PEV covered? In their article entitled "Newspaper Coverage of Post Political Election Violence in Africa: An Assessment of the Kenyan Example,"⁷ Uche Onyebadi and Tayo Oyedeji provided some answers. The authors identify the main newspapers in Kenya: the *Daily Nation* and the *East African Standard*. By reviewing the types of stories the two main newspapers carried, the authors show that in the period running up to the election (October to November 2007), the largest percentage of front page news was on the election campaigns; there was none regarding conflict or the anticipation of conflict. From January 2008 (post-election period), front page stories consisted of 50% peace meetings and only 3% were about violence. Segmenting further for individual publications, in the pre-election period, the *Nation* carried 20 stories while the *Standard* carried 32 stories. In the post-election period, the *Nation* carried 6 stories on peace meetings and 4 on violence while the *Standard* carried 23 stories on peace meetings and none (zero) on violence. This indicates that, unlike the Rwandan

case where the media was seen to have driven violence, in Kenya the newspapers seemed to have “become vehicles for the propagation of peace in a troubled nation.”⁸ The authors also make the case for “peace journalism” which they described as journalism that is “oriented toward peace, truth, people and solutions to conflicts.”⁹ This is contrasted to “war journalism” which tends to report violence and its “attendant destruction.”¹⁰

A recurring subject in Kenyan and African PEV is the issue of impunity. After the 2008 PEV, one might ask, how many people have been tried, found guilty of major crimes against humanity, and punished? How many have been brought to justice? In the article provocatively entitled “The Big Fish Won’t Fry Themselves: Criminal Accountability for Post-Election Violence in Kenya,” Stephen Brown and Sandra Sriram discuss the reasons why Kenya has failed to bring about justice after post-election violence since the 1990s. They argue that Kenya’s efforts to transition politically have been stifled by the fact that those in power during the single party era are still in power now. These same individuals, the “big fish,” have been implicated in various commission reports (Akiwumi in 1992 and Waki in 2008) but they have been able to exert their influence and have frustrated any actions to bring them to justice. The same was true after the 2007/2008 election, but the Waki Commission was able to stem their influence by building in their report a self-enforcement mechanism that resulted in the Kenyan case being referred to the ICC. Brown and Sriram explain this self-enforcement mechanism as follows:

To pressure the government to adopt this recommendation, the Commission’s report contained an ingenious self-enforcing mechanism: if the government did not create the tribunal, the Commission’s chair would pass on evidence to the International Criminal Court (ICC) and request that it become involved. Soon after the report was published, the government committed itself to the implementation of the report’s recommendations, including the creation of the Special Tribunal. The government never set up the tribunal, however. Efforts to present and pass a bill in Parliament failed on three separate occasions and have since been abandoned. Instead, the government regularly promised

prosecutions in the national courts, but the likelihood of that actually taking place seems remote.¹¹

Because of this issue of impunity and injustices that have piled up over the years, perhaps the 2007-2008 violence was inevitable. Brown and Sriram argue that were it not for the “shadow of the ICC” then any attempts to have a hybrid tribunal established would not have materialized. The previous lack of accountability for those who perpetrated pre- and post-election violence had created an atmosphere of impunity that the ICC was attempting to break. They also argue that there has been a paradigm shift in the judicial and political action as well as the conversations that were sparked by the ICC’s involvement. For example, this has helped to create an independent judiciary and several actions taken by this new judiciary have helped build public trust.

To close out this literature review, it is important to note that Kenya has held elections regularly, every five years, since 1962. Nevertheless, Kenya is not considered to have achieved “democratic consolidation.” Admittedly, the elections held in the single-party era of authoritarianism and dictatorship did not count. Like many other countries in the region, multiparty democratic transitions began in the 1990s, but the elections have provoked violence, the 2007-2008 PEV being the most pugnacious. The literature on democratic consolidation is vast,¹² especially since the concept is usually applied globally.¹³ While all the indices of “consolidation” are still debated, peaceful, free and fair, and credible elections have been considered major ingredients. As developing countries began to emerge from authoritarian system in the 1990s, it became essential to differentiate “uncertain” from “certain” democracies. But, according to Steven Friedman, the democratic consolidation paradigm is “vague, teleological and ethnocentric and measures new democracies against an idealised understanding of Northern liberal democracies.”¹⁴ In essence, and as will be revealed in this paper, even with its fifty-year experience of elections Kenya is not counted among “consolidated,” “certain” democracies partly because of the history of post-electoral violence and the dearth of democratic institutions, and partly

because political power has merely circulated among the same group of political elite.¹⁵

KENYA'S 2013 GENERAL ELECTIONS: HOW UHURU KENYATTA BECAME PRESIDENT

It was months after the 2013 elections before the IEBC released the final poll results, causing great discomfort among Kenya's political elites. When the figures were eventually presented to Parliament, IEBC officials—Chairman Isack Hassan and CEO James Oswago—refused to take the oath.¹⁶ The released figures claimed that the total votes cast in the presidential election were 12,330,028 of which 12, 221,053 were valid; of these valid votes, Kenyatta received 6,173,433 and Raila 5,340,546, the difference being 832,887 votes. The IEBC also established that “Kenyatta crossed the constitutional threshold of 50 percent plus one with just over 4,000 votes.”¹⁷

How then did Uhuru Kenyatta become elected president of Kenya in 2013? What were the implications of his election for the sustenance of post-electoral peace in Kenya? We posit that the election of Uhuru Kenyatta and the achievement of post-electoral peace in Kenya are interrelated. However, this is not to suggest that there would have been violence if Kenyatta were not declared winner. Rather, it is to argue that the combination of factors in the period leading up to the election predict and assure peaceful transition. Several of these factors will be presented and discussed in this paper. Of these, the most important factor for the election of Uhuru Kenyatta was the formation of a winning coalition, the Jubilee Alliance, by Kikuyu and Kalenjin leaders, placing Uhuru Kenyatta and (Kikuyu) and Ruto (Kalenjin) on the same ticket.

The formation of what came to be called the Jubilee Alliance followed the pattern of limited-purpose politico-ethnic alliance which had characterized Kenya's electoral history. However, the Jubilee Alliance was unique in a number of ways—and it was almost unexpected. Under its umbrella, the two ethnic groups that were at the center of the 2007-08 PEV, the Kikuyu and Kalenjin, came together.

In the 2007 elections, the Kalenjin were pitted against the Kikuyu in the parties and coalitions. Kibaki's political party, the Party of National Unity (PNU), was composed of majority Kikuyu while the main opposition party, the Orange Democratic Movement (ODM), was a mix of ethnicities from Western Kenya, of which the Kalenjin is a part. In 2007, it was believed, the Kalenjin were seeking to remove the Kikuyu from the Rift Valley. On December 29, 2007, the Electoral Commission of Kenya (ECK) declared Kibaki winner, and he was sworn in shortly thereafter at midnight. The pent-up anger mixed with emotions that the votes had been stolen, and violence irrupted immediately.

In the new Jubilee Coalition, Uhuru Kenyatta and William Ruto were nominated to contest for the positions of President and Deputy President respectively, positions that they now occupy at the time of writing. By joining forces, not only did they ensure a win, but this coalition also forced the two groups to come together in a show of unity. This can be argued to be a major cause of the subsequent relatively peaceful elections and the peaceful handling of the post-election petitions. The question is: How long would this alliance last, especially if the underlying ethnic and land issues remain unaddressed?

FACTORS RESPONSIBLE FOR POST-ELECTION PEACE IN 2013

A good place to start this evaluation of Kenya's peaceful post-election dispute management is the election management body (EMB) itself.¹⁸ Established in accordance with the new constitution of 2010, the Independent Electoral and Boundaries Commission (IEBC) was created in part because of the failure of the Interim Independent Electoral Commission of Kenya (IIEC) which had administered the previous election. The IIEC proved to be corruptible, and the manner in which it released the election results of 2007 was the immediate cause of the outbreak of violence. Prior to the general election of 2013 the new EMB, the IEBC, was able to prove itself to the public by administering several by-elections. The successful manner in which these

by-elections were conducted created a sense of confidence towards the IEBC regarding its ability and fairness. As stated by Najib, a high-ranking official of the IEBC, “more than 86% of Kenyans had full confidence in the Commission [and that it] would conduct free and fair elections.”

Nevertheless, the IEBC was faced with enormous challenges. One of these was the requirement to register more than 14 million voters within 30 days. This required technology that the IEBC did not have at the time. The IEBC had to acquire this technology in short order through a process that turned out to be flawed. In the end, an intervention by former President Kibaki and former Prime Minister Odinga secured the necessary technology through a “Canadian government loan in the amount of \$68.1 million.”¹⁹

The IEBC’s tasks also included the registration of political parties as mandated by the Kenyan constitution²⁰ and the Elections Act of 2011. This act sets forth all regulations pertaining to the running of an election from the methods by which the county returning officers were appointed to the means by which pre-election disputes are to be resolved. Considering the magnitude of the task ahead, the IEBC worked closely with assistance from the International Foundation of Electoral Systems. The process required the registration of 59 political parties and millions of voters based on the Political Parties Act of 2011.²¹ To streamline this otherwise laborious process, the IEBC empowered political parties to enter the necessary data on their own. However, decentralizing this process did cause some concerns because some political parties were accused of falsifying their member rosters to meet the requirements. There were numerous incidents of Kenyans being registered without their knowledge which led to the generation of the hash tag *#FakePartyMembersKe* as a means of bringing attention to the matter. There was also the allegation that members were transferred from one party to another.²² To address these concerns, the IEBC created an online platform where voters were able to verify the parties with which they were registered. Also, the IEBC created an email address where complaints regarding this and related matters could

be lodged. Finally, the IEBC placed a warning on its website that “it is an offense punishable by law for any political party to register a member without his or her knowledge. Any party doing so could be deregistered and penalized.”²³

The IEBC worked hard to ensure impartiality in all its operations, especially at the grassroots level. The Carter Center, one of the international observer groups, lauded the IEBC for its transparency. In its preliminary report issued shortly after the election, the Carter Center finds “that Kenya’s polls were well-conducted in a peaceful environment. Voter turnout appears to have been high. The Independent Electoral and Boundaries Commission has made important commitments to improve the transparency of the counting and tabulation of votes.”²⁴ Also, according to Najib, IEBC officials made every effort to remain impartial and professional to the extent that they did not vote in the election. The IEBC employed returning officers who were trained in the rules and regulations pertaining to the tasks they would be carrying out. Furthermore, to ensure impartiality, the IEBC did not post any returning officers to their home districts or original location of their ethnicity. The officers and clerks were also trained in alternative dispute resolution mechanisms to act on behalf of the IEBC. These officers were empowered to report any circumstances that could likely lead to armed conflict.

Many organizations joined in the IEBC’s efforts to mitigate conflict. These include the Kenya Human Rights Commission and the National Cohesion and Integration Commission whose aim is to “facilitate and promote a Kenyan society whose values are harmonious and non-discriminatory for a peaceful co-existence and integration.”²⁵ Together they were able to establish a text message hotline where inflammatory speeches could be reported anonymously. Monitoring hate speech is crucial. Hate speech was identified as a primary means of inciting armed conflict in the 2007 election campaign. In addition, there were senior Deputy Police Commissioners who were attached to the IEBC which facilitated quicker responses to reports of conflict or potential conflict. Peace committees were established both at the county and national

levels, and their function was to facilitate forums at which political parties and the IEBC could discuss concerns that could lead to conflict. The committees at the county level were headed by a village headman, a designation that likely gave them a sense of legitimacy in the communities.

Another challenge that the IEBC faced was in the management of expectations.²⁶ One of those expectations was that the results of presidential vote would be available soon after all polling stations were closed and that all results would be transmitted electronically. The latter was of great significance since Kenya has a history of electoral irregularities. A major source of post-election violence was the claim that the election had been stolen by means of rigging, ballot stuffing, number swapping, and other irregularities. Having the ability to report polling station results directly and electronically provided a secure and timely means with which the IEBC could wrap up the process. However, several errors occurred on the day of election, including the malfunctioning of voting machines, and the failure to transmit the results electronically as initially planned. Many polling stations had to revert to the manual voter lists as well as manual casting of ballots. Consequently, the provisional results did not arrive as expected. Instead, the returning officers had to travel to the central tallying location late at night with the paper results. The resultant delay heightened tension and promoted mistrust of the IEBC.²⁷

Despite these imperfections in the conduct of the election by the IEBC, Kenyans have largely accepted the results and have chosen the paths of peaceful resolution rather than violence. What was responsible for the relatively peaceful election and non-violent handling of post-election disputes in 2013? Thematic analysis of the interviews reveals six major factors. These factors were not ranked but respondents identified them very frequently. They were:

- recent memory of post-election violence;
- several years of peace activism;
- the Truth, Justice and Reconciliation Commission (TJRC);
- the shadow of the International Criminal Court (ICC);
- the new constitution; and
- the Supreme Court

Recent Memory of Post-Election Violence

A major explanation for the peaceful post-election dispute handling in 2013 was the horror of the immediate past post-election violence. Several interviewees expressed the desire to never see or experience another PEV. This “never again!” attitude was shared by many Kenyans. Peter stated that there were intentional actions taken to ensure that violence of the 2007-08 scale never broke out again. Some of these initiatives were government-sponsored, others were sponsored by individuals and faith groups. Najib expatiated thus:

Kenyans had learned a lesson from 2007/2008. I think there was that “collective will” you can say by the nation that never again will we go back to the brink of civil war. And so it became a civic duty of everybody, whether you are a small person, you are a community leader, you are a Pastor, you are an Imam, you are a political leader, a professional society, media; everybody took it upon themselves to make sure that this time around we don’t go back to where we came from in 2007/2008.²⁸

Several Years of Peace Activism

Following the violent outcome of the 2007 elections, there was a proliferation of peace activism. Naomi gave extensive information on the work done by her organization and several others. These organizations mobilized the populace for peace. Some were secular, others were religious; some efforts were promoted by the government, others by the civil society. Many efforts—from religious sermons to speeches, from music to art, from parental caution to friendly commentaries on Facebook—were geared toward peace. A few individual and group efforts deserve mention.

Luke stated that individuals were significant in the process of civic education and selling the message of peace alongside the various organizations. Many individuals took on the cause of peace activism. A good example was Eric Wainaina, whose song “Daima Kenya” was played repeatedly on the radio and television to preach the message of peace. There were other avenues used like a musical released by Eric Wainaina that criticized the issues

of ethnicity and how politicians have used this to divide and conquer. There was also a concert that was out together with the support of the Kenya Red Cross, called “Chagua Peace” (Choose Peace). The idea was for all who attended to come in shirts that showed the party they supported. This was intended to show that regardless of the party one supported, being Kenyan was greater than the election and the tensions that have come with it. Another individual effort was by Boniface Mwangi whose photographic depictions of what happened in 2007-08 were a part of civic education and sensitization. For the purposes of ensuring a wider reach and to educate the public on civic matters, peace activists used the radio and local theaters. Radio DJs used their art to promote peace education especially targeting the youths and other important segments of their audience. In addition to promoting peace, these media educated the populace about the duty of the electorate, the role of government, and what the electorate should expect of their representatives.

In addition to individuals, groups, especially religious groups, also engaged in peace activism. The church had been chided for its role in the 2007-08 PEV for failing to engage the public as it should have. Kenya is 80% Christian. Thus, the church and its leadership occupy a very powerful position in the community. As articulated by Naomi, pastors and bishops are taken seriously by the communities they lead; their words result in collective action.

It is important to understand that, in 2007-08, the attackers and those they attacked were churchgoers. The church was in a precarious position, and it seemed to have lost its grips on the good neighborliness of its congregation. On the one hand, when the violence broke out following the 2007 elections, the churches were places of sanctuary for those escaping the violence. On the other hand, individual churches were targets of the perpetrators of violence; there was the tragedy of the church in Kiambaa that was burned to the ground with women and children in it.²⁹ According to Pius, local pastors and bishops placed urgent calls to their superiors in Nairobi, requesting assistance due to the overwhelming numbers of IDPs in their compounds. As a body, the church rose up to the challenge of

providing immediate humanitarian relief as well as longer-term soul searching. A bus tour was organized and it consisted of church leaders and its qualified lay people. Pius made a specific reference to their arrival at the grounds of the International Agricultural Show of Kenya (ISK) in Nakuru and seeing “a sea of people who were displaced and living in terrible conditions.”³⁰ He went on to note that due to the poor public perception of the church at the time, they opted not to wear their collars or any other items that may identify them as church leaders. The fear was that if they were recognized, those they were attempting to reach would not be willing to receive them or the help they were bringing. In general the church was perceived as a moral failure.

These bus tours resulted in the re-establishment of the church as a legitimate leader in the community and consequently in the country. Also due to these continuous outreaches by the church to the displaced, members of the public were willing to listen when the church began to address the issues that led to the armed conflict and began to preach the message of peace. In 2012, there were reports of churches hosting political leaders, security officials, and other community leaders in their services as part of spreading the message of peace.

Naomi, one of the participants in the study, works for an organization that came into being at the behest of church leaders. The interviewee stated that, as a lawyer and an active church member, it became apparent that the church needed those in the legal profession to assist in presenting its case to the government and the public. The organization has been responsible for numerous training programs especially in the locations where the violence was at its worst in 2007-08. As a non-church body but one made up of Christians, they were able to voice opinions and carry messages on behalf of the church but from a legal perspective.

The pursuit of peace in the period before the 2013 election covered the issue of hate speech. One of the major concerns was about hate speech and the media. George, a journalist and a participant in this study, stated that journalists were extremely cautious in how they reported any stories, news, or anything to do with the election. He further stated that journalists

were required to take sensitivity training so they would be aware of how others might interpret the news and reports being delivered via any media outlets. Isaiah, one of the participants in this study, commented on this self-censorship of the media and labelled the situation “Silence! Peace in progress.” In his opinion, peace trumped truth and justice.

The Truth, Justice and Reconciliation Commission (TJRC)

The Truth, Justice and Reconciliation Commission was established for the express purposes of giving Kenyans the space to air the injustices done to them by the Government, government officials or with the complicity of the authorities. Its final report was published in May 2013 after more than 6 years of gathering information from Kenyans across the country. The commission was established to promote peace, justice, national unity, healing, reconciliation and dignity among the people of Kenya.

Ordinary Kenyans testified of injustices committed against them regardless of who was implicated. Victims of PEV felt that the Kenyan government was finally listening to them. According to Moses, there were expressions of relief by people who came to testify before the TJRC:

There were some people who came up and spoke with us after [their testimony]. They [said], “We are relieved. Thank you.” [We asked], “What do you want? What would you like the state to do?” They [replied], “I don’t want anybody to do anything. I have spoken and for the first time since the last 20, 30 years; I’ve not had a chance. I am free now. I’m ok. I’m finished with it.”

This statement indicates the impact of the TJRC on the peace process. People and communities were able to testify at the TJRC hearings. Many interviewees for this study cite the TJRC as a major factor in the peaceful post-election dispute handling of 2013. As Moses stated, tensions were also known to flare up into conflict because those who were wronged did not feel that they had a means to redress. With the TJRC providing a place for them to give voice to their story, they were able to get past it and to move on with their lives.

Shadow of the International Criminal Court (ICC)

The role of the ICC in Kenya’s politics created a sense of urgency and was probably a major factor in the creation of the Jubilee Alliance. This can be referred to as an unintended consequence of ICC intervention. As Isaiah described it, the indictment by the ICC of the presidential candidates on the Jubilee Alliance ticket for crimes against humanity “raised the stakes in the election quite a bit . . . the ICC introduced a dynamic in the electoral process that in a sense implied that you either run for elections and win and find a way of dealing with the ICC or you don’t run and your fate is sealed at The Hague.” It is arguable that the winning coalition used the ICC issue as a tool for political mobilization. This is a sentiment echoed by Isaiah who stated that “[T]here is a sense in which elections were interpreted by a segment of society that the international criminal court case against President Uhuru and his Deputy William Ruto was designed to prevent them from exercising their right to run for office and therefore perhaps even becoming the President.” Also, according to Sarah, a contestant in the 2013 election, this pressure was polarizing to the electorate to the extent that, “there were not many people willing to discuss the ICC issue.” Still on the same issue, Luke, one of Kenya’s top musicians and a peace activist, stated that the public sentiment could have created the momentum upon which the Jubilee Alliance’s election campaign was built because it “galvanized support for them.”

Ironically, the ICC fire has burnt out; there remains only one active case of the original six—the case against current Vice President William Ruto. There is the possibility that the case against President Uhuru Kenyatta will be dropped due to insufficient evidence. This current state of affairs may have inadvertently made the ICC appear illegitimate and irrelevant since it was initially meant to address those who were “above the law,” those who could not be touched by their country’s legal processes because of the culture of impunity. With the Jubilee Alliance winning the 2013 election, and the vacillations by the ICC in its prosecution of President Uhuru Kenyatta, it seems that the ICC case has lost steam. It appears

that, by electing Kenyatta and Ruto, Kenyan voters had also rendered the ICC powerless.

The New Constitution

All the participants in this study credited the new constitution with Kenya's ability to resolve the 2013 post-election dispute peacefully. Several interviewees discussed the lack of trust that existed, especially since Kibaki had appointed several judges to the Supreme Court and high courts right before the 2007 election. The ODM leadership did not feel that they would have been able to get an impartial and fair ruling had they gone to court in 2008. So, ODM supporters opted to take their discontent to the streets.

The new Constitution not only provided a way out, it also set time limits on the hearings. Historically, Kenya's judicial process has been tortuously slow. According to Naomi, the new guidelines set in place were both beneficial but they also presented a challenge:

The general populace are quiet happy with the constitution because they imagine(d) that it (was) going to block things that happened before... Now many people are starting to open their eyes to the fact that those things we thought were being solved are actually not being solved. Take a case in point, what's going on with the Senate and the National assembly. We imagined that by creating an extra chamber of parliament and that having more people in government would put some (oversight) on the power of the President. Yes we have more people but there are no checks and balances because (of) the way it was described in the constitution

The Supreme Court

The Supreme Court was overhauled with the promulgation of the 2010 Constitution. The Constitution enumerated the process through which the judges to the various courts would be selected.³¹ This was a move that required the input of the Judicial Service Commission and the National Assembly.

The appointments to this court were disrupted by some disputes ranging from the legality of the appointments to the criteria used to select the

justices. The process served as a means to create transparency and accountability, something that was missing at the time of the 2007 election. As stated by Najib, "This new constitution had created . . . a new judiciary which was now independent with a Supreme Court and a new Chief Justice. And the manner of appointment of . . . the judges in the judiciary was also transparent and open, no longer just at the preserve of the president. And so the level of faith and confidence of the people in these institutions was very high going towards the elections." The general public was confident that the newly established Supreme Court was capable of handling post-election disputes and petitions with impartiality and openness and "so the temptation to go to the streets was reduced extremely."³² In addition, several cases had been handled by the new Supreme Court with outcomes that made it clear that it was independent of any undue influence. In sharp contrast to the 2007 elections, the public sentiment was that the judiciary at the time was not transparent and was a puppet of the President. In addition, the 2013 post-election dispute proceedings at the Supreme Court were televised which allowed the public to see what was happening in the courtroom. That was the first time this had happened in Kenya and it served as to boost the public's confidence significantly.

In a lecture delivered at the Colloquium for the Selected Bench of the Judiciary Working Committee on Election Preparations, held at the Great Rift Valley Lodge, Naivasha, on April 23, 2013, Hon Justice J. B. Ojwang, Justice of the Supreme Court of Kenya, explained the significance of Kenya's dispute handling strategy following the 2013 election:

. . . [The] issue regarding election to the Presidential office relates directly to the question whether the Kenyan State will be in a position to discharge the vital *functions of the Executive Branch*. It means, a dispute relating to Presidential election is infinitely more sensitive: as it will affect the country's standing in terms of the management of the State's *internal affairs*, and will have a bearing on Kenya's fulfilment of her *international mandate*. At the level of the Presidency, therefore, there is an exceptional interest in the integrity and legitimacy of the election, both at home and abroad.³³

Justice Ojwang went on to say that the Supreme Court took cognizance of these need for sensitivity in its hearings and ruling on the Supreme Court Election Petition No. 5 of 2013. According to him,

Since such electoral disputes will fall at the doors of the *Judiciary*, the Courts must not only take judicial notice of the foregoing realities, but go further and adopt *general guidelines* that embody fairness, practicality and legitimacy, for dealing with the *differing election-dispute scenarios*.³⁴

CONCLUSION

As this paper clearly demonstrates, the changeover from the 2008 post-election violence (PEV) to the 2013 post-election peace (PEP) has been remarkable. Several questions still remain. The first is the sustainability of the peace that was exhibited in the elections of 2013. Will this peace endure for the 2017 and subsequent elections? It can be argued that, currently, a state of negative peace exists because of the heavy police presence in the slums, where violence had been severe in 2008. Will civil society organizations (CSOs) be able to sustain their peace programs at the level, scale, and frequency seen in the 2008-2013 period? According to Barnabas, one of the participants in this study, Kenyan CSOs are largely dependent on donor funding which can be unpredictable. In addition, so far the political elites have been unwilling to have the tough conversations that would address historical injustices. For instance, President Uhuru Kenyatta hails from the very wealthy Kenyatta family which obtained its wealth by taking possession of large tracts of resource rich land. It was not surprising that when the TJRC was ready to issue its final report in 2013, the report was edited to exclude these subjects.³⁵ The issue of land and other historical injustices have since been pushed to the National Land Commission (NLC) Taskforce on Historical Land Injustices chaired by Samuel Tororei.³⁶

Devolution is another issue that may impact the sustainability of the PEP in the long term. At the time of writing this paper, there were at least three (3) county boundary disputes with several deaths already reported in one dispute.³⁷ These disputes

indicate that the process of devolution is not as certain as the constitution meant it to be. In addition to these boundary disputes, members of the CORD coalition have called for a constitutional referendum and the disbandment of the IEBC, claiming that the electoral management body (EMB) botched the 2013 election.³⁸ This means that even though it is being implemented as envisaged in the constitution, devolution is not a permanent solution to ethno-political crises. One of the issues surrounding the sustainability of devolution is the current electoral set up which entails having six elections in one day. The second, and larger, issue is how expensive devolution has turned out to be. The National Budget has currently allocated to the counties an amount of USD 2.7 billion annually (\$1=Ksh 85) which is 15 percent of the budget. However the referendum (which was in progress at the time of writing) demanded an increase to 45 percent of the national budget, costing about \$9.5 billion.³⁹ Considering that Kenya's budget runs at a deficit of 4.5% of its annual gross domestic product (2014),⁴⁰ then implementing this would present a challenge to the overall economy.

A long-term question raised and discussed at great lengths by participants in this study is: What lessons can the rest of Africa learn from Kenya's peaceful handling of its post-election disputes in 2013, just one general election after the post-election violence of 2008? Several interviewees stressed the need for independent institutions, especially EMBs. Incidentally, Najib and Martha are in full agreement on this issue, despite their opposing views and backgrounds. Their view and that of others is that one of the main contributing factors to the post-election violence in 2008 was the perception that ECK, the then EMB, was corrupt and that it was in the "pockets" of the incumbent President Kibaki. However, the establishment of the IEBC brought rays of hope; subsequently, the IEBC earned trust and credibility in the manner it managed the by-elections that took place before the general elections. So far, the IEBC has survived rigorous criticism. Doing a better job of the 2017 election might not only promote electoral sustainability, but also forestall another PEV and reinforce democracy in Kenya.

Another institution that was cited severally was the Judiciary. An independent and impartial judiciary is important to make decisions when election results are disputed. The Kenyan public was willing to trust the new, reformed judiciary.

Lastly, while the institution of the Executive had been fairly stable since independence, it had become a source of conflict as the location of wealth and power. Winning the presidency became the goal of political elites and their backers. Devolving and redistributing these powers to the counties is expected to reduce acrimonious competition, the kind that led to violence in 2008.

This brings us to the final point. In researching this paper we found through the numerous interviews and available literature that there is an underlying

issue: the suitability of African democracies. Najib described it as such, "It is not inclusive, it is exclusive. Losers lose completely . . . the minority will have their say, the majority will have their way." He suggested consultation as a way to mitigate conflicts in the future. In the current political system, the winner takes all. The challenge here is that, given the 2013 election results, the "losing" side represents 49 percent of the electorate and, according to the current system, they do not have a voice in the government. The PEV of 2008 and the current referendum demonstrate that there is a need to review the "winner-takes-all" system and adjust it to suit the new Kenyan political environment. This may be the greatest lesson for Kenya and the rest of Africa.

ENDNOTES

¹ The authors wish to thank many people who facilitated the interviews that were conducted in June and December 2013. They are too numerous to list here. The following people made contacts on behalf of the research and helped to set up the interviews: Lucy Kimundi, Stephen Ndiritu, Catherine Odera, Lillian Otieno, and Dr. Charity Gichuki. Furthermore, we thank George Andare and Gilbert Otieno for handling all logistics, making useful contacts, providing transportation service, and recording the audio interviews.

² Andrew Reynolds, "Elections, Electoral Systems, and Conflict in Africa," *Brown Journal of World Affairs*, Fall/Winter, Vol. XVI, Issue 1, 2009, pp. 75-83.

³ Andrew Reynolds, p. 77.

⁴ See Jorgen Elklit and Andrew Reynolds, "A Framework for the Systematic Study of Election Quality," *Democratization*, Vol.12, No.2, April 2005, pp. 147-162.

⁵ Marcel Ruttens and Sam Owuor, "Weapons of Mass Destruction: Land, Ethnicity and the 2007 Elections in Kenya," *Journal of Contemporary African Studies*, Vol. 27, Issue 3, July 2009, pp. 305-324.

⁶ See also Kanyinga, K. 2009, pp. 325-344.

⁷ Uche Onyebadi and Tayo Oyedeji, "Newspaper Coverage of Post Political Election Violence in Africa: An Assessment of the Kenyan Example," *Media, War & Conflict*, Vol.4, No.3, pp. 215-230.

⁸ Onyebadi and Oyedeji, p. 226.

⁹ Onyebadi and Oyedeji, p. 229.

¹⁰ *Ibid.*

¹¹ Stephen Brown with Chandra Lekha Sriram, "The Big Fish Won't Fry Themselves: Criminal Accountability for Post-Election Violence in Kenya," *African Affairs*, Vol. 111, No. 443, pp. 244-260.

¹² For studies focused on or with bias towards African countries, see Staffan Lindberg, "Forms of States, Governance, and Regimes: Reconceptualizing the Prospects for Democratic Consolidation for Africa," *International Political Science Review*, Vol. 22, No. 2, 2001, pp.173-199; Jeffrey Haynes, "Democratic Consolidation in Africa: The Problematic Case of Ghana," *Commonwealth and Comparative Politics*, Vol. 41, No. 1, 2003, pp. 48-76; Robert Mattes and Michael Bratton, "Learning About Democracy in Africa: Awareness, Performance, and Experience," *American Journal of Political Science*, Vol. 51, No. 1, 2007, pp. 192-217.

¹³ Its possible beginning has been traced to the identification of the "third wave" of democratic transition following the collapse of communism and the emergence of new "democratic" former communist states. See Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).

¹⁴ Steven Friedman, "Beyond 'Democratic Consolidation': An Alternative Understanding of Democratic Progress," *Theoria: A Journal of Social & Political Theory*, Vol. 58, Issue 126, 2011, pp. 27-55.

¹⁵ A good interpretation is provided in P. Kangwanja & R. Southall 2010 pp. 1-19 which describes Kenya as "a democracy in retreat."

¹⁶ See Mosoku 2013 and also Wafula 2013.

¹⁷ Ndegwa and Were 2013.

¹⁸ See Carter Center, *Observing Kenya's March 2013 National Elections: Final Report*. Atlanta: The Carter Center, 2013.

¹⁹ *Daily Nation*, October 19, 2013.

²⁰ The Constitution of Kenya, Chapter 7, Article 90, Sec 2, a and b.

²¹ See www.kenyalaw.com.

²² See <http://allafrica.com/stories/201301040654.html>.

²³ IEBC 2013, Voters urged to check their party registration status. (<http://www.iebc.or.ke/index.php/news-archive/41-may-2012/83-voters-urged-to-check-their-party-registration-status>).

²⁴ The Carter Center, “Carter Center Congratulates Kenyan Voters on Peaceful Election, Urges Patience While Results Processed,” News Release, March 6, 2013.

²⁵ See National Cohesion and Integration Commission. <http://www.cohesion.or.ke/>.

²⁶ See www.standardmedia.co.ke for 09/14/2014 IEBC rules and the election date change referendum requirement.

²⁷ At the time of the writing of this paper, the opposition coalition (CORD) had initiated and promoted a referendum called “Okoa Kenya” (Save Kenya). The purpose of the referendum was to facilitate the removal of the IEBC as well as to have funding for the counties established by the 2010 Kenya Constitution increased at least twofold. The removal of the IEBC as the electoral management body requires a referendum because it is an institution mandated by the Constitution.

²⁸ Najib 2013, personal interview.

²⁹ Jeffrey Gettleman, “Mob Sets Kenya Church on Fire, Killing Dozens,” *New York Times*, January 2, 2008. Retrieved from http://www.nytimes.com/2008/01/02/world/africa/02kenya.html?pagewanted=all&_r=0

³⁰ Pius 2013, personal interview.

³¹ Republic of Kenya, *The Constitution of Kenya, Revised 2010*, C10, A166.

³² The justices that heard Odinga’s petition were: Hon. Justice (Dr.) Willy Mutunga, Chief Justice and

President of the Supreme Court of Kenya; Hon. Mr. Justice Philip Kiptoo Tunoi; Hon. Justice (Prof.) Jackton Boma Ojwang; Hon. Mr. Justice Mohamed Khadhar Ibrahim; Hon. Justice (Dr.) Smokin Wanjala; and Hon. Lady Justice Njoki Susanna Ndung’u.

³³ Ojwang 2013.

³⁴ Ojwang 2013.

³⁵ See Christopher Gitari Ndung’u, *Lessons to Be Learned: An Analysis of the Final Report of Kenya’s Truth, Justice and Reconciliation Commission*. ICTJ Briefing, May 2014. Retrieved from <http://www.ictj.org/sites/default/files/ICTJ-Briefing-Kenya-TJRC-2014.pdf>

³⁶ Olive Burrows, Kenya: Historical Land Injustices to Be Resolved ‘Once and for All.’ September 1, 2014.

AllAfrica.com, Retrieved from <http://allafrica.com/stories/201409020210.html>. Also, Gilbert Khadiagala referred to these historical injustices as “unresolved questions in Kenya’s political economy.” See Khadiagala 2009, p.53.

³⁷ Oliver Mathenge, Kenya: Legal Dilemma Over County Boundaries. AllAfrica.com. November 6, 2014. Retrieved from <http://allafrica.com/stories/201411060140.html>.

³⁸ *The Standard*, October 1st, 2014.

³⁹ These figures were calculated by referencing the most recent budget announcement where Kenya’s annual budget was read at \$21.2billion. CNBC. Kenya’s National Budget 2014/2015 Highlights. June 12, 2014. Retrieved from <http://www.cnbc.com/video/?bctid=3619425560001>

⁴⁰ See Trading Economics. Kenya Government Budget. November 20, 2014. Retrieved from www.tradingeconomics.com/kenya/government-budget.

REFERENCES

- Akiwumi, Augustus Molade. (1999). *Judicial commission of inquiry into tribal clashes in Kenya: Report submitted to President Daniel arap Moi, August 19*. Mimeo.
- Bekoe, Dorina. (2012). *Voting in Fear: Electoral Violence in Sub-Saharan Africa*. Washington, D.C.: USIP Press.
- Bosman, Frouwien & Du Toit, Pierre. (2011). Electoral systems and the contest for relative group status in post-conflict societies: The case of the 2009 election in South Africa. *Politikon: South African Journal of Political Studies*, 38(2), 211-229.
- Branch, Daniel. (2011). *Kenya: Between hope and despair, 1963-2011*. New Haven, CT: Yale University Press.
- Brown, Stephen. (2012). The big fish won't fry themselves: Criminal accountability for post-election violence in Kenya. *Africa Affairs*, 111/443, 224-260.
- Carter Center. (2013). *Observing Kenya's March 2013 National Elections: Final Report*. Atlanta: The Carter Center.
- Cohen, Herman J. (2011). Are elections the solution to African conflicts? *Journal of International Peace Operations*, 6(6), 33-34.
- Commonwealth Observer Group. (2013). *Final Report*. Retrieved from <http://thecommonwealth.org/media/news/commonwealth-observer-group-issues-final-report-2013-elections-kenya#sthash.4Tk9jlmL.dpuf>
- Galtung, Johann. (1996). *Peace by peaceful means: Peace and conflict, development and civilization*. London: Sage
- Hintjens, Helen & Pavan, Sara. (2011). Africa: Illusions of peace, illusions of war: Review essay. *Development and Change*, 42(3), 859-871.
- Ismail, Jamal Abdi & Deane, James. (2008). The 2007 general election in Kenya and its aftermath: The role of local language media. *The International Journal of Press/Politics*, 13(3), 319-327.
- Kagwanja, Peter & Southall, Roger. (2010). Kenya: A democracy in retreat? In Kangwanja, P., & Southall, R. (Eds.), *Kenya's uncertain democracy: The electoral crisis of 2008* (pp. 1-19). London: Routledge.
- Kanyinga, Karuti. (2009). The legacy of the white highlands: Land rights, ethnicity and the post-2007 election violence in Kenya. *Journal of Contemporary African Studies*, 27(3), 325-344.
- Khadiagala, Gilbert. (2009). The failure of leaders and institutions: Reflections on the 2007 election malaise in Kenya. *African Renaissance* Vol.5, No.1, 2008, pp. 53-60.
- Le Van, Carl. 2011. Power sharing and inclusive politics in Africa's uncertain democracies. *Governance*, 24(1), 31-53.
- Markussen, Thomas & Mbuvi, Kitavi. (2011). When does ethnic diversity lead to violence? Evidence from the 2007 elections in Kenya. *Discussion Paper*, No 11-19, pp. 1-34.
- Mosoku, Geoffrey. (2013). IEBC officials refuse to take oath before presenting election results. *Standard*, July 18. Retrieved from <http://www.standardmedia.co.ke/?articleID=2000088715>.
- Ndegwa, Alex and Were, Emmanuel. (2013). Now Electoral and Boundaries Commission IEBC releases final presidential vote results. *Standard*, July 19. Retrieved from http://www.standardmedia.co.ke/?articleID=2000088768&story_title=now-iebc-releases-final-presidential-vote-results.
- Ojwang, Jacktone B. (2013, April 23). Election disputes and the judicial process: Emerging lessons. Paper Presented by Hon. Justice Ojwang at the Colloquium for the Selected Bench of the Judiciary Working Committee on Election Preparations, Great Rift Valley Lodge, Naivasha, Country. Retrieved from <http://www.kenyalaw.org/Forum/?p=2718#sthash.1HthEdqH.dpuf>
- Omotola, J. Shola. (2010). Mechanisms of post-election conflict resolution in Africa's 'new' democracies. *African Security Review*, 19(2), 2-13
- Onyebadi, Uche & Oyedeji, Tayo. (2011). Newspaper coverage of post political election violence in Africa: An assessment of the Kenyan example. *Media, War & Conflict*, 4(3), 215-230.
- Reynolds, Andrew. (2009). Elections, electoral systems, and conflict in Africa. *Brown Journal of World Affairs*, 16(1), 75.
- Republic of Kenya. (2010). *The Constitution of Kenya, Revised 2010*. Nairobi: National Council for Law Reporting.
- Rutten, Marcel & Owuor, Sam. (2009). Weapons of mass destruction: Land, ethnicity and the 2007 elections in Kenya. *Journal of Contemporary African Studies*, 27(3), 305-324.
- Teshome-Bahiru, Wondwosen. (2009). Opposition parties and the politics of opposition in Africa: A critical analysis. *International Journal of Humanities & Social Sciences*, 3(1), 1-15.
- Teshome-Bahiru, Wondwosen. (2009a). Electoral violence in Africa: Experience from Ethiopia. *International Journal of Humanities & Social Sciences*, 3(2), 176-201.
- Teshome-Bahiru, Wondwosen. (2009b). Opposition parties and the politics of opposition in Africa: A critical analysis. *World Academy of Science, Engineering and Technology*, 3, 1035-1049
- The World Bank Group. (1997). Helping countries combat corruption: The role of the World Bank. Retrieved from <http://www1.worldbank.org/publicsector/anticorrupt/corruptn/cor02.htm#note1>
- Transparency International. (2013). Website title. Retrieved from <http://www.transparency.org>
- Wafula, Caroline. (2013). IEBC bosses refuse to take oath as they table poll results. *Daily Nation*, July 19. Retrieved from <http://www.nation.co.ke/News/politics/Drama-as-IEBC-bosses-release-final-poll-results.html>.
- Wafula, Caroline. (2014). MPs clash over county boards. *Daily Nation*, March 6. Retrieved from <http://www.nation.co.ke/news/politics/MPs-Senate-County-Governments-Bill->

Development-Boards/-/1064/2233772/-/15rg9ri/-/index
.html

Waki Commission of Inquiry into Post-Election Violence.
(2008). *Report*. Mimeo.