UNDERCURRENTS OF POST-ELECTION VIOLENCE IN KENYA: ISSUES IN THE LONG-TERM AGENDA[1]

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As Kenyans brace for normalcy following the recent post-election violence which engulfed Kenya in the first two months of 2008, they should be wary of undercurrents of the violence that have far-reaching implications for the country's future. Simply dangled "ethnic violence" by both Kenyan and international media, the violence that almost brought Kenya to a standstill after the 2007 general election is a manifestation of longstanding issues which the country previously paid little attention to, and which it must address to avoid their recurrence and undesirable repercussions in future. This paper draws from a wealth of historical, political, economic, demographic and socio-cultural sources to analyse factors that underlay the post-election violence and that may still place hurdles on frantic efforts for durable peace, improved democratic dispensation and equitable division of the national cake in Kenya. It posits that the solution of Kenya's current political problems lies in multidisciplinary diagnosis of the issues in play, taking a new look at the long-term agenda, in particular longstanding injustices in regional development including resource allocation, the land question, historical grievances and invocation of irrelevant cultural stereotypes to discredit certain ethnic communities. Analysis concentrates on two sets of variables: first, independent variables underpinning the colonial legacy and independence governance; and, second, proximate variables embracing regional geo-politics, historical and cultural factors, economic actors, population issues and State intervention. The paper concludes that the land question, ethnic animosity and other injustices connived to cause the post-election violence and must of necessity be resolved to avoid recurrence of violence in future elections.

INTRODUCTION

The post-election violence which engulfed Kenya fell short of civil war that several independent African countries have experienced as a result of factors ingrained in national political, economic and socio-cultural character. To all pundits of Kenya's democratisation and those who had regarded the country as the only "island of peace and tranquillity" in a politically volatile region, the violence that rocked it in the wake of the December 2007 general election came as a great surprise. Yet to social scientists viewing the country through various disciplinary lenses over the last four decades, the post-election violence had for long been a simmering volcano only waiting to explode, the question still lingering being when it would explode. That it exploded as the year 2007 ended and thus denied Kenyans celebrations of the New Year, persisting until the end of February 2008, underlines a deep-seated problem which Kenya must solve both in the short-term and in the long-run to avoid its recurrence. Even as the dust of that political storm seems to be settling, the environment is still bumpy and politicians across the political divide, like most Kenyans, do not seem to trust one another anymore. Neither do Kenyans of all walks of life take each other for granted anymore as they continue to recoil back to their ethnic cocoons after the most difficult time ever in their lives. The post-election violence was partly a response to the disputed result of the presidential poll, and

[1] A chapter for *Democratic Gains and gaps: A Study of the 2007 Kenyan General Elections*.

partly a means for the disgruntled to vent their anger on Kenyans whom they perceived to have for too long hampered positive changes in the country. For those on the other side of the political divide, the post-election was an unnecessary affront attempting to challenge the status quo.

This paper seeks to show that, given the tinder box of outstanding issues that Kenya possesses, even if the Presidential elections were not rigged, violence would still have occurred and in a pattern not too dissimilar to what the country witnessed in the first two months of 2008. It draws from a wealth of historical, political, economic, demographic and socio-cultural sources to analyse factors that underlay the post-election violence and which may still place hurdles on frantic efforts for durable peace, improved democratic dispensation and equitable division of the national cake in Kenya. It suggests that the solution of Kenya's current political problems demands taking a new look at the long-term agenda, in particular addressing longstanding injustices in regional development including resource allocation, the land question, historical grievances and widespread ethnic chauvinism which tend to undermine national solidarity.

After highlighting the sources and limitations of the information used, the paper employs a conceptual framework for analysing perceived undercurrents of the recent post-election violence. The dependent variable – post-election violence – ranged from killing and maiming of people and livestock, looting and destruction of property and arson. Concurring with OHCHR (2008) that variants of spontaneous, organised and retaliatory violence occurred, the study uses the conceptual framework both to organise analysis and to provide a basis for empirical research which, however, was beyond the scope of the study. The paper concludes that the future of general elections in Kenya lies in a careful review of pertinent issues with a view to prescribing lasting solutions. While Kenya has set up commission after commission on practically everything that ails the country, it has failed to implement their finings thereby compounding rather than resolving the problems that the commissions have been established to investigate. The Commission of Inquiry into Post-election Violence (CIPEV) is one that has made far reaching recommendations which, when adopted, will shape Kenya's future and stop further election-related conflict.

DATA SOURCES AND LIMITATIONS

The study draws from diverse sources of secondary and even tertiary data. First, historical sources illuminate evolution of Kenya into a nation-state where nationalities range from cohesive groups to groups amalgamated on the basis of cultural affinity as well as political alignments that provide useful insights of the country's past (Ogot and Kieran, 1967; Ogot and Ochieng', 1998). Second, demographic data provide perspectives of Kenya's demographic transition, gleaned from four decennial censuses since 1969 as well as from the Kenya Demographic Health Surveys (KDHS) since 1989. Successive censuses have yielded invaluable data on population size and growth; spatial and rural-urban distribution, components of population growth and change (fertility, mortality and migration); population structure (by ethnicity, sex, age, marital status, education and economic activity); and urbanisation. That only one-third of Kenya's land area is arable underscores why land is so precious that intertwines with national as well as sub-national politics, and why resolving the land question has eluded the country since independence. Finally, geographical data help

to depict the country's diversity in physical and human attributes, population-land ratio, physical and other infrastructure, the distribution of parliamentary constituencies (often based on unclear criteria), and consequently the distribution of voters and their power in determining voting outcomes. Space dictates that the paper desists from too much detail contained in the sources which it has conveniently cited for further reading.

Studies of conflict and violence stem from different disciplinary sources. Barron et al. (2004:3) inform us that different studies have focused on different types of conflict and that "both theorists and polemicists of the subject not only ask different questions but ask and answer them in different tongues". The multidisciplinary nature of the subject is reflected, for instance, in the report of the seminar on the demography of conflict and violence, which drew together scholars and practitioners from different disciplines, among them demography, history, social anthropology and political science (IUSSP, 2003). Therefore, any analyst has to prudently identify relevant issues without claiming to undertake an exhaustive treatment. While political scientists might stake a strong claim in the subject, they cannot adequately analyse apolitical issues which connive with political issues to cause election-related violence.

A FRAMEWORK FOR ANALYISING POST-ELECTION VIOLENCE

A previous study adopts a conceptual framework for analysing determinants of ethnic conflict which erupted in Kenya immediately before the re-introduction of multiparty politics in the early 1990s. The framework identifies sets of exogenous variables that acted through the intermediate variables to influence ethnic conflict in Kenya at the turn of the 1990s (Oucho, 2002b:22). As conflict can range from simple disagreement to violence, the previous framework informs the framework adopted in this paper to analyse undercurrents of post-election violence in Kenya (Figure 1). The framework posits that post-election violence in Kenya was due primarily to intermediate or proximate variables which were influenced by sets of independent variables, some of them of longstanding significance. Future researchers could undertake empirical work on post-election violence in attempts to apply empirically robust models.

- FIGURE 1 ABOUT HERE

The framework adopted in this study is a mixture of the two frameworks used in Guyana (Premdas, 1992) and Kenya (Oucho, 2002b). In a study of Guyana, Premdas distinguished between "predisposing factors" and "triggering-igniting factors" that determined ethnic conflict and development in the country. Predisposing factors include cultural pluralism, lack of co-operation and overarching values and internal communal beliefs of separate sections, which, are sometimes exploited to advance ethnic differentiation and even perpetuate ethnic conflict thereby displacing formerly co-existent neighbouring ethnic groups. Triggering-igniting factors include colonial manipulation, introduction of mass democratic politics, rivalry over resource allocation, and imported political institutions adopted at independence (Premdas, 1992:5). The OHCHR (2008:5-7) identifies four main causes of Kenya's post-election violence: longstanding dispute over land rights; recurrent violence and persistent impunity; and pre-existing violation of economic and social rights; and vigilante groups. But a careful analysis of the problem suggests that longstanding, recent and election-related issues contributed to post-election violence hence the utility of the

conceptual framework employed (Figure1). An issue like land features numerous times in this framework as it has been the fulcrum of Kenya's wealth, politicking and exploitation and has long-standing as well as proximate underpinnings on the country's political dispensation.

FROM COLONIAL LEGACY TO INDEPENDENT GOVERNANCE

Despite its 45 years of independence, Kenya still clings to colonial legacy and adopts independent governance that remains slavishly tied to it. This section sheds light on these two identifying particular issues which must have influenced the post-election violence.

Colonial Legacy and the Kenya state

The British colonial legacy has impacted significantly on Kenya's governance. Four aspects of the colonial legacy verify this fact: coterminous ethnic-cum-administrative boundaries that make up the country; the "land question" which remains unresolved; conflict-prone migrant labour system which generated farm labourers and squatters and an imperial constitution that has stood firmly in the way of efforts to entrench democratisation. This section analyses each of these issues.

Coterminous ethnic and administrative units

The boundaries of ethnic and administrative units have remained coterminous ever since Kenya was colonised. This is the one colonial legacy which has baited the country to the extent it is repugnant to development. Administrative maps of Kenya in 1924, 1929, 1961 (Ominde, 1968) and even today provide evidence of this trait persisting in Kenya. The apparent bait was the work of the Regional Boundaries Commission which the British Government established in July 1962 to determine provincial boundaries in Kenya. Based on the boundaries that existed and, allegedly, the people's wishes to belong to regions of their choice(methodology for this unclear), the Commission divided Kenya into six regions and the Nairobi area (Ominde, 1968:14); the seven provinces recommended were Central, Coast, Nairobi, Northern Frontier, Nyanza (included the present Nyanza and Western provinces and Kericho district) and Southern.

Apart from Nairobi and Rift Valley provinces, all other Kenyan provinces hold one dominant ethnic group or culturally similar groups. Apparently, mischief dictated the decision of the colonially controlled Commission to bequeath to Kenya one of the problems that keeps rearing its ugly head from time to time. This explains why *majimbo* (Kiswahili for "regions"), which the smaller ethnic groups used as a trump card to acquire their territories and thus avoid domination by the larger ethnic groups. Indeed, its reappearance in political exploits immediately before the 1992 multi-party elections never allowed its different interpretation during the Bomas Draft of the Constitution to gather much support in certain quarters. Although the system of coterminous ethnic-administrative units works well in countries such as South Africa and Ghana, it remains Kenya's nightmare, one that haunts leaders and prickles the led. It flares up whenever conflict erupts, and clearly did so in the post-election violence when certain ethnic groups singled out and attacked other unwanted groups.

The land question: an unfinished agenda

Still lingering on as a colonial legacy is the controversial "land question" and well-recognised inherent problems on which different commissions have prescribed recommendations that have never been implemented. Land has been at the core of Kenya's political evolution since the colonial period. In fact, the "land question" originated during the 1930s when the Kenya Land Commission (1932-33) – otherwise known as the Carter Land Commission – made recommendations that planted seeds of discord, among them: rejection of the notion that that Africans had any land rights in the former "White Highlands"; setting the stage for the Resident Labour Ordinance of 1937, which defined squatters as labourers; directing that the disaffected Kikuyu be awarded 21, 000 acres (8,500 hectares) of land and £2,000 as compensation for loss of land (Furedi, 1989:24-25 and Kanogo, 1987:122, note 33, quoted in Oucho, 2002a: 80); and creation of conditions leading to the country's administrative segregation into a "dual" economy and society by the colonial state (Gordon, 1986: 60, quoted in Oucho, 2002a: 80). The land settlement programme soon after independence seems to have steered clear of this unresolved agenda, which interested parties have addressed as best suits them even when it least suits other contestants.

With time agitation began for recovery of the expropriated land, with Mau Mau rebellion (1952-55) best known for accelerating the pace of land decolonisation if not the whole decolonisation process (Rosberg and Nottingham, 1966; Kanogo, 1989). Yet, to this day, the Maasai, the Kalenjin, the Kikuyu and the Mijikenda, who were most affected, have not had the situation redressed. If anything, much of their land has fallen into the hands of avaricious individual Kenyans and unscrupulous land-buying companies.

Conflict-prone migration

The third colonial legacy is the conflict-prone internal migration system which has pitted migrant labour (and squatters) and migrant settlers on the one hand, against the "host communities" on the other, precipitating intermittent conflict. Migration redistributed population from the traditional sector to the modern sector comprising commercial agricultural areas and urbanising centres. The vast majority of migrants moved from the poorer areas that the colonial land acquisition did not affect.

As soon as the white famers embarked on commercial farming in different parts of the country, with a strong foothold in the Rift and Associated Highlands, they recruited cheap migrant labour from Nyanza and Western provinces exclusively to work, and some from Central Kenya who had the double expectation both to work and to acquire land (Ominde, 1968). There emerged stable in-migration streams which caused rapid urbanisation of Rift Valley Province, the county's most urbanised region. This type of migration never changed much after independence as the new large-scale farmers still required farm labourers from the established sources (Oucho, 1981). Throughout independence, Kenya's provinces have been sharply divided between five net out-migration provinces (Central, Eastern, North-Eastern, Nyanza and Western) and three net in-migration provinces (Rift Valley, Nairobi and Coast). Unfortunately, migration scholars have neglected the unpredictable mobility of those engaging in all kinds of business, albeit strictly speaking not considered migration in the classical interpretation of the concept.

The colonial migrant system also made provision for squatters who doubled as workers and were granted temporary residence for as long as their employment lasted. After independence, Nakuru town, dubbed the "farmers' capital" in the colonial period, became a popular destination for Jomo Kenyatta in his "working holiday" escapades during which he allocated chunks of land to his Kikuyu kinsmen who, in his view, were the landless deserving freely allocated land. To date, Nakuru district represents one of Kenya's political hotbeds as the Kikuyu and the Kalenjin scramble for land and different ethnic groups have bitter struggles over parliamentary and civic authority seats in Nakuru and its environs. Thus, the ethnic mix due to migration has shaken, rather than solidified, the foundation of national solidarity; whenever violence erupts, it easily takes an ethnic dimension even if ethnicity does not feature in the equation.

Imperial constitution

The "imperial constitution" adopted at the Lancaster House Conference in London was a founding constitution, from which Kenya has not deviated markedly. It has retained an imperial presidency often considered above the law – an institution that, with impunity, usurped the powers of the country's legislative, executive and judicial institutions. After KANU convinced KADU to disband and join the government ranks and the Kenya Peoples Union (KAP) was proscribed in 1969, Kenya became a one-party state from 1969 to 1991. As President Moi gained a firm grip of leadership, his government changed the constitution in June 1982 thereby converting Kenya into a *de jure* party state in 1982-1991 (Widner, 1992). But the tide of multi-party politics forced the regime to change the constitution again in 1992, ushering in an era of multi-party politics in which shreds of the imperial constitution still exist. Thus, periodic mutilation of the imperial constitution was meant to suit the powers that be and was hardly in the interest of the electorate. That constitution gave Kenya a deceptively smooth transition for independent governance hence the misguided perception that the country was a bastion of peace in a politically volatile region.

The four issues examined above have placed hurdles on Kenya's way as an independent nation which observes its constitution for the good of the citizens and willing to respond appropriately to the changing political climate that requires equally appropriate changes. Whenever the issues discussed above cause tensions the government ant the citizenry have tended to dismiss them as inconsequential until they rear their ugly heads. Their cumulative effects finally tested Kenya's national solidarity during the recent post-election violence, invalidating the hypothesis that the country is a bastion of peace.

Independent Governance

The second independent variable consists of four facets of the country's governance since independence. The four issues are: maintenance of centralised governance despite its challenges, the baggage of an outdated constitution, unfulfilled promises by successive regimes and the impact of regional instability on the country's political landscape.

Maintenance and implications of centralised governance

Among the inherent features of the imperial constitution is Kenya's centralised system of governance. While the country retains its eight provinces, districts have

been subdivided from time by presidential proclamation, apparently ranging from sub-ethnic groups to lower-level clans. Creation of new districts has become one of the goodies Presidents Moi and Kibaki gave to particular districts which they favoured or wished to woo their votes.[2] Any calls for decentralisation of the country's governance has earned immediate wrath of the political elite who often dismiss it as *majimbo* in the mould of the 1960s.

Kenya's independent governance provides instances of many challenges which negate national solidarity. Nairobi has remained the country's political, economic and international capital, with provincial capitals experiencing shifting fortunes depending on the personal whims of the political elite. At independence, political representation was decentralised through the Regional Assemblies which were soon abandoned when the country changed from a bicameral Parliament (the Senate and the National Assembly) once the KANU-KADU deal had worked out, to Parliament in its present form. Since then the country has adopted a Central Government with an arm of the Provincial Administration under which falls administration at district, divisional and locational levels. Generally, the Central Government dictates orders to the Provincial Administration which follow them unequivocally, and which, therefore, explains why the latter consistently meddles in electoral politics.

In the sphere of development planning, Kenya has experimented with different frameworks since independence in 1963, each of them abandoned without proper cause. First, at independence, decentralisation took the form of Regional Assemblies with provincial jurisdiction. But it soon fizzled out when the three-tier governance – comprising these assemblies and a bicameral Parliament (Senate and National Assembly) – were abolished three years later. Second, the country adopted district-based development planning in the form of the District Development Grant Programme, the Special Rural Development Programme in particular areas, the Rural Development Fund and District Development Planning. By the time of Jomo Kenyatta's death in August 1978, after an imperial presidency, no imprints of these frameworks were evident Kenya had slid into a "private estate" for the few and a no-go area for the majority. The country became sharply polarised between the chosen districts which enjoyed the fruits of independence and the neglected districts which languished in poverty. Third, the Moi regime, flagging the *nyayo* (Kiswahili for "footsteps") philosophy, perfected the system of polarisation by adopting the famed but short-lived District Focus for Rural Development (DFRD) in 1983/84. Sadly, the DFRD turned out to be a complete fiasco as the country's political leadership manipulated it for political ends, directing development to selected districts in Rift Valley Province and others with the leaders closest and most loyal to President Moi. One would argue that Moi was simply emulating Kenyatta who had confined development within Central Province, with Kiambu receiving the lion's share.

Mwai Kibaki's regime in the first term (2002-2007) reorganised the economy which had been registering negative growth by the end of the KANU era, introducing two notable efforts towards decentralisation: the creation of the Constituency Development Fund (CDF) for parliamentary constituencies and the implementation of

[2] In Jomo Kenyatta's regime (1963-1978) Kenya had 41 districts (including Nairobi Extra-Provincial Disrtict) and the number increased to 69 during Moi's rule (1978-2002) and to XXX by the 2007 elections in Kibaki's first term. While the increase might seem legitimate on grounds of population growth, this is not the case as some districts with very large population were not sub-divided.

the Local Authorities Transfer Fund (LATF) for civic authority constituencies. Unfortunately, both the CDF and the LATF represent only minimal decentralisation, if any, and any attempts to cite them as evidence of devolution, as did some PNU politicians during electioneering, made no political sense. Kenya was somewhat a devolved state at independence when Regional Assemblies took care of regional issues, but over the last four decades became a centralised state without any consideration of effective decentralisation. With the Bomas Draft of the Constitution underscoring devolution, which was ODM's campaign trump card, both at the 2005 referendum and at its manifesto for the 2007 general election, it was not surprising that the wave for devolution grew stronger and resonated well with the voters; therefore, PNU's attempts to explain away devolution simply as decentralisation in the decongestion mould could not succeed.

Forty-four years down the line, the three transitional problems of development at independence − ignorance, disease and poverty − still dog Kenyans, in particular the last two. By the time of the 2007 election, independent governance had failed to respond appropriately to Kenya's diversity, which is its greatest asset if judiciously exploited. Successive governments have tended to develop areas from which the top leadership hails and to neglect those perceived to be opposition strongholds, making the scramble for leadership turn into an opportunity for eating chiefs at the expense of starving subjects. The verdict which the voters were deemed to pass in the highly polarised country in 2007 was no change for the better in their lives and, therefore, their desire to embrace change by trying to vote in another party, failing which they would revolt. Indeed, the post-lection violence attests to the latter.

Unfulfilled promises

Kenyan politicians have been making election promises that they never fulfil and successive Kenyan regimes which develop documents that are seldom implemented. It has been a persistent scenario from the regime of Jomo Kenyatta through the regimes of both Daniel Arap Moi and Mwai Kibaki.

As the father of the nation for fifteen years (1963-1978), President Jomo Kenyatta maintained the tempo of Kenya's development, stabilising the economy and inculcating a sense of nationhood in Kenyans. But instead of Kenyans witnessing the trappings of the much-touted African socialism, they saw the country become a ruthless capitalist state with the vast majority barely surviving and with land freely allocated to the selected, politically correct or well-connected few. That period saw the sowing of the seeds of inequality.

Daniel Arap Moi was a master operator of "use and dump" politics. His regime was characterised by replacing a person from an ethnic group with one of their own, making sure that once one was used, one had to be dumped. After promising to deliver a new constitution to Kenyans in the sunset days of his regime, he put hurdles that were hard to remove. After all, through manipulation of elections and defections from other parties to KANU, he controlled Parliament which passed whatever legislation at his pleasure. Kenyans became consistently poorer as the Moi years elapsed, the workers promised salary increments during elections never received them, the districts created through presidential proclamation had no infrastructure and in no way served well the supposed beneficiaries and institutions that had for long

been the country's pride simply collapsed. The *wanainchi* (Swahili for "citizens") became demoralised that they voted out KANU in 2002.

The NARC government which assumed power in 2002 and whose presidential candidate changed parties to be the PNU candidate in the 2007 presidential election failed the electorate who had vainly waited for the much promised "change". NARC's catalogue of promises soon evaporated as the status quo took a firmer grip. In the 2007 general election, the electorate tended to give the ODM the benefit of the doubt to deliver the stalled change, including the quest for a new constitution which the NARC government tried unsuccessfully to influence in its favour by attempting to substitute the Bomas Draft with an adulterated Wako Draft. Thus, throughout the three regimes, Kenya belonged to cliques who did not care about the problems facing the country and its gullible taxpayers. When the regime that *wananchi* were determined to vote out allegedly stole the presidential election, it had to be stopped at any cost hence the post-election violence.

Impact of regional instability on the Kenyan political landscape

Despite Kenya having been a bastion of peace in a region which has witnessed episodes of civil war, indiscriminate killing of innocent people including children and gross violation of human rights, it was bound sooner or later to catch the bug of instability. Lying east of it is Somalia, a failed state without a national government; to the north is Ethiopia which is still smarting from a protracted civil war; and to northwest is Uganda which has been recovering from civil war in the wake of Idi Amin's most repressive military coup in the 1970s. Farther away is Rwanda where the 1994 genocide caused ripples in the entire region. Refugees from these countries moved to Kenya, some of them indoctrinating Kenyans with their foul experience, sometimes wooing gullible Kenyans to emulate their unlawful schemes.

Results of this mixed unrest include the sale and movement of small arms, existence of hired gangs (for example, *Mungiki*, "Taliban", "Baghdad Boys" and so on) who were ready to cause harm as directed by their benefactors and surreptitious involvement of contiguous states in Kenya's 2007 electioneering. During the post-election violence, rumours had it that Ugandan soldiers became involved in indiscriminate shooting of civilians in Kisumu, fuelling the suspicion that Kenya's neighbour, not known to have enjoyed peace since the turn of the 1970s, supported the status quo. Indeed, such rumours became prominent once the government had gagged the electronic media.

PROXIMATE DETERMINANTS OF POST-ELECTION VIOLENCE

There are multifarious intermediate variables that must have determined post-election violence in Kenya. As any effort to unravel an exhaustive catalogue of them is at best pretentious, our analysis concentrates on an illustrative array. Particular factors influenced different traits of violence in particular settings. For example, Sarah Bayne (2008) identifies four broad forms of post-election violence: spontaneous violence which broke out in the ODM strongholds soon after the announcement of the presidential election result; organised attacks in the Rift Valley in a Kalenjin-Kikuyu rivalry; organised retaliatory attacks by gangs of Kikuyu youth, directed at the Luo, Luhya, Kalenjin and other groups in the farming enclaves of Nakuru and Naivasha; and excessive use of force by the Kenya Police which killed some and maimed other

civilians in particular areas, mainly in western Kenya. This study argues that the independent variables already discussed in the previous section cushioned the intermediate variables which directly shaped the post-lection violence. Four categories of these − geo-political factors, historical factors, population issues and state intervention – provide useful insights.

Regional Geo-Politics

Kenya's regional geo-politics can be analysed under the rubric of six factors. These are ethnic balkanisation which interrelates with the voting pattern; the pattern of political alliances and inherent gambles; the electorate's consciousness of and sensitivity to the changing political climate; reinvigoration of the revolution which began in 2002 but stalled midstream; political leaders' mistrust and bigotry; and the spirited crave for devolution/regionalism to reduce centralised governance.

Ethnic balkanisation, voter enclaves and swing provinces
As explained above, there were three areas for bloc votes and some swing provinces in which the three parties scrambled for votes. Table 1 provides insights of voter registration, votes polled for each presidential candidate and voter turnout by Kenyan provinces. Ethnic balkanisation of the country generated three voting blocs ─ two main ones in western Kenya and Mount Kenya area and a tiny one for ODM, PNU and ODM-Kenya respectively. All other provinces remained to provide swing votes and, therefore, became serious hunting grounds for registered voters.

The three western Kenya provinces had a total of 6,964,743 (48.7 per cent of the grand total) and central Kenya alone had a share of 15.3 per cent of the total; their voter turn-outs were 5,095,179 (51.1 per cent) and 1,704,004 (17.1 per cent) respectively. Table 1 implies that Raila Odinga would have the majority of the western bloc, Mwai Kibaki that of Mount Kenya region and Kalonzo Musyoka had no chance whatsoever to make it even to a rerun should that become necessary.

The previously non-block Western Province for once became an important companion in the western Kenyan voting equation. Macarthur(2008) attributes this anomalous show of solidarity of Western Province to three factors: a divided KANU which in the past had camped and captured majority votes in the province; ODM's consciousness of regional interests likely to be satisfied through *majimbo* which the province favoured in 1963 and flagged by the 2007 elections in terms of devolution provided for in the Bomas Draft of the constitution; and acknowledgement of prophet Elijah's Masinde's prophecy that Luhya leadership would come from the lake (Victoria) from which Odinga hailed (Macarthur, 2008:228). To this end, Western Province's Musalia Mudavadi was Odinga's viable running mate, with Rift Valley's William Ruto expected to become the Prime Minister in the ODM government. Equally disaffected were voters in Coast Province, a rich region which had been fully exploited by upcountry people at the expense of the coastal people who now had the chance to vote out an unpopular, untrustworthy government which had perpetuated longstanding marginalisation of this potentially rich region. In the ODM manifesto, North-Eastern Province, which hitherto had remained an economic backwater since Kenya's independence, was to have a special development programme that would change its economic fortunes and improve the lives of its people as well as livestock.

Table 1 Distribution of voter registration in Kenya by province, 2007

Province	Registered voters	Votes for each candidate			Voter turnout	
		Mwai Kibaki	Raila Odinga	Kalonzo Musyoka	Number	Percent of total
Nairobi	1,275,445	313,478 (47.4%)	288,922 (43.6%)	52,974 (8%)	662,038	51.9
Coast	1,178,537	197,354 32.8%)	353,773 58.8%)	38,878 (6.5%)	601,201	51.0
North Eastern	315,756	97,263 50.4%)	91,440 (47.4%)	4,498 (2.3%)	192,965	61.1
Eastern	2,374,763	840,804 (52%)	83,595 (5.2%)	726,782 45%)	1,615,967	68.0
Central	2,186,936	1,643,421 (96.4%)	30,655 (1.8%)	11,231 (0.7%)	1,704,004	77.9
Rift Valley	3,358,381	916,112 35.7%)	1,584,271 (61.7%)	34,334 (1.3%)	2,567,931	76.5
Western	1,564,682	312,300 ((32.5%)	639,246 (66.6%)	6,729 (0.7%)	960,109	61.4
Nyanza	2,041,680	262,627 (16.8%)	1,280,978 (81.7%)	4,470 (0.3%)	1,567,139	76.8
All provinces	**14,296,180**	**4,583,360 (45.97%)**	**4,352,880 (43.65%)**	**879,896 (8.82%)**	**9,971,354**	**69.7**

Source: Crisis Group Africa Report No. 137, p.6; per cent of voter turnout computed by the author.

Pattern of political alliances and gambles

The alliances formed in the ODM were unknown before in Kenya's political history. With Nyanza province's longstanding disaffection with previous governments and Rift Valley province opposing Kibaki for ungratefulness to the region, after Moi's an alliance between them was to be expected. Most unexpected, however, was Western province, with a former short-lived Vice President − Musalia Mudavadi − becoming part of a formidable opposition. Macarthur (2008: 227) observes that throughout Kenya's independence, the Luhya had distinguished itself as an unpredictable voting bloc, in 1963 and 1992, "the Luhya split three ways, some voting with the Kalenjin, some with the Kikuyu, others remaining independent" (p. 231); *but seldom with or for a Luo* (author's emphasis).

Running its campaign under a strong institutional framework known as the "Pentagon" – in the persons of Henry Koskei and William Ruto from Rift Valley, Musalia Mudavadi from Western, Joseph Nyagah from Eastern and Najib Balala from Coast, and later Charity Ngilu from Eastern and representing women's interests ─ ODM and its presidential candidate had more or less locked up most regional votes. This arrangement not only provided credibility for power-sharing arrangement across the provinces, there would also be redistribution of resources, equitable development and resolution of the constitutional stalemate (Macarthur, 2008:228).

PNU, on the other hand, was still a patchwork of several parties posturing for the booty and having a candidate who was not too sure of votes beyond the Mount Kenya region. It had the old guard who had been civil servants in the colonial period, some of them with grossly unpopular records and had Kenya's "who is who" in the

economic arena but clearly past their political limelight. Judging by attendance at political rallies, young voters, educated but unemployed and poor, never wanted to listen to PNU's call of status quo when its candidate had duped them in his first presidential term. The message of change propagated by ODM made the young voters hopeful that things might just be different next time around.

Electorate's consciousness of and sensitivity to change

The violence witnessed in the wake of Kenya's 2007 general election has a consistent history, namely a contest between reactionaries who insist on status quo to ensure their grip of power and revolutionaries who would stop at nothing before change engulfs Kenya. The two parties were strange bedfellows; reactionaries (exclusively within the PNU) pledged continuation of the status quo while their opponents, the ODM, clamoured for change which the NARC government had failed to deliver. This analysis sheds light on ethnic balkanisation of the country and its implications for bloc voting; the emergent pattern of regional voting blocs and swing provinces; the electorate's consciousness of and sensitivity which moved them to vote out the Kibaki regime; a call by the proponents of change for reinvigoration of a stalled revolution; heightened mistrust among political leaders in the run-up to the 2007 general election; and the crave for devolution and regionalism as an alternative to a powerful central governance.

Kenya held ten elections in the 44 years 1963-2007, making it one of the few sub-Saharan African countries with an orderly transfer of power from one regime and one President to another. Yet that was not to be in 2007 when politicians who had at one time been in government and at another in the opposition were pitted against each other in the tenth general election. The 2007 general election was a contest of Kenyan veterans vis-à-vis younger and more popular politicians who relied on specific alliances which they believed would win the day. For post-*uhuru* (Kiswahili for 'independence') children then aged anything up to 43 years, the election marked their moment of reckoning, an opportunity for determining change in the country and a challenge to consign the older generation to political wilderness.

An important backdrop to the 2007 general election was the 2005 referendum on the country's new constitution which had been on the drawing board for eight years towards the end of the Moi regime. In contest were two camps: proponents of the Bomas Draft adopted in multi-stakeholder assembly that had deliberated for a long time to reach that verdict, and their opponents who favoured the Wako Draft (the government-approved version) crafted by a smaller clique who had adulterated the Bomas Draft. In retrospect, the result of the referendum had to a large measure been influenced by the African Peer Review Mechanism (APRM) exercise in Kenya in which a broad spectrum of the Kenyan society had expressed their dissatisfaction with the country's performance relating to four APRM pillars, namely democracy and political governance; economic governance and management; corporate governance; and socio-economic development (NEPAD Kenya, 2006). Against the backdrop of both the APRM and the referendum, the Kenyan electorate had become alert to detect tricks in, and were prepared to vote against, the Wako Draft. To such voters, the 2007 general election would be but a repeat vote of the 21 November 2005 referendum. In the hard-hitting language of Kenya Socialist Democratic Movement (KESDEMO (2005), "the calling of the referendum was itself a political suicide by a corrupt and insensitive government that turned its back against the mass opposition to a

counterfeit and mongrel Constitution that was fundamentally on trial at the referendum"(http://kenyasocailist.org/ksws/2005/congratulations_to_odm.htm). When victory eluded the confident and highly motivated ODM and its ardent followers, hell broke loose at what they dubbed PNU's stolen victory.

*Reinvigorating a stalled revolut*ion

The 2002 revolution which showed KANU the door dissipated quickly once a clique in NARC began scheming to sideline its main architects in the characteristic Kenyan style of "use and dump" politics. In 2003, senior members of the NARC government who had never participated effectively in the 2002 election campaigns, sprang back into action through grand corruption (for example, the Anglo-Leasing and contract for the new passport scams), ethnic nepotism, sheer arrogance and interference with the media. Analysts have argued that the culprits took undue advantage of their proximity to President Kibaki and, therefore, took the law into their own hands. In no time, Kenya soon lost the good will from the donor community and embarked on a downward road to nowhere. The revolution stalled and had to pick up in the 2007 electioneering campaign.

The NARC government had been elected on the platform of change and hope. The Kenya Socialist Democratic Alliance (KSDA) calls these "NARC's unfulfilled election promises", namely a wage increase for teachers; 500,000 jobs per year (2.5 million by 2007); a new Constitution in 100 days; an end to corruption in the country; return of billions of Kenya Shillings stashed away in foreign bank accounts; bringing to book (delinquent) officers from the former regime; and ending tribalism in Kenya.

In Kenya's electoral politics, there had never been such a juicy cocktail of satisfying voters' quest for real change hence their high turn-out in the 2002 general election to remove KANU which had caused much rot in Kenya for four decades. The voters felt duped and no doubt waited to express their disapproval come the 2007 general election. Surprisingly, none of these was achieved. (http://www.kenyasocialist.org/kswsfiles/Election%20promises%20unfulfilled.htm).

As Table 2 shows, an interesting pattern emerged in the polls, with Kibaki having unassailable lead between October 2006 and August 2007 when Odinga took over the leadership by September, after his nomination by ODM. Musyoka, who had been in the second position after Kibaki, began to complain and doubt the polls when Odinga had taken over the second position in April, embarking on such unbecoming reaction as declaring that a Luo would never lead Kenya and, on realising his declining fortunes, taking over the original ODM before decamping to form ODM-Kenya. With Odinga's inevitable crowning for the ODM ticket, Mudavadai and Ruto, who had been Western province and Rift Valley province candidates, fizzled out and Uhuru Kenyatta slowly tilted toward the Kibaki camp. That Odinga opened a wider lead in September and October 2007 and maintained a slim lead up to eleven days before the poll date must have been a source of worry for Kibaki and the PNU. For the first time in Kenya's history, an incumbent President was trailing in opinion polls and his defeat was expected unless something extra-ordinarily favourable to him happened. The extra-ordinary occurrence was the announcement of the presidential election results in the evening of 30 December 2007, followed by an unprecedented situation of hurried swearing in of Mwai Kibaki a few minutes thereafter. Soon a dark

cloud settled on the Kenyan scene as another extra-ordinary response, a post-election violence never seen before in Kenya, erupted in different parts of the country.

The gathering storm can be gleaned from Table 2 which shows how opinion ratings changed between the two strongest contenders. Of the sixteen polls taken between October 2006 and eleven days before elections on December 29th 2007, Steadman and Strategic took part in eleven, Infotrak in only one month and all others once apiece.

Table 2 Opinion polls for Presidential candidates in Kenya elections, 2007

Poll date	Presidential candidate by % scored					
	Kibaki	Musyoka	Odinga	Mudavadi	Ruto	Kenyatta
October 2006[a]	41	20	13		3	5
Dec. 2006[a]	42	20	14		3	5
March 2007[a]	51	14	17	2	2	2
April 2007[b]	44.3	15.3	18.7	2.7	2.6	3.5
June 2007[c]	45	14	28	4	3	4
July 2007[a]	45	11	27	3	2	2
August 2007[d]	42	11	25	8	6	1
August 2007[a]	47	13	36			
Sept. 2007[a]	38	8	47	Undecided		
Sept.30, 2007[g]	40.2	12.4	47.4	0		
Sept. 30, 2007[d]	34	16	46	4		
Oct. 6, 2007[g]	39.6	10.8	49.6	0		
Oct. 6. 2007[d]	35	15	46	4		
Oct. 13, 2007[a]	37	8	53			
Oct. 14, 2007[g]	35	11	52	2		
Oct. 14, 2007[d]	33	13	49	5		
Oct. 20, 2007[g]	35	14	51	0		
Oct. 21, 2007[d]	31	14	52.2	2.8		
Oct. 23,2007[a]	39	8	50			
Oct. 28, 2007[g]	33	14	51	2		
Oct.28, 2007[d]	32.2	14	50	3.8		
Nov. 4, 2007[g]	35	14	50	1		
Nov. 11, 2007[g]	37	13	48	2		
Nov. 17,2007[e]	42	45	11			
Nov. 17, 2007[g]	38	13	49	0		
Nov. 21,2007[f]	41.4	14.7	40.7			
Nov. 23, 2007[a]	43.3	11.4	43.6			
Nov. 23, 2007[g]	38.6	14	45.2	2.2		
Nov. 30, 2007[g]	38.4	17.5	43.2	0.9		
Dec.7, 2007[a]	42	10	46			
Dec.7, 2007[g]	39	17	43	1		
Dec. 12, 2007[g]	36	17	46	1		
Dec. 18,2007[a]	43	10	45			

Notes: [a]Steadman International; [b]International Republican Institute; [c]Research and Marketing Services; [d]Infotrak Research &Consulting and Harris Interactive Global; [e]Gallup; [f]Consumer Insight; and [g]Strategic Public Relations and Research.

Sources: http://en.wikipedia.org/wiki/Kenyan_Presidential_election,_2007Wikipedia; http://www.scribd.com/doc/919540/Kenya-Polls.

Political leaders' mistrust and bigotry

In a survey of Kenya, Bratton and Kimenyi (2007:5) found that "Kenyans do not easily trust co-nationals who hail from ethnic groups other than their own… that political conflict is all too common among people of different ethnic backgrounds, especially in the national political arena". Indeed as the Kenyan electorate was preparing to get to the polls, the electioneering machine was grinding at various fronts. Two dominant political parties harboured satellite parties of varied strength and influence.

The PNU camped in Central Province and the northern portion of Eastern Province (better known as the Mount Kenya region) but drew support from a divided KANU, NARC-Kenya, Ford Kenya with a home in part of Western Province, New Ford Kenya which split from it, Safina Party, Shirikisho and other smaller parties. Its candidate was Mwai Kibaki, the man who had become President in 2002-2007 when Raila Odinga's famous "Kibaki *tosha*" (Kiswahili for Kibaki "fits the bid") wooed majority vote for him and crippled Uhuru Kenyatta, the KANU Presidential candidate in 2002 who was easily dismissed as a 'Moi project', that is, Moi's proxy to maintain the status quo. Kibaki was a candidate who, through his *kazi iendelee* (the work to continue) slogan, called for status quo which was no music to the ears of Kenya's most marginalised groups ─ the youth and women who constituted the majority of registered voters.

The second party with a formidable power-base across generations, class and educational achievements of Kenyans was the ODM which, with the help of KANU and Moi, whose word then was unquestionable throughout Rift Valley Province, had landed defeat to pro-government parties at the 2005 referendum, and which since then had organised itself much better for the 2007 general election. Its presidential candidate was Raila Amolo Odinga, the populist politician upon whom the youth and women placed their support as they became hopeful of change which was ODM's slogan; in his acceptance speech the day he was nominated the ODM candidate, Odinga told his supporters that he was the bridge linking the present to the future. The party capitalised on the frustration of most Kenyans, reminding them that the Kikuyu had grabbed everything while all other ethnic groups had lost everything, that Mwai Kibaki had betrayed his promise for change, that crime and violence had gone out of control with the police having failed to eliminate criminal groups such as Mungiki, that there was no need for government to sing about the country recording economic growth when that had not brought any benefits to the ordinary citizen (Prunier, 2008).

ODM-Kenya, which had camped in Ukambani with Kalonzo Musyoka as its son-of-the soil candidate, had no national appeal whatsoever. It was a party waiting for the spoils by promising miracles in the final results; by joining ranks with PNU while the election dispute raged, ODM-Kenya seemed to have been determined to lock out ODM from winning the presidential election.

Apparently, the miracle which Kalonzo Musyoka kept promising the country, was his covert support for a Kibaki presidency, having presumably been promised the plum position of Vice Presidency. That Musyoka was appointed Vice President while there was still a stalemate on results of the presidential election makes this hypothesis more plausible, his dispute with Raila Odinga on the pecking order later in the Grand Coalition government by no means surprising.

Heightened crave for devolution/regionalism

Attempts by PNU to interpret devolution in the context of "majimbo" could not wash. Majimbo had gone through three phases of interpretation: in the run-up to independence, immediately before the 1992 multi-party elections and as contained in the Bomas Draft of the constitution and propagated by ODM. As Kenya was approaching independence, the Kenya African Democratic Union (KADU), made up of minority groups as an affront the Kikuyu-Luo dominated Kenya African national Union (KANU), clamoured for "majimbo", that is regionalism that would safeguard their territoriality. KANU saw this as a means toward creating disunity in a country where its slogan *uhuru na umoja* (Kiswahili for "freedom and unity") made much sense after many years of the British "divide and rule" strategy. KADU soon capitulated to join KANU in government, making Kenya one-party state before the short-lived (in 1966-69) Kenya Peoples Union (KPU) emerged. The second phase of "majimbo" was marked by ethnic clashes in KANU zones as Kenya prepared for the first ever multi-party elections after two decades of one-party dictatorship. Proponents of "majimbo" then were stalwart KANU leaders who opposed multi-party politics. Although the Bomas Draft talked of devolution, which is not "majimbo" of the pre-independence time and as couched by Rift Valley politicians towards 1992 general election, the latter gained prominence when the Banana group, which had transformed into PNU, tried to convince Kenyans that ODM's call for equitable distribution of resources in different regions and devolution actually underscored "majimbo". As Kenya still tries to complete the constitution review exercise, devolution invokes differing images in different parts of the country.

Historical factors

Historical factors are so critical in Kenya's democratic process that they cannot be easily dismissed or wished away as inconsequential. Where land was attractive, it was appropriated and where it was not, procurement of cheap labour became a substitute. Avaricious land transfers in the independence era made a minority extremely wealthy while the vast majority languished in poverty. Eating into Kenya's social fabric are cultural affinity and stereotyping which harbour even outdated traditions and discriminate against certain ethnic or cultural groups in Kenya. Finally, since 1991, Kenya's election environment has been hostile, particularly around the time of elections when prospective voters of particular parties or candidates are evicted on flimsy grounds. Therefore, the recent post-election violence should be regarded as the peak of what had been building up over the last sixteen years.

Unresolved land question

The "land question" has reared its ugly head in Kenya from the perspectives of transfers, purchases and gratuitous grabbing. In the forty-five years of Kenya's nationhood, more questions have been raised on these and other issues relating to land, but without satisfactory answers to settle the land problem.

The history of the Kenyan land settlement programme is riddled with politics, economics, intrigue and deliberate misinterpretation of facts depending on the analyst. When land alienation took place in the colonial period, indigenous peoples receded to the "African Trust Lands" or the so-called "reserves" that took on ethnic tags as the Luo reserve, the Kikuyu reserve, the Kamba reserve and so on (Leo, 1984:4, quoted in

Oucho, 2002a: 32). There were no Luhya or Kalenjin reserves as these nomenclatures arose in the colonial period to amalgamate different ethnic communities with some linguistic-cum-cultural affinity. The land settlement programme can be viewed through two lenses: resettlement of the rank and file of the society and land acquisition through political patronage as well as land-buying companies, some of which turned out to be highly unscrupulous.

Although Kenya's land settlement programme was an integral part of the independence package which provided an opportunity for Kenya to redress land grabbing by British settlers during the colonial period, it precipitated inequality where the rich acquired land indiscriminately and clearly at the expense of the landless. Migrants who had been squatters in Rift Valley Province took advantage of the temporary stay they had been granted by the white settlers to stake claims on land, knowing full well that such land actually belonged to the Kalenjin and the Maasai. Coastal land was similarly acquired without due regard to the Mijikenda who were its rightful claimants. The chief architect of land transfers was Kenya's founding President , Jomo Kenyatta, who took advantage of his unchallenged position to settle his kinsmen, presumably invoking the constitution which allowed Kenyans to settle anywhere in the country. With carefully planned official itineraries, Kenyatta frequently went on "working holidays" in Nakuru and Mombasa – and to no other part of the country ─ with a singular mission: land allocation to his kinsmen who were supposedly landless and had fought for Kenya's independence under the banner of Mau Mau and, therefore, deserved free land.

Officially, a dual land settlement policy was adopted – settlement of the landless poor with limited capital and agricultural experience on the one hand, and a "willing buyer-willing seller" arrangement; the one involving the poor without much capital and know how, the other elitist. This dual system generated three types of settlers: (a) the poor, unemployed landless persons who were allocated land in the High Density Schemes; (b) the middle-income group with some capital who occupied larger landholdings than (a) the rich, most privileged persons capable of buying more land, mainly in Low Density Schemes including the first two (Oucho, 2002b: 154). Some farmers formed cooperatives and thus bought chunks of land through land-buying companies which benefited from credit facilities. Land settlement has been the root cause of social tensions, which triggered political tensions between sons of the soil and those they referred to as "invaders". Finally, settlement took a regional bias in which the settlers remained in their provinces with the exception of those from Central and Western provinces who crossed over to Rift Valley Province. Whenever political heat strikes, these in-migrants become victims of violence, looting, arson and destruction of property. This has become such a predictable phenomenon that surprisingly the Government of Kenya has only taken palliative measures to try and redress it.

One question that keeps begging is who owns land in Kenya. The one thing to the credit of Kibaki's first term (2002-2007) is opening up the democratic space which among other things permitted press freedom and investigative journalism that, unlike the Moi regime when Kenya the media was heavily gagged, to reveal information in the public domain. Revelations by investigative journalism and information compiled by the MARS Group Kenya regarding who owns land in Kenya, underscore how Kenya's political elite and their relatives as well as politically well-connected friends have grabbed land in Kenya, particularly in Rift Valley Province. In an exclusive article in

the *East African Standard*, Namwaya (2004) gives a "who is who" list some of those owning land in Kenya. Under dubious land transfer arrangements, the list includes all three Kenya's Presidents and their family members as well as close friends; it also includes former top-brass civil servants and heads of state corporations who were presidential appointees. In the MARS series, Kamau Ngotho draws attention to "big money games that run Kenya's politics" (Ngotho, 2008), noting that the intricate links between land and politics point to the fact that "[This] is a system that has continuously perpetrated, in successive fashion, socio-economic injustices that have been seamlessly transferred from one power regime to the next". In Kenyan society where newspaper reading, listening to different radio stations including FM stations and watching TV have become the rule rather than the exception, it would only be a matter of days before Kenyans read, digested and made rational conclusions on how political leaders had duped them and why they, as voters, had to react appropriately by voting out the Kibaki regime for failing them. Conversely, ODM had packaged its campaign with particular to different categories of voters. Its manifesto pledged redress of historical land injustices, unemployment, inequitable resource sharing and poverty through a radical people-tailored constitution transformation (the Bomas Draft of the constitution), tackling the land problem as provided for in relevant chapters of the said constitution ─ for example, through devolution and establishment of a National Land Commission.

The crux came with the famous, but conveniently ignored *Report of the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land* (otherwise the Ndungu Commission) which completed its work in 2004 (Republic of Kenya, 2004). This report noted, among other things, that Land wards were made to "both Kenyatta and Moi families, as well as to a raft of former ministers, MPs, judges, civil servants and military officers, with recommendations that the large majority of such awards should be revoked" (Southall, 2005). It recognised that land retained a focal point in Kenya's history and was crucially important in the country's independence; that it had been allocated as political reward and for speculation rather than for development purposes; and that ironically the colonial system of land allocation by direct grant facilitated government's illegal and irregular abandonment of public land after independence (excerpts from the report of the Ndungu Commission, quoted in Southall, 2005). Perhaps the very name of the Ndungu Commission biased responses; it should have avoided the adjectives and just underscored "land allocation", working with a clear conscience to determine whether or not land was acquired illegally or irregularly.

Cultural affinity and stereotyping

The second historical factor is cultural affinity or differences that engendered ethno-cultural animosity and unnecessary stereotyping between ethnic groups, often ending up in ethnic strife, conflict and violence. It has been noted that the "ethno-conflict theory" − incorporating social, political and economic structures, religion, language and folk psychology, though not sources of conflict − identifies variables within a cultural system that with time can both cause conflict and contribute to conflict resolution (Centre for Conflict Resolution, 2000). In Kenya, different key players in cultural stereotyping included vernacular FM radio stations which relayed news and played offensive music aimed at enemy groups, the yellow press which circulated alarmist information and politicians from particular communities whose inflammatory language against other communities lit the fires of confrontation. Towards the 2007 general election, Kenya had implicitly become divided into ethno-cultural zones: the

GEMA zone in Mount Kenya region, the Kalenjin enclave in Rift Valley Province, the Luhya zone in Western Province with the exception of a part of Bukusu area, the Luo and Gusii enclaves in Nyanza, the Muslim backyard in Mombasa and so on. Not surprisingly, PNU did not waste any resources in much of Nyanza and Western provinces, and, in equal measure, ODM made exceptionally few visits to the Mount Kenya region as well as Ukamabani. It was a matter of "our region for us only as its owners" and "Kenya for all Kenyans" to struggle for.

A violent elections environment

The one legacy of the Moi regime is the creation of a violent elections environment. In Kenya, elections are a question of life and death, contests in which spilling of innocent blood and killing of unarmed civilians have become the norm − indeed, occasions when opponents are actually enemies willing to go full throttle to cause mayhem.

Kenya's 1992 general election was held against the backdrop of violent electioneering in which vigilante groups such as the "Baghdad boys", "Angola Musimbiji", *jeshi la mzee* (Kiswahili for the "old man's army") and so on terrorised non-conformists of the KANU regime with impunity. No arrests were made and where arrests were made the culprits got away with crime at the intervention of their benefactors. Law and order broke down in the face of either partisan or indifferent security forces, making Kenya an unsafe country. A repeat of all this in the 1997 and 2002 elections confirmed lack of government intervention in criminal behaviour. Although the 2007 electioneering did not witness as much violence as had occurred in previous elections, it was a camouflaged peaceful election environment which exploded when dispute arose over the announced the result of the presidential election after two days of inter-party grumbling. Events of the two days of extreme anxiety psyched different interested parties to try and make redress in whatever manner best suited them, and post-election violence was a manifestation of this.

Economic Factors

Increased youth unemployment

Despite attaining exceptionally good education, the Kenyan youth have been reeling from unemployment and poverty. The problem is traceable back to the mid-1980s when the country began expanding university education which failed to absorb the growing band of secondary school-leavers produced in the independence era. Indiscriminate expansion of secondary and tertiary education without concomitant creation of employment opportunities defeated the very purpose of education in the country. Promising such youth employment, credit facilities and other goodies, as happened in the 2002 electioneering by NARC, without ever fulfilling the promises, was therefore one of the greatest shortcomings of Kibaki's first term. Pledging to complete the stalled revolution, ODM no doubt became the party of choice for and by youth; a party whose failure to capture leadership on fraudulent grounds never went down well with the youth. That the youth revolted was a predictable response.

Spiralling cost of living and increased pauperisation

The spiralling cost of living had become unbearable for many Kenyan households who saw voting out the government in power as their only hope for a

better economic climate. Unlike the past when bribes worked, the stakes were too high and voters would take bribes from one party or even several parties, but probably vote for the party of their choice. Increased poverty at individual, household and regional levels, which ODM promised to eliminate by citing specific strategies, became an important campaign chip. The government's argument that the country was enjoying an economic upturn was a fact, but the ordinary *wananchi* had not seen any positive changes to warrant voting for it hence voters' overwhelming support for the opposition party.

Regional inequalities

Kenya's imperial presidency has usurped the three arms of political governance, namely, the legislature, the executive and the judiciary. During the Moi regime, the presidency played a triple of role of having the prerogative to direct legislative, executive and judicial matters of the state of Kenya. In his inaugural speech as President under the NARC government, Mwai Kibaki gave Kenyans the false year-end message that the country would accede to the rule of law and that his presidency would desist from "roadside announcements". But no sooner did the New Year dawn than the President embarked on roadside announcements and continued to play the triple role of being the de facto head of three arms of governance. He appointed the cabinet without recourse to those who had made NARC victory possible; continued with the ethnic nepotism formula to appoint top-brass civil servants and heads of state corporations, some of the appointees long past retirement age; and on the recommendations of the Ringera Commission, his new government dismissed judges who had served Kenya for decades, allegedly for being corrupt and incompetent but who have never been prosecuted up to now. Kenyans believe this move was meant to make the judges scapegoats to let the President appoint judges who would support his rule at any price. Some Kenyans suspect that the appointment of Justice Philip Waki chair the Commission of Inquiry into Post-Election Violence (otherwise the Waki Commission), after he had successfully challenged his sacking in court and got back his job, is a means to both placate and compensate him handsomely for whatever losses he had incurred.

Ethnic nepotism characterised appointments in the public service. When NARC assumed the reigns of power in 2003, it announced that meritocracy would guide all appointments in Kenya. This never happened and in fact ethnic nepotism worsened after the November 2005 referendum when all appointments were confined to the Mount Kenya region. It is in the NARC regime that those aged 60 years or more dominated top-level appointments and ensured that younger, better qualified and more energetic Kenyans were kept at bay, never to be seen closer to the corridors of power. That the older generation are still keeping their positions is more surprising in the Grand Coalition government; they might still be keeping close to their treasure which could be exposed once their appointments are terminated.

Invocation of the "theory of ethnic nepotism" is inherent in Kanyinga's (2006: 374-394) analysis of public appointments confirms consistency of ethnic nepotism. Jomo Kenyatta's cabinet appointments favoured the Kikuyu. Moi followed suit, even appointing people who were unqualified for the positions they encumbered, leaving the appointees with simple options, namely embezzlement of public funds and grand corruption in high places. Daniel Arap Moi's regime began with some modicum of equity in 1979, appeased the Kikuyu in 1982 and Kikuyu and Luo in 1985 and 1987,

and thereafter favoured the Kalenjin, the Luhya and the Kamba in 1994 and 1998 (p.375). This was an excellent piece of political chess game, one of playing around with ethnic loyalty. Mwai Kibaki, appointed an equal number of Kikuyu, Luhya and Luo to his cabinet at the onset of his first tem in 2003 up to the referendum in November 2005 (p. 377), but stung by the referendum results, made his cabinet overwhelmingly a Mount Kenya region affair, with the Luhya benefiting substantially up to the time of the 2007 general election. Appointments of Assistant Ministers and in the public service as well as parastratals took more or less a similar pattern. Odipo's (2008) incisive analysis of Kibaki's appointments before and after the Grand Coalition government provides evidence of ethnicised political, civil service and state corporation appointments reminiscing Jomo Kenyatta's appointments in April 1974. Key institutions, among them the cabinet, security chiefs and state corporations including financial institutions are headed by Kibaki's appointees from the Mount Kenya region; appointees because in Kenya those are Presidential appointments, unlike true democracies where some vetting of candidates is employed. From Odipo's (2008) analysis, the small discrepancy is that while Kenyatta's appointees were from the slopes of the mountain excluding Nyeri and Meru and Embu areas, Kibaki's encompasses the entire region.

Regional inequalities through partisan governance

All political regimes in the country have entrenched certain biases and prejudices of the past, which the general public, civil society organisations and the donor community have urged the regimes to redress. Successive Kenyan regimes have established commissions to investigate particular issues of national importance, but neither are their findings been made public nor their recommendations seriously considered. Nairobi and Central Kenya and Rift Valley during the time of President Moi, have had the lion's share of Kenya's development, judging by regional disparity various indices. Recent publications presenting facts and figures (SID, 2004) and crucial readings on inequality in the country (2006) provide invaluable information that need not detain us here. They reveal regional inequality which makes provinces drift farther apart, creating even greater animosity. In the eyes of highly motivated voters, an ODM victory would redress regional inequalities and usher non-partisan governance concomitant with regionalism.

Population Issues

Population issues have not been adequately factored in Kenya's democratic process despite the implications of the country's rapid population which, in the first three decades of the country's independence, occupied the attention of demographers, policymakers and donors throughout the world. Duffy (2005) contends that demography matters in war situations as a tilt in a country's ethnic balance, changing age and sex ratios, mass migration and resettlement and large family size can cause conflict. Tirtosudarmo (2006: 6) observes that conflicts between majority and minority groups are always related to the democratic composition of the population in which ethnicity, religion and economic classes are politically played out. He wonders why demography and population studies seem unmoved by research on the causes and consequences of conflict when such research has exploded among other disciplines in the social sciences and humanities (p.7). This shortcoming poses a challenge on the extent to which Kenyan institutions have kept abreast of the changing intellectual terrain and interrogates why disciplinary pigeonholing persists in grappling with

contemporary societal problems. Theories underpinning the relationship between population and conflict/violence are crucial for analysis of the recent crisis in Kenya and should necessarily attract future research.

Kenya is suitable for a systematic study of political demography to provide insights of many issues analysed piecemeal in different social sciences, or in the context of this study.[3] The foremost scholar on population-conflict interplay argues that population issues feature in conflict as "parameters" that shape the situation itself, as "multipliers" by aggravating underlying or existing hostilities and as "variables" by serving as critical factors in conflict that shape the unfolding and/or determine the outcome of conflict (Choucri, 1974: 92; 1984, quoted in Oucho, 2002b: 54). Although the three features of the population factor were applied to international conflict, they apply to the Kenyan situation where they have been played out in previous conflicts and did so in the post-election violence. As this is a complex subject in its own right, this study limits itself to selected aspects of population dynamics. A rare work on the consequences of rapid population growth for conflict in Kenya considers population growth a conflict-predisposing factor, drawing attention to population size and growth, ethnic composition and spatial distribution (Oucho, 2000:259-64). The work provided impetus for a detailed study of undercurrents of ethnic conflict which analyses these population issues in addition to "ethnic arithmetic" which has bedevilled censuses, population-resources allocation issue, population viewed through ethnic and political lenses and the Kikuyu hegemony and ethnocentrism (Oucho, 2002b: 53-69).

Population size and growth

In only thirty years, 1969-1999, Kenya's population more than doubled, the population growth rate peaking at nearly 4 per cent in the early 1980s and ebbing down by the 1999 census. Rift Valley has been having a commanding lead in both population size and growth rate, largely due to in-migration from Central Province whose population size has increased but at successively declining growth rates.

When President Moi, in response to preliminary results of the 1989 population census, yapped that censuses were a waste of money and time, demographers interpreted his complaint to question why the Kalenjin population still came fourth after the Kikuyu, Luhya and Luo population in descending order. Population size and growth do not seem to enter the equation of carving out constituencies in Kenya and if they were, some provinces such as Nairobi and Nyanza could have many more constituencies than at present. The fear seems to be that determining constituencies on the basis of population size could give undue advantage to ethnic communities who, in the eyes of some Kenyans, are not supposed to rule Kenya. Population must have been a factor in the weight the Rift Valley and other in-migration areas imposed on in-migrants from elsewhere. Scholars have found out that using local data, rather than national data, might reveal stronger relationship between population pressure and conflict (Urdal, 2005); which calls attention to the need for identifying areas in Kenya where population or even livestock pressure on resources, notably land and water

[3] Myron Weiner(1971: 567) states that "political demography is the study of the size, composition and distribution in relation to both government and politics [concerning] the determinants and political consequences of population change …on the distribution of power…" His plea for political demography has gone unnoticed by demographers and population scientists.

sources, have caused conflict. Whenever political disagreement flares up, such conflicts easily assume a political dimension.

Neo-Malthusians contend that invocation of population as a source of conflict does not stand the test of every empirical study (Urdal, (2005: 6), and that Marxists find an apologia for the failure of development to take care of population. Localised research often tends to reveal more insightful results than national studies which fail to underpin regional disparities.

Population structure

More important in demographic analysis is population structure by demographic and socio-economic characteristics. Demographic characteristics include sex, age, marital status, while socio-economic characteristics relate to education and economic activity of a population.

Kenya's population consists of 42 African ethnic groups and Kenyan Asians, Arabs and Europeans who have lived in the multi-ethnic society without any difficulties. With the exception of Europeans, all other groups take effective part in elections as candidates and electorate. All Kenyan censuses up to 1989 collected and published ethnic information but in 1999, the census reports did not contain information on Kenya's African ethnic groups to avoid sensitivities that previous census reports had generated.[4] In descending order, the five major ethnic groups are the Kikuyu, the Luhya, the Luo, the Kalenjin and the Kamba, among whom there have been political alliances.[5] Rift Valley Province, in which all but the last ethnic groups have converged, has seen some of the worst tensions in the country during elections. Tense co-existence between the Kikuyu and the Kalenjin in Rift Valley seems to stem from the increasing proportion of the former and the decreasing proportion of the latter: the proportion of the Kikuyu population increased from 15.4 per cent in 1969 to 18.5 per cent 1n 1979 to 19.3 per cent in 1989, the percentages in Nakuru district alone being 58.2, 60.8 and 59.7 per cent. Proportions of the Kalenjin in the province were 48.4 per cent in 197, declining to 46.4 per cent in 1989 (Oucho, 200b: 124). In Nairobi, census data have shown high proportions of the long-distance in-migrant Luo and Luhya resident in Kibera and Mathare slums (Oucho, 1988a) where they can easily afford housing, it was not surprising that spontaneous post-election violence erupted in these areas soon after the announcement of the presidential vote.

Age–the most important variable in demographic studies–plays a special role in violence because only population within a certain age bracket is most prone to violent behaviour. The CIA's National Intelligence Council (NIC) cites "youth bulge" − a large percentage of youth in a Population − as one ingredient in a perfect storm for internal conflict in certain regions" (Dabelko, 2005: 3, quoting NIC, 2004). Sarah Staveteig finds age structure a predictor of insurgent-based civil wars as the future relative cohort size (the number of youth versus that of older working adults) could

[4] Karuti Kanyinga accessed ethnic data in the 1999 census but these are unavailable in the official census reports.

[5] The two ethnic groups, Luhya and Kalenjin actually consist of several distinct sub-ethnics with some affinity and in certain instances differences that fail to weld them into similar nationalities as other Kenyan ethnic groups; no less than 16 sub-ethnic groups comprise Luhya while the Kalenjin consists of no less than nine sub-ethnic groups

make policy-makers formulate policies to reduce the chances of such conflicts. Citing the cases of Rwanda and Sierra Leone where "child soldiers" and Democratic Republic of Congo where civil war had raged for decades, Staveteig (2005: 12) cautions that youth unemployment, rather than just young age, enhanced recruitment and fuelled respective conflicts. She argues that "youth bulge" is a misnomer because "the presence of young adults is not as important as the degree of alienation, frustration, and marginalisation they experience" (Staveteig, 2005: 13). With the Kenyan youth having experienced unemployment, alienation, frustration and marginalisation for long − and tending to support ODM which pledged change and redress of youth-centred problems − they went to any length to fight back once they felt the presidential vote had been stolen from the party which they had supported.

In this study, special attention is paid to the "youth bulge" for several reasons: the youth (15-24 years) who constitute over 40 per cent of Kenya's population are reported to have voted overwhelmingly for the NARC government in which they had lost confidence by 2007 when NARC became PNU. In their utterances, the youth stated that the NARC government had promised them employment opportunities which never came their way and promised them credit facilities for businesses which never materialised. In reaction to the result of the Kibaki win on 30 December 2007, some of the youth spontaneously reacted by demonstrating, looting and destroying property and even killing purported enemies, and others bowed to manipulation by the political elite and colluded with the partisan security forces to unleash mayhem both for self-protection or to endorse the result.

In-migration areas such as Rift Valley, Nairobi and Mombasa have huge numbers of youth who, spontaneously or on instigation, must have participated effectively in the post-lection violence. Indeed, this explains why, apart from the settlement areas which the youth attacked, youth demonstrations and wrath occurred in urban areas such as Kisumu, Homa Bay, Migori, Eldoret, Kakamega, Nairobi and Mombasa. With the electronic media having relayed youth vibrancy and resistance to injustices in other parts of the world, the Kenyan youth had extra-ordinary zeal to take the law into their hands; that they reportedly overpowered the police in many settings is not surprising given their large numbers and athleticism.

Spatial distribution of population

Another population issue is spatial population distribution which has compelled population in densely-settled, population-pressure areas to move to sparsely settled areas settled by pastoralist communities. While the Kikuyu from the densely populated Central Province moved to Rift Valley either spontaneously or were resettled there for being landless and by purchasing land, the Kisii and Maragoli (a Luhya sub-group) from even more densely areas migrated to the same province only after purchasing it. There have been clashes between agriculturists and pastoralists or even between different groups of livestock keepers in parts of Rift valley that have caused serious skirmishes. Such clashes constituted a recipe for the post-election violence.

Internal migration and population redistribution

The most rudimentary demographic measurement of internal migration is based on the direct technique of cross-classifying "place of birth" (identified with as usual

residence) and (temporary or permanent) "place of enumeration" at censuses Table 5 presents the picture, based on a ten per cent sample of the total population.

Table 3 shows the pattern of "lifetime migration"–that is, determination of migration on the basis of those enumerated in areas other than their usual place of residence without specifying when they actually moved. It confirms the dominance of the Central Province migration streams to Nairobi and Rift Valley provinces, followed by migration from Nyanza and Western to the same destinations. Three net out-migration provinces − Central, Nyanza and Western − had nearly the same size of in-migrants in Coast Province. They constitute the upcountry people who are often targeted for eviction or violent attacks around election time. The patterns above give credence to why serious disagreements between the Rift Valley in-migrants and non-migrant natives as well among western Kenya and Central Province in-migrants in Nairobi result in clashes and precipitated previous past and the recent violence.

Table 3 Internal migration in Kenya by province, 1999[a]

Province of enume-ration	Out-migration province							
	Nairobi	Central	Coast	Eastern	North Eastern	Nyanza	Rift Valley	Western
Nairobi	12391	15443	1683	13840	862	10744	4232	10130
Central	1270	97473	314	4268	100	1476	4165	1930
Coast	538	1914	55505	4948	721	2768	909	1999
Eastern	350	2083	383	121799	378	451	781	313
North Eastern	22	48	37	215	20417	47	45	26
Nyanza	827	354	420	257	72	109085	1034	3083
Rift Valley	1201	13186	501	2940	286	9022	142556	11947
Western	328	473	218	236	68	1802	1906	81032
	16927	130974	59061	148503	22904	135395	155628	110460

Note: [a]Based on a 10% sample of the Kenya Population and Housing 1999 data held By the Integrated Public Use Microdata Series (IPUMS), University of Minnesota, U.S.A.

Source: Estimated from Kenya Population and Housing Census 1999 data.

R*isk-prone business mobility*

Unpredictable movement of people involved in petty trade, transportation business and other income-generating activities has been taking place alongside the four conventional types of internal migration. This "business migration" entails largely movement of people from Central Province to other parts of Kenya where they run shops or kiosks, *matatu* transport and vendors of all manner of business. There is never overt complaint against such business people until a crisis such as post-lection violence emerges. Other Kenyans view the Kikuyu entrepreneurship scornfully, alleging that the ethnic group would never allow anyone outside their community to run similar businesses among them, not even where they live in one residential area. Unsurprisingly, as soon as Kibaki's victory was announced, marauding bands of youth identified and destroyed businesses known or perceived to be owned by the Kikuyu across the country, particularly in urban areas. The Kenyan press reported cases of selective burning, destruction and pulling down of property belonging to the

Kikuyu, Asians and others who were known or perceived to have supported PNU in Kisumu, Eldoret, Nakuru and Mombasa.

Urbanisation and social exclusion

Urbanisation in Kenya, like that in most sub-Saharan countries, is simply a conglomeration of population in settlements that lack viable economic base and strong political governance. Rural-urban migration and translocation of rural fertility levels to urban slums and suburbs spur urbanisation in which the poor become increasingly marginalised. It is not surprising that slum areas where most of the poor live, account for more than 60 per cent of Nairobi's population. This explains why many Luo and Luhya migrants in Nairobi live in Kibera and Mathare slums (Oucho, 1988a), why the Kikuyu dominate Mukuru *kwa* Njenga slum and why the Kamba dominate the sprawling suburbs of Embakasi constituency. The long-established in-migrants of these residential areas have a knack for identifying new in-migrants or temporary guests who visit those areas in times of elections, for instance. A persistent problem in these areas is disagreement between landlords and their tenants as the former keep increasing rents without the latter seeing justification for that. With the disputed election results, serious disagreements easily flared up, culminating in violence.

Victims of social exclusion easily strike back whenever they believe something does or is likely to aggravate their situation. In the Nairobi slums, socially excluded persons saw their hopes completely wiped out against all expectations hence their spontaneous reaction to hit back. In Kibera, for example, were slum dwellers whose hopes for housing upgrading (announced but not implemented by the NARC government in 2002-2007) had been dwarfed, whose rents had increased even beyond their incomes and who had been waiting for change ever since 1992 when multi-party politics reappeared. They would take no more and to try and satisfy their egos through violent response.

In the highly urbanised Rift Valley, relative to other provinces, urban centres and rapidly growing trading centres are most vulnerable to violence, triggered by any small disagreement. It was not surprising that post-election violence erupted in settlements of varying sizes in western Kenya, especially in Rift Valley where, as the Kiliku Report (ROK, 1992:36) stated, the *chui* (Kiswahili for leopards), Kalenjin, had been braying for the blood of *madoadoa* (Kiswahili for "spots", i.e. non-Kalenjin in the province. The report of the Parliamentary Committee to investigate the pre-1992 ethnic clashes, like that of the Akiwumi Commission in its wake, have been gathering dust without their contents ever being considered. If some of the salient findings of these commissions had been implemented, they would have helped avert the post-election violence.

Issues in State Intervention

State apparatus have always been involved in Kenyan elections both as facilitators and as schemers. Among issues in state intervention are involvement of the Provincial Administration, uneven political playing field, government's partisanship in regional issues and the questionable oversight of the Electoral Commission of Kenya (ECK) in the 2007 general election.

Manipulation of the Provincial Administration

Since independence, Kenya has retained eight provinces which the Kenya Boundaries Commission provided more than four decades ago. Curiously, except for Eastern and Rift Valley provinces and the metropolitan province of Nairobi with ethnic plurality, all other provinces reflect domination by particular ethnic groups: Central is exclusively inhabited by the Kikuyu, Coast is predominantly Mijikenda, North-Eastern is home to Somali-speaking groups, Nyanza is predominantly Luo as is Western which is Luhya territory. Rift Valley, which belongs to the Kalenjin and the Maa-speaking groups, is inhabited by a large number of post-colonial settlers comprising the Luhya, Kikuyu and Kisii, though there are also Luhya and Luo migrant labourers in the commercial agricultural sector.

All elections held during Kenya's independence era have seen heavy involvement of the Provincial Administration, in most instances as a reliable cog in the government's (KANU for four decades) wheel of election fraud including either overt or covert rigging.

In his political speeches, Kenya's founding President Jomo Kenyatta used to refer to rumours as "radio without battery". A few weeks towards the 2007 general election, rumours had it that large numbers of Administrative Police had been transported to the ODM strongholds in Nyanza province either to vote for the incumbent or to cause mayhem to disenfranchise registered voters. Photographs taken and television footages by the media verified transportation of unknown people to undisclosed destinations a few days towards the general election, and local people reacted angrily by stopping the buses and beating up their occupants who failed to identify themselves, some of them escaping. While the truth of this episode is shaky, the very transportation of unknown people in many buses was itself a suspicious act on the part of its sponsors and the puzzle remained unresolved even after the general election. Such incidents must have infuriated the electorate, which explains the heavy hand of the Kenya Police in punishing residents of the areas concerned during the violence.

Having been in politics all, and in government most, of his life, the incumbent knew how far the Provincial Administration could go to salvage the situation at a time that the vast majority of Kenyans had rubbished the much-touted economic growth and when the most reliable help could come only from loyal civil servants who had more to gain by endorsing his regime. Since support for the government of the day had already become the norm within the public service, civil servants were probably highly apprehensive of the change that ODM was promising to effect if it won the election. Opinion polls that ran counter to the expected election outcome must have worried the incumbent, and more so his handlers. The late results spewed from the incumbents' strongholds after he had been trailing the polls seem to have been the result of conspiracy between the Provincial Administration and the ECK officials.

Uneven political playing field and information diffusion

There has never been even a level-playing field for political parties, presidential candidates and other candidates contesting elections at different levels in Kenya. The media houses attempt to even out the playing field, but sometimes at their peril as the political elite often force them to toe the line of the government in power. During electioneering, Kenya seems to be divided into "party zones: Rift Valley was KANU

zone in the Moi years; Central had two sub-zones by Ford Asili and Democratic party of Kenya (DP) in 1992, DP in 1997; Nyanza was a Ford Kenya zone in 1992 and the National Democratic Party (NDP) zone in 1997. The only time that these zones disappeared was in 2002 when the NARC engulfed Kenya in a euphoria reminiscent of KANU at independence. Party zones re-emerged in 2007, with the Mount Kenya region becoming a PNU zone, the whole of western Kenya an ODM zone and a small ODM-Kenya zone emerging in Ukambani. Apart from government failing to provide an even-playing field, the parties themselves entrenched an uneven playing field with some of them refusing entry of their rivals in their zones. Party supporters followed suit and in some instances led their parties into accepting the will of the electorate. The existence of uneven playing field paved the way for the foul print and electronic media reports which listeners in particular zones were treated to.

When the taxpayers' information and broadcasting station – the Kenya Broadcasting Corporation (KBC) − had become overtly pro-government, Kenyans turned to vernacular FM radio stations (their incendiary messages notwithstanding) and relied on rumour mills. But these were not all; there were intermediaries such as bar-room talk, cartoons, ethnically conscious music, mobile phone text messages and web-based blogs (Wa-Mungai (2007: 340). Two examples underline the gravity of this problem: KASS FM, a Kalenjin radio station condemned Kikuyu for being greedy, land-hungry, domineering and unscrupulous, urging the Kalenjin that "the time has come for us to reclaim our ancestral land", or that "people of the milk" (Kalenjin) must "clear the weed", namely the Kikuyu. Kikuyu FM stations, in particular, Inooro, Coro and Kameme, waged an ethnic propaganda campaign against ODM and the Kalenjin using call-ins with gospel songs (Crisis Group, 2008: 13) Results of these unconventional communication avenues included widespread commotion, sloganeering, political engineering and unproven allegations in the country. For speakers of Dholuo, the late D.O. Misiani, one of Kenya's longest musicians with a special menu of political satires, the *ohangla* musicians as well had campaigned extensively for the ODM presidential candidate.

Partisanship of the Electoral Commission of Kenya

If there is one Kenyan institution to earn the wrath of Kenyans, it is the Electoral Commission of Kenya (ECK) which looked compromised from the start and clearly rudderless at the time of announcing results of the presidential election. Before the term of the ECK Chairman Samuel Kivuitu was extended, both Raila Odinga and Kalonzo Musyoka appealed to Mwai Kibaki to extend the ECK Chairman's term as failure to do so would fuel suspicion of a pre-rigged election; the two were gullible to assume that Kivuitu was objective enough to steer a supposedly objective ECK. That Mwai Kibaki consented to reappoint the ECK Chairman was curiously ambiguous: on the one hand, Kibaki showed deceptive magnanimity in granting the reappointment, and on the other made Odinga and Musyoka play into his hands. It may be hypothesized that the ECK Chairman was reappointed for a specific mission: to ensure that the incumbent won the election at all cost. A more intriguing issue was the President Kibaki's appointment of some new ECK Commissioners close to the elections, to replace those, including the Vice-Chairman, whose terms had duly expired; it was suspected that the newly appointed Commissioners had a singular mission to fulfil, namely to ensure the incumbent's re-election. Appointment of Commissioners was the President's prerogative, not an inter-party undertaking; it was one of the "contentious issues" flagged, but not resolved, before the 2007 general

election. Theoretically, the die was already cast before the general election: the ECK Chairman would be working with a majority of Commissioners who owed their allegiance to the incumbent and who would dare not go against the tide in the incumbent's favour. Deductively, Kenya was going into the 2007 general election with a compromised ECK, and it would take only a few months hence for that fact to be confirmed.

The ECK Chairman's irresponsible utterances and unsolicited statements during periodic briefings at the Kenyatta International Conference Centre − asking Kenyans whether they knew what the life of a fugitive entailed, that he did not wish to become one and that some of his officers outside Nairobi had simply vanished before handing over results and others changed results in a number of constituencies − left Kenyans in no doubt that the man performed below the expected. The ECK Chairman's other reckless statements that he was forced into announcing the results (without indicating who had forced him) and that he was not sure if Mwai Kibaki truly won the election left Kenyans wondering whether the Commission had served them as expected. Such statements coming from an old man who himself had been a Member of Parliament cast doubt on the integrity of the ECK as well as its Chairman.[6] When culprits of post-election violence are being paraded, the ECK would surely be among them.

Conclusion

Kenya has been carrying a baggage that is increasingly becoming heavier as years roll by. The electorate hold grudges that incidents such as the recent post-election violence tickle them to react instantaneously. For the sake of space, some concluding remarks are necessary.

The "land question" remains unresolved and will keep haunting the country until durable solutions are found. By setting up commission after commission to investigate the issue, the Kenya government has simply been playing with time as protagonists of different types of land continue to battle over them with no end in sight. The solutions prescribed by various commissions should persuade the government to review current policies with a view to reformulating them in order to undertake suitable programmes.

Kenyans have been clamouring for devolution of governance, a fact which they underwrote by voting against the Wako Draft of the Constitution in the referendum conducted in November 2005. Voters' failure to realise the dream of devolution necessarily sparked their violent reaction to which pro-establishment forces responded by unleashing violence in equal measure, with government not coming clean in maltreating unarmed population in some parts of the country. The post-election violence underwrote an important point: that Kenya is a divided society which requires more healing if national unity is to be maintained.

Proximate to the post-election violence were factors that have bedevilled the country for rather too long. The country's ethnic balkanisation is both an asset if well exploited and a liability if abused as happened in the 2007 general election. The

[6] The Independent Review Commission, chaired by South Africa's Johann Kriegler, found the ECK's execution of the 2007 general election sloppy and recommended dissolution of the body to create a leaner and more credible commission.

election drew political alliances along party lines that countered ethnic balkanisation enclaves implying the country's democratic maturity. The country has moved from an era of ethnic political warlords to one of ideology and issues-based electioneering. Since the 1992 general election, the electorate have become increasingly conscious of the power of their votes and were exceptionally prepared for the 2007 general election. Successive opinion polls had revealed this and it was not surprising that the government in power was panicky and had to anything within its grasp to survive.

Historically, Kenya has pending issues such as the land question, the backlog of IDPs from the ethnic clashes of the early 1990s and a persistently hostile election environment. All these historical accidents constitute a great liability to the country.

In the economic sphere, increased youth unemployment, spiralling cost of living, the country's economic misfortunes and regional inequalities undermined the government's attempt to cite the country's economic turnaround for the better. Moreover, persisting regional inequalities, which numerous studies have underlined in Kenya lie at the core of political divisions which voters might wish to redress through other means if polls cannot resolve issues.

Kenya's demographic rapid population growth and multi-ethnic character has tended to neglect the needs of marginalised groups, in particular women and youth and inhabitants of arid and semi-arid lands. Population pressure in densely settled areas has resulted in in-migration in other parts of the country that were formerly in the hands of white farmers and where land settlement has occurred without taking into consideration the fears and concerns of communities who owned such land before colonialism. Post-election violence in Rift Valley was party a reaction of the local people to the stolen election and partly their expression against acquisition of their land without considering their concerns. Urban areas have witnessed increasing pauperisation of the majority of inhabitants who can only afford to reside in slums where they lead miserable lives due to lack of basic amenities. Politically, the slum dwellers were among the most enthusiastic voters who pinned their hopes on voting out the incumbent and his party to give a chance to a new party that might recognise their plight. Theories on the relationship between population and conflict/violence are crucial for analysis of the recent post-election violence in Kenya and should provide frameworks for research in the near future.

State apparatus involved in Kenya's development and politics as schemers are a great liability. The Provincial Administration behaved in the 2007 general election very much like one of the ruling group's satellite parties and consequently earned the wrath of voters in opposition strongholds. Uneven playing field for political parties gave room to unprofessionally packaged communication and information which inflamed election campaigns throughout the country. Added to these liabilities was the state partisanship in handling regional issues which infuriated the voters.

Playing its role highly below the expectation, perhaps deliberately to play a partisan card, was the ECK, which was a shame to Kenya's achievements in democratic politics. Inadequate human and material law-enforcement resources were a major shortcoming which perhaps forced those involved to adopt outdated tactics both for self-protection and to save a sinking regime.

Finally, the ban on relaying results of the presidential election through electronic media once there was impasse at the election headquarters fuelled the suspicion that there was an all-systems-go to manipulate the verdict. At no time had a president taken the oath of office hurriedly in a confined place without Kenyans and invited guests witnessing the occasion. This anomaly necessarily drew the voters' wrath hence their violent response.

Now that the stage has been set for disputing election results in Kenya, resulting in violence, it might become a recurrent feature of future elections. The undercurrents of post-election violence in Kenya might persist should the 2012 general election be handled in a similarly sloppy manner as the 2007 election.

Recommendations

The post-election violence brought in its wake a number of events which the National Dialogue and Reconciliation had recommended. Two of these are the Independent Review Commission (IREC) headed by South Africa's retired Judge Johann Kriegler and the Commission of Inquiry on Post-Election Violence (CIPEV) headed by Kenya's Justice Philip Waki. The two commissions submitted their reports as expected but their recommendations, in the characteristic Kenyan style, might never be implemented For once and given the gravity of the recommendations of these commissions, the Kenya government should proceed as advised, conscious of the fact that it holds brief for a broad section of stakeholders of the country's development, broadly defined.

Kenyans are waiting for the streamlining of governance which uses the past experience to chart a hopeful future for the country. To this end, the commission to explore truth, justice and reconciliation and another for ethnic relations and reconciliation are being proposed. These should be commissions made up of people with what it takes in knowledge and professionalism, not agents of the political class serving particular interests. The tendency to appoint mainly lawyers in commissions should be a thing of the past. Commissions worth their names should have a broad section of experts: lawyers, social scientists with commendable research experience, theologians and philosophers and representatives of the civil society as well as special groups such as youth, women and the disabled. It is not size, but the work at hand, that matters.

It has now dawned on serious-thinking Kenyans that the ECK was a shame to the country which is not short of people with credibility who would have been appointed to it. But it is not the appointment of commissioners that matters, it is more important to revisit the act of Parliament which provided for the ECK to redesign it and give it the necessary powers that the previous body lacked.

The land question needs quicker attention than at anytime in the past. Kenyans have had enough of commissions on this. More than ever before, Kenya must now face the challenge to revisit legislation surrounding land, types of land tenure, contradictory legislation which the political elite flout with impunity and so on. Let the past historical mistakes regarding land grabbing, purchase and free allocations be treated as accidents on the path of development. Without that the desire for Kenya to ascend to the middle-income status by the end of vision 2030 will remain illusive.

It would appear that by delaying to deliver a new constitution, government is working on the psyche of Kenyans to forget their urge for it until time is opportune for a rushed but less carefully designed constitution. It makes less sense for political parties, not least the Grand Coalition government with many imponderables, to indicate a priori a date by which a new constitution would be provided than to work conscientiously, dusting the drafts already gathering dust, to accomplish the task.

Kenya's governance needs an immediate surgery. As a nation-state, the country should embrace and come to terms with devolution which Kenyans desire. Whereas cosmetic measures such as the CDF and the LATF are commendable, they lack the beneficiaries' participation which devolution would provide. Moreover, in the face of increased population, parliamentary representation requires immediate attention; more constituencies should be created based on clear criteria, among them population size and growth. The precedent set by the last post-election violence is a wake-up call for Kenya to try and avoid pitfalls of flawed elections in the future.

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