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The Structural Context Contributing to 2007 Post-Election Violence in Uasin Gishu and Trans-Nzoia Counties, Kenya

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Abstract

This article examined structural context contributing to 2007 Post-Election Violence in Kenya. It became obvious that a number of factors point to this including; the wide variety of institutions managing the practical aspects of elections, Election administration, level of competence, formal and informal rules of the electoral process, the electoral preparations, increasing use of ethnic hatred, Kenya's "land question", Patronage and identity politics, and Close competition. The structural context is a broader concept in election management including socio-eco- political environment. This study found out that the elements in the political environment are bound to affect the way electoral politics occur such as voter turnout, voter choices, as well as the functions performed by elections management body. Conclusively, these structures shape the quality of actors in the electoral process, facilitates free and fair elections, the results outcome, and respect of the wishes of the voters.

Keywords: Kenya; Uasin Gishu; Trans-Nzoia; Elections; Post Election Violence (PEV); Ethnicity

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By

Esther J. Arusei; Dr. Eric Thomas Ogwora (PhD) and Prof Edmund Maloba Were (PhD)

Introduction

The structural context which is discussed in this paper covers a wide variety of institutions managing the practical aspects of elections contributing to 2007 post election violence. It includes the following key issues such as the statement of the problem, sub themes related to electoral structural context, findings, recommendations, and conclusion. The study found out that indeed structural context contributed to 2007 Post-Election Violence in Kenya. It recommends that the mechanisms put in place with the government's political will facilitates reforms that sustain reforms and hence reduces the possibility of cyclic electoral violence. The undergoings below succinctly discuss the structural contexts of Kenya's 2007 election management.

The Statement of the Problem

The study gap that this study sought to examine is the structural contexts and their possible contributory nature to election violence. In this regard, as per the 2007 Kenya's post election violence, a number of factors that this study finds contextual issues contributed to the violence. These include: wide variety of institutions managing the practical aspects of elections, Election administration, level of competence, formal and informal rules of the electoral process, the electoral preparations, increasing use of ethnic hatred, Kenya's "land question", patronage and identity politics, and Close competition. The way these issues are handled or ignored has an implication on the outcome of elections and the voters' reaction which either lead to violence or non-violence.

Election institutions, Administration and Level of Competence

Elections are an important part of the democratic process in the modern societies which allow various political actors to compete over choices and issues. Nelson (2001) notes that the goal of elections is to have free and fair process that allows voters to choose a representative. The type of election, whether it is a referendum, a local election, a presidential election, or a parliamentary election, can influence the nature of electoral competition and the propensity of actors to use violence. Competitive elections are a component of democracy. When it is done in a fair and transparent manner; it gives the electorates a chance to exercise their electorate rights. On the contrary, when these electoral exercises are denied, it creates room for electoral violence.

There is a wide variety of institutions managing the practical aspects of elections. In some countries, the government administers elections while in other countries the government runs the elections under supervision of another authority for instance electoral commissions which have been given full authority in controlling, overseeing, monitoring and evaluating elections. Yet independent electoral commissions organise other elections (Pintor, 2000). The author has given a variety of institutions managing elections globally. In Kenya for example, during the KANU regime elections were organised under election commission which was not independent contrary to Pintor's position. The final result was determined by the government

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through manipulations. The 2010 new constitution allowed the formation of IEBC to conduct elections. Pintor's view relates to the current IEBC where the commission is said to have been given a full mandate to run elections independently but in some cases government has some control over it. When this happens, it ceases to be independent.

Practically, elections are conducted under circumstances of mistrust and suspicion in many post-conflict and newly democratising countries (Lyons, 2004). Additionally, in specific, the efficiency, professionalism, transparency, impartiality and independence are important preconditions to come up with legitimate election outcomes. He further notes that the choice of electoral administration may influence electoral violence since the issues relating to impartiality and independence, efficiency, professionalism, and transparency are particularly important in the context of suspicion and mistrust that characterize post-conflict elections. Generally the selection of Electoral Commission is made based on the guidelines in place where all parties are involved. The commission which is impartial, transparent and independent can exercise the duties diligently; however, this can be disrupted in a situation where there is lack of political will.

Election administration can only work well especially when consensus is allowed to take place within political divides in a political system. Sometimes, where consensus plays a role, it can again turn into blame game. For instance, the ECK headed by the late Samuel Kivuitu was acceptable across the political divide but in 2007 general election, he was at the centre of conflict after disputed presidential election results. His confessions that he was not sure who won the presidential elections between Mwai Kibaki and Raila Odinga were quite outrageous. The best choices can turn out to be the ones derailing the whole process. After Kivuitu, Issac Hassan's team came to into place but still was at the centre of mistrust from the opposition parties. It led to the 2013 General Election presidential results being disputed in the supreme court of Kenya. The team was then disbanded before the 2017 General Elections.

Election administration has a role in terms of inducing violence in post-conflict societies. In these societies, such administration might create favourable circumstances for electoral violence (Høglund, 2008). We concur with the author because, the structures which were in place allowed the inauguration of president Kibaki to be sworn in late at night in his second term in office. That alone created suspicion and mistrust among the electorates in 2008. On the other hand electoral commission exacerbated the situation when election results started trickling in from Kibaki's area of support while results from ODM strong holds had already been tallied and announced. These developments sparked suspicions among leaders and electorates. The idea is advanced by Sisks (2008) when he says that, in principle, the ways of structure, levels of competence and extent of balance of any electoral institution determine its capacity to administer credible elections.

The structures and level of competence could be in place but the political will is lacking. The leaders in power should respect the rule of law. If that takes place then respect of these electoral process or election administration will work in a democratic way. Lyon (2005) explains a situation where there is positive political will from leaders in power. In contests where these prerequisites are not operationalized, the risk of political instability and electoral violence becomes high (Sisk, 2008). In societies where good practices are not upheld, there is likelihood of election violence. The 2007 general electoral management practices were characterised by the same features thus contributing to post election election violence.

The prevalence of political bias, the absence of accountability and lack of adequate finances within public institutions in general lack of impartiality, independence and competence on the part of election administration institutions in particular play an important

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role in creating such circumstances (Jarstad, 2008). In situations where a country has political bias and the electoral management is partial, it becomes a breeding place for violence. The government in place normally takes advantage of the authority to undermine other opposition parties. The electoral commission is manipulated to benefit those in government. At the same time, if these electoral management bodies are not structured well, then it will create room for election violence.

Moreover, choices made over the nature of electoral management bodies are instrumental in facilitating the conditions for election related violence. When the election administration is not independent, it paves way for the government to manipulate the system in their favour. Evidence indicates that high levels of mistrust and divisions among political party representatives have become commonplace in countries that adopted partial-partisan electoral management entities (Reilly, 2002). This is true in newly democratic societies in Africa. Where there is no trust on the impartiality of electoral commission, even if elections are held in a fair and free environment, questions will always be raised about impartiality of the process. To overcome such problems, therefore, the significance of adopting independent and professional administrative bodies is stressed by many including this author. These raises questions whether the 2007 post-election violence may have occurred due to the existence of electoral administration at the time.

Formal and Informal Rules of The Electoral Process

Both formal and informal rules of the electoral process play a part in generating conflict in post-conflict and newly democratising societies. In these societies, such rules can facilitate conditions conducive for electoral conflict and violence (Høglund, 2008; Sisk, 1998). When informal and formal rules have the good will from political leadership, it ceases to generate conflicts.

In principle, these rules are broadly classified into rules of electoral competition and rules of electoral governance (Mozzafar & Schedler, 2002). Rules of electoral competition consists of issues such as electoral formulas, district magnitude and boundaries, assembly size and are mostly referred in many writings as electoral systems. Rules of electoral governance deal with issues of party, candidate and voter eligibility and registration, vote counting, tabulating and reporting techniques, election monitoring and conflict resolution mechanisms and campaign financing. These rules offer structural inducements for modest and conflict-resolving character on the part of those playing the political game (Reynolds & Sisk, 1998). It is contrary to the authors' opinion because rules may seem to be very conducive for conflict resolutions theoretically but when leaders do not practice them, there is lack of political will, and plays no role in preventing or ending electoral violence. Those in the playing game have to follow them thus avoiding violence during electoral process.

Most societies in Africa have embraced democracy though these informal rules still exist and are put in practice hence leading to electoral violence. On the other hand, parties could be having formal rules to guide them but party leadership and party supporters disrespect the rules laid down leading to electoral violence. The constitution could also be in place with proper rules to be followed but in some cases, governments in power violate them. These rules have been given different labels by various scholars like "Nested Games" by Schedler (2006), "Norm Violations" by Wigell (2008) and "Winning Strategies" by Collier (2009) which seem to be conflict-inducing in their true essence.

In Kenya today, the constitution directs the government on what to do. It cannot go against the constitution and if it does the contrary, other bodies such as the civil

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society, opposition and other interested parties come into play thus minimising the manipulations by the government to pursue their selfish interests. Another important strategy is excluding political opponents from the electoral game and fragmenting their overall organisation (Wigell, 2008). Such rulings aim at limiting the extent of choice available for the electorate during election and may involve activities like deregistering opposition parties and disenfranchising political candidates. These are ways which most governments in undemocratic societies in power use in winning the game in a political contest.

The quality and outcome of Kenyan elections have been influenced greatly by the manner in which the entire electoral process was managed. The management of Kenya's elections is 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 under its aegis (Wanyande, 2006). The major complaint was that the election playing field was tilted in favour of the ruling party KANU and its candidates. Reports of administrative incompetence in the conduct of elections have also been common. In short, 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. The management of electoral processes usually involves the interplay of diverse institutional responsibilities. All these efforts should, ideally, converge towards the common purpose of delivering free and fair elections; in which the average citizen, contesting political parties and candidates, and society at large are able to perceive that their various interests are reasonably respected and protected. An equally critical factor is the administrative competence of the electoral body itself. Competence is a function of several factors, including the level of training of election officials, adequate financial resources for the electoral body, and adequate administrative arrangements for handling elections. In short, for the ECK to be efficient it must have adequate human and financial capacity. Administrative inefficiency in elections have taken the following forms: 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). These could have contributed to post-election violence of 2007.

The structure of electoral management has replicated in the manner elections have been conducted in the past during the General Elections especially after the advent of multiparty politics in 1992 to 2007. The most serious deficiency in the electoral preparations related to the recruitment and training of temporary electoral officers. The ECK, like other election management bodies (EMBs), follows a pattern of seasonal surge and contraction of its staff, in accordance with the needs of the electoral calendar. At key periods in the electoral process, for instance during voter registration, polling and counting, it recruits several categories of temporary personnel in addition to its headquarters secretariat staff and the permanent field staff. In preparation for the registration of voters, the ECK engages registration officers and assistant registration officers, registration clerks, trainers and support staff. To meet the demands of polling, it engages returning officers, deputy returning officers and assistant returning officers at the constituency level; presiding officers, deputy presiding officers and polling/counting clerks for each polling station, nomination clerks and trainers, among others. In addition to these essentially field-based personnel, its headquarters staff was also reinforced as needed. The ECK also recruits "code of conduct enforcement officials" who serve on the peace committees and have a significant impact on the quality and credibility of

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an electoral process. In fact, the process of recruiting temporary election personnel and arrangements for their orderly and timely remuneration, quite apart from the quality of the electoral operations themselves, have been known in other countries to mar electoral processes and contribute to a fractious security situation.

Ethnicity and Elections in Kenya

Political leaders and belligerents in Africa have made increasing use of ethnic hatred. Ethnicity and ethnic relations as an agent of international and internal conflicts and violence is relevant especially in Africa (Asiwaju, 1984). According to Asiwaju, the studies done across Africa show that ethnicity is among other factors causing election violence. The realities of the African ethnic context started largely due to the 1884-1885 Berlin Conference where Africa was partitioned by the imperial powers (Peacock, 1982). In dividing African territories amongst themselves, the imperial powers paid little attention to ethnic, cultural, geographic and other factors (Asiwaju, 1984). This element has contributed to the promotion of ethnic animosities.

An ethnic cleavage is seen to be among contributing factors to electoral violence in Kenya. The country is composed of forty two distinct ethnic groups with diverse cultures. It has been established that ethnic identification is very strong in Kenya (Kimenyi, 1997). This identification is an important way of championing their socio-political and economic interests collectively. At times, this collective action contributes to animosity among other ethnic groupings if their interests are not compatible. Because violence has been organised along ethnic lines, violence is purely attributed to 'ethnic hatred'. This ethnic hatred is linked to electoral politics and competition over available resources.

According to Kimenyi (1997), the electoral outcome assumed that voting would proceed along ethnic lines. Political parties are mainly organised on the basis of ethnic identity and is connected to the way political support is secured during elections. In support of this view, in several instances, politicians use ethnic identity as a viable means of mobilising political support in times of elections (Collier, 2009). This has been demonstrated by the formation of political parties in Kenya. Political parties mostly tribal factions displaying ethnic character headed by their tribal kingpins for instances, TNA by Uhuru, URP by Ruto, Ford Kenya by Wetangula, ODM by Raila, and so on. They use their ethnic support to mobilise for votes. In cases where these political groupings are not strong enough to compete with other stronger parties, they come together in form of a coalition. This is evidenced in what took place in 2002, 2007 and in 2013 General Elections. In this case, Kimenyi is associating General Election violence with ethnic hatred which is contrary to Nasong'o views on unequal distribution of resources.

Nasong'o (2000) observes that conflicts and electoral violence are a result of skewed nature of resource allocation and lack of effective political institutions but not as a result of inter-ethnic hatred thesis. His argument is based on the idea of competition for resources in situations characterised by lack of effective political institutions. The low levels of political institutionalisation in Africa have engendered conditions in which resource allocation is so skewed in favour of the self-aggrandising activities of incumbent regimes together with their supporters, that disfavoured social categories, be they ethnic, religious, or regional, have been forced to mobilise to articulate their own interests with the resultant political antagonism that has invariably led to conflicts. The author's views has strong base in Kenya's politics because it has been experiencing unfair distribution of resources. This is evidenced from the findings

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that unequal distribution of resources has led to animosity among ethnic groupings or ‘nations’. This has been associated to those holding power.

The effect of ethnicity on voter behaviour and consequently election outcome is most evident in presidential elections, in parliamentary elections held in constituencies encompassing settled areas (Wanyande, 2006) and in urban constituencies. Since the restoration of multiparty politics in Kenya in 1992 almost every major ethnic group has fielded a presidential candidate. Each ethnic group fielding a candidate has proceeded to vote for one of their own. This has been driven mainly by the belief that having one of your own as president increases the community’s chances of attracting more public resources for development. As Jonyo (2003, p.166) observed, “The ethnic elites from the president’s ethnic group are assured of plum jobs from which huge kickbacks are drawn and lucrative government contracts won. Moreover, these elites can borrow big loans from state owned banks and other friendly banks without the threat of penalties for defaulting on the repayment, since they enjoy protection against drastic recovery mechanisms.”

In 2007 General Elections, most of the ethnic groups came together collectively because they were pursuing a common interest. Ethnicity remains a major problem in Kenya mainly because many political actors usually pretend that it does not influence their own behaviour; yet findings by Oyugi (1997) demonstrated clearly that it is a major factor in the political process. It has been used by competing claimants to extract resources from the centre and by the state to determine the structure of access; by politicians to mobilise political support in their factional and in national electoral contests.

Kenya’s “Land Question” and Historical Injustices

Some underlying factors such as population pressure, competition for agricultural land, land for commercial purposes and urbanisation have contributed to the increasing number of land conflicts and the current land tenure systems in Africa may not be well-equipped to resolve such conflicts (André & Platteau, 1998).The author is not specific in particular countries but has given general causes of violence due to land factor. The study sought to find out exactly how this land factor is a problem during general elections and especially in 2007 post-elections violence.

Land is increasingly becoming a source of conflicts in Africa where land access had traditionally been characterized as relatively egalitarian. Such abuse prolongs conflict, creates long-term divisions that reduce the effectiveness of peace building efforts. It has been shown that local land conflicts can erupt into large-scale civil strife and political movements (André & Platteau, 1998).Land has been quite thorny issue in Kenya and people like linking it to the historical injustices (Felicia, 2019) though land conflicts are common in Kenya but have not erupted into large civil strife rather land issues have contributed to violence during General Elections. Most politicians use land issues to polarise hatred for their own selfish political gains.

According to Oyugi (1997), the notion of ‘a people’s own area’ which resulted from the formal politico-administrative enclaves was later to lead to the heightening of ethnic self-identity or sense of belonging. This process created a sense of exclusiveness which sooner or later manifested itself in the rejection of ‘outsiders’. This resulted into heightened tension especially during the ushering in of multi-party democracy (Oyugi, 1997).That transition created hatred contributing to self-identity resulting to rejection of those seen to be intruders in other people’s land. The regime in power then was not in favour of introduction of multi-party politics to replace a one party system KANU. Pro-Government leaders and government

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in power used that has a weapon to convince the electorates that Kenya was not yet ready for multi-party politics.

Patronage and Identity Politics

Culture of electoral violence is an outcome or a legacy of past violent conflict (Høglund 2009). This is not true because countries which have no records of past violent conflicts have experienced violence in the recent past such as Kenya which got involved in serious violence in 2007 post-elections over presidential disputes while in the past it has experienced rather slight skirmishes during the past elections.

Cultures of violence and impunity are major characteristics of politics in conflict and post-conflict societies in Africa today. A culture of violence is the system of norms, values or attitudes which allow, make possible or even stimulate the use of violence to find solutions to any conflict or relation with another person. Impunity is the exemption of those people who commit unlawful acts from accountability and legal punishment. Under a culture of impunity, “government officials, the police and military, and ordinary citizens break the law without fear of punishment, for there is a shared understanding that each person will be silent about the other’s abuses as long as the favor is returned (Crocker, Major & Steele, 1998). This is very common in most of the African countries where political leaders rise to power through democratic means but, once in power, abandon pluralism and protect their close associates even if they have committed crimes. They end up amending the constitution to suit their own interests. This is done to fulfil the promises of the strong financiers during campaigns whom leaders rise to power with the promise of protecting their wealth or positions in government.

In addition, Collier (2009) also emphasizes on politicians using ethnic identity as a viable means of mobilising political support in times of elections. The researcher concurs partly with the Collier because it has been the trend in Kenya since the advent of multi party politics in 1990. On the other hand, even in situations where parties have a combination of many different groups but with common ideology, they come together to win political power and have had a tendency of election violence. This idea has been advanced by Mehler (2007) who emphasises on cases where political parties representing diverse ethno-regional interests have resorted to violence, after realising that they are losers of the electoral process and its outcome .

In the course of electoral campaign, political elites and radical groups forward exclusive nationalistic and ethnic appeals to secure political support which further polarize the society and consequent outbreak of violent conflict (Reilly, 2002). This is true because in majority of African countries which have been in conflict during elections, polarization using ethnicity has been a factor contributing to election violence.

Close competition

In some countries in Africa, violence has occurred because of stiff political competition with very close margins. In Kenya, before the Election Day in 2007, polls revealed that PNU party and ODM party had very close margins as revealed by the media during campaigns. Opinion polls sometimes reflect stiff competition by different competing groups if it is done in a transparent way. Biasness in opinion polls could easily lead to election violence.

In Kenya’s General Elections campaigning period in 2007, the opinion polls reflected close competition between Kibaki and Odinga who were competing for the presidency since the beginning of the campaigning period. The outcome of perceived close race may have contributed to disputed elections. The circumstances arising out of this made it difficult to

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determine a clear winner where comments made by the Late Election Commissioner Kivuitu and Kriegler in his report on election reforms in Kenya, that there was no clear winner in the presidential race of 2007. Therefore based on the studies done, close race competition between presidential candidates had a higher probability of causing election violence. This has happened elsewhere thus the researcher sought to find out if it had the same implications in Kenya during the 2007 post-elections violence.

Other Factors

There are factors which contribute to the persistence of both cultures of violence and impunity in post-conflict societies. One of these factors is the weakness of state institutions (Høglund, 2009). State institutions become weak if they are not entrenched well in the country's constitution or lack political will from those in power or leadership. The same idea is advanced by Jarstad (2008) who observes that in societies where government institutions at national and local level are mostly unaccountable, non transparent, politically partial, and financially unstable, there is room for cultures of impunity. This happens when the leadership in power compromises the situation because they want to make the environment unworkable therefore giving them the opportunity to manipulate the institutions and thus fall short of the required legitimacy and resources to manage widespread violence (Høglund, 2009). It does not mean that the government fall short of resources to contain violence but they do it purposely to benefit out of it.

The other contributing factor for such culture is use of violence by state agents (Hoglund, 2009). The governments use state agents either to quell violence or instigate violence. Where the state is benefiting out of it, they use force through the security forces. When the government in power experiences imminent loss of popularity, they suppress the use of security forces. As a result of government using the security forces to advance violence, the security apparatus of the state such as the police and armed forces commit large scale human rights violations at national level and local officials also ensure the perpetuation of such violence at the lower levels (Høglund, 2009). The security apparatus sometimes are seen to be perpetuating violence as it happened in Kenya in 2007 post-election violence as indicated in the findings of the study. There were extra judicial killings by the police forces on the public but those who were involved in killings faced the wrath of the law.

The researchers share the same idea in that political parties use their supporters to instil fear among members of other competing parties. This happens if the parties have their supporters from the same region or area thus political parties may employ violence as a means of achieving various political objectives (Mehler, 2007). In the General Elections of 2007, the two opposing parties used their followers to instigate General Election violence resulting to loss of many lives and property and left many people internally displaced from their original homes. In most African countries, political parties use ethnic groups to advance their interests. The issue of region or area does not apply to areas which are cosmopolitan in their composition. For example what happened in the past election violence, the 2007 post-elections, violence occurred in cosmopolitan areas.

In the African context, political power is considered as a major social good because those who hold it, also have a significant control over a variety of other social goods (Fortman, 1999) therefore violence becomes inevitable, when elections pose a real probability for transforming the prevailing power configurations. This scenario by Fortman and Sisk reflected what took place in Kenya during the advent of multi-partism. The government in

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power was not ready to embrace competitive politics. In 2007 post-election violence became inevitable because the results could have posed a challenge in the power configurations.

African leaders have a propensity to use state power and institutions to promote their own interests or those of their ethnic groups (Nyong'o, 1993). Leaders generally mobilise their supporters based on regional and ethnic affiliations for their personal interests but while in power, they forget about all the promises they made to the electorates.

The stakes in the Kenyan political system are high. A 'winner takes all' political system means that political contests have become all the more charged because of what is at stake; those who achieve political power benefit from widespread abuses including impunity for political manipulation of violence, criminal theft of land, and the corrupt misuse of public resources – indulgences which occur at the expense of groups who are out of power. The vehicle for electoral success is support from regional ethnic power barons who are in turn rewarded with opportunities and patronage. Public office is seen by many as a means for the political elite to access state resources, 'privileges' and opportunities for predatory behaviour (Njuguna, Musambay & Williams, 2004, p. 27).

Competitive elections are more prone to conflict and violence in post-conflict societies due to the stakes involved in such elections (Høglund, 2009). In competitive elections where two parties have almost equal numbers in terms of electorates there is a high possibility of violence. Each party expects a lead as determined by different opinion polls towards elections. The opinion polls which are not genuine or which favour some party are likely to mislead the electorates thus contributing to heightened tensions and subsequently leading to election violence. On the other hand, genuine opinion polls give a clear direction to parties. It prepares the parties to accept election results. The close competition contributed to violence in 2007 post-election because the opposition felt that they were rigged out considering the opinion polls.

Findings

Findings on Structural Context and Electoral Violence

The study findings recorded for objective two which sought to analyse the structural context of electoral management contributing to post election violence in Uasin Gishu and Trans-Nzoia. The researchers thus make the interpretation of the findings for the collected data and there after a discussion comparing findings with previous studies.

The study findings on the composition of ECK depicted 200 (62%) of those respondents who participated saying that they were in agreement with the composition of ECK officials. However, 125 (38%) did not agree with the composition of officials. The highest number of respondents who supported the composition of ECK could be because most of the officials came from their communities and those who may have disagreed with the composition in place were from the minority groups. The findings are shown in table 1.

Table 1: Agreement with Composition of the ECK

Response	Numbers	Percent
Yes	200	(62%)
No	125	(38%)

The respondents from the findings indicated the following reasons for their agreement towards the composition of the ECK during the 2007 General Elections.

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Majority of the respondents said that the officials were very competent doing their work with perfection especially during registration of voters, managing the process of voting during the Election Day. This is contrary to the views of Lyons (2004) who noted that the choice of any electoral administration may influence electoral violence since the issues relating to impartiality and independence, efficiency, professionalism and transparency are important in the context of suspicion and mistrust that characterise post-election violence. The views of the respondents who agreed that the composition was based on competence were majority while those who filled the open ended questions were also many. This could mean that majority had full confidence in them because they knew them and the kind of work they did in the electoral system.

Some respondents believed that officials were effective in discharging their responsibilities. Most of them were in a position to complete their work according to the stipulated time. What they delivered were reliable results from polling stations as expected. This concurs with the views of Lyons (2004), that efficiency, professionalism; transparency, impartiality, and independence are important preconditions to come up with legitimate election outcomes.

The reasons given about familiarity of those areas were because most officials were residents of those areas enabling them to understand the areas without difficulties. The respondents also believed that they were familiar with the officials since they were from the surrounding. Those respondents who agreed that the composition was the right selection based on familiarity areas of the study had similar views with the response from qualitative views. This could be that majority of those participants were from those particular areas and were embracing the same ideology on who to be voted for.

Respondents believed that since the officials were professional, it's possible for them to do their work with competence enabling them to conduct smooth elections. The prevalence of political bias, the absence of accountability and lack of impartiality, independence and competence on the part of electoral administration institutions in particular play an important role in creating suspicion and mistrust during elections (Jarstad, 2008). This is a breeding place for post-election violence. Most of those who were chosen to conduct elections were believed to be transparent especially in conducting the 2007 General Elections. Most of them were working class such as teachers, and others were professionals from different fields. The respondents were asked if the ECK in one way or another contributed to any malpractices during the 2007 General Elections. The study results are as presented in the following sub-sections.

Election Commission of Kenya Contribution to 2007 General Elections Malpractices

Majority of the respondents believed that the ECK officials contributed to malpractices such as bribery and voter buying. This is evidenced from an interviewee who said that despite officials ignoring voter bribery and vote buying by some politician's supporters, officials could not take any action. The interviewee (xx) said “,

I saw some group of young men given some cash at a nearby polling station. It was notes of fifty shillings each. Some were given up to two hundred shillings notes. I was invited to be part of it but because of my principles, I denied totally and left the scene for the long queue which was about one hundred meters away. Another surprising thing was that women were not involved.

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The interviewee may have meant that some individuals were given cash to sway their decisions on voting but still even though they could take action against them, kept quiet. The reason for women not being part of the deal may be due to their fear or lack of interest. This concurs with the views of Allen (1999) that the strategy can be used to manipulate voters either to distort their preferences or sway preference expression. This was a clear indication of openly allowing malpractices in the system. In a focused group discussion, one of the participants said, bribery was common outside the polling areas”. From the response from an interview and a focused group discussion views, it meant that some bribery was going on but no one took keen interest to stop it. This clearly indicates that officials did not play their part as expected by rules and regulations of the electoral system.

Intimidation and harassment was almost the order of the day. This is consistent with the views of Collier (2009) that intimidation can be prioritised by some regimes as a more reliable strategy of securing political support. Some were harassed on the queues and others while casting their votes. The main goal was to alter preferences of voters at the polling station through vote buying or intimidation with the aim of increasing the vote of a specific political force.

Some few members believed that favoritism was common. The view of Allen (1999) is that, distorted rules can be used to prevent candidates from contesting elections or large sectors of the adult population are excluded from voting. One of the informants in a focused group discussion supporting the government of the day said, “My name was missing but the officials declined to refer to the black book for further confirmation”. This meant that the officials favoured some voters during voting exercise depending on the parties they were supporting. Another interviewee (xy) said, “I did not see anything to do with favouritism.” This could be because officials were doing their work according to the stipulated rules and regulations.

Delaying tactics was prevalent in most of the rural areas. What were to be sorted immediately took many hours. This is evidenced from a focused group discussion where one of the informants admitted that there was malice from some officials who used delaying tactics over the issue of missing rubber stamps. That according to him could have been something which was a matter of minutes to get them from the main office. He reported that it took them five hours to report the matter which could have been a delaying tactic from the officials to deny all voters to exercise their voting right. This is contrary to the views of Olawole *et al.* (2013) who assert that, “right to vote is rather a public function conferred upon the citizen for reason of social expediency”. Every Kenyan citizen who is 18 years and above has a right to vote but when this exercise is denied in one way or another, then this right is violated.

Misleading of voters was widespread. One of the victims of 2007 post-election violence admitted that she was misled by one assistant presiding officer to tick at the wrong place only to realise later that it was wrong. This is consistent to IED (1998), “at Kanunga polling station in Kiambu, the presiding officer instructed voters in the queue to put a mark next to the picture of the candidate of their choice rather than the symbol of the party”.

Conclusion and Recommendations

This study concludes that indeed structural context contributed to 2007 Post-Election Violence in Kenya. This is in line with the findings which indicated that ECK was among major contributors to 2007 post election violence with the majority 75.5% of the respondents citing officials were not doing enough in accordance with rules and regulations of the ECK.

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Majority indicated that disputed presidential results and ethnic related issues were likely contributors. However, land with 31.7% was not among the major contributors to 2007 post election violence.

From the literature review and findings, the study sees necessity of dealing with structural contexts in the following ways to mitigate electoral violence: Need to ensure ethnic diversity among officials serving in the electoral process; The appointment of electoral officials should be done on merit; The mechanisms put in place with the government's political will facilitates reforms that sustain reforms; Land being an emotive issue should be addressed through solving historical injustices inflicted on other people.

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