

The Kenyan Crisis: Post December 2007 Elections

Renu Modi
Seema Shekhawat



Working Paper No: 1

Centre for African Studies

Area Studies Building
Behind Marathi Bhasha Bhavan
University of Mumbai
Vidyanagari, Santacruz (E)
Mumbai: 400 098.

E-mail: renumodi2003@yahoo.com
seemashekhawat@gmail.com

Contents

Acronyms	03
Resume	04
Introduction	05
The Background	05
The Kibaki Administration	08
The Governance Crisis	11
December 2007 Elections	13
Repercussions	18
Deep Rooted Reasons	19
Authoritarian ‘Democratic’ Structures	20
Unrestrained Powers of the President	20
Lack of Space for the Opposition	21
Popular Disillusionment	21
Political Violence	22
The Ethnicity Factor	23
The Economic Factor	24
Colonial Legacy	26
Conclusion	28
Endnotes and References	29
Tables	
Table 1: 27 December 2002 Election	07
Table 2: November 21, 2005 Constitutional Referendum	11
Table 3: Composition of the 10th Parliament	14

Acronyms

ICG	International Crisis Group
IMF	International Monetary Fund
KANU	Kenya African National Union
NARC	National Rainbow Coalition
ODM	Orange Democratic Movement
ODM-K	Orange Democratic Movement-Kenya

Resume

Renu Modi

Renu Modi is a lecturer and Director of the Department of African Studies, University of Mumbai. She is a political scientist and graduated from the Lady Shree Ram College for Women, Delhi University. She received her PhD. from the Centre for African Studies, School of International Studies, Jawaharlal Nehru University, New Delhi. Her research interests include issues of development- displacement and livelihood reconstitution at resettlement sites and contemporary political, economic and social issues from a gendered perspective in the Afro- Asian context.

Seema Shekhawat

Seema Shekhawat holds a doctoral degree in Political Science from the University of Jammu, India. Her research interests include conflict, human rights and gender. She has published extensively on these issues in national and international journals, magazines and newspapers besides authoring three books (two co-authored). Earlier Dr. Shekhawat was associated with University of Jammu and was the sub-editor of *Across LOC* newsletter. Currently, she is a research associate at Centre for African Studies, University of Mumbai.

Introduction

This paper analyses the causative factors for the recent political crisis in Kenya that followed the controversial results of the December 2007 presidential elections. The extreme violence after the re-election of the incumbent, President Mwai Kibaki for a second five-year term alarmed the entire African continent and the world. For a long time Kenya had enjoyed the reputation of being an ‘oasis of stability surrounded by nations at war’ in the volatile East African region.¹ It had been labelled as the model of democracy and stability in East Africa despite all the ups and downs, changes in political system and crises in the neighbouring countries. The tourist-friendly country was considered East Africa’s economic engine, a hub for global trade and a base for international humanitarian work. This paper delves into the deep rooted reasons for the recent violence and political crisis that has left hundreds dead and forced thousands to flee their homes and resulted in the economic disruption and uncertainty in terms of political stability. Though the immediate trigger was the flawed elections, the reasons for this volcanic eruption lay in the simmering mass discontent based on a combination of overlapping historical, ethnic, political and economic factors that need to be addressed to enable Kenya to be a stable democracy.

The Background

A brief history of Kenya’s ‘democratic’ evolution is relevant to understand the role of ethnicity in the current political killings. Kenya became a British protectorate in 1890 and a Crown colony in 1920. Movement for independence began in the 1940s, and in the protest against colonial rule climaxed at the time of the Mau Mau rebellion of 1952.² Finally Kenya became an independent state on December 12, 1963. Jomo Kenyatta, a Kikuyu from the Kenya African National Union (KANU) became the first president in 1964. Kenyatta was a natural choice for the highest post for his active role in anti-colonial movement. To quote writers Bennett and Rosberg,³

Kenyatta was the logical choice; no one else was identified so fundamentally with the struggle for freedom. To the majority of Kenya Africans, Kenyatta was not the leader into ‘darkness and death,’ the phase the Governor used in May, but rather the father and symbol of

their nationalism, being referred to, with African respect for age, as *Mzee* ('elder'). For over seven years he had been suffering for his people, first in prison and later in restriction at Lodwar, a remote government centre in the Northern Province.

Following Kenyatta's death in 1978, Daniel Arap Moi, from the Kalenjin tribe became the president.⁴ Moi ruled Kenya under a single party state for a long time. He retained power unopposed in the elections held in 1979, 1983 and 1988. Finally, violent demonstrations, riots by the common man, combined with pressure by international donors⁵ forced Moi to allow for multiparty elections in 1992. It would not be out of context to mention that in most of African countries the democratization process including the multi-party elections was an imposed one as the democratic reforms were carried out only under international pressure and donor conditionalities that insisted that further aid would be awarded only if the new democratic political conditionalities were met.⁶

In the multiparty elections in 1992 and 1997, Moi was re-elected. Thus, elections that are considered an important part of any democratic process were introduced in Kenya but could not bring any substantive change; i. e., democracy was merely procedural and a 'façade' democracy.⁷ According to Claude Ake, an expert on Africa, "it revealed a deep flaw in the entire wave of democratization in Africa; the crude simplicity of the multi-party elections to the benefit of the world's most notorious autocrats like Moi of Kenya and Paul Biya of Cameroon, who are now able to parade democratic credentials without reforming their repressive regime."⁸ The Kenyan leaders tried their best to defend one party system and argued in favour of the feasibility of maintaining democratic values within one-party regime. Kenyatta, in his times had issued a paper favouring one-party system during his presidential tenure.⁹ It was only when Moi was constitutionally barred from contesting that Mwai Kibaki of the National Rainbow Coalition (NARC) was elected President in 2002.¹⁰

The economy did not flourish under Moi's rule. In the 1990s, Kenya's infrastructure began to disintegrate and corruption was rampant. Either half hearted or no investigations were held against the corruption offenders. For instance in the Goldenberg scandal of the early 1990s several officials were involved but no reports were made public, and no one was held accountable.¹¹ Those protesting against the corrupt practices were handled in a tough manner.¹²

The massive corruption and unaccountability led to the withdrawal of most of the foreign aid including that from the International Monetary Fund (IMF) and World Bank. President Moi appointed Richard Leakey as head of the civil service in 1999 to woo the foreign aid by promising corruption free administration but sacked him even before he could complete two years. The state sponsored anti-corruption law too could not be passed in parliament in August 2001 since opposition parties considered it soft. Kenya thus continued being regularly ranked among the ten most corrupt countries in the world, according to the watchdog group Transparency International.¹³ However it was hoped that the 2002 elections (details of results stated below) would bring forth substantive democracy in Africa.

Table 1: 27 December 2002 Election

Presidential Election

Candidate (Party) [Coalition]	Number of Votes	% of Votes
Mwai Kibaki (DP) [NARC]	3,646,277	62.2%
Uhuru Kenyatta (KANU)	1,835,890	31.3%
Simeon Nyachae (FORD-P)	345,152	5.9%
James Orengo (SDP)	24,524	0.4%
David Waweru Ng'ethe (CCU)	10,061	0.2%

National Assembly Election

Party/[Coalition]	Number of Seats 210 (224)*
National Rainbow Coalition	125 (132)
Liberal Democratic Party	59

Democratic Party	39
Forum for the Restoration of Democracy-Kenya	21
National Party of Kenya	06
Kenya African National Union	64 (68)
Forum for the Restoration of Democracy-People	14 (15)
Sisi Kwa Sisi	02 (02)
Safina	02 (02)
Forum for the Restoration of Democracy-Asili	02 (02)
Shirikisho Party of Kenya	01 (01)

Figures in parentheses reflect the distribution of seats after the Presidential appointees were added.

(Source: <http://africanelections.tripod.com/ke.html>)

With the change at the top level in the 2002 elections, the economic stagnation of decades was expected to be over. It was hoped that the leader who was elected by people would rise above tribal affiliations and deliver by reviving the economy and distributing the benefits equitably.

The Kibaki Administration

The 2002 elections were hailed as a triumph of democracy for mainly five reasons.

- First, Mwai Kibaki was elected president in December 2002 with over 62 per cent of the vote after defeating Moi's protégé, Uhuru Kenyatta through whom Moi intended to retain his position in Kenyan politics. The unity in the opposition parties who rallied behind the Kikuyu politician, Mwai Kibaki created history. The presidential fight was between two Kikuyus thus giving an edge to party politics over ethnic one. Raila Odinga, the leading Luo politician and Kibabki's main political opponent in the December 2007 elections, had also stood behind Kibaki.
- Second, the elections had been hailed as largely free and fair.

- Third, the regime change was violence free. KANU dominated the Kenyan politics since independence until 2002, first under Kenyatta and then under Daniel Arap Moi. The 2002 elections were considered a crucial step towards democratic maturity since in an otherwise conflict-ridden continent the transfer of power from the party that has ruled the state since independence to another was not smooth.
- Fourth, the pre-poll election campaign revolved around the issues of ‘hope’ and ‘change.’¹⁴ The de-ethnicised elections were fought over the issue of continuity of the past vs. change for the future.
- Fifth, the elected candidate was voted on the agenda of ‘change’ and not according to tribal affiliations.

The Kibaki government promised; economic growth, combating corruption, improved education, and rewriting the constitution.¹⁵ Initially some measures like crackdown on corrupt administrators, free primary school education, etc. were introduced. The Kibaki government enacted the Anti-Corruption and Economic Crimes Act and Public Officers Ethics Act in May 2003 to fight administrative graft. The civil service reforms helped Kenya to bag the UN Public Service reform award in the year 2007.¹⁶ Kibaki also began an ambitious economic reforms programme. Under his stewardship, the country witnessed a spectacular economic recovery. This can be illustrated by the annual rate of growth in 2002-07 that reveals a gradual improvement from -1.6 per cent in 2002 to 2.6 per cent by 2004, 3.4 per cent in 2005, and an estimated 5.5 per cent in 2007.¹⁷ The international donors resumed aid. In November 2003, following the adoption of key anti-corruption laws and other reforms, the IMF approved a three-year \$ 250 million Poverty Reduction and Growth Facility and donors committed \$ 4.2 billion in support over a period of 4 years.¹⁸ The renewal of donor involvement provided a boost to investments in Kenya.

Notwithstanding the laudable efforts, many things remained more or less unchanged. In this context, four main developments need special mention.

- First, the economic growth also led to the growth of social inequalities and resulted in widening the gulf between the rich and the poor. Kenya’s economic growth largely benefited the middle class rather than the workers and peasants that constitute the bulk of the population. Even among the middle class, the benefits flowed unequally

between those in the rapidly expanding private sector rather than in the retrenched and capital starving public sector. For many Kenyans, therefore, the economy may be doing well, but they were not. If the economic growth of Kenya stoked expectations of development, the unequal distribution of wealth thwarted those expectations and resulted in frustration among the people.

- Second, rampant corruption continued to remain a stark reality. Kibaki made no real progress to stem corruption. This became glaringly evident when John Githongo, who was appointed by President Kibaki to fight corruption, resigned in February 2005, as he was prevented from investigating a number of scandals. Githongo had to flee to Britain and feared for his life since his denunciation of scores of financial scandals was seen as a betrayal against both the government that appointed him and the Kikuyu tribe to which he belonged.¹⁹
- Third, the security situation in Kenya also deteriorated steadily during the Kibaki period. The common people faced the brunt in the form of rise in crime, pitched battles between ethnic groups for land, particularly around Mount Elgon and in Kisii and a feud between the police and the Mungiki sect that led to the death of more than hundred people in seven months from May-November 2007 alone.²⁰
- Fourth, with no sign of a long-awaited new constitution to check and balance the presidential power, people's impatience started growing. In July 2005, parliament finally approved a draft of the new constitution. In December 2005 voters rejected it because contrary to the promise, the new version proposed increase in the president's powers. The event when the Kenyan electorate resoundingly defeated the new draft constitution, supported by Parliament and President Kibaki, was a clear indicator of rejection of the governments' policies by the Kenyan people. Though this was followed by dismissal of the entire cabinet by the president and appointment of a new state of ministers, the hint was given to Kibaki that the December 2007 elections would not be easy to win as his electoral promises had remained unfulfilled.

Table 2: November 21, 2005 Constitutional Referendum

Main Points: Executive President and non-executive Prime Minister, Two-level devolution of power
- National & Provincial

Ballot Question: Are you for or against the ratification of the proposed New constitution?

Registered Voters

11,595,201

Total Valid Votes

6,158,072

Results

Number of Votes

% of Votes

"Yes" Votes

2,578,831

41.88%

"No" Votes

3,579,241

58.12%

(Source: <http://africanelections.tripod.com/ke.html>)

The Governance Crisis

According to the World Bank Institute governance is defined as, “the traditions and institutions by which authority in a country is exercised for the common good. This includes the; process by which those in authority are selected, monitored and replaced, capacity of the government to effectively manage its resources and implement sound policies, and respect of citizens and the state for the institutions that govern economic and social interactions among them.”²¹ Governance refers to the process whereby elements in society wield power and authority, and influence and enact policies and decisions concerning public life, economic and social development. It comprises of written and unwritten policies, procedures, and decision-making units that control resource allocation within and among institutions.²²

Good governance is defined by people’s participation in the process of governance. This can be possible only if there is a strong and vibrant civil society. An apathetic civil society wherein people are only the end users with no substantial role in either the demand or delivery of the services leads to poor governance and unrepresentative and at times anti- people policies. Arbitrary policy making, unaccountable bureaucracies, unjust legal systems, and misuse of executive power, widespread corruption and an unengaged civil society are the other characteristics of poor governance.

In its report titled, *Sub-Saharan Africa: from Crisis to Sustainable Growth* the World Bank highlighted the need for a direct link between governance and people’s participation. The report argued that better governance requires mainly political renewal and a concerted attack on corruption from the highest to the lowest level by; setting up good administrative practices, strengthening accountability, encouraging public debate, nurturing a free press and encouraging the growth of grassroots organizations. Good governance involves successful coordination between people and decisions makers. A responsive government endeavours to serve all stakeholders and gives access to the public to the various stages of policy cycle - planning, budgeting, monitoring, etc. It requires; fair legal frameworks that are enforced impartially, full protection of human rights, government decisions grounded in law, protection

of citizens from the arbitrary decisions that are sometimes taken under political pressures and are therefore anti-people. Participation provides the government with important information about the needs and priorities of individuals, communities and private businesses. Governments that involve the public are in a better position to make good decisions that will enjoy more support for their agenda.

Good governance is an ideal that may be difficult to achieve in totality. However, when the gap between the expectations of the people and delivery by the government reaches a saturation point the governance crisis emerge leading to chaos and instability, as it happened in Kenya. The failure of the government to meet popular expectations led to popular disillusionment, giving a set back to the 'second independence'²³. To quote an editorial:²⁴

As in much of Africa, from the late 1980s and throughout the 1990s, the unproductive power of one-party rule faced growing popular opposition. The struggles for the 'second independence' by the restive masses and organized civil society scored limited victories in the 1992 and 1997 elections, and finally seized the prize in the elections of December 2002 when the ruling party, KANU, lost to the opposition National Rainbow Coalition (NARC). It was a new day: democracy expanded as political and civil freedoms spread, so did the economy as the stagnation of the Moi years receded, but the social and structural deformities of the post colony remained as entrenched as ever. It is in this context that the current crisis can best be understood. ...

The 2007 elections provided people a democratic way of giving vent to the simmering frustration by ousting the government that could not keep its promises, and give a chance to another party, the ODM that promised to deliver. The elections, thus, were considered another important step towards democratic maturity wherein it was predicted by the opinion polls that a change in government was inevitable, though there was little difference in the programmes of the contending presidential candidates. As the electoral campaign neared its climax in December 2007, the ODM opposition enjoyed a widespread lead in opinion polls. Only one out of 50 polls conducted in the lead up to the elections showed President Kibaki in the lead; the rest pointed to a narrow win of the opposition candidate Raila Odinga.²⁵

December 2007 Elections

The election on December 27, 2007 was both a parliamentary and a presidential one. At the legislative level, 2,548 candidates from 108 parties contested for 210 seats; at the presidential level, three candidates - the incumbent president under the Party of National Unity (PNU), ODM leader Raila Odinga and former foreign minister Kalonzo Musyoka (who had split from the ODM) - were competing. At a later stage, the main contest was expected between the first two candidates. Kenyans registered to vote in record numbers for the presidential and parliamentary elections. But, it is alleged that the polls were a poor show as far as appropriate electoral arrangements were considered.²⁶ The voters' lists had been either poorly updated or not updated at all and the illiterate/semi literate voters (about 80 per cent of the total) had little or no guidance on how to go about the process. It is also alleged that the foreign and national observers were not given free access to the polling stations.

Notwithstanding the difficulties, the elections proceeded smoothly. In the parliamentary elections, the government suffered a huge setback as scores of cabinet ministers and even the vice-president lost his parliamentary seats. Altogether, the PNU won only 43 seats out of the total of 210 parliamentary seats. The ODM won the majority of seats and the rest went to the Orange Democratic Movement-Kenya (ODM-K), the party of the third major presidential candidate, Kalonzo Musyoka, and other smaller parties.

A glance at the electoral results for the parliamentary results clearly demonstrates that people voted for a change. The voting pattern was primarily anti-establishment rather than anti-Kikuyu.²⁷ Voters casted their votes for those who sought to promote change and not on the basis of ethnic affiliations. Vice-president Moody Awori, Planning Minister Henry Obwocha, Roads Minister Simeon Nyachae, and Tourism Minister Moses Dzero lost elections even though they were not Kikuyus. Some Luo members also lost the elections. A nearly unknown candidate defeated Moi's son Gideon Moi. This scenario is possible only in the established democracies like India, the US and the UK but not in countries like Kenya that are still juggling for incorporating all the basic structures of democracy in their overall political and social setup.²⁸ Notwithstanding the fact that in the parliamentary elections Kibakis' party (PNU) trailed the opposition parties, the Electoral Commission of Kenya declared Kibaki as the winner of the presidential election.

Table 3: Composition of the 10th Parliament

Abbreviation	Names	Seats
ODM	ORANGE DEMOCRATIC MOVEMENT PARTY OF KENYA	99
PNU	PARTY OF NATIONAL UNITY	43
ODM-K	ORANGE DEMOCRATIC MOVEMENT-KENYA	16
KANU	KENYA AFRICA NATIONAL UNION	14
SAFINA	SAFINA	5
FORD-A	FORUM FOR THE RESTORATION OF DEMOCRACY-ASILI	1
FORD-P	FORUM FOR THE RESTORATION OF DEMOCRACY- PEOPLE	3
SKS	SISI KWA SISI PARTY OF KENYA	2
MAZINGIRA	MAZINGIRA GREENS PARTY OF KENYA	1
FORD-K	FORUM FOR THE RESTORATION OF DEMOCRACY- KENYA	1
PDP	PEOPLES DEMOCRATIC PARTY	1
KADDU	KENYA AFRICAN DEMOCRATIC DEVELOPMENT UNION	1
UDM	UNITED DEMOCRATIC PARTY OF KENYA	1
PICK	PARTY OF INDEPENDENT CANDIDATES OF KENYA	2
CCU	CHAMA CHA UMA	2
NARC-K	NATIONAL RAINBOW COALITION-KENYA	4
NARC	NATIONAL RAINBOW COALITION	3
PPK	PEOPLES PARTY OF KENYA	1

NEW FORD-K	NEW FORUM FOR THE RESTORATION OF DEMOCRACY-KENYA	2
DP	DEMOCRATIC PARTY	2
KADU-A	KENYA AFRICAN DEMOCRATIC UNION ASILI	1
KENDA	KENDA	1
NLP	NATIONAL LABOUR PARTY	1
	Ex-Officio	2

(Source: <http://www.bunge.go.ke/composition.php>)

The presidential results were, however, released amidst allegations of fraud. Counting of votes started on the evening of December 27 and carried on throughout the following day. Odinga was shown to have a slight, and then a substantial lead. Things changed drastically afterwards. The counting and tallying were beset by delays. On December 30 counting resumed only to show the gap between Kibaki and Odinga narrowing considerably. As the results of the 2007 presidential election were announced, members of the ODM interrupted electoral Commission Chairman Samuel Kivuitu, and claimed that the results favouring Kibaki were bogus and therefore not acceptable. The protests led to the ejection of party agents, politicians and journalists including the numerous television crews that were filming the results live from the counting hall.²⁹ Electoral Commissioner Kivuitu later declared Kibaki the winner in front of the state controlled Kenya Broadcasting Corporation and some other election observers. Interestingly, within half an hour of declaration of results, the Chief Justice of Kenya swore in Kibaki as the president for the next five years in a small ceremony. This was in stark contrast to the 2002 scenario when the oath ceremony was a big affair and people had participated enthusiastically in the swearing ceremony of the person who they had chosen to bring a positive change in their lives. Nevertheless, with the euphoria replaced by frustration the hastily organized swearing in ceremony was only a bureaucratic show with no popular participation. To quote an editorial:³⁰

What a difference five years makes. In 2002 President Kibaki was inaugurated in broad daylight before an ecstatic crowd of a million people in Jamhuri Park in Nairobi; this time he was hurriedly inaugurated in the evening less than an hour after being declared winner before a small and dour crowd of officials. The intoxicating euphoria of 2002 has given way to widespread anger and anxiety. In 2002 the masses brutalized by decades of one-party rule rediscovered their voices and will; the nation was united in its hopes for the future, believed fervently in the possibilities of productive change. Now, many feel betrayed and disempowered, robbed of their votes and voices. ...

Odinga rejected the results and declared himself the ‘people’s president.’ He claimed he was actually leading the vote tally before Kibaki’s supporters doctored the results. He argued that elections were rigged to re-elect the incumbent president. Later Election Commission Chairman also acknowledged the irregularities. In an astonishing admission, he expressed his inability to ascertain who had won the elections. The Commissioner also admitted of being under intense pressure to declare the results as quickly as possible, despite having grave misgivings himself.³¹ Reports by international observers about manipulations and admissions by members of the electoral commission about the irregularities further fuelled the anger of the opposition party.

The allegations of rigged elections were not baseless. There are reasons to believe that the democratic process of free and fair elections was not followed in the 2007 elections. The Election Commission declared Kibaki had garnered 4,584,721 votes and Odinga had garnered 4,352,993 votes. This tight margin (little more than 230,000 votes, about 2.5 per cent of total votes cast) is very fragile. It is argued that Kibaki’s votes were artificially inflated. First, votes were added at individual polling stations in areas in which Kibaki enjoyed control over both the party and state apparatus. Second, votes were added to his total, in-between the constituency results reaching the counting hall and the official announcement by the electoral commission.³²

Odinga called for a recount and demanded that Kibaki resign from his post. He also demanded a re-run within three months. He proposed a coalition government on the condition that the Kenyan Electoral Commission would guarantee that a fresh presidential election would take place within the next three months. The government flatly rejected the

opposition's request for a presidential election re-run within three months and stated that the proposal smacked of blackmail. The government proposed an independent probe that was rejected by the opposition groups. Odinga refused to accept any independent probe of election results alleging that his opponents had doctored the electoral figures in favour of Kibaki.

Kibaki and Odinga continued their uncompromising positions. The opposition called for new elections, which Kibaki agreed to on the condition that they had to be ordered by the courts. Odinga repeatedly refused to turn to the courts, and argued that judges appointed by Kibaki controlled the judiciary. Kibaki stated that he was open to direct talks with the opposition leader Raila Odinga but that his position as president was not negotiable. Odinga however demanded that Kibaki must step down and only fresh re-elections could bring peace.

Repercussions

The 2007 elections were followed by riots with wide-ranging domestic and regional repercussions. What followed thereafter was an orgy of ethnic violence in an unprecedented scale. Violence has been a part of the Kenyan politics since 1992. But the post 2007 election violence 'was systematic, terrible, and ethnically and fanatically charged.'³³ To quote the International Crisis Group (ICG) reports,³⁴

In the slums of Nairobi, Kisumu, Eldoret and Mombasa, protests and confrontations with the police rapidly turned into revenge killings targeting representatives of the political opponent's ethnic base. Kikuyu, Embu and Meru were violently evicted from Luo and Luhya dominated areas, while Luo, Luhya and Kalenjin were chased from Kikuyu-dominated settlements or sought refuge at police stations. Simultaneously, Kikuyu settlements, the largest migrant communities in the Rift Valley, were the primary victims of Kalenjin vigilante attacks that were reminiscent of the state-supported ethnic clashes of the mid-1990s.

The real life scenes in Kenya's mob-ridden streets illustrated the dark face of humankind.³⁵

- A group of young Luo men set fire to a bus they believed was owned by Kikuyus, in response to an incident the day before, when Kikuyus trapped 19 Luos, including 11 children, inside a house and burned them to death.

- Hospitals have seen rape cases double—with doctors knowing well that the crime generally goes untreated and unreported.
- Men set up blockades to rob approaching cars or pull passengers out of vehicles and hack them to death with machetes.
- Police were forced to stand between 400 youths from one ethnic group and 500 from another in an attempt to extinguish an all out battle.

The violent protests and the consequent brutal police suppression plunged the country into a protracted crisis. The scenario turned from bad to worse, with each passing day. Around thousand of people lost their lives in the post-poll bloodshed and thousands were uprooted, and become either internally displaced or fled as refugees to the neighbouring state of Uganda. Besides large-scale killings, thousands of people were wounded and property worth millions of dollars was destroyed. Kenya, one of the most prosperous and tourist-friendly countries in Africa, lost more than US \$1 billion due to the bloody turmoil.³⁶ The US and Britain warned their citizens against travelling to Kenya, where tourism usually brought millions of shillings per year. The violence affected prospects of international investment that has been the main cause of Kenya's thriving economy. To quote an observation that depicts the humanitarian crisis: 'The fighting is so intense that it is not only threatening the safety of hundreds of thousands of Kenyans, but it is debilitating various other aspects of daily life, including economic transactions, education, and health. Indeed, the economy has reached a near standstill as the movement of people and goods is severely restricted; teachers are fleeing and children are unable to attend schools in the affected areas of the country. Violence against women skyrocketed and a women's hospital in Nairobi registering several rape cases.'³⁷

The violence in Kenya has had serious economic ramifications throughout East Africa, particularly for the landlocked countries of the Great Lakes region- Uganda, Rwanda, Burundi and eastern parts of the Democratic Republic of Congo. These countries depend upon Kenyan infrastructure links, especially the Mombasa port, for import and export. The international organizations have long used Kenya as a logistics centre for providing aid to the crisis-ridden neighbouring countries- Somalia, Sudan, Uganda and Congo. To quote Donald Steinberg, ICG Deputy President, "The crisis in Kenya reaches far beyond that country. Kenya is the platform for relief operations in Somalia and Sudan, a regional entrepot for trade and investments, and a key anchor for long-term stabilisation of Rwanda, Uganda and Burundi.

The quicker a solution to the crisis is found, the better the prospects will be for the entire region.”³⁸

Deep Rooted Reasons

The post 2007 election crisis in Kenya is deep rooted. It is an explosive mix of ethno-economic and colonial-political trend that continues to remain a stark reality in Kenya since a long time. The current crisis thus can be linked to a number of overlapping reasons that are detailed below.

Authoritarian ‘Democratic’ Structures

Since independence, Kenya has maintained remarkable stability despite all odds. The Kenyan constitution, from the time of independence has been amended several times. It is a presidential representative democratic republic with multi-party system. The popularly elected President of Kenya is both the head of the state and head of government for a five-year term. The government exercises executive power. Legislative power is vested in both the government and the National Assembly. The Bunge, the unicameral national assembly, consists of 222 members, 210 of whom are elected and the president appoints the rest. Regular multi-party elections are held in the country and theoretically, a system of checks and balances too prevails in the politics wherein executive, judiciary and legislature- all have an important role to play. In practice, however, things are quite different.³⁹

Unrestrained Powers of the President

The extent of presidential power is a continuation from the colonial period and has changed little since independence in 1963. The president is the most powerful public figure in Kenya with most institutions including the judiciary, parliament, and the electoral commission being subservient to him. The president is assigned the power to make all high level appointments like that of the electoral commissioners, high court judges, provincial and district commissioners. The provincial and district commissioners function like a shadow government entirely under the control of the president. The allocation of resources depends entirely on the extent of loyalty shown by the local bodies towards the president since he retains almost

absolute control over the budget. The president also enjoys the power to dissolve the parliament. Despite the fact that the parliament comprises of the elected representatives, it has little power in terms of addressing public grievances or making law or even keeping check on the executive. It is merely a rubber stamp with no control over the budget or high level appointments.⁴⁰ The electoral commission's inability to resolve disputes over the legitimacy of vote tabulation following December 2007 elections corroborates the point of view that Kenya's political institutions cannot be considered independent in their sphere of operation. In fact this weakness of the political institutions played a key role in fostering the recent violence. It seems appropriate in this context to quote at length a sharp observation on the state of affairs:⁴¹

It is important, from the outset, to make it clear that the crippling political crisis threatening to shut down the country is not the making of the Kenyan people - they rendered their verdict by casting their votes to choose their leaders in the parliamentary and presidential election. Instead, it is the post-election events and failure of our institutions to come up with results that are auditable and verifiable - leading to an impasse over the winner of last month's hotly contested elections - that one neighbour after neighbour is rising up against another in an atavistic gusto that belongs to the Stone Age....

Lack of Space for the Opposition

In Kenya, just like in other African countries, the electoral process is a zero-sum-game. Elections are dominated by a winner-take-all mentality due to the consolidation of power in the executive branch. The party that loses election do not have any kind of participation in the political sphere. Though Kenya has had multiparty elections since 1992, the opposition has little power in the government. In fact the lack of space for the opposition in the post-election scenario leads to a situation wherein any criticism of government on policy matters, however anti-people, is not raised and if raised it finds no takers.

Popular Disillusionment

It is true that when authoritarianism prevails in a country, which claims to be democratic, the discontent among people keeps on simmering until it finds an outlet and erupts. When the political institutions are not able to deliver for a long time people become disillusioned. To

quote, “when voters realize elected officials aren't going to address their concerns about social and economic inequality, this leads them to distrust institutions and produces a ‘sense of disempowerment and disillusionment.’”⁴² Widespread corruption in Kenya has further eroded public trust in political institutions.

The history of Kenya is replete with instances of undermining the constitution, patronage, banning of the opposition, repressing civil liberties, fraudulent elections and bypassing of the instruments of democracy by political leaders. These factors have led to popular disillusionment, argues Wangui wa Goro, the Kenyan human rights activist.⁴³ “It is the Kenyan People Who Have Lost the Election,” read the headline of *Pambazuka News* in its special Kenya election edition on January 3, 2008. The dismal scenario is well portrayed in that edition which is quoted below:⁴⁴

The real tragedy of Kenya is that the political conflict is not about alternative political programmes that could address the long standing grievances of the majority over landlessness, low wages, unemployment, lack of shelter, inadequate incomes, homelessness, etc. It is not about such heady aspirations. No, it boils down to a fight over who has access to the honey pot that is the state. For those in control of the state machinery are free to fill their pockets. So the battle lines are reduced to which group of people are going to be chosen to fill their pockets - and citizens are left to decide perhaps that a few crumbs might fall off the table in their direction... the mass of citizens who have borne the brunt of the recent violence and decades of prolonged disenfranchisement from accessing the fruits of independence - are reduced to being just being fodder for the pigs fighting over the trough.... Whatever happens, the present crisis has demonstrated that there is a serious lack of any formations that can articulate a coherent political programme for social transformation. Politics will remain forever about who gets access to the trough so long as there is no alternative. ...

Political Violence

Since the elections are a zero-sum game, they present a do or die situation before the political parties. Since elections are such high-stake affairs, candidates are accustomed to hiring groups of armed men to protect their interests. Each poll since the introduction of multiparty elections

-- in 1992, 1997, and 2002 -- has been accompanied by low-level outbreaks of violence wherein the parties employ violent methods to get into office. They incite ethnic clashes to retain in power. When Moi, a Kalenjin, faced the prospect of losing power to an opposition party dominated by the Kikuyu community, he started an anti-Kikuyu campaign and incited clashes. By the time of the 2002 elections of President Mwai Kibaki, such political violence had become routine. According to Afrobarometer, an independent research project on public opinion in sub-Saharan Africa, 66 percent of Kenyans said in 2005 that competition between political parties 'often' or 'always' leads to violent conflict (up from 54 per cent in 2003).⁴⁵

It appears that much of the post poll violence was not accidental; rather it was the latest display of politically organized violence. Politicians, as on earlier occasions, hired thugs to do their bidding and the common people became targets. As David Anderson, Professor at University of Oxford argues, people are caught in a cultural politics that routinizes ethnic demonization and violence that in recent years has come to include not only disorganized, spontaneous protest from below but also militia activities instigated by the politicians. It also involves use of extraordinary force by the police and paramilitary forces. There are vigilante groups as well that operate as informal or privatized security forces or as political instruments in electoral politics. All this suggests that shadow states compete with the formal state apparatus.⁴⁶

The Ethnicity Factor

Though the alleged rigging of elections evidently triggered the ongoing violence, the crisis can be seen in the context of conflict of interests between more than forty ethnic tribes in the country. It can rightly be observed that under the placid surface, Kenya boils with deep ethnic resentment. There has always been ethnic tension within Kenyan society that has never truly been removed or dealt with. The dangerous cocktail of politics and ethnicity need to be blamed for the current crisis. Much of the violence has been fuelled by ethnic hatreds that have been reignited. Since Kibaki belonged to Kenya's largest tribe, the Kikuyu, and Odinga was from the second-largest Luo tribe, the violence took a lethal tribal tone. The violence has been based on tribal affiliations; Kikuyus have been targeted in the violence,⁴⁷ while Luos have been primary participants in the violence atleast in the initial period.

In the case of Kenya, the tribal affiliations transcend the feelings of national identity. Deep-seated prejudice marks major national events like elections. In fact, poll-time clashes between

rival tribes have become an integral part of Kenyan electoral politics. Political violence in Kenya thus had an ethnic dimension.⁴⁸ The elections of 1992 and 1997 led to thousands of ethnicity based killings. Before and after the 1992 elections, the first multiparty elections in Kenya, the Kalenjin clashed with the Kikuyu, killing about 1,500 people. Since then, thousands of people remained displaced from their Rift Valley farms for more than a decade and their land remains occupied by government supporters.⁴⁹ Similarly, during the 1997 polls, ethnic violence took the lives of nearly 200 people and displaced thousands.

In 2002 a broad coalition of opposition leaders from different ethnic groups, including both Kibaki and Odinga, overthrew the 24-year authoritarian rule of Moi. The new government headed by Kibaki and supported by Odinga signed a memorandum of understanding to share power. But in 2003, Kibaki revoked the agreement and started the practice of patronage once again. Odinga considered it as a betrayal and broke off. Later he started a campaign for *majimbo* i.e. there should be a devolution of power with each tribe being given free hand to develop its own backyard.⁵⁰

The Economic Factor

Though the violence in Kenya has ethnic overtones, it may be inappropriate to conclude that violence is wholly driven by the ethnicity factor. Behind the ethnic rivalry lay a serious economic conflict ignited by the politicians wherein they tried to benefit their tribes at the cost of others. The economic conflict centred on local feelings about the allocation of fertile land and domination of the businesses by a few well off people. The historical roots of ethnic and racial divisions in the Kenyan society were in part a result of unequal patterns of historical capital accumulation.⁵¹

Politicians, as already mentioned, ignited the tribal rivalry to retain their power position. The patronage system where politicians favour their own ethnic group continues to remain a stark reality of Kenyan politics.⁵² Increasingly, the Kenyan elite in power have used land as a source of patronage.⁵³ The grabbing of public land by those in power for redistribution among their supporters is a unique factor in Kenyan politics. Besides using land as a reward for loyalty, politicians also play the dangerous land-game during elections by displacing the people of rival tribes from a particular area. For instance, in 1994, in the Westlands neighborhood of Nairobi, a substantial portion of land that was used as an open-air market was sold by the government in a secret deal to private developers. The vendors, mostly

Kikuyus, who had used the market for decades tried to buy the land themselves but were prevented from doing so. This gave rise to the apprehension that the real motive was to force the Kikuyu vendors to leave that place because their numerical strength was seen as a threat by the then incumbent KANU Member of Parliament, Fred Gumo, who belonged to that constituency.⁵⁴

The history of ethnicity based politics in Kenya can be dated back since its independence from the colonial masters. When Jomo Kenyatta became the president, he embraced extreme tribalistic politics that lead to the concentration of wealth and power in a small section of the society.⁵⁵ It is argued that in Kenyatta's era Kikuyus had spread beyond their traditional territorial areas and appropriated lands 'stolen' by the whites- even when these lands had previously belonged to other tribes.⁵⁶ The Rift Valley, the main battlefield in all the violent times is the bread basket of Kenya. It was dominated by the Kalenjin and Masai tribes before the arrival of British colonizers who seized large tracts of land from the natives for commercial farming.⁵⁷ In the post-independence era, Kenyatta settled the Kikuyu people on the reclaimed farmlands- the main source of wealth in a mainly agricultural society. This created a deep-seated resentment amongst the local people. Moi also concentrated all powers in his position and catered to the interests of his tribe- the Kalenjin- and the others who were 'loyal' to him.⁵⁸ This led to the division of society between the 'have' and 'have-nots', where the ruling tribes had the land and those not in power were dispossessed of it. The Kikuyus, Kenya's most privileged tribe, are resented for dominating the politics and the economy. It is alleged that Kikuyus have benefited primarily because of their proximity to people in power.

Since the Kenyan political system concentrates power in the hands of the president, the economic inequalities continued to exacerbate. Political patronage in Kenya's public spending has increased economic and regional inequalities. Under authoritarian single party rule of Kenyatta and Moi, the patronage practice caused little violence. But with the introduction of the multi party system, the opposition parties pitted against the Kikuyus to increase their vote banks, and called them 'settlers' who had used their connections to the government to 'steal' the ancestral lands of the native tribes.⁵⁹ Michael Holman, former Africa editor of the *Financial Times*, has blamed the growing gap between rich and poor for the 2008 Kenyan crisis. He points out that "for all the six per cent annual gross domestic product growth achieved in the past two years under Mr Kibaki, the gap between the haves and the have-nots

is widening....To see the crisis only in terms of tribal allegiances and ethnic clashes is to miss a vital element in the Kenyan picture. The population has doubled in 25 years. Unemployment is growing, and the number without land is growing. For these people there is nothing to lose by taking to the streets, driven by fury that transcends their tribe.”⁶⁰

In the 2003 Afrobarometer survey, 70 per cent Kenyans had pointed that they would choose to be Kenyan when faced with a choice between a national identity and their ethnic group, indicating that traditionally Kenyans have not identified themselves with ethnic groups.⁶¹ However, Kenya was engulfed in a conflict where people of different tribes blamed each other for the violence. The blame game is reflected in the following quotation,⁶²

The Kikuyus are greedy,’ says a Luo security guard named Innocent. ‘Who owns all the big businesses? Kikuyus. Who owns all the big farms? Kikuyus. And who are all the top leaders in Kibaki’s government? Kikuyus. So when they go into our land and take our property, people are going to push back. It’s our turn.’ Kikuyus view majimbo as a danger to the future of the country. ‘The Luos are lazy,’ says one Kikuyu taxi driver named Johnson. ‘They don’t invest. They don’t create. They don’t know how to run a business. And now look at the violence they are creating. Do you think these people should be running this country?’

Colonial Legacy

The reasons for the recent Kenyan crisis can be traced back to the British colonial policies of divide and rule, the legacy which continues till date.⁶³ The colonial masters fostered divisions among ethnic groups to retain control over Kenya. This policy was aptly adopted by the Kenyan politicians in the post independence era. Similarly, the practice of concentration of political and economic power in one head, the hall mark of colonial rule,⁶⁴ too was retained by the leaders of independent Kenya. The 2008 mayhem is a chilling mirror of the deeper malaise that plagues the Kenyan society since the colonial era wherein Kenyatta and the later leaders exercised authoritarianism and did not remember that they were not supposed to be the successors of the colonial masters.⁶⁵ Caroline Elkins, Associate Professor of African studies at Harvard University, argues that the origin of the Kenyan crisis can be traced back to its colonial past. To quote Elkins,⁶⁶

Far from leaving behind democratic institutions and cultures, Britain bequeathed to its former colonies corrupted and corruptible governments. Colonial officials hand-picked political successors as they left in the wake of World War II, lavishing political and economic favours on their protégés. This process created elites whose power extended into the post-colonial era. In many former colonies, the British picked favourites from among these newly solidified ethnic groups and left others out in the cold. Added to this was a distinctly colonial view of the rule of law, which saw the British leave behind legal systems that facilitated tyranny, oppression and poverty rather than open, accountable government. And compounding these legacies was Britain's famous imperial policy of 'divide and rule,' playing one side off another, which often turned fluid groups of individuals into immutable ethnic units. We are often told that age-old tribal hatreds drive today's conflicts in Africa. In fact, both ethnic conflict and its attendant grievances are colonial phenomena. It's no wonder that newly independent countries such as Kenya maintained and even deepened the old imperial heritage of authoritarianism and ethnic division....Britain was determined to protect its economic and geopolitical interests during the decolonisation process, and it did most everything short of stuffing ballot boxes to do so. That set dangerous precedents...

As the violence and humanitarian crisis continued to grow, numerous lobby groups appealed for peace. Dozens of professional groups, retired military officers, church leaders and politicians from minority parties, as well as musicians and other celebrities and media houses pushed for dialogue to end violence. International mediation led by Archbishop Desmond Tutu and other western leaders attempted to defuse the crisis. UN chief Ban Ki-moon also held separate telephonic conversations with Kibaki and Odinga. African Union Chair, Ghana also sought to build consensus around the continent for mediation. The European Union and United States too urged both sides to seek a coalition government. Former UN Secretary General Kofi Annan played a key role in resolving the crisis. He mediated negotiations between Kibaki and Odinga that led to a solution wherein a power sharing arrangement was agreed to. While wishing the success to this arrangement some analysts consider the whole episode, which was more or less repeated in Zimbabwe, as a question mark on the future of

democracy in Africa. To quote Gabby Mgaya, a columnist with Tanzania based *Daily News*, "... the whole world wishes the unique experiments in Kenya and Zimbabwe will withstand the test of time and prosper for the benefit of their people. But it is a trend that many in the international community wish would be discontinued."⁶⁷ Yash Ghai, a professor of constitutional law, had pointed that Kenya's constitution have some historical limitations. It is in this context that efforts are going on for amending the constitution. Ghai argues that constitution should be able to provide holistic service of 'shaping lives rooted in opportunities, representation, freedom of expression and nation building'. While keen to see the development of a constitution making in Kenya true to these goals, Ghai concludes that a constitution's successful implementation ultimately hinges upon a country's ability to foster popular, representative participation and a culture of genuine respect for the law.⁶⁸

Conclusion

Democracy in Kenya is inconsistent.⁶⁹ However, till recently, the international community has seen Kenya as an island of stability in a war-torn region, though its record on corruption and poverty eradication is gruesome. Elections are due in other parts of Africa- Angola, Ghana and Malawi in 2008 and 2009. The Kenyan episode is likely to have its spill over effect on these countries as well unless the rot of corruption in the electoral process, is not nipped in its infancy. Kenya's credentials as a frontline State in the fight against terrorism also added to the urgency of resolving this conflict as east Africa's stability was at stake.

The election related crisis has taken its toll, with cycles of killing between tribes who have never reconciled over the divisions of land, wealth and power left by British colonial rule and which have been further exacerbated by politicians in the post independence era. The solution to the crisis calmed the situation for the present, but tribalism and violence can resurface in the near future. Kenya needs to move beyond the crisis-- towards a long-term solution necessitating reconstruction of a democratic foundation. The challenge before Kenya is to balance groups and national interests through further democratization, devolution of power and power sharing. This east African country has to struggle against the corrupt political system, largely based on patronage and ethnic alliances. The leaders need to rise above short-sighted, exclusionary and power grabbing politics. The negotiated compromise is a significant achievement and has ended the instability for now. However, the whole episode has brought forth the fact that for continued political stability, Kenyan political leaders have to effectively

chart out a strategy for a sustainable settlement by addressing the grievances of the common people. To quote the ICG report,⁷⁰

African Union-sponsored negotiations between Raila Odinga's Orange Democratic Movement (ODM) and President Mwai Kibaki's Party of National Unity (PNU), led by the former UN Secretary-General, have already made progress. The sides are giving some ground and discussing a transitional arrangement. This could lead to legal and constitutional reforms and a truth, justice and reconciliation commission to assist in healing wounds. But a sustainable settlement must address the particulars of power sharing and economic policies, with targets and timetables, in order to convince the drivers of violence to disarm...

Endnotes and References

1 Katie Hunt, "Violence Threatens Kenya's Economy." *BBC News*,
http://news.bbc.co.uk/2/hi/business/7168060.stm.

2 Ambu H. Patel, *Struggle for Release of Jomo and His Colleagues*, Nairobi: New Kenya
Publishers, 1963, p. 16.

3 C. Bennett and C. Rosberg, *The Kenyatta Election: Kenya 1960-61*, Oxford: Oxford University
Press, 1961, p. 41.

4 For a detailed account on the succession see D. Pal Ahluwalia, "Political Succession in Kenya:
The Transition From Kenyatta to Moi," *The African Review*, Vol. 12, No. 2, 1985, pp. 1-18

5 See Angelique Haugerud, *The Culture of Politics in Modern Kenya*, Cambridge: Cambridge
University Press, 1995.

6 P. Chabal, "A Few Consideration on Democracy in Africa," *International Affairs*, Vol. 78, No.
2, 2002.

7 Luckham, R. 'Dilemmas of Military Disengagement and Democratization in Africa,' *IDS*
Bulletin, Vol. 26, No. 2, 1995, pp. 49-50.

8 Claude Ake, *Democracy and Development, in Africa*, Washington D.C: Brookings Institution,
1996, p. 30.

9 David Anderson, "Briefing: Kenya's elections 2002 - the dawning of a new era?," *African*
Affairs, No. 102, 2003, pp. 331-342.

10 Ali A. Mazrui and Michael Tidy, *Nationalism and New States in Africa*, New Hampshire: Heinemann
Educational Books Ltd., 1984, p. 285.

11 Ali A. Mazrui and Michael Tidy, *Nationalism and New States in Africa*, New Hampshire:
Heinemann Educational Books Ltd., 1984, p. 285.

12 For details of the scandal see "Patni Loses Bid to Stay Sh22b Goldenberg Cases," *The East*
African Standard (Nairobi), April 11, 2002.

13 *Kenya Human Rights Commission Quarterly Report*, Vol. 2, No. 2, 2000, p. 28.

14 "Kenya: History, Geography, Government, and Culture."
www.infoplease.com/ipa/A0107678.html

15 Gérard Prunier, "Kenya: Roots of Crisis."
http://www.opendemocracy.net/article/democracy_power/kenya_roots_crisis.

16 The people of Kenya have demanded constitutional reforms since a long time. Mwakenya,
"Democratisation in Kenya: Should the Left Participate or Not?," *Review of African Political Economy*,
Vol. 61, 1995, p. 475.

17 "Public Service Awards," http://www.7thglobalforum.org/Forum_Information/unpsa.htm;
United Nations Public Service Awards 2007 Winners And Finalists,
http://unpan1.un.org/intradoc/groups/public/documents/un/unpan026198.pdf

18 Prunier, n. 14.

19 For details see, Eric Leightman, "The Effects of the International Community on the Financial
Situations of the Poor in Kenya," *Journal of Undergraduate Research*, vol. 6, Issue 8, July-August
2005.

20 Michael Holman, "Kenya: chaos and responsibility."
www.opendemocracy.net/article/where_does_responsibility_for_kenyas_chaos_lie - 39k

21 Prunier, n. 14.

22 www.worldbank.org/wbi/governance

23 Governance Working Group of the International Institute of Administrative Sciences, 1996.
http://www.gdrc.org/u-gov/governance-define.html

24 To understand the concept of 'Second Independence' See Colin Legum, "The Coming of
Africa's Second Independence," *Washington Quarterly*, Vol. 13, No. 1, winter 1990.

25 "The 2007 Kenyan Elections: Holding a Nation Hostage to a Bankrupt Political Class."
http://zeleza.com.

26 Ibid.

27 Prunier, n. 14.

Holman, n. 19.

28 Gabby Mgaya, "Bad Precedents for Democracy in Africa," *Daily News: Politika*, Dar es Salaam, October 13, 2008.

29 "Democratic Plot Nowhere." www.indiabuzzing.com/2008/01/10/democratic-plot-nowhere/

30 "The 2007 Kenyan Elections....", n 24.

31 Edmund Sanders, "Bid to Resolve Kenya Crisis Fails." http://www.latimes.com/news/printedition/asection/la-fg-kenya11jan11,1,415363.story?coll=la-news-a_section&ctrack=1&cset=true

32 Nic Cheesem, "On Kenya." http://www.royalafricansociety.org/index.php?option=com_content&task=view&id=444.

33 "The Terrain of Alternative Leadership in Kenya: The People's Parliament," <http://www.pambazuka.org/en/category/comment/54040>

34 "Kenya in Crisis," *International Crisis Group*, Africa Report N°137, 21 February 2008. http://www.crisisgroup.org/library/documents/africa/horn_of_africa/137_kenya_in_crisis_web.doc

35 Samuel C. Baxter, "Kenya's Darkest Days: A Nation Beset With Violence." http://www.realtruth.org/articles/080115-001-africa.html?s_kwcid=kenya|1478662421&gclid=COKy4LW715ECFQ0aewodnx15ZA

36 "Kenyan Opposition Will End Rallies, Seeks Mediation." <http://www.bloomberg.com/apps/news?pid=20601087&sid=a2huqPLFLLeJg&refer=home>.

37 Ida Wahlstrom, "Kenya's Crossroads: What You Can Do." <http://us.oneworld.net/section/us/kenyacrisis?gclid=CL7P9Ma415ECFQo4Zwod2g2OEA>

38 "Kenya in Crisis," n. 34.

39 "Transparency International – Kenya Report of the Conference on Constitutional Reform to Fight Corruption." <http://www.commonlii.org/ke/other/KECKRC/2002/9.html>

40 Cherry Gertzel, *The Politics of Independent Kenya 1963-8*, Nairobi: East African Publishing House, 1970, pp. 168-171.

41 "Kenya: Stop This Violence Now Before It is Too Late." <http://allafrica.com/stories/200801281631.html>.

42 "Understanding Kenyas' Politics." www.pambazuka.org/actionalerts/comments/understanding_kenyas_politics/.

43 Wangui wa Goro, "Whither The Kenyan People?." <http://www.pambazuka.org>.

44 "It is the Kenyan People Who Have Lost the Election." www.pambazuka.org/en/category/features/45203.

45 Carolyn Logan, Thomas P. Wolf and Robert Sentamu, "Kenyans And Democracy: What Do They Really Want From It, Anyway?," *Working Paper No. 70*, April 2007, <http://www.afrobarometer.org/papers/AfropaperNo70.pdf>.

46 See David Anderson, "Vigilantes, Violence and the Politics of Public Order in Kenya," *African Affairs*, No. 101, 2002.

47 Jeffrey Gettleman, "Disputed Vote Plunges Kenya Into Bloodshed," *The New York Times* (online edition), December 31, 2007.

48 For details see, David Throup and Charles Honsby, *Multiparty Politics in Kenya*, Athens: Ohio University Press, 1997.

49 "Failing the Internally Displaced: The UNDP Displaced Persons Program in Kenya," *Human Rights Watch*, New York, 1997.

50 "Why ODM's Majimbo Propaganda Backfired." <http://mosaisi-fries-em.blogspot.com/2007/11/why-odms-majimbo-propaganda-backfired.html>

51 Frank Holmquist, "Business and Politics in Kenya in the 1990s," *Occasional Paper*, Centre of African Studies, University of Copenhagen, July 2002.

52 For details see Karuti Kanyinga, *Redistribution from above: the politics of land rights and squatting in coastal Kenya*, Uppsala: Nordiska Afrikainstitutet, 2000.

53 For a historical account of relationship between land and tribes in Kenya see, C. P. Kirby, *East Africa*, London: Ernest Benn Ltd., 1968.

54 Jacqueline Klopp, "Pilfering the public: the problem of land grabbing in contemporary Kenya,"
55 *Africa Today*, No. 47, 2000, pp. 7-26.

56 Henry Bienen, *Kenya: The Politics of Participation and Control*, New Jersey: Princeton
University Press, 1974, p. 83.

57 MacKenzie, Fiona. "Land and Territory: The interface between two systems of land tenure:
Murang'a District, Kenya." *Africa*, Vol. 59, No. 1, 1989.

58 "Kenya's Geographic and Political Rift." <http://news.bbc.co.uk/2/hi/africa/7213211.stm>.

59 Peter Kimani, "A Past of Power More Than Tribe in Kenya's Turmoil," 2 January 2008.
"How Kenya Came Undone." <http://www.csmonitor.com/2008/0129/p01s04-woaf.html>.

60 Quoted in Alex Callinicos, Kenya: What's Behind the Conflict?
<http://allafrica.com/stories/200802200945.html>.

61 Logan, Wolf and Sentamu, n. 45.

62 Quoted in Scott Baldauf, "How Kenya came undone By."
<http://news.yahoo.com/s/csm/o1kenyacrisis>

63 Caroline Elkins, "What's Tearing Kenya Apart? History, for One Thing," *Washington Post*
(online edition), 6 January 2008.

64 Tom Mboya, *Freedom and After*, London: Andre Deutsch, 1963, p. 64.

65 For a detailed account of colonialism in Africa see Peter Worsley, *The Third World*, London:
Weidenfeld and Nicolson, 1967.

66 Caroline Elkins, "Ethnic Woes a Legacy of Colonialists' Power Game,"
<http://www.pambazuka.org>.

67 Mgaya, n. 28.

68 Yash Ghai, "Decreeing and Establishing a Constitutional Order: Kenya's Challenge," 2009-02-
12, <http://www.pambazuka.org/en/category/comment/54036>.

69 For details see, "Kenya's Unfinished Democracy: A Human Rights Agenda for the New
Government," *Human Rights Watch*, December 2002, Vol. 14, No. 10 (A).

70 "Kenya in Crisis," n. 34.