

# **A Choice of Life and Death: Post-Election Violence in Kenya 2007-8 Explained**

Master Thesis

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## **Summary**

Post-election violence is often associated with structural conditions including poverty and ethnicity, and/or the strategic behavior of ‘big bosses’ and/or the electoral institutions. This thesis explains the post-election violence in Kenya 2007-8 by structurally testing existing explanations of this kind of violence. The analysis shows that constituencies in which the opposition won the elections with a small margin of victory experienced most violence after the elections. In these cases the election battle was most severe. After the elections politicians use violence to punish voters of their rival party by organizing violent action including protests and the deployment of criminal gangs. Besides, violence is used as negotiation strategy by both the opposition and the incumbent to influence the formation of a government. Politicians seduce individual citizens to use violence since their supporters depend on clientelist rewards in exchange for their political support. The allocation of state resources follows ethnic lines for which the political competition and the subsequent violence are ethnical in nature.

## Introduction

One of the most remarkable developments in the previous decades has been the global diffusion of competitive elections (Norris 2012: 2). This is a major progress to mankind, because democracy is said to reinforce (domestic) peace (Joshi 2010: 827). Conflicting interests and political fights are resolved in parliament rather than violently in the streets (ibid). Both the government and the opposition have an incentive to refrain from violence for the electorate will punish such behavior in subsequent elections (ibid). Elections in themselves are the ‘essence of democracy, the inescapable *sine qua non*’ (Huntington 1991: 9-10). It is not to say that elections are a sufficient condition for democracy, rather they are necessary (Schedler 2002). Elections are neither sufficient nor necessary conditions for peace. Paradoxically elections can be rather violent in and on themselves, undermining ‘the very premise of the democratic ideal that rests on freedom of expression and choice’ (Chaturvedi and Mukherji 2005: 8). This paradoxical situation of elections which are followed by large scale violence is explored in this thesis.

In elections the people decides how state-resources will be divided in the future. ‘Because so much is at stake, there are incentives for political actors to influence the electoral process through intimidation and violence’ (Höglund 2009: 419). Some elections witness forceful uprisings directly after the announcement of the election results. Actors will use post-election violence (PEV) if the costs of committing violence are lower than the costs of losing political power (ibid). Therefore popular mobilization, street protests, and riots can be seen as ‘alternative political technologies,’ when democratic means are insufficient to obtain or maintain power (Dunning 2011: 330). Violence can be committed by the incumbents, who can always (threat to) use force since they control the state monopoly on violence (Ellman and

Wantchekon 2000: 499). Or it is the frustrated opposition that starts a fight, fearing exclusion from the next government (ibid).

Broadly speaking there are three currents in literature explaining political violence. Scholars that focus on democratization and violence try and identify the electoral system, election rules, and electoral institutions *etc.* under which election violence is more likely to occur (e.g. Brancati and Snyder 2011, Norris 2004). These theories dealing with electoral institutions, however cannot explain the geographical spread of violence within a country; why do voters in some areas react more violently to fraud in elections than in others?

Collier and Hoeffler (2009) however, show how incumbents create these institutions themselves; African politicians who use ‘dirty tactics’ including violence, manage to stay in power three times longer than those who do not. These scholars therefore focus on ‘crook’ behavior of political elites inspiring voters to commit violence (e.g. Wilkinson 2004). The strategic theories focusing on the power play of political leaders clarify the incentives of leaders to manipulate the masses, but often fail to explain the individual motivation of supporters to conduct violent action

International relation theorists identified underlying ethnic and socio-economic factors explaining violent political behavior throughout space (Collier and Hoeffler 2004, Fearon and Laitin 2003, Hegre and Sambanis 2006, Urdal 2008). Election violence is a ‘symptom of deep-rooted centrifugal factors ingrained in society’ growing out of a long period of gestation Kambudzi (2008: 5) argues. The underlying structures can explain the motivation of individual supporters and voters of politicians to commit violence (Kambudzi 2008). Structural factors explain individual incentives for violence in a certain socio-economic and/or ethnically tense environment. These factors however cannot account for the temporal spread of violence; PEV does not break out at exactly the same time throughout an entire

country. Strategic calculations of ring leaders could explain why and how supporters react over time. Institutions help to shape the political opportunity structure in which political elites operate together with their supporters. Therefore these theories will be combined to explain the violent behavior of actors after elections.

A country known for its widespread election violence is Kenya. Since the introduction of multiparty democracy in 1992, elections have been associated with violence. When in 2002 elections elapsed peacefully scholars hoped that politicians and voters had learned how to restrain from violent action by trial and error (Brown 2004: 332). This hope lasted till the 2007 presidential and parliamentary elections in which more than 1100 Kenyans died, over 350,000 were forced to flee their houses, many women were raped and infected with HIV (Rutten and Owuor 2009: 305). The economic effects were devastating and widespread: neighborhood shops, farms, hotels, fabrics, multinational firms and small businesses were set on fire (Achoka and Njeru 2009: 89).

The case has received much academic attention (Abdi Ismail and Deane 2008, Anderson and Lochery 2008, Calas 2008, De Smedt 2009, Kanyinga 2009, Rutten and Owuor 2009, Müller 2008 and many more). Literature explains the occurrence of violence by ‘thick’ descriptions of ethnic (e.g. Elischer 2008), combined with socio-economic motives (Kagwanja 2009, Kanyinga 2009, Rutten and Owuor 2008) eventually coupled with colonial policies (Hervé 2007) or the election outcome (Calas 2008). None of these scholars explain the case by structurally testing theories formulated to explain post-election violence. This thesis will do so, answering the question:

What explains post-election violence in the Kenya in 2007-2008?

In most of the existing research on PEV in Kenya violence is described as a single case, assuming violence is spread equally throughout the entire country (e.g. De Smedt 2009, Kagwanja 2009 Müller 2008). According to Calas (2008) this is not the case. He (ibid) describes that violence was concentrated in the Rift Valley and Nairobi. This study will focus on the underlying factors that caused PEV, including socio-economic conditions (Steward 2001), ethnic differences (Reilly 2006), the political competition (Sisk 2008), and corruption (Kagwanja 2009). The existing explanations for PEV will be systematically tested throughout the Kenyan constituencies<sup>1</sup> over the entire time of elections.

The outline of this thesis is as follows. First the Kenyan political dynamics are explained focusing on the practice of clientelism in a weak state and the specific stakes of elections. In the second part of the article hypotheses are formulated derived of theories on PEV. These theories are tested using a logistic regression analysis. This analysis shows that polarization and fractionalization increase the chances of PEV in a constituency that voted for the opposition. Hereafter the causal mechanisms are explained over time using a survival analysis. In the last part, case studies provide both the causal link on the level of the unit of analysis and instances of unsystematic variance useful for further research.

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<sup>1</sup> This specific unit of analysis is chosen for there is only one representative per constituency making these elections into a zero-sum-game (Lindberg 2005: 44). On the other hand political parties are dependent on the individual MP's for a majority in parliament which makes the outcome of the elections in constituencies specifically interesting to the president as well (Van de Walle 2003: 310). The representative of the constituency is the linking-pin between the voters and their access to the government (Kopp 2012). Therefore stakes are highest at this level.

## **Politics in Kenya**

The Kenyan state is often categorized as weak and therefore it fits into the broader set of literature that connects political violence to the strength of a state (e.g. McBride, Milante, and Skaperdas 2011). A weak state is incapable to prevent violence from occurring and it does not punish those who commit violence (Sobek 2010: 265). ‘There are countless reports, many of which official, and public investigation commissioned by the Government of the day that names senior leaders as accomplices in large scale theft of public resources or violence against Kenyan citizens, but no senior leader has yet been tried and convicted in court’ (Norad 2009: 13). The state capacity is hollowed out further by this kind of violent and corrupt behavior (Müller 2011).

Who gets what, when, and how depends on the broad networks of informal connections of Kenyan political leaders (ARI 2008: 1). The link between voters and representatives in a majoritarian system is closer than in other systems (Reynolds and Sisk 1998: 24). This close link induces clientelistic behavior; the representative distributes rewards to his or her constituency in order to secure political support (ibid). Clientelism here is defined as ‘the distribution of selective benefits to individuals or clearly defined groups in exchange for political support’ (Hopkin 2006: 406). As a consequence of this practice: a politician losing the elections indicates a loss to his or her entire support group.

In Kenya this support group is ethnic in nature (ARI 2008: 1). Politics in Kenya is about the distribution of state resources to ethnic support groups. The co-ethnics of incumbent president Kibaki (the Kikuyus) are perceived to have enjoyed more benefits than others from the previous National Rainbow Coalition (NARC) government of 2002-2007 (Kakwanja 2009: 372). According to the Ethnic Power Relations dataset the Kikuyu, Meru, and Embo had best access to executive power in the period 2003-2005 as ‘senior partner’. The Kalenjin,

Luhya, Luo, Kamba, Masai, Turkana, Samburu, and Mijikenda used to be the ‘junior partner’ ethnic groups, indicating that the representatives of these groups take junior positions in government. ‘The choice between senior and junior depends on the number and relative importance of the positions controlled by group members’ in the executive branch of the government and public service (Cederman et al 2005: 4). The Afrobarometer (2005) data indicate that there exists a connection between the access to power and the economic well-being of members of an ethnic group. Respondents ( $N = 847$ ) were asked to rank the economic development of their ethnic group on a scale of 1 (‘much better’) to 5 (‘much worse’)<sup>2</sup>. A crosstab shows how respondents of these groups rank their group’s economic position (table 1).

**Table 1. Economic position of Ethnic Power Groups (Kenya 2005)**

| Ethnic Power Group | Group’s ethnic conditions |          |            |         |              |
|--------------------|---------------------------|----------|------------|---------|--------------|
|                    | ‘Much better’             | ‘Better’ | ‘The same’ | ‘Worse’ | ‘Much worse’ |
| Senior             |                           |          |            |         |              |
| <i>N</i>           | 26                        | 134      | 116        | 32      | 4            |
| <i>Percentage</i>  | 8.3%                      | 42.9%    | 37.2%      | 10.3%   | 1.3%         |
| Junior             |                           |          |            |         |              |
| <i>N</i>           | 4                         | 66       | 175        | 216     | 104          |
| <i>Percentage</i>  | .7%                       | 11.7%    | 30.9%      | 38.2%   | 18.4%        |
| Total              |                           |          |            |         |              |
| <i>N</i>           | 30                        | 200      | 291        | 248     | 108          |
| <i>Percentage</i>  | 3.4%                      | 22.8%    | 33.1%      | 28.2%   | 12.3%        |

*Source: EPR (2005) and Afrobarometer 2005 survey*

<sup>2</sup> ‘Question: Think about the condition of \_\_\_\_\_ [respondent’s identity group] Are their economic conditions worse, the same as, or better than other groups in this country?’ (Afrobarometer 2007: 39).



This table shows that the economic position of senior ethnic groups is much better than that of junior ethnic groups ( $\chi^2 = 226.83, p = .000$ ). Of the senior ethnic groups most respondents indicate that their economic position is 'better' compared to other junior groups (42.9%). The median respondent indicated 'better' too and the group average 'the same' (2.5). Economic conditions to those having less access to power worsened scoring 'worse' (mode and median) and 3.6 on average. A one-way ANOVA shows the difference between ethnic conditions of the power groups and the differences within these groups. Economic conditions differ significantly among these groups, ( $F(1, 876) = 290, p = .000$ ). Since the access to power determines the economic position of an ethnic group, supporters of a political party have high interest in the election outcome.

Historically politics in Kenya is based on clientelist networks dividing the benefits of the state along ethnic lines. This dynamic led to the collapse of the NARC government, which initially had tried to unite all ethnic groups, but failed to (ARI 2008: 1). A group of ministers was forced to quit the government after rallying against increased power to president Kibaki in the 2005 referendum (Rutten and Owuor 2009: 361). One of these ministers Odinga formed the Orange Democratic Movement challenging the power of Kibaki (leading the Party of National Unity) in the 2007 presidential and parliamentary elections.

## **Theory**

If the cost of violence is lower than the costs of losing the elections, individuals will render to violent action (Höglund 2009: 413). The costs of losing an election are associated with the potential of losing the access to state power and the consistent benefits (Durant and Weintraub 2013: 4). Winning the elections enables politicians to form a government and to have ultimate

access to state-power. The supporters of the winners will be rewarded for their votes, while the supporters of the losers are punished (ibid).

The incumbents are tempted to commit fraud, in order to secure access to the state (Sisk 2008: 16). If the opposition is convinced that fraud has been committed, this will provide legitimacy for violent action (Ellman and Wantchekon 2000: 511). Democratic means of action appear to be insufficient to obtain political goals (ibid). Therefore, frustrated opposition supporters start to protest aggressively against the declared winners of the election in order to delegitimize their authority (Hafner-Burton et al 2010: 29). The state forces controlled by the incumbent react to these protests through widespread violence (ibid). By doing so, they punish voters of the opposition (Ellman and Wantchekon 2000: 511). Furthermore, the killing of supporters and politicians spreads fear throughout the opposition supporters (Hafner-Burton et al 2010: 29). Another motive for violent government reactions is the wish to silence the opposition and to restore business as usual (Ellman and Wantchekon 2000: 511). PEV thus is associated with protests after losing the elections and violent counter-reactions.

*Hypothesis 1: If the opposition gained most of the votes in a constituency, the more likely it is post-election violence occurs.*

Scholars of civil conflict often identify ethnicity as one of the explanatory factors (Cederman and Girardin 2007). How ethnicity matters for the outbreak of violent conflict is a topic of vivid debate between scholars of international relations. The first school of thought focuses on historical grievances while the second (discussed below) deals with the opportunities for violence. In the previously colonized parts of the world these ethnic grievances can be traced back to the *divide et imperia*-policy of the foreign rulers (Buhaug et al. 2009: 533). The *Pax*

*Britannica* included the attribution of state power to certain (minority) ethnic groups that came to dominate the state (Young 1994: 105). Ranking the society in different ethnic groups invigorated ethnic differences that continued to be reflected in the formal power structure after independence (Buhaug et al. 2009: 533).

The control over state resources offers an opportunity to favor one ethnic group over another ‘through an ethicized bureaucracy in terms of public schooling, language laws, and religious regulations’ (Cederman and Girardin 2007: 175). This increases the costs of being underrepresented since it causes deprivation of the entire excluded group (Cederman and Girardin 2007). The distribution of resources thus is ‘seen as a matter concerning not just individuals or associations of shared interests but rather whole ethnic groups’ (Wimmer 2002: 103). Members of ethnic groups will try to overcome these imbalances violently if other means fail to (Cederman and Girardin 2007: 175).

A history of grievance and underrepresentation thus shapes the power position of ethnic groups. Further deprivation of large parts of society can be avoided if all groups share power. However in an ethnically heterogeneous society all ethnic identity groups try to get access to state-power while holding different preferences about the outcome of any sociopolitical conflict (Hoeffler 2012: 198). The more different ethnic groups there are, the less likely it becomes they agree and the lower the likelihood of achieving inter-ethnic cooperation (Hoeffler 2012: 198). When chances of inter-ethnic cooperation are low and groups are ‘quite certain of loss or exclusion in an electoral context, especially when they expect to be ‘permanent minorities’ (to lose and not just once, but again and again)’ the outcome is a strong causal driver for violence (Sisk 2008: 10). Therefore a minimal condition for PEV in an ethnically divided society is a heterogeneous composition of a constituency.

*Hypothesis 2: The higher the level of fragmentation in a constituency, the more likely it is that post-election violence occurs.*

Multiple authors argue that ethnic fragmentation in itself does not explain the outbreak of violent conflict for it provides part of the motivation for violence, but it does not tell much about the opportunities for violent action (Hoeffler 2012: 198). The way in which ethnicity is politicized determines the potential size of opposing groups through a process of polarization –or competition, as Balcelles (2010: 296) calls it. Politicians need a cause to mobilize support for and find a relevant cleavage along which they can raise enough support to get elected (Reilly 2006: 812). Especially in recently democratized countries, ethnicity is an easy way of mobilizing the masses (ibid). Ideology is often ill-defined and ethnicity guarantees a certain support base (ibid). Therefore, politicians try and pit ethnic groups against each other (Le Bas 2006: 422). This intensifying process of polarization effaces all previously complex interaction between political actors into a simple battle between the two (ibid). Radical parts of the opposition and the government become dominant in the political discourse, hollowing out the middle ground (McAdam *et al.* 2001: 331). If radicals win these elections, the chances that they will share state resources with the losers of the election decrease (ibid). Therefore the costs of losing increase dramatically by polarization of ethnic differences.

In a highly polarized environment ethnic differences could easily lead to violent clashes (Wilkinson 2004). ‘When mobilized ethnic groups confront each other, each convinced that the other is threatening, ethnic violence is the likely outcome’ (Wilkinson 2004: 4). The probability of violent protests and clashes of confronting groups depends on their capacity to organize. The opportunity for collective action including mass violence increases with the size of groups (Reilly 2006: 812). Polarization enlarges the support group to a size big enough to win (ibid) and to organize protests. In a constituency in which there are

two ethnic groups of more or less equal size, both have the opportunity to protest or to start counter-protests. Should the margin of victory be large, which is to say that one of the support groups is distinctly larger than the other there is no need for violence against the smaller group while the minority group should conduct 'genocidal' levels of violence against the majority to influence their behavior (Balcelles 2010: 296).

*Hypothesis 3: The higher the level of polarization in a constituency, the more likely it is that post-election violence occurs.*

A politician who loses the elections loses all the benefits associated with the public service. Therefore the costs for the individual politician are high. There is an unequal power balance between the patron and the client (Hopkin 2006: 406). Though there is a degree of voluntariness on the demand side (Piattoni 2001), clients feel a certain degree of electoral duty in exchange for the selective benefits (Hopkin 2006: 406). This sense of duty is associated with the personal tie between patron and client (ibid). Together with the politician, supporters lose the benefits associated with state power (Sisk 2008: 9). 'When winning a state office is the key to livelihood not just for an individual, but for the entire clan, faction, or even ethnic group, the stakes involved in prevailing electoral competition are incredibly high' (ibid).

In order to maintain power politicians and their supporters treat their challenges for by the use of violence (Höglund 2009: 418). After the elections those who voted for the opposing candidate will be punished in order to deliver the treats (ibid). These treats will be executed by the politicians and their clients after the elections in acts of revenge (ibid). By committing

acts of revenge individuals show their adversaries that they are not to be trifled with (Gould 2000: 684) during the upcoming government period.

*Hypothesis 4: If an incumbent MP loses the election, the more likely it is that post-election violence occurs.*

Systematical exclusion from the state causes long-term poverty (Douma 2006). Elections determine how state resources will be distributed in the future, for which they are of special interest to those who need the state the most; the poor. 'Poverty creates positive incentives for individuals to use any means necessary to acquire needed resources and reduces the opportunity cost of using risky strategies (such as violence) to do so' (Fox and Hoeschler 2010: 5). Coupled with feelings of anger, frustration and fear individuals living in deplorable conditions are more often induced to use violence (Nathan 2000: 191). To these individuals the opportunity costs for violent action are lower; for they have got less to lose (Caruso and Schneider 2011: 38).

*Hypothesis 5: the higher the share of individuals living beneath the poverty line in a constituency, the more likely it is that post-election violence occurs.*

Economic and ethnic differences between individuals matter when they are confronted with these differences. The more densely populated an area is, the more likely it is that this occurs. Cities are composed of people from different and often opposing (ethnic) backgrounds

(Markussen and Mbuvi 2011: 6). Moreover ‘urban groups are most able to create networks to mobilize the populous and dominate necessary resources; concentrated majorities have similar capabilities’ (Raleigh and Hegré 2009: 227). Concentrations of people help to overcome coordination and collective action problems for the organization of mass violence (Raleigh and Urdal 2007: 686). If the opposition loses the elections, it is easier to organize a protest or riot than in an densely populated area than a less-densely populated one. Besides cities are of special interest for the government as well, for they are often resource rich and strategically located (Raleigh and Urdal 2007: 686). For these strategic interests governments will try and control urban areas. Therefore the centrally controlled police force is more likely to react violently to protests in cities.

*Hypothesis 6: the more densely populated a constituency is, the more likely it is that post-election violence occurs.*

## **Post-Election Violence**

The definition of election violence used most often will be used in this thesis: ‘any random or organized act or threat to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process’ (Fischer 2002: 3). If this violence occurs between the announcement of the official election results and the inauguration of the newly elected body, we speak of post-election violence (Höglund 2010: 416). Violence can be committed by state actors (military or police), parties, rebel groups, militia and paramilitary groups (ibid). Often the violence starts when the losing

party is dissatisfied with the election results (Höglund 2002: 418). Election authorities in Africa lack independence from the government and therefore they are incapable of solving a potential conflict over the election outcome between the incumbent and the opposition (Basedau *et al* 2007: 27). Thereby they create ‘an incentive for parties and candidates to focus on being declared winners by hook or by crook’ (ibid). The incumbent wants to stay in power and crushes down opposition protests (Höglund 2002: 418).

The election results were officially announced on 30 December 2007. Violence broke out immediately after Kibaki was declared winner of the elections (Waki Commission 2008: 48). The violence lasted till January 6<sup>th</sup> when peace negotiations between Kibaki and Odinga took a serious turn leading to a power sharing agreement on 28 February 2008. In this period of time over 1,200 individuals died in the election violence, women were raped, houses and shops burnt down (Waki Commission 2008: 95). Police bullets caused most of the killings followed by arrows, fire, blunt objects, pointy objects and other more primitive weaponry like sticks and stones (Waki Commission 2008: 317). In some cases violence erupted spontaneously (Waki Commission 2008: VIII). Planning and organization by politicians or local business leaders underlie the outbreak of violence in other areas (ibid).

Because the violence took these different forms, and to be certain that violence is related to the elections, the analyses of the Waki Commission Report (2008), the Human Rights Watch (2011), the Kenya National Committee on Human Rights (KNCHR, 2008), the study of Markussen and Mbuvi (2011) and newspaper articles of the Daily Nation are used to identify these instances. PEV will be measured by indicators of material harm done to others in order to influence the behavior of others. ‘Physical harm’ includes instances of property damage, looting, rape, forced circumcision, killing and similar crimes.



A logistic regression analysis is the most appropriate mean of calculating the chance of a constituency suffering post-election violence (coded 1) or non-violence (coded 0). Using SPSS the logic of the chances on PEV can be calculated as a consequence of the explanatory variables listed below. This method only deals with the presence or absence of violence, not the severity. The exact severity of violence cannot be established because psychological, immaterial damage as a consequence of physical violence does increase the severity of the acts but cannot be indicated properly. Besides in numerous times the number of bodies was unclear due to the circumstance that they of them were burnt, that Muslims were buried right away. Besides, are immediate killings more severe than women being raped and infected with AIDS? Because the severity of physical violence cannot be established properly it will be measured in the presence of absence observable physical damage related to the past elections. Of all constituencies ( $N = 210$ ) 69 experienced PEV, which is 32.9%.

From the literature on civil wars it appears that this kind of violence clusters geographically, indicating that cross-national factors alter the prospects for war in specific cases (Buhaug 2008: 216). Ethnic mobilization in one area is likely to augment the prospects for mobilization by co-ethnics in neighboring areas (Buhaug 2008: 221). The conflict in one area makes the co-ethnics in other areas aware of their grievances as well (ibid). Moreover, conflict follows flows of refugees, hampering the economy and living standards of the host country while introducing ethnic tensions (Kathman 2010: 992). Therefore conflict travels through time and across space. The spread of such effects is not random; rather it flows to places that show similar pre-existing structural conditions (Beissinger 2007: 265). Beissinger (2007) shows how structural opportunity structures including levels of urbanization and population size increase the chance of separatist collective action. A survival analysis is used for its ability to show the influence of the statistically significant variables over time.

## **Independent variables**

It can be derived from general theory that PEV is influenced by a number of factors related to the way in which structural factors are translated into political competition, including the election winner, ethnic fragmentation, polarization, personal ties of politicians, poverty levels and population density. In this section the hypotheses will be operationalized.

The winner of the parliamentary elections in a constituency is the party that obtained most of the votes. In Kenya the coalition of ODM (99 seats) and the affiliated NARC (3 seats) won in most of the constituencies (102 of the 210) according to the Electoral Commission of Kenya (ECK, 2008). The rest of the constituencies were won by the PNU-coalition (78/210) and non-aligned parties (27/210). Though the ODM obtained most of the seats in the parliamentary elections, the presidential elections were won by the incumbent president Kibaki of the PNU (47%) against Odinga of ODM (44%) and Musyoka (9%) representing ODM split-off ODM-K. Since Kibaki won the presidential elections, he was intended to form a government.

In Kenya Members of Parliament run for parties that are mono-ethnic in nature, in the 2007 elections (Elischer 2008: 24). Voting occurs along ethnic lines (Mutua, 2008: 22), for which the support group of Kenyan politicians consists of a specific ethnic group. How parties are organized in Kenya thus reflects the politically salient ethnic differences. For these ethnically organized parties the winner takes all and the loser takes nothing (Müller 2008). Much of the 2007 election violence can be explained by the colonial and post-colonial partition of land along ethnic lines (Hervé 2007). Failing to win the elections will result in an economic cold for first and foremost the political leader and secondly for his/her supporters (Rutten en Owuor 2009: 320).

In ethnically diverse societies elections can become an ordinary head count of the different ethnic group sizes (Horowitz 1985). Since ethnicity in Kenya is translated into political competition, fragmentation in a constituency will be calculated by the Effective Number of Electoral Parties (ENEP). Since only one party gains a seat, the focus will be on the share of votes parties obtained in a constituency. The Laakso and Taagepera (1979) formula is used to calculate this number:

$$\text{ENEP} = \frac{1}{\sum_i^n 1P_i^2}$$

In the formula of the Effective Number of Electoral Parties  $n$  is the number of parties with at least one seat and  $P_i^2$  the square of each party's proportion of all votes. Of all constituencies ( $N = 207^3$ ) the average ENEP was 3.1. Since this average lies between 1.1 effective party and 12 effective parties (standard deviation = 1.7), the mean does not tell much about the distribution of the ENEP. The distribution of the ENEP in quartiles is 0 till 2 (lowest 25%), between 2 and 2.55, between 2.55 and 3.68 and finally the highest 25% between 3.68 and 12. These quartiles will be used in the logistic regression analysis, for this makes the interpretation of the results easier.

The intensifying process of polarization effaces all previously complex interaction between political actors into a simple battle between the two (Le Bas 2006: 422). Radio stations, often funded by politicians, broadcasted in the language of the different ethnic groups spread hate speeches (Deane and Ismail 2008). In Kenya 'a haphazardly liberalized media system was, in parts, particularly open to political manipulation that could inflame conflict' (Deane and Ismail 2008: 326). Voters were polarized along ethnic lines. Polarization

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<sup>3</sup> Kajiado South, Kamukuyu and Kilgoris are excluded for these constituencies had to have by-elections due to irregularities in the voting procedures.

implies that there are two poles. In Kenya 2007 these two poles consisted of parties affiliating with the PNU of the incumbent president and the coalition led by the ODM. Polarization will be measured in the difference in vote share between the largest PNU affiliated and ODM affiliated party in a constituency. The pre-election coalition of Kibaki consisted of PNU, KANU, SAFINA, NARC-K, FORD-P, DP, NFK, SKS, FORD-A, FORD-K and the MGPK. The coalition of Odinga included the ODM and NARC. All other parties were non-affiliated. If the difference in votes between the Kibaki and Odinga coalition is smaller, this indicates high levels of polarization. The average distance between the first and second party in constituencies is 26.3%. Again high standard deviations are measured: 22.8. The median for polarization is 17.8%.

Central to linking the benefits of the state to ordinary Kenyans is the politician personally. Clientelist exchanges are based on a personal relationship between the representative and the voters (Hopkin 2006: 406). Therefore part of the economic fate of the individual voter is connected to the patron. In the 2007 elections 183 of the 210 incumbent MP's were contending to be re-elected. Of those only 77 (42.1%) managed to do so. As argued above, the outcome is deemed especially important for those longing for state resources. Most of the time it involves least privileged groups in society, who can offer nothing in return but their votes (Hopkin 2006). The outcome of elections in Kenya matters for the poor and densely populated areas in specifically. The KNBS (2007) offers data files on the percentage of inhabitants living below the poverty line per constituency. This data-set also includes the population density of all constituencies.

Most constituencies face high levels of poverty. The average poverty per constituency ( $N = 210$ ) is 49.2% (standard deviation of 18.5%) which indicates that a significant level of Kenyans live below poverty line. The poorest constituency of Kenya is Saku (96.8% of the inhabitants living in poverty), while Kaiti has the lowest number of poor (10.7%). The median

of poverty comes close to the average; 48.2% of the population living in poverty. Population density per constituency indicates that on average there are 784 individuals living per square kilometer (standard deviation = 2617). The lowest number of people/km<sup>2</sup> can be measured in North Imenti (2) while Starehe scores highest (26540). The median for population density is 259 individuals per km<sup>2</sup>. The distribution of population density in quartiles is between 0 and 69 for the lowest 25%, between 70 and 265 for the second quartile, between 256 and 479 for the third and above 480 individuals/ km<sup>2</sup> for the most urbanized percentile. The operationalization of the variables used for analysis is listed below in table 2.

**Table 2 Dependent Variable and Independent Variables in the Model**

| <i>Name of the variable</i> | <i>Characteristics</i>   | <i>Sources</i>  |
|-----------------------------|--|---|
| PEV                         | Dummy variable; 1 if the constituency experienced physical harm related to the election outcome, 0 if not. | Associated Press (2007-8), Daily Nation (2007-8), HRW (2011), KNCHR (2008), Markussen and Mbuvi (2011). |
| ODM Winner                  | Dummy variable; 1 if the ODM coalition won in a constituency, 0 if not.                                    | ECK (2007)  |
| Fractionalization           | Logged Effective Number of Political Parties in the constituency per quartile.                             | ECK (2007)  |
| Polarization                | % distance between the largest ODM and the largest PNU affiliated party in the constituency.               | ECK (2007)  |
| Incumbent MP losing         | Dummy variable; 1 if the incumbent MP lost in a constituency, 0 if not.                                    | ECK (2007)  |
| Poverty                     | % of the inhabitants of a constituency living below poverty line   | KNSB (2007)   |
| Population density          | Logged total number of individuals living per km <sup>2</sup> in a constituency in quartiles.              | KNSB (2007)   |

## Empirical Analysis

Table 3 presents the results of the logistic regression analysis. The different variables that explain the presence of PEV in Kenyan constituencies<sup>4</sup> following the 2007 elections are listed below. The entire model returns positive on the variables included in the logistic regression analysis. The result is statistically significant (at the .01 level in a two-tailed test). Nevertheless, it should be noted that the variance explained is relatively low (Nagelkerke  $R^2 = .13$ ).

**Table 3. Analysis of PEV in Kenyan constituencies 2007-8**

| Variable                      | Coefficient | SE    |
|-------------------------------|-------------|-------|
| ODM Winner                    | 0.812*      | 0.351 |
| Fractionalization             | -0.598**    | 0.199 |
| Polarization                  | -2.305*     | 0.995 |
| Incumbent MP lost elections   | 0.273       | 0.366 |
| Poverty                       | -0.631      | 1.061 |
| Population Density            | 0.020       | 0.172 |
| Constant                      | 0.842       | 1.088 |
| <i>Number of observations</i> | 188         |       |
| Pseudo $R^2$                  | 0.128       |       |
| Chi-square                    | 17.595**    |       |
| Prob> $\chi^2$                | 0.01        |       |

*Notes: Robust Standard Errors in Brackets, Sig. Level: \* $p < .05$ , \*\* $p < .01$*

The strongest predictor for PEV in a constituency is the fractionalization. The estimates for the effect of the Effective Number of Electoral Parties are substantively and statistically significant. The direction of the relation however is opposite from expectation. In fact the

<sup>4</sup> Central Imenti, Changamwe, Embakasi, Ikolomani, Kajiado North, Kaloleni, Kandara, Kieni, Kilgoris, Kirinyaga Central, Kisumu Town West, Lari, Limuru, Machakos Town, Malava, Maragua, Masinga, Molo, Msambweni, Subukia, and Taveta are excluded from the analysis for the European Union observers (2008) identified these constituencies as experiencing too many irregularities.

more political parties there are, the lower the chances of PEV while lower fractionalization increases the chances of PEV. The reduction of the number of parties in an ethnically diverse society which is championed by scholars including Huntington (1991: 271) and Horowitz (1985) does not decrease the chances of violence after the election.

These results go together well with the effect of polarization. The closer the distance between the largest and second-largest party in a constituency, the higher the chances of PEV. These findings are in line with the third hypothesis. In such cases the margin of victory between the PNU candidate and the ODM candidate is small. It is implied that the support groups of both parties are of more or less equal size. More or less equal sizes of support groups in a polarized environment increase the chances of PEV.

The third variable that shows significant results is the winner of the constituency. In constituencies where the Orange Democratic Movement won, the chances of PEV increase significantly, as expected. The chance of PEV in a constituency voting ODM is relatively high: 39.9%, when holding all other factors stable at their median. If another party wins in a constituency the chances of PEV drop to 22.7% (when again holding the other variables stable at median value). How these variables interrelate and explain the PEV will be discussed in the next section of this thesis.

First, the theoretical implications of the other (non-significant) variables will be discussed. Most of the Members of Parliament that ran for re-election were defeated in the 2007 Kenyan elections. There is a highly insignificant relation between the defeat of an MP and the chances of PEV. Rather the political party that wins or loses influences the chances of PEV, it is not the politician on him- or herself. In traditional views of clientelism the relationship between voters and representatives is personal in nature (Hopkin 2006: 406). Supporters got used to the benefits of knowing the MP personally and got attached to these

benefits, it was expected. Therefore if the incumbent MP would lose, the entire support group loses. In practice however, a higher likelihood of PEV is not associated with losing incumbent MP's, rather with the losing party as the relative group sizes (measured by polarization) indicate.

Besides both demographic variables, namely poverty and density, cannot explain the chances of PEV; these variables score highly insignificant. Scholars argue that exactly these variables are the essential explanatory variables for causing violence in general and PEV in specifically (Collier and Hoeffler 2004, Fearon and Laitin 2003, Hegre and Sambanis 2006, Urdal 2008). The occurrence of PEV is not bound to the income of a constituency; there are plenty of poor constituencies that did not face violence such as Saku where 96.8% lives beneath poverty line. Besides there are plenty of richer areas that did, including the Westlands an area which houses multiple businesses, embassies, international organizations and their employees. The poverty level does not increase the likelihood of PEV, as the hypothesis indicated. Just like poverty levels, population density does not significantly contribute to the chances of PEV (and the  $R$  is close to 0). The absence of a relation between population density and PEV is not in line with the hypothesis. After the elections violence broke out in rural communities (such as Kisumu Rural) as well as in cities (e.g. Nairobi). On the other hand there were also cities that remained relatively quiet such as Voi or Vihiga and villages (including Mount Elgon) that did not suffer from PEV. The demographic composition has no effect on the likelihood of violence after the elections in a constituency.

To conclude this logistic regression analysis: fractionalization, polarization, and the ODM as winning party have a significant effect on the outbreak of PEV. The incumbent MP losing, population density and poverty do not have this effect. The chances on the outbreak of violence after the announcement of the election results in a highly polarized constituency, with a low number of political parties that voted ODM are 65.1% (while holding the other



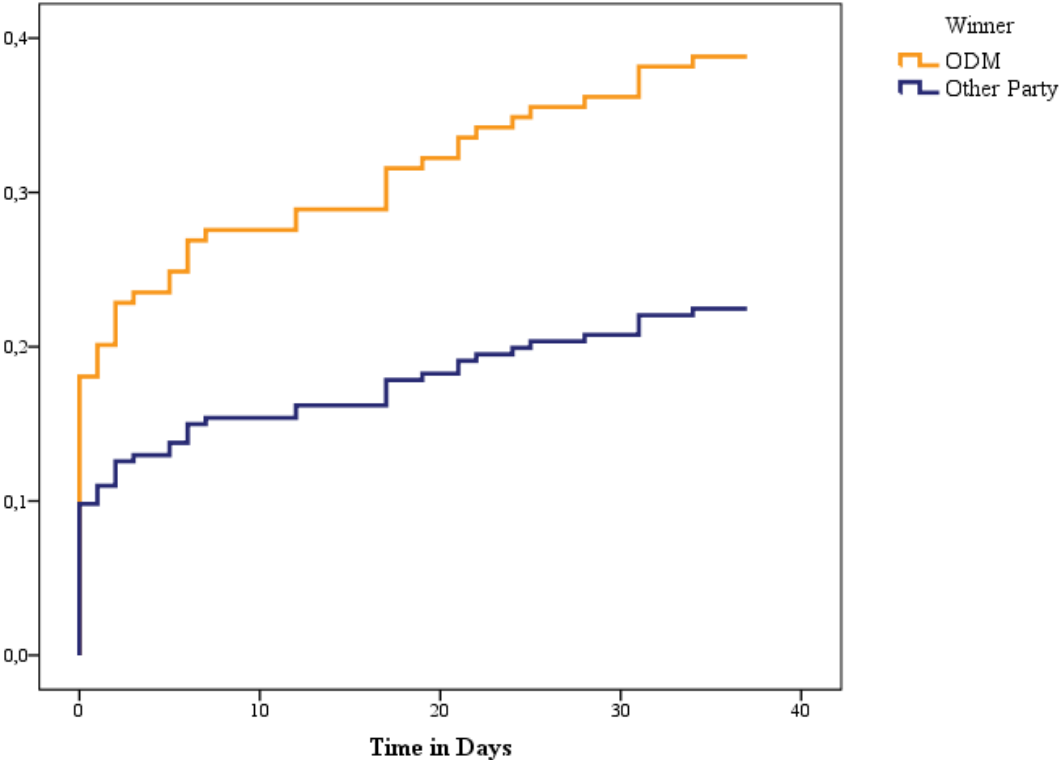
variables constant at their median). These chances are 30.4% if the constituency is not polarized and there are many parties and the ODM loses. It can be concluded that the combination the winner, the number of parties and the polarization of a constituency can increase the chance of post-election violence by 34.7%. How this works will be explained below.

### **The sequence of post-election violence**

Theory predicts that post-election violence occurs for three reasons, as discussed above. First, political leaders and supporters of all parties punish the voters of the rival party. Secondly, unsatisfied voters of opposition party start to protest violently. The incumbent thirdly, tries to silence the protesting opposition supporters forcefully. How these theories relate to the outcome of the logistic regression analysis will be shown using a survival analysis. This type of analysis adds information about the timing of PEV in relation to the significant independent variables.

Graph 1 shows the increase in constituencies affected by PEV by ODM dominated constituencies and those in which another party won on a scale of 0 till 1. The influence of this variable is significant ( $p < .05$ ). The time period covered by this analysis is the day of the elections (day 0) till the day after January 6 when the final round of negotiations had started and there were no new constituencies infected by PEV (day 40). The Y axis show the probability that a constituency experiences PEV.

**Graph 1. The Kaplan-Meier Estimates of PEV by the winner of the elections (Kenya 2007-8)**



The early violence is associated with the large scale ODM demonstrations called for by Odinga (BBC 2007). At the day of the elections 18% of the constituencies in which the ODM won experienced violence and 10% of the constituencies in which another party won. Angry mobs demonstrated against the perceived fraud during the voting process (Waki Commission 2008: 201). The president of the Electoral Committee of Kenya seems to underpin these allegations when stating on January 2nd 2008: ‘I don’t know whether Kibaki won the elections’ (The Telegraph 2008). Every time large scale protests broke out, more constituencies were experienced violence; from day zero till eight (29 December 2007 till 6 January 2008)<sup>5</sup>, day 12 (January 10 2008)<sup>6</sup>, day 17 (15 January 2008)<sup>7</sup>, day 27 (25 January

<sup>5</sup> The Daily Nation (2008b) and The Daily Nation (2008c)

<sup>6</sup> CBS News (2008)

<sup>7</sup> The Daily Nation (2008a)

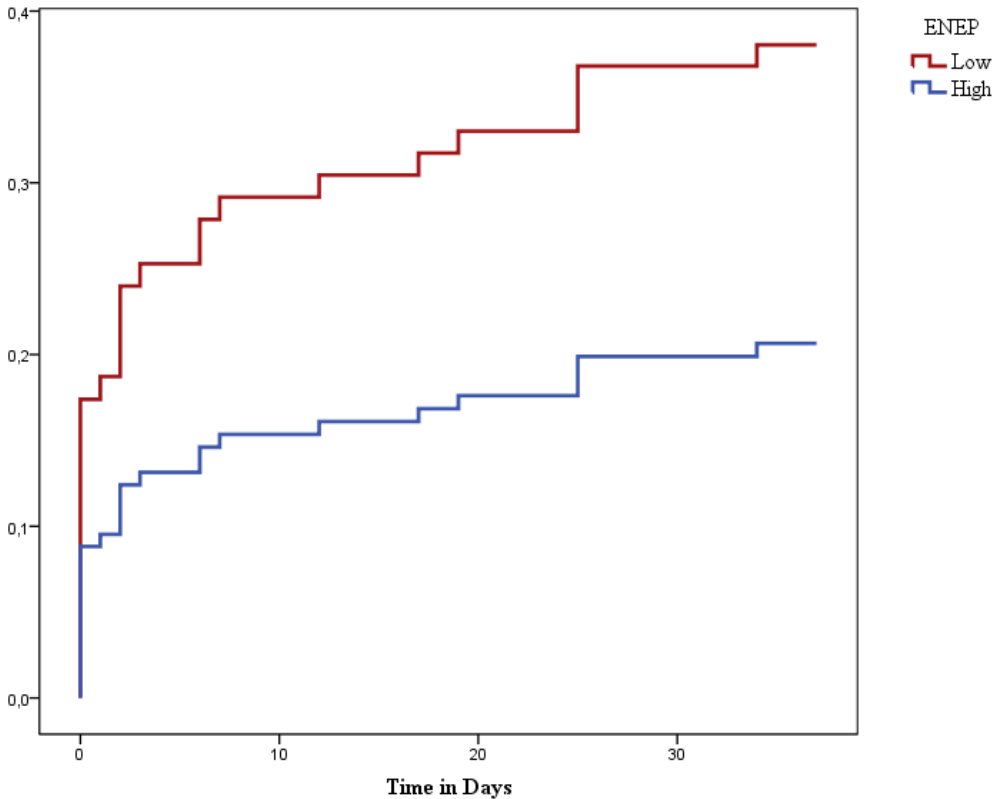
The Daily Nation 2008a), and day 35 (1 February 2008)<sup>8</sup>. The police force reacted aggressively to these demonstrations and shot multiple protesters and looters (Waki Commission 2008: 201). The prosecutor of the International Criminal Court (ICC, 2008b: 5) charges Kenyatta (PNU) and his chief of police of particularly brutal use of force directed at punishing and silencing the opposition supporters. These violent protests in ODM dominated constituencies and the aggressive reaction of the police forces increase the chances of post-election violence in these areas. In the end a constituency in which the ODM won had a chance of 39% on PEV and those constituencies in which another party gained the majority had a chance of 22%..

The ICC (2008: 8) states Ruto and Kosgey both tried to create an ethnic voting block for future elections in their respective constituencies. This motivation could explain why a lower number of parties in a constituency increase the chances of PEV, which is shown in graph 3. A low number of parties is associated with a score around 2 and a high ENEP corresponds with 3.7. The influence of this variables is significant again ( $p < .05$ ).

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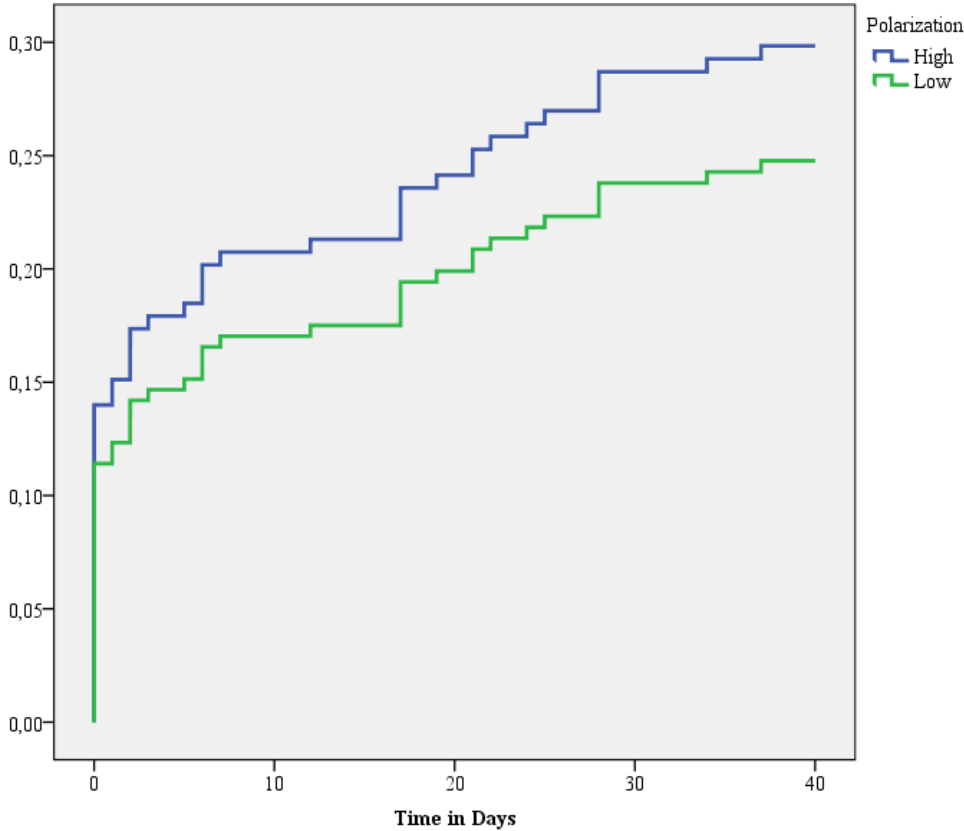
<sup>8</sup> Gettleman (2008b)

**Graph 2. The Kaplan-Meier Estimates of PEV by a low and a high Fractionalization (Kenya 2007-8)**



If there are only two parties contesting in a constituency there is a fierce competition. This is also shown in graph 3. If the distance between the winning and the second party in a constituency is low, the likelihood of PEV increases. A small distance between the two parties (high polarization) is associated with a distance of 9.7% or less of the votes (the lowest quartile). Low polarization on the other hand is associated with more than 41.5% (highest quartile) of the votes. The influence of polarization is less significant than the other variables ( $p < .1$ ).

**Graph 3. The Kaplan-Meier Estimates of PEV by a high and a low polarization (Kenya 2007-8)**



If there are only two relevant parties in a constituency, competition is high. Therefore the constituencies that had only two parties experienced more violence than constituencies in which multiple parties competed. Politicians try and mobilize as many voters as possible by creating enemy pictures of the biggest opposition group (KNCHR 2008: 171). If the number of groups competing for power is limited, the size of the groups is expected to be bigger. Larger groups have more capacity and resources to overcome collective action problems and to start protesting. Smaller groups have less resources and capacity to engage in violence. This potential for PEV grows quicker in the constituencies with a low fractionalization than in those with more parties (graph 2). Constituencies that had around two relevant parties had a chance of 38% to experience PEV and the highly fractionalized had chances of 21% in the end. There was a potential for violent actions in these constituencies all along that had not

been addressed before. In some places these protests escalated resulting in looting and other forms of aggression (Murunga 2011: 19).

The violence was not committed by ordinary voters alone. Politicians also outsourced violence to criminal gangs (KNCHR 2008: 210). According to the ICC (2008: 8) Ruto and Kosgey (both ODM) were involved in post-election violence in order to punish Kibaki voters. In Ruto's constituency (Eldoret North) 22.2% voted for Kibaki and in Kosgey's (Tinderet) 11.2% did so. Kibaki winning the presidential elections implies the exclusion from government power of the ODM since Kibaki was to form a government. When in government MP's have more to distribute than when in opposition, as the investigation of the Ndungu Commission (2004) on the illegal allocation of land shows. Therefore they need to generate as many votes as possible for 'their' presidential candidate. Violence and aggressive protests are used as a way to punish the voters of the rival party in a constituency. 'Perpetrators often told victims the sexual violence inflicted upon them was punishment for belonging to a specific ethnic group' and 'purportedly having supported a particular political party'(Waki Commission 2008: 349).

The ICC (2008:8) comes up with another motivation for the organization of violence by Ruto and Kosgey, namely the wish of creating an ethnic voting bloc for future elections. The latter claim seems less convincing to me; Ruto received 77.3% of the votes and Kosgey 63.5%. These are absolute majorities already, building an ethnic voting block therefore is unnecessary for these politicians. If they would have obtained a close victory their support base would have been less broad and violence could have been used to guarantee support during the following years. Now both Ruto and Kosgey could count on a comfortable majority of votes in their constituencies. Besides neither the motivation of punishment nor that of the alleged creation of ethnic voting block for future elections can explain why violence persists and increases over this long period of time.

When looking carefully at graph 1, there are multiple periods in which the percentage of constituencies affected by violence did not increase. After the first days of PEV negotiations by the African Union started (day 8, 6 January 2008) and Odinga called off the protests (The Nation 2008b). This first negotiation attempt was not too successful, for which Kibaki presented his cabinet on January 9<sup>th</sup> (day 11). This cabinet included Musyoka, the third presidential candidate enjoying the support of another major ethnic group –the Kembas (Gibson and Long 2009: 5). With this move Kibaki tried to circumvent Odinga and his ODM. In a response, new violence broke out especially in ODM-dominated areas. Since protests were prohibited by the government, the police reacted brutally (Waki Commission 2008: 198). The forceful policing calmed down the situations somewhat while negotiations between Odinga and Kibaki continued fruitlessly (ibid). A new increase in violent action can be observed around January 16<sup>th</sup> (day 18) after the killing of Were, an ODM politician and after the first day of parliament. Constituencies in which the majority supported his party started to protest (Gettleman 2008). These protests did not start spontaneously; ODM politicians had called for such protests on January 15<sup>th</sup>, the day they had to take place in the opposition benches at the opening of parliament (BBC 2008b). The ODM losing this parliamentary battle combined with the killing of Were, brought about a situation that mobilized multiple supporters to protest.

Just before the arrival of Kofi Annan, who was to restart negotiations for peace between Kibaki and Odinga, violence re-erupted (Waki Commission 2008: 103). Local MP's organized violence by the employment of criminal gangs (ibid). Protests and violence were used as a way of influencing the process of the formation of a government (Murunga 201: 21). These street protests intended to show the illegitimacy of the government and its incapacity to restore peace (ibid). In other words, by violently protesting the ODM showed that its inclusion into the cabinet is a necessary condition for the restoration of peace. This was most

explicitly articulated by the slogan ‘No Raila, no peace’ frequently used by the supporters of Raila Odinga (De Smedt 2006: 592). Demonstrations were used to put pressure on Kibaki and to serve as a negotiation strategy in the process of government formation. As the negotiations continued on a more serious note from 6 February 2008 onwards, violence diminished.

Politicians do not fully control their supporters of course and spontaneous violence sometimes breaks out. However, ODM politicians and supporters seem to deliberately initiate and organize violence in order to punish Kibaki voters and to use violence strategically in government negotiations. If there are only two parties in a constituency with large support bases, the potential for violent action is higher. If polarization is high, the losing party in a constituency can count on a substantive potential for collective action as well. The violent reactions of president Kibaki, his supporters and the security services was directed at the silencing of these protests and punishing opposition voters.

### **Case studies**

An in-depth analysis shows how the causal mechanisms work at the lowest political level: the constituency. A typical case study can link the statistically relevant explanatory variables to the outcome (Lieberman 2005: 437). Such a case is one in which the relation between X and Y follows the effect indicated by the statistical analysis, in this case Eldama Ravine (ODM winning the election, low levels of fractionalization and polarization). In order to identify unsystematic variance or to find potential systematic variance that has not been tested, ‘one should at least select one case that has not been well predicted by the best-fitting statistical model’ (Lieberman 2005: 445). Such deviant cases will be explored by the constituencies of Ainamoi (polarization higher than the median), Nakuru (PNU winning the elections), and



Dagoretti (fractionalization higher than the median). Since the explained variance by the model is low, these cases provide new insights in the dynamics in constituencies that remain unexplained by systematic variance. Backward reasoning will be used for this method and can come up with potentially new explanations that were not included in the large N analysis.

*Typical case: Eldama Ravine*

A typical case for these purposes is a constituency that voted ODM. Besides, the difference between the largest and second largest party should be small. Moreover this polarization is coupled by a low ENEP. In Eldama Ravine the ODM candidate Moses Lessonet won at the expense of Jonathan Moi (PNU). Effectively these two parties and candidates were the only ones that mattered (ENEP = 2.1). These two parties gained most of the votes; the party of Lessonet got 55.1% of the votes and that of Moi 41.4%.

On January 26<sup>th</sup> Father Ithondeka was killed at an illegal roadblock set up by armed youth (ICC 2008). The Kikuyu youths claimed to be on an act of revenge, after one of them had been killed in Nakuru (ibid). Road blocks as these were raised to deter, injure or kill Kalenjin (KNCHR 2008: 63). The violence in Eldama Ravine was mostly directed at the Kikuyu minority and conducted by the Kalenjin majority (HRW 2011: 37). The second outburst of violence seemed to be ‘justified’ by feelings of revenge; the earlier outbreak of protests followed the announcement of the election results. Protests had turned violent as can be illustrated by the story of Elisabeth W., a Kikuyu who was gang raped by protesters as she watched known attackers killing her husband and looting her shop (Waki Commission 2008: 92). Violence was addressed at those who were alleged to have voted PNU (ibid).

Politicians helped to execute these kinds of violence by hosting organized gangs in their residences (KNCHR 2008: 84). They did so in cooperation with local businessmen who

sponsored the execution of violence, justifying ‘their actions by citing the failure by the government to guarantee security for them and their premises. These businessmen are highly respected by the local communities and can inspire their behavior (KNCHR 2008: 84). They claimed that because of the security situation and fear of attack, they had to organize their own security’ (KNCHR 2008: 84-5). These claims can be underpinned by examples of police forces incapable or unwilling to take action against their co-ethnics (Waki Commission 2008: 96). The state agencies did not behave as neutral arbiters for which they were not seen as legitimate (Waki Commission 2008: 23). The legitimacy was further and deliberately undermined by local businessmen and politicians.

The Kalenjin youth committing most of these crimes were motivated by politicians declaring the area ‘ODM zone’ calling for a ‘removal of Kibaki from power and Kikuyus from the Rift Valley’ (Waki Commission 2008: 92). Politicians on both sides of the political divide stoked hatred amongst the communities (KNCHR 2008: 84). The case of Eldama Ravine shows how the dynamics between elections and ethnicity can cumulate in violence; the ODM won in a close call of PNU, ultimately leading to clashes between supporters of both groups. Eldama Ravine and surroundings have been tense ever since the 2005 referendum. This referendum widened the gap between the Kalenjin, the biggest group in the area supporting decentralization and the Kikuyu, the biggest group nation-wide, opposing decentralization (Waki Commission 2008: 92). These pre-existing ethnic tensions were exuberated during the 2007 election campaign by aggressive campaigns of politicians.

#### *Deviant case: Ainamoi*

A deviant case is Ainamoi, located in the Rift Valley as well. The distance between the first and the second party is rather large: 32.5% of the votes and the ENEP is higher than the

median (3.1). In these elections the former representative of Ainamoi, David Too (ODM) was re-elected.

He only enjoyed his election victory briefly for he was killed on January 31, 2008. The death of Too sparked an eruption of violence (HRW 2008: 36). An angry crowd attacked government and police officers immediately after the news of the killing was received (HRW 2008: 36). The police reacted to the protesters by shooting at them, killing and injuring some (Waki Commission 2008: 145). The mob chopped an officer into pieces and burned his body (HRW 2008: 36). They looted the police station and burned the building afterwards (ibid). The crowds were incited by politicians like Anyang Nyong'o, secretary-general of ODM declaring that 'the blood of David Too must run to the door of those who stole the election' (AP 2008). Government officials declared that the assassin of Too, a policeman, pulled the trigger for reasons of a *crime passionnel* (Gettleman 2008). 'How can police call this an ordinary murder before any investigations?' asked William Ruto one of the opposition leaders (Gettleman 2008). Since Too was the second ODM politician killed in a week, his death raised the suspicion of ODM-supporters (AP 2008). 'Those who espoused ODM's assertion that elections were rigged with the help of Kenyan security agencies and local administration authorities were quick to identify the mishandling of enforcement of justice as evidence of a politically biased state security machinery' (Waki 2008: 111).

Though the latter wave of violence erupted mainly as a consequence of the killing, it cannot be seen independently from the first wave of violence. Immediately after the announcement of the election results, violence erupted in this constituency (Waki Commission 2008: 48). The violence itself was directed at Kikuyu (a small minority in this constituency) (ibid). Businessmen and politicians including Too himself helped to finance and manage Kalenjin youth to attack Kikuyu (KNCHR 2008: 171). Too also asked residents repeatedly to 'remove all the stains/spots' from the region' (ibid). The stains were all non-

Kalenjin in general and Kikuyu specifically who were hated so much for historical reasons (ibid). Before the British colonization of Kenya only the Masai and Kalenjin (both pastoral people) inhabited the Rift Valley (Kanyinga 2009: 329). The British sought a stable economic foundation which led them to attribute most of the land to the Kikuyu, since they were the most land-hungry constituency (Kanyinga 2009: 341). The KANU government after independence remained in the hands of Kikuyu, continuing a pro-Kikuyu policy (Hornsby 2013: 674). Especially in the Rift area much land was illegally attributed to sponsors of the political elite also by the NARC government, according to the Ndung'u Commission (2004: 73-4). The attempt to expel the non-Kalenjin and non-Masai population from the province, in order to take over their land is justified by these historic land claims (IRIN 2008).

The Kalenjin community saw their co-ethnic Too (Gettleman 2008) winning the elections with an absolute majority (51.2%) over a plethora of smaller groups. Even though they won the elections, the Kalenjin and Masai started to expel the ethnic minorities from their villages. The dynamics of violence in Ainamoi expresses the historical sense of injustice done to the traditionally itinerant populations of the area. By 'removing the stains' these traditionally pastoral tribes tried to regain their paradise lost for which the post-election chaos provided an ideal opportunity.

#### *Deviant case: Nakuru*

The dynamic in this deviant case is distinct from the causal mechanisms discussed above. Another deviant case is provided by the town of Nakuru (Rift Valley). Different from the dominant pattern, the PNU won this constituency. Lee Kinyanjui defeated Mike Brawan (ODM) with 12.9% more votes. These two parties were the most relevant ones in the Nakuru election; the ENEP was 2.1. The town is divided in the two ethno-political camps (Parsitau

2010: 498). The most systematic and widespread violence in Nakuru occurred in January and February 2008 (Waki Commission 2008: 79). In the cases discussed above violence had started after the announcement of the election results. In Nakuru these dynamics were different. Youths and gangs of Kalenjin versus Kikuyu clashed violently in the streets (ibid). The Kalenjin community living around Nakuru, had been mobilized and reportedly paid to fight the Kikuyu (Waki Commission 2008: 102). They were willing to protect their fellow ethnics from the violence and atrocities committed by the gangs including the Mungiki (ibid). This violence was most eminent in the Nakuru slums from which Mungiki drove out the Luos in order to protect Kikuyus (Parsitau 2010: 496). Strong evidence exists that the security forces were divided along ethnic lines as for example the Rift Valley Police head of operations assisted the Mungiki gangs in their attacks on ODM supporters in Nakuru (KNCHR 2008: 210). On the other hand the police forces were incapable to effectively contain the violence killing many in the slums of Nakuru (Parsitau 2010: 496).

Nakuru remained rather peaceful directly after the announcement of the election results. The late outbreak of violence is associated with the induced tensions between ethnic groups due to the high number of Internally Displaced Persons coming to Nakuru (Parsitau 2010). Rumors spread under the population that for example 'Kikuyus were recruiting youths in Naivasha, Laikipia and Dandora to come and protect Nakuru town' (Waki Commission 2008: 100). The ethnic tensions in Nakuru thus came with the IDP's from other parts of the country.

#### *Deviant case: Dagoretti*

A final deviant case that will be discussed is Dagoretti in Nairobi. Dagoretti in Nairobi is in many respects the opposite case from Eldama Ravine. In this highly urbanized area the PNU

candidate Beth Mungo defeated Waweru of the ODM. Due to the fact that the ENEP in this constituency is higher than the median (2.8), the distance between the first and the second party is low (9.6%). Severe clashes between protesters and the police force were registered after the death of Mellitus Mugabe Were (then MP for another Nairobi constituency) who was shot dead in the early hours of 29 January 2008 (KNCHR 2008: 42).

Security services reacted brutally to these protests; for they had a 'shoot to kill' policy, according to Human Right Watch (2011: 60). The police denied the existence of such policy, but acknowledged the shootings (ibid). 'However, the notion of individual blame has never been tested by police investigations and prosecutions of individual perpetrators among the security forces' (ibid). The Nairobi provincial police force sided with the Kikuyu which is shown by the fact that only police officers were deployed of this ethnicity (Waki Commission 2008: 110). Similar clashes were reported directly after the announcement of the election results (Waki Commission 2008: 198). 'Anti-riot police were engaged in running battles in the city's Mathare, Kibera and Dagoretti areas in an effort to stop ODM supporters from making their way to Uhuru Park, the venue of the rally, which was sealed off by GSU officers' the Daily Nation (2008a) wrote.

At the same time illegal gangs sponsored by politicians tried to move out ethnic minorities using violent gangs (KNCHR 2008: 42). 'All political candidates employ thugs to 'represent' them, if only to protect themselves from the thugs 'representing' their rivals' (Anderson and Lochery 2008:338). This connection between gangs and politicians existed also in earlier elections (Kagwanja 2003). 'The pervasiveness of political violence and the complete impunity of those who routinely use violence as a political tactic is now one of the most striking features of Kenya's political scene' (Anderson and Lochery 2008:338). The use of violence was co-sponsored by local businessmen. Some businesses had high interests in moving out all non-Kikuyu. For example Kikuyu landlords feared that their Luo and Luhya

tenants could become uncooperative if the ODM would win for the party had promised to regulate house rents (Waki Commission 2008: 115). After the announcement of the election results one eyewitness tells ‘people in my area started cheering and saying that those Luos who thought they would not pay house rent once Raila was declared winner should be prepared to leave’ (Waki Commission 2008: 195). Landlords of the majority population tried to move out the Luo and Luhya even before the elections (ibid).

### *Discussion of the case studies*

All kind of motivations underlie violent behavior. In some constituencies fear was the main driver of violence. A close call between the first and second party in an aggressive political environment incited violence in Eldama Ravine. Therefore this constituency had been tense long before the elections. After these elections this led to violent clashes of ODM supporters and those of the PNU. Politicians of both camps have interest to play the ethnic card and to push mobilization hard. By doing so politicians increase their own support base by inciting fear of the others. In other constituencies fear of ‘opposing’ ethnic groups was sparked by flows of IDP’s (Nakuru).

In Ainamoi and Dagoretti however violence was not motivated by fear, since it affected local minorities the most. In these cases the minorities were severely punished for their electoral choice. Criminal gangs were hired by politicians and their supporters to commit atrocities against these minority groups. In these constituencies elections provided a good opportunity to loot, rape and kill –sometimes justified by historical land claims. Dissatisfied individuals protesting and criminal gangs took advantage of these opportunities.

This kind of violence is often incited and organized by politicians delegitimizing the state’s authority. The monopoly on violence of the government is undermined and supporters

of the local MP can do whatever they like. This chaos could not have been prevented by neutral state forces because they lack the appropriate resources to react effectively to these violent challenges. In other instances the state was divided along ethnic lines itself, for which policemen did not even try to stop violence or even inflamed it themselves.

## **Conclusion**

The elapse of extremely violent actions in 2007 are imbedded in the political economy of Kenya. The costs of losing the elections are connected to the wide web of clientelism. In the middle of the web there is the president, who allocates state benefits to his political supporters. Essential to his political support are the MP's. The representative of a constituency supports the president and gets particularistic resources in exchange. These benefits provide the opportunity for distributing state resources to voters and financial supporters. By doing so the MP secures the support of his followers. The stakes for politicians are high and therefore they often participate in the organization and execution of violent protests and action including the deployment of gangs to intimidate voters of the rival party. If the interests of politicians and businessmen come together a window of opportunity opens to the co-sponsorship of violence.

After the announcement of the official election results opposition voters started to protest aggressively. Ordinary protesters opposed the commitment of fraud by the incumbents and feared exclusion from benefits associated with state power in the following government period. Especially in constituencies in which the ODM became the biggest party violent protests erupted. When a MP is member of the governing coalition he or she will be rewarded



financially for the political support. These rewards include the possibility to reward the voters of that MP. Therefore supporters of the ODM had to lose most.

By protesting violently ODM supporters, incited by their political leaders, showed the inability of the government to restore peace. This constant delegitimation of government power showed that violence was to stop only if the ODM was included in the government. The interest of the incumbent government was the exact opposite. By trying to crush down the protests the government tried to stop ODM-supporters from protesting and to restore business as usual.

Since state resources are redistributed along ethnic lines to the co-ethnics of the winners, being on the losing side implies the exclusion from power for entire ethnic groups. In constituencies that had more or less equal support groups for both the ODM or PNU candidates, a large minority fears exclusion from state resources during the following government period. Mobilization along ethnic lines provided the resources needed and support groups large enough to overcome collective action problems. Therefore PEV is spread most in constituencies in which there were two parties competing with high levels of polarization.

In multiple constituencies this mobilization ended in ethnic cleansing in which members of ethnic (minority) groups were expelled, robbed and, or killed. Especially in constituencies of the Rift Valley the origins of violence relate to a long history of perceived injustice. The distribution of land by former governments along ethnic lines caused ethnic hatred between the different groups and tribes. In such areas the elections offered an excuse for ethnic cleansing directed at seizing the property of ethnic minority groups –Kikuyu most of the time. These historical ethnic tensions were enlarged by politicians and their supporters for political opportunistic reasons.

Further research on Kenya and PEV could deal with the role of the state and its capacity to prevent violence from occurring. The cost of violence drops with the chances of being punished for that crime. In all examples described above the police and security forces reacted inadequately. The number of police officers happened to be too low for the severity of violence they had to address. A weak state incapable of responding to violence creates the opportunity to do harm for those who want to. In this state of disorder spontaneous violence could easily be deployed. Pillagers of shops or rapists could come away easily with their crimes. Also security services were unable to prevent violence from occurring after numbers of IPD's moved in and rumours of mobilization of youths in neighboring areas spread. In multiple instances security forces were partial in the conflict, which influenced their behavior either not to react or to react violently. For policy goals it would be good to empower the state forces.

On the other hand the security forces often proved to be biased, acting according to their political and ethnic color. Multiple notions are made of police forces that refused to react when opposition supporters were harassed and killed while other overreacted to opposition protests. If the state is biased in such way, empowering security services with more material and manpower could lead to higher levels of violence. What the exact role of the state forces in such conflicts is differs and how to deal with this weakened state remains an interesting question for further research.

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