The Pattern of Electoral Management Practices Towards Kenya's 2007 Post-Election Violence in Uasin Gishu and Trans-Nzoia Counties

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Abstract
The study sought to investigate the pattern of electoral management practices towards Kenya's 2007 Post-Election Violence (PEV) in Uasin Gishu and Trans-Nzoia counties. The many post election violence in Kenya over the years have had unique patterns. This have often found themselves in influencing electoral management practices. The pattern of electoral management practices towards Kenya's 2007 post election violence however, seemed to have had a departure from the previous many other elections as to their visibility in different stages of election, intensity within the electoral management, and their nature being cyclical. This study used a survey and descriptive research design with mixed method approach. The researchers opted for both methods because each paradigm is appropriate for finding different outcomes. This study examined Pattern of Electoral Management Practices to 2007 Post-Election Violence and Trends of electoral management practices on election violence in Kenya. It is evident that ethnic animosities characterised post-election violence of 2007 and hence a component of the cause to patterns. This research recommends that for peaceful elections to be conducted, effective measures should be put in place to address ethnic animosities.
Keywords: Pattern of Electoral Management/ Electoral Management/ Electoral Violence/ Electoral Management Practices/ Post Election Violence/ Kenya's PEV
DOI: 10.7176/JRDM/55-05
Publication date:May 31st 2019

1. Background to the Study
General elections have for many years been a feature of all democracies. International and regional treaties require that elections be held at periodic intervals. The will of the people can only be expressed through genuine and periodic elections (Carter Center, 2016).They are held after a specified period usually five years but it could be less or more with the aim of electing new leaders or renewing the mandate of those already in power (Kenya Constitution, 2010).

In most developed countries, elections are relatively orderly and peaceful. However, in United States of America; it is possible to discover a rich history of electoral management malpractices, including gerrymandering, ballot stuffing, fraud, and voter intimidation. Such practices show that the integrity of democracy is not an inevitable outcome of elections; that integrity must be vigorously and continuously protected by each country's citizens. According to the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers (DPIEO and CCIEO, 2005), the USA, following the passage of the Voting Rights Act empowering minorities, especially African Americans, to vote, it became more of a model of an open, free and fair system. Further, what was seen as a great achievement in democracy in the past, has taken a divergent position in that it is no longer the case in more recent elections; its 2016 presidential election was alleged to have been marred by both foreign and domestic intervention, while its national elections for president and congress took place amid stark increases in voting restrictions, voter suppression, and extreme gerrymandering following the repeal by the Supreme Court of basic provisions of the Voting Rights Act. This indicates that these vices have become common even in societies presumed to be highly democratic.

However, the same cannot be said of developing countries especially in Africa where electoral violence have been experienced in most countries such as Sudan, Democratic Republic of Congo, Zimbabwe, Nigeria and Sierra Leone. In most cases, election management is not free, fair or genuine, as stipulated in the Universal Declaration of Human Rights, but rather shams or political spectacles designed to ensure their regimes 'continuation in power

under a veneer of legitimacy. This is contrary to international treaties which require that the legal framework be consistent with international human rights (U.N.ICCPR art.2). In such countries, opposition political parties are restricted by the ruling government or prevented from appearing on the ballot and when they are allowed, government in power ensures its own victory in elections by setting unfair rules or simply fabricating the electoral results (DPIEO & CCIEO, 2005).

Electoral violence has raised serious questions regarding the handling of General Elections management practices and violence on the African continent. According to Lakemann (1974), elections are hailed as the hallmark of democracy by most democracy promoting agencies. Thus, it has become increasingly acceptable that the governed should elect their rulers and that they should have the power to renew, at intervals, the mandate they give to such rulers. However, this argument does not hold in view of most African political situations, for instance in Zimbabwe during the regime of Mugabe and Zambia in 2016 General Elections when the elections management did not allow the public to exercise its mandate of democratically electing the leaders of their own choice. Could this have been the case in the post-election violence of 2007 General Elections in Kenya?

Historically, it can be said that violence is entrenched in Kenya due to many factors: the socio-political and economic structure of the country are such that these consequences are inevitable (Adeagbo & Iyi, 2011). Social relations between the dominant ethnic groups – the Kalenjins and the Kikuyus had been frosty since pre-colonial days and the demand for, and control of scarce arable land often resulted in conflicts. This is evidenced in the General Elections of 1992 and 1997 of which it may have sparked the post-election violence of 2007. This acrimonious relationship has constantly undergone generational shifts metamorphosing of course, but never really going away (Adeagbo & Iyi, 2011).This has been a reality especially in the era of multi-party politics since 1991. Could land resource distribution ownership have been a factor in 2007 post-election violence?

During Moi's regime elections were held largely when Kenya was a one party state controlled by the Kenya African National Union (KANU) party. Between 1969 and 1991, the five cycles of General Elections held during the period (1969, 1974, 1979, 1983 and 1988) were KANU-only elections. These elections were marred with rigging and other irregularities with the one in 1988 being the most contentious (Mwaura, 1997).The 1988 General Elections that involved queue voting was aggressively opposed by many civil society groups (Oyugi, 1997). It involved massive rigging where candidates with short queues were declared winners in the full view of the electorates (Mwaura, 1997). There was an outcry from within and without concerning the legitimacy of the elections and regime. "The outcry that followed these events was sustained both by the external and domestic mood for change" (Oyugi, 1997, p.46).

The post-election violence in the aftermath of the 2007 General Election shocked people within and without; tension had been building since independence following deeply rooted historical factors on land and political issues. Alongside land issues, the conflict in the region is also clearly fuelled by grievances relating to economic and rising political discrepancies. Kenya is a highly unequal society in terms of regional economic disparities reflecting ethnic cleavages. Patterns of investment both public and private and land ownership and control during pre-colonial period and after independence have benefited communities that hold the presidency at the expense of other groups and regions (Oyugi, 1997). However, these economic inequalities did not pose a significant threat to stability until after the NARC victory when the composition of Kibaki's cabinet and senior civil service positions shifted and Kikuyu economic supremacy was matched with political dominance with losses for particularly the Kalenjin and the Luo elite. This is evidenced in Ngunyi's (2009), report that the percentage of Luo posts in cabinet fell from 16% in 2003/2004 to 3.1%; likewise, the number of Kalenjin permanent secretaries fell by over half from 15% to 6.2%. When an attempt to correct these imbalances through the democratic process was thwarted, it facilitated spontaneous anger at perceived presidential election rigging of 2007 General Elections which was followed by ethnically motivated attacks destroying properties and loss of lives.

According to Nasong'o (2000), election related violence occurred not just in 1992 but also in 1997. The 2007/2008 was unique because it occurred after the announcement of presidential results, which was widespread and had diverse effects. On 4th March 2013, Kenyans voted in their first elections since the widespread violence following the December 2007disputed presidential election.

2. Statement of the Problem

The many post election violence in Kenya over the years have had unique patterns. These have often found themselves influencing electoral management practices. The pattern of electoral management practices towards Kenya's 2007 post election violence however, seemed to have had a departure from the previous many other elections as to their visibility in different stages of election, intensity within the electoral management, and their nature being cyclical. This pattern would be an interesting subject of discourse for scholars, experts in electoral management issues, and Electoral management stakeholders.

3. Study Methodology

The study was carried out in Uasin Gishu and Trans-Nzoia counties in Kenya. The counties receive adequate

rainfall for agricultural farming, which is the economic hub of many people in the country. The researcher chose these counties because they host different ethnic communities and have experienced General Election violence in previous years. Therefore, the researchers selected the 'hot spot' areas because of their vulnerability to General Election violence management and bore the brunt of 2007 post-election violence.

The areas of study were limited to Burnt Forest in Uasin Gishu County and Kachibora in Trans-Nzoia County, respectively. The reason for specifically choosing Burnt Forest and Kachibora was to find out the contribution of election management practices to 2007 post-election violence in areas of study. The residents of Burnt Forest are majorly Nandi and Kikuyu communities with very few of the Kisii, Luhya, and Kenyan Somalis. Kachibora on the other hand hosts many ethnic communities in large numbers such as the Luhya, the Kikuyu, the Kisii and the Kalenjin.

This study used a survey and descriptive research design with mixed method approach. The researchers opted for both methods because each paradigm is appropriate for finding different outcomes. Qualitative research is more appropriate for exploring the variation and diversity in any aspect of social life, and quantitative research is more suited to finding out the extent of this variation and diversity.

4. Pattern of Electoral Management Practices to 2007 Post-Election Violence

Elections, world over, have in one way or the other experienced election management related violence which takes place in different stages of elections process. According to Carter Center (2016), building on the work of the European Union (EU), the United Nations Development Programme (UNDP), International IDEA, and many others; election is recognised as much more than just election day. It is a cyclical process that unfolds over months before and after voting occurs thus it identifies the following parts of an election process: the legal framework, the electoral system and boundary delimitation, election management, voter registration, voter education, candidacy and campaigning and media coverage, voting operations, vote counting and voter dispute resolution.

In the developing world, electoral competition for state power has become a common feature which in one way or the other may contribute to post-election violence. According to Atuobi (2008), election violence is prevalent in Asian countries such as India, Pakistan, Philippines and Malaysia. It is more intense especially in developing countries of Asia and South America as opposed to the developed countries. In countries like United States of America, Britain, and Scandinavian States, election violence is minimal, that is, if it ever exists. In the Philippines, for example 75 people were killed prior to the elections in 2007; while 80 others were wounded in election related violence (Atuobi, 2008).

In Haiti, election management conflicts affected formation of Haiti government. Tension and political violence continued throughout President Aristide's second term in office, forcing him to go into exile in 2004, when opposition refused to accept results. An interim civilian government was formed and oversaw elections in 2006 in which Préval, after a dispute over vote counting, was eventually elected to a new term (Maureen, 2013). The author further elaborated that subsequent elections held under Presidents Aristide and Préval, both of whom served two non-consecutive terms, were marred by alleged irregularities, low voter turnout and opposition boycotts.

With the-emergence of multiparty politics in Sub-Sahara Africa in the early 1990s, electoral competition for state power has become a tradition and many countries have since held more than three consecutive elections. Elections in most African countries are characterised by uncertainties, due to the possibility of General Election violence. What this means in practice is that violence is widespread and can take place for a variety of reasons, including but not exclusively limited to general elections. According to Carlos (2007), elections management in Africa portends political instability in African States. Generally, the stakes are high depending on the state of stability prior or during the time of elections. The author's view contradicts with what Eldridge, Mimmi, Nystrom, & Utas (2012) who has emphasised that in Africa, election violence is always determined by political culture in place. Carlos' (2007) views have generalised African states instead of being specific on particular countries. In most cases, some countries go to elections peacefully but the aftermath of it generates post-election violence such as Kenya's General Elections 2007 results of which spurred controversy.

In fact, many new democracies, especially those with strong authoritarian legacies or deep ethnic cleavages common in many African countries, find it difficult to manage political opposition (Mansfield &Synder, 2010).The manner in which these tensions are managed can make the difference between an election that proceeds peacefully and one that degenerates into violence. Luckily, most elections are not intensely violent. Although the media may focus on the horrific violence that followed the elections in Kenya and Zimbabwe, studies indicate that violence in Africa's elections affects between 19 and 25 percent of elections. In many countries where electoral violence is a risk, it tends to recur and may consequently lead to an unfavourable view of democratization. In the case of the Republic of Congo, one may argue that the electoral violence laid the foundation for a civil war (Bekoe, 2009). In Kenya, the 2017 General Elections can attest to the view of Mansfield and Synder (2010) on the nullification of results and the repeat of elections on the forthcoming elections. Will it be difficult or easy to manage opposition?

There are great differences in patterns across the 54 African countries (Carlos, 2007).There are significant electoral management practices within the same country, with some turning violent and some not because of the

prevailing political system or the nature of political culture in a country - such countries include Uganda, Zimbabwe and Nigeria. The author could have mentioned that in such occasions, the period of the election management matters. In some cases, elections in a country may experience little electoral management hitches as opposed to the authors' view. On the other hand, Ghana, South Africa and Namibia are some of the countries which have experienced relatively less election violence (Eldridge, 2012). There are cases where countries have experienced no election violence due to the existing political system such as a monarchy system of governance. These systems are found in Swaziland and some countries in the Middle East. This system of governance does not apply democratic principles and is not common in African countries. Change of leadership is purely based on hereditary criteria. Countries which have embraced democracy are usually competitive in nature since competition takes the centre stage.

Violent elections have occurred in countries such as Cote d'Ivore, Nigeria and Zimbabwe while during the 2003 federal and state elections in Nigeria, at least 100 people lost lives and many more were injured (HRW, 2008). People die and property is destroyed but the intensity and magnitude varies from one country to another. Further, a low intensity violence has been elaborated by Eldridge Mimmi, Nystrom, & Utas, 2012) when he advanced the idea of a more common scenario of low-intensity violence, widespread, coercive intimidation of both candidates and voters including harassment, imprisonment and assassinations; violent riots and clashes between supporters or security elements of the political parties; attacks on various local party headquarters and party symbols. Most elections in Africa experience such levels of violence at a low rate and this partly may reflect scenarios in Kenya during General Elections management to 2007 post-election violence.

Countries that have displayed such characteristics as indicated by Eldridge (2012) during elections include Cameroon, Liberia, DRC, Equatorial Guinea, Madagascar, Sierra Leone, Senegal and Uganda. During the 2007 run-off elections in Sierra Leon, violence erupted following a clash between the supporters of the ruling Sierra Leone People's Party (SLPP) and the opposition All People's Congress (ACP) violent attacks were also reported against the supporters of the SLPP when the ACP leader was sworn in as the new president (Eldridge *et al*., 2012).

In reference to the scenarios of election violence and peaceful elections, Table 2.1 highlights the outcome of General Elections in African countries in the months of January to august 2012. These are duplications of what has been taking place since Kenya's independence in 1963 to date. The incidents of election violence are so high that even an election considered to be free and fair may not have been free of violence before, during or after elections. In Ghana, stability has been a feature of her politics as evidenced in the elections held in 1992, 1996, 2000 and 2004. In Ghana there was a relatively democratic and peaceful transfer of power, despite very narrow margins of victory (Thomson, 2010).This contradicts with the elections opinion polls scenario in Kenya as demonstrated by Oucho (2015). In the opinion polls for presidential candidates in Kenya's elections where opinion polls showed close margins between the contesting president Mwai Kibaki and Raila Odinga in the run up to 2007 General Elections, the transfer of power was not peaceful culminating to 2007 post-election violence.

Table 1: Outcomes of General Elections in Africa, January-August 2012

Date	Country	Type of Election	Outcome
Feb 26 &June 17	Senegal	Presidential & Parliamentary	Peaceful change of government
March 18	Guinea-Bissau	Presidential	Coup d'etat
March 29	Gambia	Legislative	Violence free,but opposition was heavily intimideted-boycotted elections
March 31	Mauritania	National Assembly	Postponed indefinitely
April 29	Mali	Presidential & Referendum	Coup d'etat
May 26	Lesotho	General	Peaceful change of government
June	Egypt	Presidential	Peaceful elections
July 07	Libya	Constituent Assembly	Peaceful Elections
July	DRC	Legislative(senate)	Postponed idefinitely
July 15	Congo(Brazzaville)	Legislative	Peaceful elections with small-scale post-election protests
August 28	Somalia	Presidential	Peaceful elections-no large-scale mobilisation of voters conducted
August 13	Angola	National Assembly	Peaceful elections,wih minor clashes between party militants

Source: EISA & IFES Calenders for 2012

Ghana has been framed by the international community as a unique bastion of democracy and peace on the African continent since 1996. Nevertheless, the country has come from a military regime like many of its democratic African counterparts and is still prone to some of the problems faced by its more turbulent neighbours (Utas, 2012). This scenario informs that if Ghana does not put in place adequate mechanism and guard against the

spillovers from its neighbours, she may slip back to the violent history.

According to Lindberg and Morrison (2005), Ghana's General Elections of 1996 indicated that only approximately 10% of Ghanaian voters who responded to a survey reported that they had voted for candidates for ethno-regional reasons in that year.This indicates that in Ghana, a small parcentage voted as a result of ethnicity while in Kenya, it is viewed as a major cause of violence in almost every General Election period since the advent of multi-party politics in 1991.This is evidenced in the formation of political parties where leaders rely heavily on tribal affiliations for support during elections in Kenya.

Diedong (2012) believes that a country's judicial system is just as important in determining whether a country is democratic or not (Diedong, 2012). Diedong's opinion in determining whether the country is democratic or not is not agreeable. All depends on how the rule of law is upheld and the constitution which resides in three arms of government: the executive, the parliament and the judiciary and how they perform their roles respectively. For example, a country could be having the best constitution in the world but the political will and the implementers of the constitution are not playing their roles well; the whole process will obviously fail. In 2007 general election, judiciary was not independent to discharge fair justice that is why the opposition (ODM) declined to present their case in judiciary prefering mass action.Therefore, election violence is a common feature in African politics despite variation in intensity which calls for urgent measures and good political will from the leadership.The 2013 Kenya's general elections were contested in courts but the opposition (CORD) were not satisfied with the outcome of results but the repeat of what took place in 2007 post election violence was to be avoided at all costs.

4.1. Trends of electoral management practices on election violence in Kenya

In contrast with her neighbouring countries to the East, North and West, Kenya has had relative peace since independence; however, violence has been of low magnitude until the post-election violence of 2007. Kenya's electoral history dates to the colonial days. It began in 1905, when an order in council established the first Legislative Council. Subsequent orders in council saw subsequent elections held from 1909 through to 1961.The constitutional foundations of democratic governance in Kenya were first put in place during the Lancaster House Constitutional Conferences of 1960-1963.These conferences debated political transition in Kenya and succeeded in substituting British colonial rule with elected African leaders (Owiti, 2008).

Kenya got her independence from Great Britain in 1963 which was the first General Elections held based on universal adult suffrage. It should be noted that at the beginning, Kenya became an independent state in 1963 on the basis of a multi-party system in which KANU and KADU, both founded in 1960, formed the government and the opposition respectively (Oyugi,1997).The then constitution, which was referred to as the *majimbo* constitution, provided for a quasi-federal system with an elective bicameral legislature (the senate based on single District representation and a Lower House of Representatives elected on a constituency basis (Oyugi, 1997).

The formation of the two parties - KANU and KADU - respectively emerged as a result of suspicion from the minority tribes who wanted to disable the alliance of the two major groups, the Kikuyu and Luo which had formed KANU party. The minority groups were the Kalenjins, Masaai, Turkana and the Samburu but also included the Luhya of western Kenya and the coastal ethnic groups (Oyugi, 1997). Majority of these groups are pastoralists in nature and they depended on cattle keeping and other domestic animals thus they needed to protect their expansive land for their animals.

Apart from the minority groups fear of dominance, the aliens were not also comfortable with the dominance of the two groups thus provided them with both material and ideological support for the idea of federalism (Oyugi, 1997). European tilting towards the minorities was based on their own interests hence the pursuit of the, policy of divide and rule for selfish ends. The Kalenjin community and the Maasai had occupied most of the land in the Rift valley and most of the settlers too had tracts of land in the same region. The fear was that the government in power under the first president was distributing land to the Kikuyu community from central Kenya. This threatened them because they knew that the government could also repossess their large tracks of land. They introduced the ideology of *majimboism* which was interpreted by many as 'you go where you belong'. The early *majimboism* created a rift between different communities in Kenya. Today, Kenya still faces the same problems in some parts of the country especially in the volatile areas during General Elections which may be viewed as a contributing factor to recurring violence.

According to Gertzel (1970), KANU leaders had vowed to kill *majimbo* at the first opportune moment. Federalism was not stipulated in Kenya's independence constitution. That made the government to have a strong opposition towards it. They neutralised it through intimidation, denial and enticement by the state. The strategies used, weakened the opposition contributing to a one party system. According to Oyugi (1997), by 1964, Kenya had merged the two parties into a *de-facto* one party state under KANU. Democracy, which had just been born, was destroyed at an early age. Enticing, luring and intimidation became a norm in most of the African states.

According to Wanyande (2006), under the one party regime, the ruling party sponsored all the candidates. Nomination of candidates was also controlled and conducted by a clique of powerful party politicians who ensured that only those politicians acceptable to the regime were nominated and subsequently elected. Voters, therefore,

did not have much influence on who was nominated and who became a candidate for election to parliament. There was the widespread belief that in some constituencies, the election was rigged in favour of pro-establishment candidates. Consequently, elections turned out to be a mere formality conducted periodically. The Wanyande's view was based on the one party system regime unlike in this situation where many parties take the centre stage. The playing field is very different because several parties are competing to run the government.

Further, the choice was even more restricted in the case of presidential elections. Only one presidential candidate was presented to the electorate. This was in line with the practice by which the party president would also be the party's presidential candidate. There were no primaries for presidential candidates. No wonder that President Jomo Kenyatta was elected unopposed throughout his presidency until his death in 1978. It did not matter that the elections were neither free nor fair as they were managed by civil servants on behalf of the government (Wanyande, 2006). In a multi-party democracy, it gives room for more than one president to compete for power vacuum thus it contradicts with the author's view where one president was presented to the electorate. This denies the electorates freedom of choice.

The life experience that has shaped the typical Kenyan citizen's understanding of violence is similar to those in post-colonial nations that have succumbed to dictatorship (Roberts, 2009). In the Kenyan context, this translates into the average citizen believing that the executive branch always wins, and that those in power will do whatever it takes to stay in power. This was seen with the first president of Kenya who utilised his position to consolidate power by encouraging KANU members of parliament to make significant ratifications to the constitution between 1964 and 1969, effectively creating more power for presidency (Roberts, 2009).

In 1978, Daniel Moi assumed the presidency through his constitutional right as Vice President, and was able to take advantage of the vast infrastructure of executive power created by his predecessor. He used this ability to abolish the multiparty system through an amendment to the constitution in 1982, making him head of both the executive branch and the Parliament (Mutua, 2008). With the re-emergence of multiparty system in 1991, Moi was able to use his position to gain power in 1992 and 1997 respectively. For example in the 1992 election, according to Mutua (2008), it is estimated that around 1 million youth were not allowed to register to vote because they were denied the national identity cards needed to register which in Robert's (2009) interpretation is an example of structural violence. The Kenyan citizen's life experience of understanding conflict through the dominance of the executive and political elite is illustrated by the fact that the constitution was amended 28 times from 1963 to 1992, each time limiting the freedom of its citizens and expanding the power of the executive and political elite (Roberts, 2009). As the Institute for Education in Democracy (IED) observed that by 1969, the role of the Electoral Commission had become blurred. Most of its functions, such as registering voters and supervising the conduct of elections were placed under the control of the non-constitutional post of Supervisor of Elections in the office of the Attorney General.

In the words of Wanyande (2006, 13, p. 59),

> The Electoral Commission was renamed the Electoral Boundaries Review Commission and restricted to the role of reviewing electoral boundaries and determining the number of constituencies and their names. It is not clear how these changes emerged, but they had the effect of bringing the supervision of the electoral process under the control of the government"

The electoral environment was restricted because of the undemocratic nature of elections under a one party regime; voters did not use elections to determine the quality of their representatives in terms of their performance. Thus even though several politicians lost their seats in various elections, there is no clear evidence that this was caused by voters' voluntary decision to vote them out. Some of the losers may have been rigged out by the ruling party because they were considered no longer useful. In this regard Wanyande (2006) found out through the observation by IED that 'the use of the state's administrative apparatus introduced partiality into the electoral process, especially against those considered by the government to be anti-establishment' (IED 1997, p. 11).

The dissatisfaction of the one party system contributed to the urge for multi-partism. Two years later, the one party system was briefly challenged when Jaramogi Oginga Odinga, Kenya's first vice president, and twenty six other MPs resigned from KANU to form KPU (IED Report, 1997).The difference leading to the formation of an alternative party was due to ethnicity, personal interests and ideological differences. The same issues keep on recurring in our today's lives.

IED report (1997) further indicated that KANU's single rule was achieved by banning opposition parties in 1969 leaving Kenya a *de facto* one-party state to a *de jure* one-party state when a constitutional amendment in 1978 ruled that no other party would be registered to participate in any elections. This led to the collapse of multi-party politics until in 1991 when multi-party politics was reintroduced.

In 1966, the KANU regime moved to abolish rival trade union umbrella organisations by requiring all registered trade unions to affiliate with the state-created Central Organisation of Trade Unions (COTU) which at once replaced the former Kenya Federation of Labour (Sandbrook, 1972).To add on Sandbrook's argument, Leys (1974) observes that the legislation was introduced and directed at unions which were considered to be sympathetic to the radical elements in KANU. The legislation gave powers to the president to choose the Secretary General

from a list of three names submitted to him following union elections. The net effect of the legislation was to subordinate COTU to the political executive (Leys, 1974). The government needed to have control over unions and as such perform their activities based on government interests.

In the late 1970s, the infrastructure of authoritarianism in the state system had been put in place (Oyugi, 1997).The use of authoritarian legislations only succeeded in suppressing and not eliminating ethnic identities. It created animosities among ethnic communities and killed the unity factor which was enjoyed when Kenyans were fighting for their independence.

In 1991, after much demand from Kenyan activists and the international community, multi-party elections were re-introduced. This coincided with ethnic clashes of 1992. The HRW views were contrary to the government's description of the violence as 'spontaneous ethnic clashes', the evidence suggests that much of the violence was in fact sponsored by the State whose actions did little to contain it (HRW, 1993).

The Kenyan Human Rights Commission (2001) estimates that state-sponsored or state-condoned violence killed 4,000 people and displaced over 600,000 between 1991-2001. Much of this violence was sponsored in the Rift Valley province and in parts of urban Nairobi where the opposition was believed to be in control since 1992. According to Kagwanja (1998) the end result of this violence was the retribalisation of politics and the erosion of civic nationhood. This contributed largely to tribal enmity which has destroyed relative unity enjoyed since independence. The animosity between different ethnic groups emerge during elections where people vote not because of party manifestoes but vote in leaders whom they think can rally behind as a community. Formation of parties is skewed towards tribal inclinations.

In December 1991, the government, under pressure from all sides, repealed section 2(A) of the constitution (Oyugi, 1997). During this era, the Church was intimately tied to politics. The movement for constitutional reform was energised by calls for a new constitution by the Catholic Church and the Church of the Province of Kenya [now the Anglican Church of Kenya (Nasong'o, 2007).These organisations including the media, citizens, and some political leaders in the government and opposition amounted heavy pressure on the government for multiparty politics.The international community entered the political arena by cutting down on aid and loans in the government in the agitation for democracy.This eventually yielded processes toward General Elections in 1992. This emerged also after 2007 post-election violence when Kenyans demanded for a new constitution which was promulgated in 2010.

Multi-party politics paved way for the growth of political parties which included FORD Kenya, FORD Asili, Democratic Party, Social Democratic Party, National Development Party of Kenya and other smaller parties. KANU however remained 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 while the 2007 was countrywide.

The regime in power, aiming to suppress opposition political parties, also recruited and sponsored 'tribal militias' and gangs for them to terrorise and instigate ethnic violence the same way as other African countries such as Cameroon, Malawi, Nigeria, South Africa and Sudan have done (Kagwanja, 1998). Such gangs and local militias were alleged to be present during the General Election violence of 2007, for instance the alleged Mungiki, Kalenjin warriors, Chinkororo, Sabaot Land Defence Forces and many others. These militias caused a lot of mayhem in different parts of the country.

Kagwanja (1998) argues that the Kalenjin and Maasai ethnic groups were allowed to occupy land abandoned by the internally displaced groups to ensure the political alliance of these groups and to prevent them from joining opposition parties. This is contrary to what is in the chapter four of the 2010 Kenyan constitution article 39 on the bill of rights which says that" *every citizen has the right to enter, remain and reside anywhere in Kenya".* The 2007 post election violence contributed to people fleeing their homes but later went back to their residence.

According to Kagwanja (1998), apparent local "Kalenjin warriors" attacked the homes and farms of migrant non-Kalenjin groups during the 1992 General Elections. The government described the violence as ethnically motivated clashes that erupted spontaneously as a result of multi-party politics. The idea was not the multi-party politics but the government in place was not ready for competitive politics.

This could be compared to argument by Mamdani (2002) that the turn of events in Kenya could be similar to the Rwandan situation where the Hutu massacred thousands of Tutsi. The Rwandan case on the researcher's view could be quite different because Rwanda's case was a genocide which involved mass killings, destruction of property and mass movement of refugees. Further, the Rwandan case was due to ethnic centuries old animosity and revenge between two groups while in Kenya is was because of the outcome of the disputed presidential results. The minority group Tutsi in Rwanda had dominated the majority Hutus for centuries leading to prolonged tensions (Prunier, 1997).

In Kenya, the pattern of events could be elaborated, for example, on 11 January, 1998; Samburu and Pokot warriors raided Kikuyu residents of Ol Moran in Laikipia District and Kalenjin warriors attacked kikuyu at *Stoo mbili* in Njoro, Nakuru. The raids spread to nearby farms. The Kikuyu organised retaliatory raids against the Kalenjins. In these retaliatory raids, victims became killers (Chelang'a, *et al.*, 2009). In any election violence, the

attackers and retaliators may become victims; the raiders may find themselves victims and the victims may overpower the raiders and vice versa.

Politicians instigate violence as a tool for winning elections. People's need for land was used by some politicians to incite violence, in some parts of the hot spot areas in Kenya, as it has happened in other African troubled elections (Roberts, 2009). Politicians use the land issue as a weapon to instigate violence for their own selfish interests. Thirst for power and enrichment is their driving force. In every electioneering period, pockets of violence occur in some parts of the country which, according to Markussen and Mbavu (2011), in 1992 and 1997, there was relatively little political violence before the 2007 elections but the 2007 post-elections was intense and widespread and caused a lot of destruction.

According to Roberts (2014), in 2002, the then ruling political party since independence, the Kenya African National Union (KANU failed to clinch to power due to emergence of a new political party National Rainbow Coalition (NARC) comprising of an alliance of opposition political parties. Mwai Kibaki (on the NARC ticket) won 62% of the vote on a platform of fighting corruption, forming a coalition government that shared power amongst the various ethnic groups, and changing the constitution within 100 days of being elected to limit the executive power that had ballooned over the previous four decades (Mutua, 2008).

People across Kenya from all ethnic groups hoped for a system of governance that would have accountability through shared power. Oyugi (1997) mentioned in his study that the democratic achievement was much owed for having formed a multi-ethnic NARC coalition, unlike the previous multi-party elections where political parties were formed comprising specific ethnic group.There were other reasons which made Kibaki to win a landslide election.The two presidential candidates (of the NARC and KANU parties) were from the same ethnic group (Kikuyu). Thus the election focused on prosperity of the country setting aside ethnic agenda.Given that KANU had ruled for decades, people needed change and vehemently fought any issue associated with Moi.

The opposition had learnt their bitter lessons especially of forming many different parties with less numbers against a group having tyranny of numbers as indicated by Mutahi Ngunyi (2017) in his political analysis.Yet,within weeks of the election, the memorandum of understanding (MOU) that forged the ethnic factions into the NARC alliance and that got Kibaki elected had effectively failed (Mutua, 2008).The agreement in the MOU to share power within the cabinet did not occur, as four key positions that were to be created, including that of four Prime Ministers positions, did not materialise (Mutua, 2008).There was breach of the MOU between the different groups that formed the NARC coalition.

The president appointed people from his community to occupy government positions, thus following in the footsteps of his predecessors by appointing people to appointed positions based on ethnicity (Mutua, 2008). Based on the pre-2007 General Elections, Cutler (2010) highlighted the events as follows:in July 22, 2005 Parliament votes to keep a strong presidency in a proposed new constitution, August 22nd Kenya publishes a final draft of a new constitution, which will give the president powers to appoint and dismiss the prime minister and in November 22nd voters reject the new constitution in a referendum; President Kibaki fires his government the next day.This frustration funned the feeling of marginalisation among the members of NARC coalition which may have fuelled the violence that took place in post-election violence of 2007 General Election.On December 30th, 2007 Kibaki is declared winner of a presidential poll and hurriedly sworn in. Riots erupted across the country (Cutler, 2010).The riots contributed to loss of lives and destruction of property.

5. Constitutional and legal framework of elections

According to Carter (2010) a sound legal framework is essential for effective administration of genuine democratic elections. The legal framework includes the rules found in the domestic laws which may include the constitution, election laws, laws regulating the media, political parties, civil society actors, and other rules and regulations promulgated by the appropriate authorities such as procedures for election administration. The electoral issues regarding the legal framework internationally include: the protection of human rights and fulfillment of obligations as well as any derogation measures, the role of state authorities, including the EMB; in upholding rights, the timing of elections and the impact of the electoral calendar on human rights and obligations, the need for the legal framework to be non-discriminatory and the right to an effective remedy.

In Kenya, there are laws that directly govern the electoral process. These are: the Constitution of Kenya 2010, the Elections Act 2011, the Political Parties Act 2011, and the Independent Electoral and Boundaries Commission Act 2011. In addition to the foregoing, there are also the general principles of international law and treaties ratified by Kenya that have a bearing on the electoral process and which, too, impact the electoral process. The same have the force of law in Kenya by virtue of Article 2(5) and (6) of the Constitution of the Republic of Kenya which recognize them as part and parcel of Kenya's law (Ongoya , 2012).

Further, the constitutional and legal order in Kenya requires that the electoral system be subject to certain cross cutting principles. The function of such principles is to provide general and objective guidelines as the players in the electoral system make laws, rules, regulation and administrative decisions or guidelines. These principles are: the electoral system must comply with principle of freedom of citizens to exercise their political rights spelt

out in article 38 of the constitution, the electoral system must comply with the principle that not more than two-thirds of members of elective public bodies shall be of the same gender, the electoral system must comply with the principle of fair representation of persons with disabilities, and the electoral system must comply with the principle of universal suffrage based on the aspiration for fair representation and equality to vote (Ongoya, 2012).

A number of scholars have argued that most of the laws governing elections in Kenya do not facilitate free and fair elections ((Mwagiru 2002; Mulei 2002; Wanjala 2002). According to Wanjala (2002), the law cannot provide the normative and procedural framework for conducting democratic elections, because the concept of free and fair elections has never been part of the country's electoral jurisprudence. The former constitution gave the incumbent president too much power, second, the constitution, from which the electoral laws were derived, was best suited to a one party system of government. There is, therefore, a need for far reaching reforms of the electoral laws (Wanjala, 2002, p. 115).

The agitation against laws governing elections reached their peak when in 1996 the civil society resorted to mass action to force the government to reform the constitution as a condition for supporting the 1997 elections. The government yielded by establishing the IPPG after persuading some members of the opposition to work with their KANU counterparts to institute minimum constitutional reforms. The reforms focused mainly on the provisions affecting elections. Despite these reforms KANU retained power in the 1997 elections albeit with a much smaller margin than was the case in 1992. It was hoped, that the new constitution could be an improvement and the source of electoral laws could create an environment conducive to free and fair elections (Wanyande, 2006). The country debated for a new constitution, which was successfully promulgated in 2010 after the country faced General Election violence in 2007. Currently the country has a new constitution which has been used to run the 2013 and 2017 General Elections respectively. The 2010 constitution is still undergoing implementation process. The author's views contradicts what is provided in the current 2010 constitution which most of the laws governing elections in Kenya facilitate free and fair elections but its implementation is questionable?.

6. Electoral management practices
According to Institute for Education in Democracy (1997), the ECK was a public body created under section 41 of the 1963 Kenyan constitution to manage and conduct elections. Before 1992, elections were conducted under the supervisor of elections, an officer in the Attorney General's chambers. When Kenya reverted to multiparty politics in 1991, the constitution was amended to give ECK powers to oversee the conduct of elections as an autonomous body. The office of the supervisor of elections was abolished, and new office of the Director of Elections was created under the National Assembly and Presidential Elections Act (chapter 7 of the Laws of Kenya). Although the ECK never appointed people to these two statutory offices, it is likely some staff from office of the Supervisor of Elections were transferred to the ECK. This election management body could have been a factor a contributing factor to violence in the one party system regime.

The quality and outcome of Kenyan elections have been influenced by the manner in which the entire electoral process was managed according to the former constitution of Kenya. The management of Kenya's elections was the responsibility of the Electoral Commission of Kenya (ECK). The establishment of the ECK as a statutory body was premised on the assumption that an independent electoral body would ensure the conduct of free and fair elections. This assumption has, however, turned out to be false as complaints about election irregularities continued to resurface in almost all the general elections in Kenya. The major complaint was that the election playing field was tilted in favour of the ruling party (KANU) and their candidates. A report of administrative incompetence in the conduct of elections was also common. An independent electoral body is crucial for the conduct of free and fair elections; but it does not guarantee that the elections will at any cost be fairly managed (Wanyande, 2006).

An equally critical factor is the administrative competence of the electoral body itself. Under section 41 of the former constitution, ECK is a public body to manage and conduct elections. Before 1992; elections were conducted under the supervisor of elections, an officer in the Attorney General's chambers. When Kenya reverted to multiparty politics in 1991, the constitution was amended to give the ECK powers to oversee the conduct of elections as an autonomous body. The office of the supervisor of elections was abolished, and new offices were created under the National Assembly and Presidential Elections Act (Chapter seven of Laws of Kenya in the former constitution). Administrative inefficiency in elections management have comprised malpractices such as late opening of polling stations, late commencement of actual balloting, mix up of ballot papers, insufficiency of ballot papers at some polling stations, missing names from the voters' register on Election Day, and mismanagement of election results (IED, 1997; ECK, 1997).The National Convention Executive Council (NCEC) reform campaign was intensified by opposition political parties and several groups representing various segments of civil society to pressurize for administrative reforms. This made the then government in power to start its own initiative by bringing moderate opposition and KANU MPs in the inter-parties parliamentary group (IPPG).

The IPPG discussions resulted in the rapid passage of bills namely a constitution of Kenya (Amendment) Bill, a Statute Law (Repeals and Miscellaneous Amendment) Bill and the Constitution of Kenya Review Commission Bill, 1997). These bills seemed to respond to demands for minimum reforms before elections to collect, analyse,

and collate the views of Kenyans on constitutional change after elections (IED, 1997). However, the supporters of IPPG claimed that the inclusion of opposition nominees on the ECK would ensure the independence of the commission through the expression of the dissenting views. On the other hand the opponents of the IPPG deal argued that the move created only an expanded commission, not an independent one. Despite the IPPG being in place, administrative malpractices were common in 1997 General Elections. This can be illustrated by the constitution which stipulated that the ECK was to be constituted by chairman and not less than four other members appointed by the president. At the time of the 1992 elections, there were eleven commissioners, with Justice (Rtd) Zachaeus Richard Chesoni as chairman. When the tenure of commissioners expired in 1997, most were reappointed, and Justice Chesoni was reappointed chairman. After the IPPG talks, the president appointed ten more commissioners nominated by the opposition parties represented in the talks. That brought the number of commissioners to twenty one (IED, 1997).

In addition, the inclusion of opposition nominated members in the ECK seemed not to have had any notable impact on the conduct of the elections. The departure of Justice Chesoni in November that year to become Kenya's new Chief Justice made little difference. By the time those changes were made, the whole structure and machinery for the 1997 elections, except the nominations, was already in place. In terms of building public confidence and assuring voters that the ECK was independent, despite the changes put in place never achieved much (IED,1997). A visit by the IED official's offices in Nairobi revealed a dire need for organization. Management seemed to be laissez-faire, and it even doubtful that there were means to guard against tampering with information, as there seemed to be no credible secretariat. The electoral management at the time could have contributed to the 2007 post-election violence.

In the New Constitution, Chapter seven, Part 2, 88(1) states that there is established Independent Electoral and Boundaries Commission which is responsible for conducting or supervising referenda and elections to any elective body or office established by this institution, and any other elections as prescribed by an act of parliament (Kenyan Constitution, 2010) .

7. The 2007 post-election violence

The NARC party rebels who had fallen out with the government joined with KANU to form the Orange Democratic Movement (ODM). This cast the powerful Kikuyu, supporters of Kibaki and his Party of National Unity (PNU), against the formidable Kalenjin and Luo, represented by Odinga and the ODM, and set the stage for the 2007 General Eections (Anderson & Lochery, 2008).Those who were discontented formed a new party under the umbrella of ODM headed Raila Odinga. Ethnicity was a feature of the 2007 campaign from the outset.The ODM cast the PNU as representing the inequitable status quo and suggesting that the Kikuyu had benefited disproportionately from Kibaki's rule while Kenya's forty-one other ethnic groups had been marginalised.

The ODM's anti-government messaging resonated in areas with a history of serious land disputes that were prone to electoral violence - the Rift Valley, the Coast and certain urban informal settlements,especially in Nairobi,Nakuru and Naivasha.This is shown in Murkussen and Mbuvi's (2011) findings that the intensity of violence was high in areas with higher Kikuyu population such as Naivasha, Nakuru and Eldoret than in areas with very few Kikuyus. While the ODM won considerable support as a result, a consequence was that they contributed to rising ethnic tensions between Kalenjins and Kikuyus in those areas (HRW, 2011). This may have contributed to electoral management malpractices to 2007 post-election violence in Uasin Gishu and Trans-Nzoia counties.

The tension ensued was not on land issue but party politics which communities had enshrined into them.The dominating parties were PNU and ODM.What emerged was that everbody was to vote for ODM especially in areas dominated by the Kalenjins and Luos. Since Kenya has had an history of voting on tribal lines after the era of multi-party politics of 1992 (Oyugi,1997), the 2007 General Elections results was inclining to voting on ethnic affiliations which sparked off electoral violence after the announcement of presidential results.

However, during the 2007 General Election violence, alliances had changed; for example, the Luos were fighting together with the Kipsigis against the Kisii in Sondu. This shift in political alignment had a significant impact on the conflict dynamics at Sondu and even the rest of Nyanza. The union of Kalenjin and Luo ethnic communities during the 2007 post-election violence made Kisiis, Merus, Kambas and Kikuyu become targets in Kisumu during the 2007 post-election violence (Gentleman,2008).

The day of the election, 27th December 2007,was very peaceful. However, delays in the announcement of results in some areas contributed to a dramatic rise in tensions. The opposition saw delays and ambiguous statements by officials from the Electoral Commission as a sign of possible election rigging. The race had been close, with polls between 27th and 28th December indicating that Odinga maintained a lead by almost one million votes (Gettleman, 2008).

The opinion polls may have polarised the 2007 post election violence (Mbae, 2017). It gave a lot of hope to the opposition leadership and their supporters.This is evidenced from opinion polls taken before elections which revealed strong correlations between ethnicity and voting intentions (Kimenyi & Romeo, 2008).The initial results announced on 29th December were from the ODM's strongholds which put Raila Odinga clearly in the lead. Yet

in the course of the day,his lead narrowed even though votes from regions where Kibaki was dominant had not been reported.Electoral Commission, on 30th December after confusion over whether all the votes had been counted,announced Kibaki the winner. Kibaki was hastily swornin as the president of Kenya that evening.What worries was that the swearing in was done late in the evening and few people witnessed the swearing ceremony. Also when Kivuitu said, *"I don't know whether Kibaki won the election"* (Roberts, 2009).This confirmed lack of credibility in the then ECK which may have contributed to General Election violence of 2008.

Immediately after Kibaki was swornin on 30th December as the president of Kenya, the ODM held a press conference alleging electoral fraud (International Herald Tribune,2007).The then Minister for Justice and Constitutional Affairs,Martha Karua, suggested that ODM contest the outcome in a court of law. Believing that they would not be given a fair trial in a system that lacked judicial independence, the ODM leadership called upon their supporters to engage in mass action to force the government to annul the election results.The resulting protests, which had clear ethnic divisions, resulted in groups looting stores, destroying homes, property and killing other Kenyans (Gettleman, 2008).The police responded by firing live ammunition and committing extra-judicial killings in the affected areas (CIPEV, 2014).

In the Rift Valley, Mombasa and various urban informal settlements, victims, especially Kikuyus, were often targeted on the basis of their ethnicity. Killings perpetrated by militias became common place. These groups, which were usually formed along ethnic lines and comprised of disenfranchised youth, put up checkpoints along highways to target perceived ethnic enemies and other travellers. In an unfortunate episode,it was alleged that mobs of people burned more than thirty people to death as they sought safety in a church at Kiambaa village in Eldoret (CIPEV, 2014).

The magnitude of the trauma and structural violence that took place, took Kenyans and the world by surprise (Maupeu, 2008).The carnage was horrific, it left 1500 people dead, 3000 innocent women raped and 300,000 families were internally displaced Roberts (2014) . The pattern of violence was unique and varied in different parts of the country. Sporadic and sometimes unprovoked violence dominated this period. An example is the Orange Democratic Movement followers 'attacks on Kikuyu and PNU supporters in Rift Valley region, Nairobi slums, Nyanza, and Mombasa. Again, organized ethnic attacks were unleashed on the inhabitants of Rift Valley, Nakuru and Naivasha in a clash between Kalenjins, Luos and Kikuyus led by Mungiki (Maupeu, 2008). Gender-based violence such as rape and forced circumcision of males from Luo and Luhya communities' tribes were common (Bayne, 2008).Though Bayne (2008) mentioned of gender-based violence being rampant, (Gettleman, 2008) argued that the aftermath of 2007 post-election violence resulted into protests, groups looting stores, destroying homes,property and killing other Kenyans.

The causes of the post-electoral violence in Kenya can be assessed in three dimensions (Murithi, 2008). Whereas many assumed that the violence was a spontaneous reaction to the election results, the United Nations (UN) Office of the High Commission for Human Rights (OHCHR) deployed a fact-finding mission to uncover the perpetrators of the crimes committed during the post-election violence. In observing the overall situation, the OHCHR mission spokespersons maintained that the violence stemmed from cumulated frustrations generated by the poor living conditions and historical disenfranchisement of the voiceless majority, and was triggered by the anger of opposition supporters at what they conceived as the theft of the presidential election (Mutiso, Chesire, Chessa, & Kemboi, 2010). Viewing all notes according to the mission's report, the method of violence used by the perpetrators varied from one area to the other, greatly depending on area-specific dynamics.

Adudans *et al*. (2011) opines that the first pattern of violence, which many observers perceived to be spontaneous, was the burning and looting of shops, houses and commercial outlets in the slums of Nairobi and Kisumu by youth groups. The second pattern of violence observed around the Rift Valley was the targeting of communities of small farmers and landholders perceived to be government supporters, with the primary intention of driving them out and keeping them away from the region.

According to Wrong (2009) the international community being horrified by the violence and the Kenyan government's failure to protect civilians, they acted swiftly by sending their representatives to Kenya.On 30th December the Chairman of the AU, President John Kufour of Ghana, met with Odinga and Kibaki, but failed to establish a mediation process. Nobel Peace Laureate Archbishop Desmond Tutu arrived on 2nd January, followed by United States Assistant Secretary of State for African Affairs, Jendayi Frazier, on 4thJanuary 2014 (Lindermayer & Kaye, 2009). Four former heads of states:Tanzania's Benjamin Mkapa, Mozambique's Joachim Chissano, Botswana's Katumile Masire, and Zambia's Kenneth Kaunda- arrived on 8th January (Wrong, 2009).

A Panel of "Eminent African Personalities" to mediate between the two presidential candidates consisted of former UN Secretary-General Kofi Annan, former Tanzanian President Mkapa and former first lady of Mozambique Graçia Machel. On 10thJanuary, Odinga and Kibaki agreed to participate in a "Kenya National Dialogue and Reconciliation" (KNDR) process, led by the panel. By entering into these negotiations, starting on 22nd January,the parties agreed to address four agenda items in four weeks, namely: (1) taking immediate action to stop the violence and restore fundamental rights and liberties,(2) addressing the humanitarian crisis and promoting reconciliation, healing and restoration of calm, (3) overcoming the political crisis, and (4) addressing

long-term issuesand the root causes of the conflict, including constitutional, legal and institutional reforms. As violence subsided, on 28th February a coalition government was formed with Kibaki serving as President and Odinga as the Prime Minister (Wrong, 2009).

The negotiations headed by the Panel of Eminent Persons set in motion a process of examining the institutional challenges that were plunging the country into a miserable condition.Three commissions were formed to identify contributing factors and develop policy framework and recommendationsto address them: First was the Independent Review Commissionon the 2007 Elections (IREC), also known as the Kriegler Commission, which was mandated to review the electoral process, second was the Commission of Inquiry into Post-ElectionViolence (CIPEV), also known as the Waki Commission,which was mandated to analyze the factors that contributed to the electoral violence and third was the National Task Force on Police Reform, which was mandated to review the conduct of the police (Wrong, 2009).The conclusions of the three commissions formed the basis for many of the reforms initiated by the government to prevent election violence recurrence in future.

All in all, the 2013 General Election was more peaceful as compared to the past elections amid allegations of rigging by the opposition .The electoral management body was alleged to have failed. The Biometric Voter Registration (BVR) kit failed to work effectively contributing to the Coalition of Reforms and Democracy (CORD) taking their discontent of presidential results to Supreme Court. The 2013 General Election created rifts among leaders across the political divide. The rifts keep on recurring and have surpassed the mechanisms put in place to address election violence in the country. This is evidenced in the recent 2016 protests from CORD alliance that are pressurising for the removal of IEBC of Kenya due to alleged biasness in the electoral process. New commissioners of IEBC were appointed in January 2016 with the hope of reforming the electoral system.

All Elections ranging from regional to national have been marred by election violence either before, during and even after elections but the 2007 General Elections was unique in the sense that it was intense, widely spread ,more destructive and occurred after the announcement of presidential results. The election which was to be exercised freely on people's rights turned out to be violent against the principles of a democratic society.

8. Discussions on Patterns of Electoral Management Practices towards Kenya's 2007 Election Violence
In the ensuing study, a number of trends seem to develop clear patterns of electoral management practices that arose from the field.

8.1 Pattern of Electoral Management Practices influencing post-election violence
The first objective sought to establish the pattern and nature of electoral management practices influencing post-election violence in Uasin Gishu and Trans-Nzoia Counties. In particular, the study considered the pattern of electoral commission of Kenya and the consequent events over the previous elections towards election violence and specifically the 2007 post-election violence.

Table: 2 Mandate of Electoral Officials in Accordance with ECK rules and Regulations

Response	Numbers	Percent
No response	7	(2.1%)
No	73	(22.5%)
Yes	245	(75.4%)

The results indicated that 73 (22.5%) of the respondents believed that the officials of election commission of Kenya were not doing enough in accordance with the requirements from the rules and regulations of the ECK. Those who agreed that they were doing their work as required by the rules and regulations were 245 (75.5%) and only 7 (2.1%) did not respond. The results showed that 22.2% of the respondents believed that it was contrary to the expectations from the ECK. This could be because most of the officials were majorly from one ethnic community and during elections, voters believed that voting pattern should be done based on their ethnic communities. This has been a pattern prevailing in Kenya before and after the advent of multi-party politics as stated by Adeagbo and Iyi (2011) who said that social relations between the dominant ethnic groups - the Kalenjin and the Kikuyu - had been frosty since pre-colonial days and the demand for, and control of, scarce arable land often resulted into electoral violence. This acrimonious relationship has constantly undergone generational dynamics metamorphosing but never really going away. Those who believed they were doing the right thing in accordance with rules and regulations were 75.5%.This could be because majority of the officials were from the majority ethnic group. This concurred with what Kimenyi (1997) found in his study saying that it has been established that ethnic identification is very strong in Kenya and because violence has been organised along ethnic lines, violence is purely attributed to ethnic hatred. This hatred is linked to electoral politics and competition over available resources. It is assumed that voting would proceed along ethnic lines. The few who did not respond were not aware of the work of the ECK officials or maybe had no interest at all.

8.3. Description of the nature and pattern of 2007 post-election
Table 4.4 shows the results of respondents in relation to the description of post-election violence of 2007 in Uasin

Gishu and Trans-Nzoia Counties

Table 3: The Characteristics of 2007 Post-Election Violence

Characteristics	Less likely		Moderately		Not sure		Most likely		
	Freq	%	Freq	%	Freq	%	Freq	%	Total
Political	51	15.7	37	11.4	14	4.3	223	68.6	325(100%)
Electoral									
management	45	13.8	96	29.5	44	13.5	140	53.1	325(100%)
Economic	174	53.5	61	18.8	52	16.0	38	11.7	325(100%)
Ethnic									
Animosities	21	6.5	18	5.5	34	10.5	252	77.5	325(100%)

Majority of the respondents, 252 (77.5%) believed that ethnic animosities characterised post-election violence of 2007. This may be as a result of what the country has been experiencing since the advent of multi-party politics in Kenya. This reflects what Kagwanja (1998) said that the end result of 1992 election violence was the retribalization of politics and the erosion of civic nationhood. From the findings, 223 (68.6%) of the respondents believed that post-election violence of 2007 was characterized with political issues. The respondents believed that violence was political in nature and it was a trend in General Election violence. Kenyan politics involves a lot of political incitement based on self-interest. This is contrary to Nasong'o's (1997) argument that violence is because of skewed nature of resources allocation and lack of effective political institutions.

The study revealed that 140 (53.1%) of the respondents believed that the electoral commission was the most likely contributor of post-election violence of 2007. This may be because during the General Election of 2007, the chairman of the electoral commission was seen to have been manipulated by the government in power to declare President Kibaki as the one who had won the presidential elections. In an interview during a focused group discussion, a participant said, "The government was meant to be formed by Raila's team but manipulations are common in Kenya." This participant meant that Raila may have won, but was blocked from becoming the winner. From the two techniques used, there is a close similarity from the information collected from the study areas. This may have been because majority of the voters from these particular areas were majorly ODM supporters. Other characteristics which featured from the respondents were: the General Election violence was sporadic and it made Kenyans fight one another across the country. The Kalenjin, Luo and many other tribes fought the Kikuyu. The retaliatory attacks occurred over what they alleged was stolen votes.

8.4. Contributions of Various Bodies during the 2007 Post-Election Violence
The figure that follows describes different institutions and the role they played in the 2007 PEV.
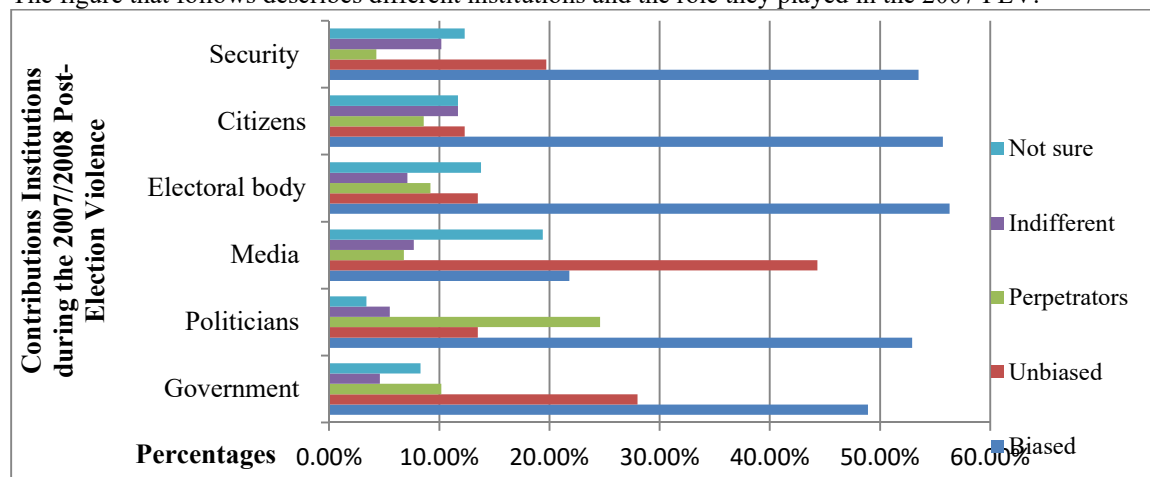

Figure 1: Contributions of Various Bodies during the 2007 Post-Election

Data from the respondents revealed that 159 (48.9%) said the government was biases, and 172 (52.9%) said politicians were biased. Those who blamed the media for biasness were 71 (21.8%) while 183 (56.3%) believed the electoral body was biased. Those who believed that citizens were biased were 181 (55.7%) and only 32 (9.8%) believed that NGOs were biased. Those who believed that the institutions were not biased during the 2007 post-election violence were as follows: government were 91 (28.0%), politicians were 44 (13.5%), electoral body were 44 (13.5%), citizens were 40 (12.3%), security were 64 (19.7%) and NGOs were 190 (58.5%).Those who believed they were perpetrators were as follows: government 33 (10.2%), politicians 80 (24.6%), media 22 (6.8%), electoral body were 30 (9.2%), citizens 28 (8.6%), security 14 (4.3%) and NGOs 5 (1.5%). Respondents who believed that they were indifferent were as follows: government were 15 (4.6%),politicians 18 (5.5%), media 25 (7.7%),electoral body 23 (7.1%),citizens 38 (11.7%),security 33 (10.2%), and NGOs 16 (4.9%).The following respondents were

not sure about the contributions of the institutions during the 2007 post-election violence: government 27 (8.3%), politicians 11 (3.4%), media (19.4%), electoral body 45 (13.8%), citizens 38 (11.7%), security 33 (10.2%) and NGOs were 82 (25.2%).

From the findings, it was revealed that the majority of the respondents (55.7%) believed that the electoral body was biased in dealing with the election results of 2007 General Elections. This is consistent with Jarstad's (2008) findings that where there is prevalence of political bias, lack of impartiality, independence and competence on the part of election administration institutions, there is a high likelihood for election violence. This was the scenario in Kenya in 2007 post-election election violence.

In a focused group discussion, one of the informants said, "[the] government organising machinery was basically favouring one community, the Kikuyu. "It meant that the government in power then was seen by the informant to be favouring the Kikuyu community since the incumbent hailed from the same tribe. From the assessment done, majority of the respondents believed that electoral machinery contributed immensely as compared to views from those interviewed. This could be because respondents were filling the questionnaires based on the general information displayed on the national media transmitters as compared to those who were asked questions face to face.

Another one said, "The perception of ODM supporters winning elections was curtailed by security enforcers who were favouring voters from the other political divide." From his statement, the interviewee meant that the loss of ODM party was because of the security enforcers who manipulated the results. Basically, the results were handled by the electoral commission and not the security. This is consistent with what Jastard (2008) found in his study that in partial, lack of independence and competence on the part of election administration institutions, election violence is a possibility.

Most of the respondents (58.5%) believed that NGOs were not biased during the 2007 post-election violence. During an interview conducted with one of the respondents, this is what he said, "They provided us with makeshifts for shelter without bias, conducted reconciliation meetings frequently, renovating and building new schools and markets. Another said, "Bishop Cornelius Korir from Eldoret Diocese played a crucial role in reconciling communities". This could be as a result of the support given by the Bishop in providing shelter and reconciling the communities from different political parties.

Another interviewee said, "They gave us food, drugs, clothes and blankets. What else could we have expected from them? We are very grateful." From the interviewees' response, it shows that the victims were very appreciative of the performance of the NGOs during the post-election violence since they treated them fairly.

While other respondents were not sure about the institutions that contributed to post-election violence since they were either traumatised to discuss on the issue or had no interest at all. Majority of the respondents (24.6%) believed that politicians were among the perpetrators in post-election violence. This shows that politicians played a role in the 2007 post-election violence while the NGOs with 1.5% were not involved in it. The findings from different sources have some common characteristics for instance; all believed that NGOs did a lot of work without bias. This may be because most of the NGOs for example the churches were concerned with humanity and had a role to help the victims without discrimination.

8.5. Similarity of electoral management practices on 2007 post-election violence and the previous election violence

Table 4: Similarity of electoral Management Practices on 2007 Post-Election Violence and the Previous General Election Violence of 1997

Response	Numbers	Percent
No response	7	(2.1%)
Yes	73	(22.5%)
No	245	(75.4%)

From the findings, majority 245 (75.4%) of the respondents believed that the previous general elections were not similar with the 2007 post-election violence. This was because the post-election violence of 2007 occurred after the announcement of presidential election results and it affected many parts of the country.

The study indicated that 73 (22.5%) respondents believed that they were similar with the previous election violence of 1997. This was because election violence occurred in an election period. Few of the respondents 19 (5.8%) did not have anything to say. This meant that General Election violence were not similar in many aspects. One informant remarked:

> The 2007 post-election violence uncommon in the sense that it occurred across the country almost
> after announcement of presidential results at the same time and the events taking place were seen
> live in the televisions raising temperament and counter attacks.

The informant believed that the 2007 post-election violence was unique in the sense that it occurred across the country almost at the same time and after the announcement of presidential results. Kenyans were seeing live events on the media which sparked violence across the country. What was happening elsewhere was broadcasted

and it made people react and counter react to live events across the country.

These results were consistent with further analysis on correlating causes in the two general election periods. According to the summarised results in Table 4.6 and the appendix table IV, all the correlations are weak and the p-values indicate no correlation between causes of violence in 1997 and 2007 election periods.

9. Conclusions and Recommendations

The 2007 post-election violence was characterized by issues related to ethnicity and polarisation of politics. This indicated that ethnic factor was a major issue and politics inform of party affiliations characterised the 2007 post-elections violence in Uasin Gishu and Trans-Nzoia counties. It was also evident that majority of the respondents believed that the electoral body was biased dealing with election results of the 2007 General Elections. It emerged that NGOs were not biased during the General Election violence of 2007. Majority of the respondents believed that the 2007 post- election violence was not similar with the previous election violence as indicated by the results.

The study also addressed issues of similarities between the previous General Elections and the 2007 post-election violence and the study concluded that all the election violence started after the advent of multi-party politics unlike in the past when minimal violence were experienced based on individual candidates. From this analysis, General Election violence occurred and had consequences but the 2007 post-election violence was extreme. The findings also established that the causes of 2007 post-election at the area of study are similar with causes across the country. This concludes that most causes of General Election violence at the national level trickle down to the grass root levels.

This research recommends that for peaceful elections to be conducted, effective measures should be put in place to address ethnic animosities. There is need to empower communities with strategies to embrace the projects of the National Commission for Social Cohesion, which will deal with the long term issues beyond TJRC; and that the National Commission for Social Cohesion should invest in peace, media and democratisation. This should be done by understanding the underlying factors which contribute to these animosities.

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