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Haki Yetu (It's Our Right): Determinants of Post-Election Violence in Kenya

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Abstract

During the violence following the 2007 presidential election in Kenya, it has been reported that around 1,000 people were killed and over 500,000 people were displaced. In this paper, we investigate the root causes of the violence by using a panel survey of 295 rural households living Rift Valley and Nyanza Provinces, where the violence took place. Among our sample households, 11 percent of male members and 9 percent of female members were victims of the violence, 11 percent of households were displaced, and 23 percent of households hosted at least one internally displaced person. The results show that certain ethnic groups had higher probabilities of being victims of the violence. In addition, we find that members of households without land titles were victimized more than those with land titles, but they were less likely to leave their homes. They could be victimized because the mobs wanted to chase them away, but they hesitated to leave their homes, knowing that it would be difficult for them to retain their land without land titles. The land issue was clearly one of the root causes of the violence, and the issue should be solved or at least addressed to prevent similar conflicts in the future.

Keywords: Violence, Election, Internal Displacement, Kenya, Africa

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Haki Yetu (It's Our Right): Determinants of Post-Election Violence in Kenya¹

1. Introduction

Following the presidential election in December 2007, people who were not satisfied with the election results resorted to violence. Attacks targeting certain ethnic groups induced revenge attacks, resulting in over two months of civil unrest throughout Kenya. Almost one thousand people have been reported killed and around 500,000 people were internally displaced due to the post-election violence (PEV) (Human Rights Watch, 2008). Many experts had anticipated election-related ethnic conflicts would occur in Kenya because ethnic clashes have become a common phenomenon during and after the presidential elections since 1992 when the first election under the multi-party system was held (Kimenyi and Ndung'u, 2005).

Although the trigger of the violence is clearly the presidential election in 2007, there are various hypotheses as to its root causes. The first hypothesis is that the violence was caused by power struggle among ethnic groups. The 2007 presidential election was in essence a contest between the incumbent President Kibaki, a Kikuyu, and the opposition candidate Odinga, of Luo origin, each of whom involved different ethnic groups to form a coalition for the election campaign. One of the central issues during the election was devolution or decentralization.² On one hand, Odinga represented the voice of the smaller ethnic groups that have felt marginalized by the

¹ During the post-election violence, the mobs who supported the defeated presidential candidate Odinga chanted "Haki Yetu (It's our right)," denouncing the election results (Commission of Inquiry on Post Election Violence, 2008).

² There are 3 broad categories of decentralization: devolution, delegation, and deconcentration (Sasaoka, 2005). The so-called decentralization policies that have been implemented in Kenya in the past (such as that of District Focus for Rural Development or Local Authority Transfer Fund) are mainly financial decentralization resulting in mere "deconcentration." It is often seen that political devolution, therefore, has not yet been achieved in Kenya (Crook, 2003; Sasaoka, 2005).

central government and yearned for devolution of power. On the other hand, President Kibaki represented the largest ethnic group, the Kikuyu, and others who favored a strong centralized system (Nguyen, 2007; Gibson and Long, 2009). Thus, post-election violence can be considered as part of the power struggle between these two groups. Another hypothesis is that the violence was motivated by land conflicts. Rift Valley Province, where the violence occurred most prevalently, is also a land that was once owned largely by the White settlers during the British colonial era but then allocated to indigenous people and immigrants at the independence. Therefore, the seeds of the land conflicts had been existed between the indigenous Kalenjin and Maasai people and the immigrants, notably the Kikuyu since independence (Kimenyi and Ndung'u, 2005). If the root cause of the violence is land related, then the risk of future incidence of violence will never be abated lest the land dispute is resolved. If it is solely on the devolution of political power, then the devolution will abate the future conflicts. To prevent incidences similar to the 2007 PEV, it is vital that the root cause of the violence is identified and relevant policies are put in place.

The purpose of this paper is to determine the root causes of the post-election violence using household level panel data. Prior to the 2007 PEV, about 800 rural households in central and western regions of Kenya were interviewed twice in a panel survey (Yamano et al., 2005). Then, in March 2009, one year after the 2007 PEV, we re-interviewed 275 households that were part of the panel survey and were originally located in Rift Valley Province and the adjacent Nyanza Province. If they were still internally displaced at the time of the 2009 interview, we found and interviewed them at their relocated areas. As a result, we find that about 10 percent of the household members have been victims of the violence, 11 percent of the households were internally displaced, and 23 percent of them hosted at least one internally displaced

person. In the analyses below, we estimate the determinants of becoming a victim, being displaced, and hosting displaced people to identify root causes of the 2007 PEV.

The organization of the paper is as follows: first, section 2 explains the background to the 2007 presidential election and the violence that ensued as well as its relation to land dispute; in section 3, data and simple descriptive statistics are introduced; in section 4, regression model and variables are explained; section 5 discusses the results; and the last section concludes with policy implications.

2. History of Violence in Kenya

2.1 The 2007 Presidential Election and PEV

In the presidential election that was held on December 27th, 2007, the main contestants were the incumbent President Kibaki and candidate Odinga. These two candidates had previously cooperated under the National Rainbow Coalition (NARC) and, in the presidential election in 2002, together won against candidate Kenyatta who was backed by the then Moi administration. Within NARC, the following agreements had been reached as conditions for appointing Kibaki as a presidential candidate for the 2002 election (Daily Nation, October 23rd, 2002): (1) divide the cabinet posts equally between the Democratic Party (DP) group which was led by Kibaki and the other group which was led by Odinga, (2) set up a new constitution and devolve to prime minister part of the authority that the president held under the existing constitution, and (3) support Mr. Odinga to be elected as the prime minister.

However, as the new government was formed, the process of cabinet formation and constitutional reform faced constant delay, and the relationship between the camps under NARC started to fall apart. The existing constitution, which had been written at the time of independence from the British, gives the Kenyan president significant power

initially designed to overcome obstacles for the newly created country. During the presidential campaign for the 2002 election, NARC pleaded to devolve certain presidential power to other posts and regional governments. However, the “new” constitution proposal, which was drafted under a close supervision of the newly elected president Kibaki, failed to devolve much of the presidential power. The draft was eventually vetoed by the disillusioned public in the referendum of 2005, greatly undermining public support for President Kibaki. Meanwhile, Odinga newly formed the Orange Democratic Movement (ODM) and continued to gain support throughout the country by setting up the Pentagon or a political partnership among regional politicians from not only Nyanza Province where he comes from but also from the Western, Rift Valley, Eastern, and Coastal Provinces. The significance of this partnership was that it was not those politicians in the Central Province where capital Nairobi is situated, but the regional provinces that strongly desired political decentralization that agreed to side with Odinga.

Against this background, the two former allies contested for presidency in the 2007 election. Furthermore, the two candidates represented not only their own ethnic groups, but also other ethnic groups that were pulled in to each camp, thus polarizing the political support along the ethnic line. The resulting voting pattern as surveyed in an exit poll, described in Gibson and Long (2009), is shown in Appendix Table A1. The countrywide exit poll randomly selected polling stations and surveyed 5,495 randomly selected voters. The sampling was proportionate to population size in each region. According to this exit poll, 94 percent of Kikuyu voters voted for Kibaki (who is Kikuyu), 98 percent of Luo voters voted for Odinga (Luo), and 86 percent of Kamba voters voted for the third candidate Musyoka (Kamba). None of the candidates can reach a simple majority from their own ethnic group as Kikuyu, Luo, and Kamba

consists only 23 percent, 13 percent, and 10 percent respectively of the population.³ The candidates needed supports from other ethnic groups. For example, both Kibaki and Odinga fielded a vice president candidate from the Luhya tribe, the largest among the remaining ethnic groups, in order to attract Luhya votes (Gibson and Long, 2009). As a result, 75% of the Luhya voted for Odinga and 23% for Kibaki. Odinga, in addition, succeeded in acquiring regional support and gained 88% of votes from the Kalenjin people, to which the previous President Moi belonged. Among other smaller ethnic groups, the Kisii and Maasai took neutral stand.

Under this intense competition, the exit poll predicted Odinga to be slightly in the lead for the presidential seat. The exit poll suggests that Odinga have won the seat registering 46.1 percent of total votes against Kibaki's 40.2 percent. Allowing for sampling error of $\pm 1.32\%$ points, Odinga's victory could be established with statistical significance. In fact, the parliamentary election that was conducted at the same time as the presidential election, Odinga's ODM won against President Kibaki's Party of National Unity (PNU) by a large margin. However, in the evening of December 30th, three days after the voting, the Electoral Commission of Kenya (ECK) reported that Kibaki won 46.4 percent and Odinga 44.1 percent of total votes (Appendix Table A1). Immediately after this announcement, violence broke out in Nairobi slums and other major cities and soon developed into a series of attacks throughout the country, quickly worsening the public order that was not to be restored for over two months (Commission of Inquiry on Post Election Violence, 2008; Human Right Watch, 2008).

Initially, the main targets of the violence were the Kikuyu people, to which President Kibaki belonged. They were attacked in various spots including Kibera Slum

³ Ethnic composition of the entire population and that of Table 1 may not be exactly the same as recent censuses do not report ethnic composition. However, as the sampling is carried out randomly proportionate to population size in each region, we can say that they are largely comparable.

of Nairobi, in the city of Kisumu of Nyanza Province, and locations in Coastal Province that are inhabited by Kikuyu and Luo people. In Rift Valley Province, not only spontaneous attacks but also more systematic raids, mainly organized by groups of Kalenjin origin, occurred (Commission of Inquiry on Post Election Violence, 2008). The difference between violence that occurred in Rift Valley and other places is that the politicians in Rift Valley have been said to deliberately fuel the land dispute between the different ethnic groups in order to win more public support during the election campaign. Human Right Watch (2008) reports that several of Kalenjin politicians spread words to make their people believe that once ODM occupied the presidential office, they would be able to make the Kikuyu leave the province and would redistribute the land among indigenous ethnic groups. Thus, in this particular province, the violence could be highly related to land dispute, resulting in violence of a more serious scale and consequences. The following sub-section describes the land issue in the Rift Valley in more detail.

2.2 Violence and Land Dispute

At independence from the British rule, the new Kenyan government redistributed land that had been previously owned by white settlers. The fact that part of the lands were given to immigrants is often cited as a cause of the land conflict in the Rift Valley Province (Daudeline, 2002; Kimenyi and Ndung'u, 2005). Before colonization, land was managed by communities and allocated to households as seen fit by them. No land certificates were issued, but the user rights were recognized and protected as such by community members. Ignoring the existence of such unwritten land rights, the colonial government appropriated the most fertile plots of land in Kenya that summed to 2.8 million hectares and gave them to white settlers (Kimenyi and

Ndung'u, 2005). The Kikuyu people who had lived in populated White Highlands in the Central Province moved as farm workers to relatively large scale farms in the Rift Valley White Highlands. The Luo and Luhya that had inhabited the Western Province also immigrated to the Rift Valley in pursuit of better employment.

The situation became more complex in Rift Valley when, at independence, the land redistribution program covered not only the Kalenjin people, who were the indigenous to the land, but extended to the Kikuyu, Luo, and Luhya people who had moved to the land as farm labor.⁴ There is also a view that the Kikuyu people were given preferential treatment in the redistribution due to ethnic attachment of the first President Kenyatta and many others Kikuyu officers who occupied high posts in the government. In the early days of independence, however, when people were still celebrating and in high hopes for the future and when land was in relative abundance, land issue was not considered as a serious problem. As the economy remained stagnant and the expanding rural population halved the per capita landholding from 0.46 hectare in 1960 to 0.23 hectare in 1990 (Jayne et al., 2003), increased demand for land led to more frequent land related disputes.

Nonetheless, violence as an expression of discontent from such land disputes becomes discernible only after almost 30 years since the independence in 1963. The first incident of violence between the ethnic groups was reported in the year prior to the 1992 presidential election. Then, violence is repeatedly reported at every presidential election. Kimenyi and Ndung'u (2005) report the causes and consequences of the past conflicts in our sample districts of Rift Valley and Nyanza Provinces (Appendix Table A2). They show that violence happened just before and after the presidential elections

⁴ Whether Kalenjin people actually controlled the land before colonization is questionable. The name, "Kalenjin," itself is said to be a dialect version of the opening words of a radio broadcast speech that called for volunteers to fight in World War II, "I tell you, I tell you," in Rift Valley region (Collier, 2009 pp69).

and are more prevalent in regions where a high percentage of land is alienated to immigrants and that the clashes are between the indigenous and immigrant ethnic groups. Apart from Rift Valley Province, violence has occurred in slums around Nairobi and Coastal areas where immigrants live in significant numbers. Another common characteristic of these places is that various ethnic groups live side by side and that the fear or feel of antagonism towards the “other” ethnic group may escalate very quickly in times of election campaigns that are highly tuned on ethnic lines. In this sense, some argue that the violent clashes between the ethnic groups during the PEV were nothing more than a political contest, and that land disputes are rather irrelevant.⁵ If such a view is a true reflection of the PEV, then the root cause of the problem will not be weeded away even if land dispute is resolved. Instead, political resolution should be sought. In order to identify the root cause of the PEV and draw relevant policy implications, we need to identify root causes of the PEV.

3. Data and Descriptive Statistics

3.1. Data

In this paper, we use panel data of 295 households from Rift Valley and Nyanza Provinces in Kenya (Table 1). These households are sub samples of 800 households that participated in the 2004 and 2007 surveys as part of the Research on Poverty, Environment, and Agricultural Technology Project (RePEAT).⁶ The original panel data did not anticipate the PEV, but were collected for analyses on agricultural production

⁵ For instance, Member of Parliament Ruto from the Rift Valley is reported to have said: “The issue of the PEV is not land... Kikuyus always sit on the land and the only problem is at the end of 5 years. It is all politics. Land is just an excuse” (Commission of Inquiry on Post Election Violence, 2008).

⁶ RePEAT is funded by GRIPS’s 21st Century COE and Global COE projects (Yamano *et al.*, 2005) Questionnaires and other detailed information can be obtained at <http://www3.grips.ac.jp/~21coe/j/index.html>. The data are available for research purposes.

and poverty in Kenya. Nonetheless, the 2004 survey asked a relevant question on whether sample households were concerned about future land conflicts. This and related issues with land conflicts were analyzed in Yamano and Deininger (2009).

In March 2009, about 15 months after the onset of PEV, we resurveyed all sample households in Rift Valley Province, where the violence occurred most prevalently, and sample households in two districts in the adjacent Nyanza Province for comparison. We have also traced households that had been displaced by the PEV and were living away from their original places due to the PEV. The five districts surveyed in March 2009 are the following: Nakuru, Nandi, and Narok in Rift Valley Province, and Kisii and Nyamira in Nyanza Province. Although households in Nyanza were included in the survey for comparison to the households in Rift Valley Province, violence was experienced in Nyanza Province, too, as we discuss in the following sections. At the same time, not all the households were affected by the PEV even in Rift Valley Province. There is heterogeneity regarding the scale of damage among districts as well as among households within a district.

Table 2 shows that ethnic compositions of sampled households. To highlight the relationship between the ethnic and political affiliation, the ethnic groups are ordered in such a way that the leftmost is the group that supported Kibaki most in the presidential election. In Nakuru, 75 percent of the sampled households are Kikuyu who supported Kibaki and 18 percent are Kalenjin who supported Odinga. As we have already discussed, clashes had occurred between the two ethnic groups in Nakuru District in the past. However, households from the two ethnic groups do not necessarily live in the same community. In our sample, too, it is rather rare to see more than one ethnicity in a community. Therefore, it is more realistic to think of this mix of ethnicity in Nakuru as a mix of different ethnic communities in the district. In the other two

districts in the Rift Valley, there are more than one ethnic group that supported the same candidate but to different degrees. In Nandi District, Kalenjin who mainly supported Odinga live with Luhya who partly supported him. In Narok District, Kikuyu who supported Kibaki live with Maasai who partly supported him. Thus, in all three districts, there are multiple ethnic groups, but the kind and degree of political affiliation are different from district to district, making the task of measuring the degree of political confrontation difficult.

One of the appropriate measures of political confrontation may be the percentage of votes gained by each candidate in each district in the 2007 presidential election. The previous studies have argued that violence is more likely to happen in close contests because close contests increase absolute numbers of unsatisfied voters, and therefore easier to enlist militiamen to fight for their cause (Collier, 2006). In fact, at the national level, the 2007 presidential election was a close contest, as shown in Appendix Table A2. On the other hand, however, that, we know that a higher level of violence occurred toward Kibaki supporters from newspaper articles and reports. This may suggest that the larger the difference between percentages of votes gained by President Kibaki and candidate Odinga, the higher the sense of political confrontation between the peoples within the district, and the higher the probability that violence occur as a result. Thus, to test the hypothesis, we estimate the relationship between the voting difference and the probability of the violence in the regression models.

At the local constituency level, Weis (2008) reports the official results of the 2007 presidential election. By using the data, we match each of our sample communities with the nearest constituency and take the difference between the percentage vote gained by president Kibaki and by candidate Odinga:

$$Gap_i = \hat{S}_i^{Kibaki} - \hat{S}_i^{Odinga}.$$

By using this figure, we measure the degree of political confrontation in each sample community. In other words, if this figure is a positive number, then it means that community *i* supported president Kibaki, and if it is a negative number, then it means that district *i* supported candidate Odinga. In Table 1, we present the results from the above calculations for each district. In Nakuru District where there is a large Kikuyu population, Kibaki has 51 percentage points above candidate Odinga. In other districts, except Nyamira, Odinga won more votes than Kibaki. The differences are especially large in Nandi and Narok at 71 and 34 percentage points respectively. In Kisii and Nyamira, the differences are much smaller.

Table 2 shows the proportion of household members that were directed affected by the PEV: 11 percent of male members and 9 percent of female members answered to have been victims. Noteworthy is that 18 percent of men in Nakuru district answered to have experienced violence during the PEV. One feature of this particular PEV is that even in Kisii, Nyanza Province, where incidence of violence were few and apart in the past, 7 percent of men and 5 percent of women were victims of violence. This suggests the sheer scale of the PEV.

As for displacement, 23 percent of households in Nakuru District were displaced. In other places, only 1 household was displaced in Nandi District. Of the 33 households that were displaced, 13 of them took refuge in relatives' homes, eight in rented houses, five in own houses in other locations, four in housing or camps provided by the government, and three in other places. Furthermore, eleven households have not yet returned to their original home as of March 2009, or 15 months after the violence. As we have already discussed in previous section, Nakuru District is the area where land related conflicts had occurred in the past.

Among our samples, 22.5 percent of sampled households hosted at least one

displaced person since the 2007 PEV. The average hosting period is 17.2 person-months for the entire sample. The person-months is calculated by adding total months of all IDPs who stayed at the hosts. The average person-months is over 26 person-months in Nakuru District, where the proportion of hosting household is the largest at 26 percent. As for the relationship of the hosted person to the hosting household head, 42 percent is own relative, 10 percent is wife's relative, 14 percent is other relatives, and 34 percent is non-relative. In the two districts in Nyanza Province, around 20 percent of households also hosted IDPs. Since we did not find any displaced households in our sample in Nyanza, we speculate that the reason for the high proportion of hosting households in Nyanza is that they accommodated people who fled from the neighboring Rift Valley areas.

4. Hypotheses and Estimation Models

4.1 Hypotheses on the Causes of Violence

As we have discussed in the previous section, there are several hypotheses on the root causes of the post-election violence. In this paper, we classify them into three hypotheses:

Hypothesis 1: Random violence toward specific ethnic groups

Hypothesis 2: Violence driven by the land issues

Hypothesis 3: Opportunistic criminal activities

If Hypothesis 1 explains the root cause of the violence, we should find that our respondents from certain ethnic groups have a higher probability of experiencing violence regardless of their characteristics, except for basic observables such as age and gender. Human Rights Watch (2008) reports that people were attacked by a mob after showing their IDs and being identified as members of targeted ethnic groups.

Hypothesis 1 is consistent with such violence. If such ethnic antipathy is the root cause, then people from the targeted ethnic groups who live close to urban areas, where political activities are more active, may be more likely to experience violence than people who live in remote rural areas. For instance, political activists who gather at offices in cities or towns may get violently excited, participating in a political rally or watching TV news, and engage in violent activities. The political offices may hold machetes and other tools that could be used as weapons. In contrast, however, it could be safer for mobs to engage in violent activities in remote hidden areas that are far away from the eyes of the police and other outsiders. Deininger (2003) find, for instance, that the probability of violence is higher in remote rural areas than rural areas that are close to urban areas. In either case, under Hypothesis 1, factors that affect the violence include the degree of political confrontation, ethnic identity, household locations, and basic observable characteristics, but not household wealth, land rights, or land size.

If Hypothesis 2 explains the root cause, on the other hand, factors that are related to land holdings affect violence, in addition to the factors that affect violence under Hypothesis 1. The ownership of official land titles is especially relevant as it may help temporarily displaced people reclaim their land after returning to their home. If they do not own official land titles, it would be difficult to assert their land rights in communities that are hostile to them. Kenya has one of the most advanced land titling programs in Sub Saharan Africa. Yamano et al. (2009), for instance, find that their sample households have land titles on 72 percent of their plots in Central and Western Kenya. There are, however, those households who do not own land titles and are afraid of eviction in Kenya. Yamano and Deininger (2009), who studied the 2004 survey data that are part of our panel data, find that about 10 percent of the land conflicts were over eviction and use rights, which are more likely to be related to ethnic conflicts. The

remaining 90 percent of the land conflicts were about boundaries, inheritance, and land sales. These conflicts were mostly among neighbors and relatives, mostly within same ethnic group. Therefore, in this paper, we create two dummy variables: one for households who concerned about land conflicts over eviction or use rights at the time of the 2004 survey and another for households who concern about land conflicts over boundaries, inheritance, and land sales. In addition to these variables, we also include variables on land size and years of settlement. If Hypothesis 2 is the main root cause, then these land-related variables should have a strong influence on the violence.

Lastly, if the post-election violence was simply conducted by opportunistic criminals, then the mobs would have targeted wealthy households. The mobs may use factors that are related to Hypothesis 1 and 2 to cover-up their greedy objectives. Thus, we may still find the variables that are related to Hypothesis 1 and 2 significant. But in addition, we should find wealth-related variables to have a strong influence on the violence.

Note that the estimation results in this paper may not give us a clear answer on the root causes of the violence. For instance, if all of the independent variables have significant impacts of the violence, we cannot exclude any of the three hypotheses above. However, by examining the results closely, we hope to be able to obtain a better understanding on the root causes of the violence and, hence, draw specific policy implications to prevent future violence. For instance, if the independent variables that are related to Hypothesis 3 are not statistically significant, we can eliminate this hypothesis. Similarly, if the land-related variables are not statistically significant, we can eliminate Hypothesis 2.

4.2 Estimation Models

To test these hypotheses, we estimate the following model on the probability of experiencing violence at the individual level:

$$\Pr(v_{ij} = 1) = f(P_{ij}, L_{ij}, A_{ij}, H_{ij}),$$

where v_{ij} is a dummy variable of individual i , who is a member of household j , that takes one if the person has experienced any violence related to the PEV. P_{ij} is a set of variables that are related to political conflicts. L_{ij} is a set of land-related variables, and A_{ij} is a set of variables, such as the total asset value and the per capita expenditure in 2004, that indicate initial household wealth before the PEV. Finally, H_{ij} is a set of basic individual and household characteristics that are not included in L_{ij} , A_{ij} , or H_{ij} . If Hypothesis 1 is the root cause of the violence, then we should find P_{ij} and H_{ij} to be significant factors on the violence but not L_{ij} or A_{ij} . If Hypothesis 2 is the root cause, then we should find L_{ij} to be significant factors, in addition to P_{ij} and H_{ij} . If Hypothesis 3 is the root cause, then we should find A_{ij} to be significant factors, in addition to all of the other factors.

In addition to the determinants of the probability of experiencing violence during the PEV, we also investigate the determinants of internal displacement and hosting of IDPs. In the 2009 survey, we asked the respondents if their household had been internally displaced and, if yes, how many months they were displaced. We also asked the respondents to list any IDPs that their household hosted. On each of the hosted IDP, we asked about age, gender, relationship to the hosting household, and months he or she stayed at the household. From the list, we calculated the total person-months that the IDPs were hosted by the household. Thus, we use the months of the internal displacement by the household themselves and the total person-months of

hosting IDPs as two dependent variables. Because the 2009 survey was conducted approximately 15 months after the post-election violence, the dependent variables are doubly-bounded at zero and 15 months. Therefore, we estimate the following using double-bounded Tobit model:

$$y_{ij} = \begin{cases} 15 & \text{if } y^*_{ij} > 15 \\ y^*_{ij} & \text{if } 15 > y^*_{ij} > 0 \\ 0 & \text{otherwise} \end{cases}$$

where $y^*_{ij} = f(P_{ij}, L_{ij}, A_{ij}, H_{ij})$

The independent variables are as defined above.

4.3 Variables

The set of variables on political conflicts include ethnicity dummy variables, the difference between the estimated percentage vote between President Kibaki and candidate Odinga at the community level, as we describe in Section 3.1. If this difference is positive, it suggests that the community supports President Kibaki. Because Table 4 shows that districts that voted for Kibaki have high percentages of victims, we expect to find a positive coefficient on this variable. It is not clear, however, if it remains positive and statistically significant after controlling for other variables, such as ethnic dummies. If it remains positive and statistically significant, then it suggests that among people who have similar characteristics, such as ethnicity, those in areas that supported President Kibaki are more likely to experience violence. In addition to these variables, we also include the average distance to the nearest two towns, measured at the household level, as an indicator to distance to the political offices in towns. This variable is calculated using GPS information of the sample households and digitized road maps. As we discussed in the previous sub-section, it is an empirical question if violence tends to erupt in areas close to towns, where political offices are

located, or in remote areas that are hard to reach by police and outsiders.

The land-related variables include, as explained before, a dummy variable that takes one if the sample household owns land titles on any of their plots, a dummy variable that takes one if the sample household was concerned about future land conflicts in 2004 over eviction or use rights, and a dummy variable that indicate if the respondent was concerned about a land conflict over boundaries, inheritance, and land sales. We also include the land size and the number of years that the sample households have lived in the area. If the root cause of the violence lies in the land issue, the most likely target would be new settlers who are not members of indigenous ethnic groups, are new to the areas, and do not have official land titles. To represent the household wealth, we use the per capita consumption and the number of cattle. The per capita consumption is obtained from the 2004 survey to represent the household wealth before the presidential election in 2007. If the violence was driven by purely opportunistic criminal motives, however, mobs may not have detailed wealth information about the victims. They may use some observable wealth indicators to decide on targets. Thus, we also include the number of cattle owned as an indicator of observable assets. Finally, we include age and education of the individuals in the models in estimating the determinants of the violence at the individual level.

On the determinants of the displacement and hosting of displaced people at the household level, we include demographic variables (the number of male adults over 40 years old, the number of male members below 40, the number of female adults over 40, and the number of female members below 40), the age of household head, and a dummy variable for female headed households.

5. Results

In Table 3, we present the results on the determinants of the violence at the individual level. First, we only include ethnic dummies to compare the results across ethnic groups. According to Table 3, Kikuyu people have about a 17 percentage point higher probability of being victimized than Karenjin people, who are the base group. Because President Kibaki is Kikuyu and the PEV was initially targeted the Kibaki supporters, and because Kikuyu people are minority settlers in Rift Valley, this result is as expected. What is not expected is that Luhya people have a 15.5 percentage point higher probability of being victimized than the Karenjin people. As we discuss in Section 2, about three quarter of the Luhya people as a whole ethnic group voted for Odinga. Thus, if the violence was driven purely by the results of the presidential election, Luhya should not be targeted at this high level. But they are also settlers in the Rift Valley who had been targeted in past conflict, and the Luhya population is smaller than the Kikuyu population in Rift Valley. Thus, they might have been an easy target in this area.

Next, we add variables that are related to political confrontation, land issues, and household wealth, in addition to basic individual and household characteristics. The voting difference between President Kibaki and candidate Odinga is highly significant. The results suggest that the probability of the violence is higher in areas that supported President Kibaki, but as the difference becomes bigger, favoring for President Kibaki, the probability declines. According to the results, the peak of the violence is at the 10 percentage point difference, favoring for Kibaki. Thus, the result is consistent with the view held by previous studies that violence occurs in close contests (Collier, 2006).

Regarding the distance to urban centers, the probability is higher in remote areas: as the average distance to the nearest two town increases, the probability of being victimized increases. This suggests either that the Kikuyu and Luhya people live away

from towns or that the mobs conducted violence in remote areas to avoid the police, which is under the influence of the Kibaki administration.

On the land related variables, we find that the land title protects the potential victims. Individuals whose household owns land titles have a lower probability, 3.8 percentage points, of becoming victims than individuals without land titles. This indicates that the PEV was targeted those people who do not have secure land titles. In addition, those who have been concerned over eviction or land use rights have a 3.1 percentage point higher probability of being the victim than those who have not had such concerns. As expected, concerns over other reasons against relatives and neighbors are not related with the violence. Regarding household wealth, we do not find any evidence that wealth households were targeted: the per capita consumption level in 2004 does not have any impacts on the violence nor does the number of cattle. Thus, the results show little support for the opportunistic crime hypothesis.

Next, we present the results on the determinants of the length of internal displacement in Table 4. Consistent with the results on the determinants of violence, the voting difference between the two candidates has a positive impact on the length of internal displacement. In the community that supported Kibaki, the respondents were internally displaced for a longer period than households in the community that supported Odinga. We also find that households with victims have a longer displacement period than those who do not have victims. Interestingly, we find that the ownership of the land title has a positive impact on the displacement. This may suggest that the households with land titles feel confident in reclaiming their land even if they flee. In contrast, those households who do not have land titles may feel insecure of leaving their land because it would be difficult for them to reclaim their land without land titles once they flee. As for household wealth, per capita consumption level affects

the length of displacement positively. The positive correlation between displacement and wealth may be due to the relative facility of being away from home longer rather than as a result of being chased away by looters.

Regarding other variables, no variables except for per capita consumption have statistically significant impacts on the displacement. As we have seen in Table 2, the displacement mostly occurred in one district, Nakuru, among our samples. Thus, it seems that there is not much variation in the other variables between the displaced and the remaining households in Nakuru. As for the results on the determinants of the hosting internal displaced people, the results in Table 4 suggest that Kikuyu have hosted displaced people. This is understandable because Kikuyu people were attacked more than other ethnic groups, except for the Luhya. We do not include a dummy variable for Luhya in the model because the number of Luhya households is small in our sample and none of them hosted victims (some of them were internally displaced).

Because internally displaced people escaped away from the politically hot conflicts zones, we find that the households hosted displaced people in and out of the conflict areas. The voting difference and the distance variables, which are important determinants on the violence and displacement, have no impacts on the hosting. The results also indicate that richer households with older household heads have hosted displaced people. This is probably because hosting of displaced people incurs extra cost and possibly requires more patience and experience that only comes with age.

6. Conclusion

Violence may erupt again in Kenya in the future. After two months of the PEV in 2008, Mr. Odinga, with other members of his party, joined the Kibaki government to form a joint government and are discussing the draft proposal for the New

Constitution.⁷ The results in this paper suggest that the land issue is one of the root causes and that people without land titles were more likely to be victimized by the PEV than those who have land titles. We suspect that the mobs who attacked the victims who do not have land titles were hoping to obtain land from the victims. The victims would have a hard time to reclaim the ownership of their land without the official land titles once they had been chased away by the mobs. Thus, to prevent future conflicts, the Kenyan government needs to solve the land issue first. As the results in this paper suggest, the land title is a strong tool to protect the property rights of the owners even in times of armed conflict. Thus, the government should further assure of the property rights of the land titles. As Yamano and Deininger (2009) shows, landholding households neglect updating land titles even after the deaths of the registered owners. The government should encourage land title holders to update them as necessary and non-holders to obtain new titles. However, the government should be careful not to create new conflicts by issuing land titles where disputes over land ownership are not settled. It may be a better idea to let regional offices that have more accurate information on the situations on ground to settle disputes over land ownership.

In addition, the degree of the land conflicts could be eased through land markets. As the land markets in Kenya are among the most active land markets in Sub-Saharan Africa (Yamano et al., 2009). Thus, land sales and rental markets allow those who want to use land to have access to land without land disputes. It is not clear, however, if the land markets in Kenya still function effectively after the PEV. Land owners may have become reluctant selling or renting land after the PEV. This is an

⁷ In November 17, 2009, a committee of domestic and foreign experts submitted a new proposal for New Constitution. Although it is expected that the new proposal will transfer some power from the president to the prime minister, and from the central government to the regional offices (Committee of Experts on Constitutional Review, 2009), others worry that minority groups could be marginalized by the regional offices.

important research topic in the future, and the government should remove such fears from the land markets.

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Table 1. Ethnicity of Sampled Households

Province District	Sample size	Ethnicity						Voting Difference (Gap) ¹
		Kikuyu	Maasai	Kisii	Luhya	Kalenjin	Other	
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Number	%	%	%	%	%	%	%Point
Rift Valley								
Nakuru	138	75		1	3	18	2	50.7
Nandi	46				15	85		-71.3
Narok	17	12	88					-34.4
Nyanza								
Kisii	61			100				-7.2
Nyamira	33			97	3			12.1
Total	295	36	5	32	4	22	1	

Note: The ethnic groups that had relatively strong support for President Kibaki are shown towards left, and those for candidate Odinga are shown towards right. ¹⁾ Average figure. For estimation method, refer to the main text. The figure is a subtraction of percentage points that candidate Odinga gained from that gained by President Kibaki. Therefore, a positive number indicates support for Kibaki and a negative number shows support for Odinga.

Table 2. Percentage of Victimized Individual and Displaced Households

Province District	Victimized Individuals		Displaced Households		Hosting Households		Internally Displaced Persons	
	Male (A)	Female (B)	Percentage (C)	Period ¹⁾ (D)	Percentage (E)	Period ²⁾ (F)	Ratio ⁴⁾ (G)	Period ⁵⁾ (H)
	%	%	%	Months	%	Months	%	Months
Rift Valley								
Nakuru	18.4	17.8	23.2	7.5 ³⁾	26.0	26.5	15.2	5.4
Nandi	2.4	1.9	2.2	15	9.5	6.9	3.7	2.9
Narok	2.0	1.3	0	-	16.3	20.0	9.0	2.4
Nyanza								
Kisii	7.2	5.0	0	-	22.6	4.3	5.0	2.0
Nyamira	5.4	2.4	0	-	22.2	5.2	5.1	2.5
Total	10.6	9.2	11.2	7.7	22.5	17.2	9.0	4.5

Note: ¹⁾ Average period of displacement among displaced households. ²⁾ Average period of hosting among hosting households. This figure is the person-month figure, i.e. if the household hosted 2 people for 3 months, it is counted as 6 months. ³⁾ Among 33 households that were displaced, 30% or 11 households still lived away from home as of March 2009 (15 months after the start of violence). The survey was conducted at their place of refuge. ⁴⁾ Ratio of internally displaced persons to sampled number of household members in the district shown as a percentage of the latter. ⁵⁾ Average period of internally displaced persons staying in the hosting households.

Table 3. Probability of Being a Victim of PEV (Probit Model)

	(A)	(B)
<u>Ethnic and Political Affiliation</u> ^a		
Kikuyu	0.174*** (8.72)	0.108*** (5.67)
Luhya	0.155*** (4.51)	0.177*** (4.67)
Kisii	0.047*** (2.66)	0.413*** (7.23)
Maasai	-0.038 (-1.20)	-0.030 (-1.43)
Other	0.063 (1.07)	-0.040** (-2.04)
Nyanza Province (=1)		-0.172*** (-7.74)
Voting Difference: Kibaki - Odinga ^b		0.0329** (2.42)
Voting Difference Squared		-0.166*** (-9.04)
Distance to nearest town (minutes)		0.615*** (8.24)
Distance to nearest town (squared)		-0.331*** (-7.11)
<u>Land related variables (L_{ij})</u>		
Land title (=1) ^c		-0.038*** (-3.49)
Concerned over land use or eviction (=1) ^d		0.0310* (1.84)
Concerned over other land dispute (=1) ^d		-0.005 (-0.47)
Owned land size (acre)		-0.001 (-0.92)
Years of settlement		0.000 (0.67)
<u>Household wealth variables (A_{ij})</u>		
Per capita consumption ^e		-0.000 (-0.03)
Number of Cattle		-0.001 (-0.83)

Individual and household characteristics (H_{ij})

Age		0.002**
		(2.51)
Age Squared		-0.000**
		(-2.00)
Female (=1)		-0.010
		(-1.29)
Years of schooling		-0.001
		(-0.70)
Urban (=1)		0.053***
		(3.24)
<hr/>		
Sample size	2,802	2,619

Note: Numbers in parentheses are z-statistics. * indicates significance level at 10 %. ** indicates significance level at 5 %. *** indicates significance level at 1 %. The coefficients represent the marginal changes in probability. ^a The base ethnic dummy is Kalenjin. ^b “Voting difference” is the difference in proportion of votes gained by each candidate at the location level. ^c “Land title” dummy is 1 if at least one of the plots of land used by the household is titled. ^d “Concerned over land use or eviction” dummy takes 1 if the household head has ever been concerned about land dispute with non relatives regarding eviction or use rights. “Concerned over other land dispute” dummy takes 1 if the household head has ever been concerned about any other land dispute with non relatives or relatives. ^e “Per capita consumption” data is taken from 2004 survey, in US dollars.

Table 4. Length of Displacement and Hosting Periods (Tobit Model)

	Period of Displacement	Period of Hosting
	(A)	(B)
<u>Ethnic and Political Affiliation (P_{ij})^a</u>		
Kikuyu	2.963 (0.50)	-2.791 (-0.34)
Other	-3.767 (-0.52)	-3.993 (-0.45)
Nyanza Province (=1)		15.45 (1.22)
Voting Difference ^b	5.661 (0.99)	10.17 (1.23)
Voting Difference Squared	-20.27*** (-2.62)	32.52*** (2.74)
Distance to nearest town (minutes)	60.94 (1.48)	-20.33 (-0.52)
Distance to nearest town (squared)	-34.17 (-1.26)	15.52 (0.66)
Household with at least one victim (=1)	16.65*** (3.61)	6.625 (1.15)
<u>Land related variables (L_{ij})</u>		
Land title (=1) ^c	8.678* (1.73)	-11.67* (-1.82)
Concerned over land use or eviction (=1) ^d	2.190 (0.41)	9.992 (1.17)
Concerned over other land dispute (=1) ^d	1.076 (0.25)	-1.207 (-0.20)
Owned land size (acre)	-0.004 (-0.01)	-0.330 (-0.64)
Years of settlement	0.103 (0.83)	-0.035 (-0.23)
<u>Household wealth variables (A_{ij})</u>		
Per capita consumption ^e	0.027** (2.32)	0.053*** (3.46)
Number of Cattle	-0.138 (-0.20)	0.706 (0.96)

<u>Individual and household characteristics (H_{ij})</u>			
Number of Men:	aged 40 and over	-4.307 (-0.78)	0.987 (0.14)
	aged less than 40	-0.832 (-0.55)	-0.670 (-0.30)
Number of Women:	aged 40 and over	0.410 (0.10)	-1.051 (-0.15)
	aged less than 40	0.250 (0.17)	1.030 (0.45)
Age of household head		-0.044 (-0.27)	0.461** (2.00)
Female headed household (=1)		-1.213 (-0.22)	4.864 (0.63)
Constant		-47.16** (-2.41)	-56.22** (-2.39)
Sample size		190	270

Note: Numbers in parentheses are z-statistics. * indicates significance level at 10 %. ** indicates significance level at 5 %. *** indicates significance level at 1 %. The coefficients represent the marginal changes in probability. ^a The base ethnic dummy is Kalenjin. ^b “Voting difference” is the difference in proportion of votes gained by each candidate at the location level. ^c “Land title” dummy is 1 if at least one of the plots of land used by the household is titled. ^d “Concerned over land use or eviction” dummy takes 1 if the household head has ever been concerned about land dispute with non relatives regarding eviction or use rights. “Concerned over other land dispute” dummy takes 1 if the household head has ever been concerned about any other land dispute with non relatives or relatives. ^e “Per capita consumption” data is taken from 2004 survey, in US dollars.

Appendix

Appendix Table A1. 2007 Presidential Election: Exit Poll and ECK Results

Ethnicity	Main Candidates			Percentage of total voters (D)
	Kibaki (Kikuyu) (A)	Odinga (Luo) (B)	Musyoka (Kamba) (C)	
	%	%	%	%
<i>Exit Poll</i>				
Kikuyu	94.2	4.1	1.7	23.1
Luo	1.7	97.8	0.4	12.8
Kamba	10.1	3.8	86.1	10.0
Luhya	23.4	74.7	1.9	12.8
Kalenjin	9.3	88.0	2.7	10.0
Kisii	40.4	57.0	2.6	6.4
Mijikenda	23.7	72.0	4.3	3.9
Maasai	41.6	56.0	2.0	1.9
Meru	88.0	5.8	6.2	4.8
Total	40.2	46.1	10.2	100
<i>ECK Result</i>				
Total	46.4	44.1	8.9	

Source: Gilson and Long [2009].

Note: Sample size for the exit poll is 5,495. Multi-stage cluster sampling proportionate to population size is used with random selection of polling centers and respondents.

Appendix Table A2. Characteristics of Sampled Districts and Causes of Past Conflicts

Province District	Percentage of alienated land	Causes of Past Conflicts
	(A)	(B)
Rift Valley	%	
Nakuru	59.0	1991-92,96-97: conflict between Kalenjin community and immigrants (Kikuyu, Kisii, Luo, Luhya and Kamba). Over 1500 people killed, 300,000 displaced. Many non-Kalenjin that were displaced from Molo and Olenguruone in 1991-2 have not returned to the farms by 1999. Some have sold or leased the farms to the Kalenjin. The clashes in Njoro were also on the farms.
Nandi	23.9	1991-92: the Nandi against other tribes. Deaths, displacement. One of the earlier examples is the clashes over the land titles on Mitetei Farm. The majority of non-Nandi (non-Kalenjin) shareholders claim to have been driven out before land titles were officially given to the remaining shareholders most of whom were of Nandi origin. Other clashes were reported to be mainly politically motivated by KANU leaders.
Narok	39.0	1991, 93, 97, 2001: dispute between Maasai and Kisii/Kikuyu tribes over grazing/agricultural land. Over 50 people killed, 30,000 displaced.
Nyanza		
Kisii	0	None

Source: Kimenyi and Ndung'u (2005), Akiwumi Judicial Commission of Inquiry on Tribal Clashes (1999)