

An Evaluation of Post Conflict Reconstruction Measures in Kenya And Their  
Prospects for Sustainable Unity

by

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APPROVAL

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DECLARATION

AN EVALUATION OF POST CONFLICT RECONSTRUCTION MEASURES  
AND THEIR PROSPECTS FOR SUSTAINABLE UNITY.

I declare that this thesis is my original work and has not been submitted to any other college or university for academic credit.

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## LIST OF ACRONYMS AND ABBREVIATIONS

BBI	Building Bridges Initiative
CIPEV	Commission of Inquiry on Post-Election Violence
CNDD-FDD	National Council for the Defense of Democracy/ Corunsel National
DCI	Directorate of Criminal Investigations
DDR	Disarmament, Demobilization and Reintegration
EAC	East African Community
EACC	Ethics and Anti-Corruption Commission
ECK	Electoral Commission of Kenya
ICJ	International Court of Justice
IEBC	Independent Electoral and Boundaries Commission
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
KNDR	Kenya National Dialogue and Reconciliation
NASA	National Super Alliance
NCIC	National Cohesion and Integration Commission
NEPAD	New Partnership for Africa's Development
NLC	National Lands Commission
ODPP	Office of the Director of Public Prosecutions
PEV	Post-Election Violence
	Pour la Defense de la Democratic
RENAMO	Mozambican National Resistance
TJRC	Truth, Justice and Reconciliation Commission
UNAMSIL	United Nations Missions in Sierra Leone

UNDP

United Nations Development Program

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## ABSTRACT

The study sought to evaluate immediate conflict resolution mechanisms used in Kenya to control election-based violence. The objectives of the study were to examine the history of post-election violence cycles in Kenya between 1992 and 2017, evaluate measures aimed at fostering post conflict reconstruction in Kenya, and to assess the viability of the BBI as a prospect for national unity and cohesion in Kenya. The social learning theory of transitional justice was used to expound on post-conflict reconstruction. Furthermore, the study employed a mixed methodology and a descriptive research design with purposive sampling technique to collect data for this study in Nairobi. For data collection, key informant interviews, content analysis and questionnaires were used. Based on the findings, majority of the respondents experienced post-election violence. The study also revealed that 55.2 % of the respondents identified that the government put up measures to address post-election violence albeit not being successful in bringing about long-lasting peace. Additionally, the study found that the BBI is not a prospect for sustainable national unity. This is because it would not bring about long-lasting peace since it did not address past injustices that are often triggered by election irregularities thereby leading to post-election violence. Thus, it was established that the BBI was a political ploy set to favor the political elite at the expense of Kenyans. Therefore, the study recommended that government institutions should be strengthened, and marginalization should be addressed. This will de-escalate the division caused by the politicization of the BBI which is paramount. Further research could also be done on possible measures that could contribute to the resolution of underlying issues that drive conflict and are triggered by elections in Kenya.

## DEDICATION

I dedicate my thesis to my father, the late Michael Karume, who supported me relentlessly and constantly encouraged me even at my lowest. To my mother, Jane Waweru, thank you for holding my hand and walking with me in this journey. Also, to my friends and classmates, thank you for being there in special ways. Finally, to the residents of Kawangware Ward that took their time to help with this study, I am eternally grateful.

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## CHAPTER ONE

### INTRODUCTION AND BACKGROUND OF THE STUDY

#### Introduction

Conflict is an innate feature in human beings as they often relate with each other based on their different beliefs, backgrounds, customs, and values thus making conflicts unavoidable (Folarin, 2015). The result is the impossibility to satisfy everyone's desires in the society and thus may culminate into confrontation. The transition of an unresolved conflict progresses into violence due to lack of compromise and consideration from both parties, where aggression and hostility are present in their interactions (Anderlini & Stanski, 2004). This undoubtedly leads to tensions that trigger war.

While violence does not entirely last long depending on the conflict issue, the unresolved root cause ensures sporadic violence that reoccurs every now and then. Post-conflict reconstruction is adopted to stop the violence and resolve conflicts. In the event that the post-conflict reconstruction measures are tailor-made to address and resolve the structural or root causes, then the conflicting parties are able to achieve long-lasting positive peace. On the other hand, if the post conflict reconstruction measure in question does not address unresolved root causes of conflicts, the conflicting society is left in negative peace where violence is non-existent but can recur if triggered (Herath, 2018).

Kenya has put forth several efforts to resolve conflicts and violence during election seasons. However, the measures have not been successful in completely doing away with post-election violence. This study, therefore, seeks to delve into the discussion of post-conflict reconstruction mechanisms set up due to post-election violence in Kenya

between 1992 and 2013 and why they have been deemed unsuccessful. This study also seeks to question the relevance of the Building Bridges Initiative (BBI) as a mechanism for sustainable unity and cohesion.

### Background to the Study

According to the European Commission, United Nations Development Program (UNDP) and the International IDEA (2011), elections give room for constructive processes of competing for representation of people in societies. Although they are carried out for the purposes of fair power allocation and representation, they are deemed as triggers especially in environments crippled with negative peace. Therefore, essentially, the examination of elections as a catalyst of violent conflict is rooted in the notion that they are the ethical processes of competition (European Commission, (last), United Nations Development Program (UNDP), & International IDEA. 2011).

Elections in democratic entities witness conflicting interests of different political parties which are managed by independent electoral boards. In situations where there is negative peace, heavily contested elections trigger violent conflict (Eiseman, 2003). According to Kammerud (2012), states that are threatened by possible post-election violence cycles are transitioning democracies. These states bear characteristics such as multi-ethnicity, multi-religious and socio-economic cleavages. While these characteristics do not necessarily accentuate post-election violence according to Kammerud (2012), they propagate violence triggered by election processes.

In the 2011 United Nations Secretary General report on strengthening electoral assistance, the United Nations Secretary General, Ban Ki Moon noted that election related violence is as a result of shortcomings in the election procedures where

transparency is questionable (Moon, 2011). However, the fundamental causes of violence are deep-rooted issues in the social, economic, and political environments of states. Therefore, the elections pose as triggers for conflicts (Collins, 2011). These conflicts can be substantiated to a pressure cooker that eventually explodes at the slightest trigger (Sifuma, 2011). This means that the propensity of election related violence is directly linked to unresolved structural issues. Therefore, elections are considered as triggers in societies with deep-rooted cleavages thus post-conflict reconstruction measures are essential in stopping the violence and tackling the structural issues that are often triggered during election cycles.

Post-election violence has been witnessed as late as 2019 in South America. In Venezuela, protests were held against the socialist regime of Nicolas Maduro that saw the economic collapse and failure of water and energy systems (BBC News, 2020). According to Daniels (2019), tens of thousands of protesters took to the streets in January 2019 against the authoritarian regime that negatively affected the economy. The state was crippled by hyperinflation, shortage of food and medicine as well as infringed rights and freedoms of citizens by the authoritarian regime. According to the United Nations High Commissioner for Refugees, three million Venezuelans had fled the country between 2014 and 2019 (Human Rights Watch, 2019).

Following this humanitarian crisis, negotiations between the chief presidential principals, Nicolas Maduro and Juan Guaido were facilitated by the Norwegian government between May and August 2019 (International Crisis Group, 2020). Several interventional measures were recommended in the negotiation process; constitutional amendments to reintroduce presidential limits and reintroduction of an upper chamber to the national assembly to balance the presidential powers, establishment of a truth commission with bipartisan support from both political camps

and fair representation through devolution. Although these should have set precedence for the walk to achieving sustainable peace and unity, the state is still in a political crisis (Alihodžić & Matatu, 2019).

Asia has also been crippled with post-election violence predisposed by underlying issues. In India, election seasons witness sporadic violence that is as a result of underlying issues such as the religious rift between the Muslims and Hindus. In 2011, the communist Bharatiya Janata Party that was in government since 1977 was uprooted by the Trinamool Congress. Aside from the religious tensions, politicians incited their supporters leading to clashes that led to the death of at least 8 people in West Bangal state alone (BBC News, 2011).

In 2019, India also witnessed violence during and after elections due to the religious rift whereby the Bharatiya Janata Party (BJP) pushed for Hindu nationalism which would enable the marginalization of the Muslim citizens of the state. The leading party, Trinamool Congress was pro-Muslim. The underlying religious tension was triggered by elections. The attacks targeting both parties were politically instigated according to (Goel & Rahman, 2019). While religion remains a key fragment in the negative peace, according to Daxecker (2020), malapportionment of representation in different states is also an underlying issue.

In Africa, post-election violence is mainly attributed to ethnicized politics which pins ethnic groups against each other. While other underlying issues are present, ethnic differences are used to advance underlying issues such as marginalization. According to Eiseman (2003) the transition to multiparty democracies from single party governments and authoritarian regimes witnessed violent election-related conflicts.

The election-related violence wave has been a growing trend since the nineties which has over the years threatened democracy (Isola, 2018).

In Southern Africa, states like Mozambique have experienced post-election violence. Mozambique has been under the Mozambican Liberation Front (FRELIMO) since 1975. The government has ignored land expropriation and marginalization leading to the rise of armed groups attacking pro-government citizens. In 2019, the tension between FRELIMO officials and supporter's vis a vis the Mozambican National Resistance (RENAMO), which is the largest opposition party, led to political instigated clashes after the October elections were allegedly rigged by the FRELIMO party (Krippahl, 2019). Other underlying issues include marginalization, social and economic inequality and the proliferation of small arms and light weapons (Isola, 2018).

The post-election violence was sparked by RENAMO officials when they called for the elections to be nullified, citing irregularities such as intimidation and fraud (Isilow, 2019). A peace accord was signed between RENAMO and FRELIMO in August 2019 to end the civil war that crippled the state since it gained its independence in 1975. According to the Peace Security Council (2019), this peace deal was the third one negotiated between the two camps following the Rome General Peace Accord of 1992 and the peace deal in 2014. The 2019 peace accord proposed full demobilization of RENAMO fighters into the security force and civilian life and the decentralization of political power in government (Manning, 2019). However, the underlying inequality, marginalization and authoritarian regime that were left unresolved were indeed triggered by the elections held in October 2019.

West African states have also witnessed post-election violence. According to Mitchell (2018), Cote D' Ivoire has experienced the worst post-election crisis with three thousand dead and five hundred thousand displaced. The violence in 2010 and 2011 is deeply rooted in unresolved land conflict that backtracks to the 1920s when immigrants were brought to West Cote D' Ivoire to work on the cocoa farms. After gaining independence, the then President, Felix Houphoet-Boigny introduced a land tenure policy in 1963 that stated, "land belongs to those who make it productive", (Mitchell, 2018, p. 69). This policy was pro-immigrants leaving the locals disadvantaged. Although the policy saw the growth of production in the cocoa farms to a point it was named the Ivorian miracle, the economy started dwindling down in the 80s (Manning, 2019).

In 1990 after succumbing to pressure from the international community, the state held its first multiparty elections. The opposition party, the Ivorian Popular Front (FPI), promoted xenophobic nationalism as it was pro-locals as opposed to the People's Democratic Party of Cote D' Ivoire, the ruling party (Zounmenou & Lamin, 2011). Felix Houphoet-Bigny's party won the election, but the anti-immigrant rhetoric became more aggressive. Aside from that, the marginalization of the Muslim in the North through voter registration suppression along with other issues informed the military coup of 1999 led to election violence in 2000 and a subsequent civil war from 2002 to 2007. This was halted by the signing of the Ougadougou Political Agreement under Thabo Mbeki on the 4<sup>th</sup> of March 2007 (Zounmenou & Lamin, 2011).

The Ouagadougou Agreement proposed several intervention measures that would be essential in restoring peace, promoting genuine national reconciliation and achieving political and institutional normalization (United Nations Security Council, 2007). Some of these interventions that would be rolled in phases according to the agreement

included redeployment of mobile courts to issue substitute birth certificates, launching an operation to issue identity cards and roll out registration on the electoral roll and launching a national demobilizing, disarmament, and reintegration program. However, in 2010, the presidential election was heavily disputed leading to a standoff that led to three thousand extrajudicial killings, five hundred and twenty arbitrary arrests, seventy-two cases of involuntary disappearances and more the one hundred cases of rape (*Situation in the Republic of Cote D' Ivoire*, 2011).

In response to the violence, President Ouattara adopted policies from the Ougadougou agreement to bring peace in the state. One of the policies included reintegration of the rebels to the military where one of the warlords was made commander in 2012. He also launched a Disarmament, Demobilization and Reintegration (DDR) program which resulted to the collection of 100,000 weapons, 400,000 rounds of ammunition and 2,000 grenades by 2015. A new constitution was also adopted (Ozoukou, 2016).

Kenya has also experienced its fair share of post-election violence and election-related violence during election seasons. Several studies have been done on the ethnic violence in Kenya with most targeting the 2007/08 post-election violence, its causes and effects. According to Murunga (2011), the political tensions were felt in isolated areas of the state as people casted their votes. Furthermore, he adds that the post-election violence was triggered by the abuse of the electoral process; however, the subsequent violence was as a result of long-term historical injustices that were not addressed effectively. He adds that the post-election violence in Kenya was spontaneous, premeditated, planned and state-directed thereby connected by the historical injustices relating to land, human rights abuse and lack of the political class in advancing political reforms that were long overdue. While his study coincides with

this research, his central thesis is centered on the relationship of the abuse of electoral processes and the eruption of post-election violence.

On the other hand, Oucho (2010) argues that for Kenya to move forward from the post-election violence, historical land issues and historical injustices traced to the colonial legacy need to be addressed as well. While his argument is based on long-term causes of the conflict, he centers his study on ethnic and cultural stereotypes that need to be resolved for there to be durable peace and equitable sharing of the national cake (Oucho, 2010). While these studies centrally focus on historical injustices, this research seeks to delve into the existence of negative peace despite several post conflict reconstruction measures taken by the Kenyan government.

According to Nowrjee and Manby (1993) the pre-election and post-election violence that was experienced after the repeal of Section 2A, in 1991 and 1992, in a bid to succumb to pressure from the international community, saw the breakout of conflicts in Rift valley, Nyanza and Western provinces. The ethnic-centric violence was as a result of political interference by Moi's regime in a bid to tarnish the renewed multi-party system. Kenya had become a de jure one-party state in 1982. Thus, the goal of the government was to demonstrate that the one-party rule was more effective in Kenya but it only favored Moi's authoritarian regime.

The 1997 elections which were the seventh general elections after independence saw a higher voter turnout with the goal of ousting the Moi regime. However, this was unsuccessful and eventually translated into post-election violence especially in the Coast province whereby those ethnic groups believed to be anti-KANU were attacked (Wanyande, 2006). The 2002 elections witnessed cooperation of all ethnic communities under the National Rainbow Coalition (NARC) to ensure that Moi was

removed from power. Under the Memorandum of Understanding signed by different political parties, they all joined NARC.

In 2007, the presidential contest seat was between the Party of National Unity (PNU) and the Orange Democratic Party (ODM). Election irregularities such as rigging triggered ethnic-centric violence that was eventually put to a halt when Mwai Kibaki and Raila Odinga signed the National Peace Accord on 28<sup>th</sup> February (Lindenmayer & Kaye, 2009). This was after forty-one days of intervention from the international community and mediation by Koffi Annan. The National Accord and Reconciliation Act (2008) was established on the premise of establishing a coalition government between the two principles. The coalition government, another post-conflict resolution measure established, would have a prime minister, two deputy prime ministers and a minister of government included in the 2008 to 2013 government. According to the act, both party leaders had to form a power-sharing government for the country to begin a healing and reconciliation process.

Post-election violence also resulted in the establishment of the Truth, Justice and Reconciliation Commission Act in October 2008 that had the commission charged with identifying the long-term issues that triggered the violence (Kimathi, 2013). This was premised on the fourth agenda set by the Kenya National Dialogue and Reconciliation commission. According to Kimathi, on the 21<sup>st</sup> of May, 2013, the TJRC handed over the report to President Uhuru Kenyatta. The report which had four volumes of human rights abuses from 1963 to 2008 and recommendations was not implemented. This resulted into unresolved root causes of the seasonal conflicts during elections that once again brewed in 2017 when former Prime Minister Raila Odinga disputed the election under the NASA political party. This led to a second

presidential election being held where Uhuru Kenyatta, was declared president for his second term.

The results of the tensions in the State that would have drawn back to the atmosphere of 2007/08 led to the Handshake between Uhuru Kenyatta and Raila Odinga. This handshake, viewed as a home-grown conflict resolution tool saw the commissioning of the Building Bridges Initiative Taskforce. This taskforce officially published on 31<sup>st</sup> May 2018 under Gazette Notice number 5154, was mandated to evaluate national challenges and make practical recommendations and reform proposals that would build unity (Building Bridges Taskforce, 2019). The BBI, a recent post-conflict reconstruction project, is yet to be passed and its recommendations implemented. This recent phenomenon has not been written on much except on the division it has brought in the political field as Kahura (2019) puts it. This study therefore seeks to evaluate if the BBI will be a propeller of sustainable national unity and cohesion.

#### Statement of the Problem

The total impact of violence during election seasons in Kenya is incalculable. The clashes have lasting effects that have economic implications in the country's development every five years (Nowrojee & Manby, 1993). It has also brought forth social and political implications such as further ethnic balkanization especially in political parties as well as deaths and displacement of citizens (Oucho, 2010). Furthermore, the violence instilled trauma to victims whose perpetrators were not brought to justice and whose family members were murdered or killed. These unresolved issues and effects of the conflicts influence the recurring violence that is triggered by elections.

While there have been several interventions to deal with post-election violence since 1992, none of them has addressed the ethnic rift among different communities yet it is a major cause of conflicts in the state. One of these interventions was the International Criminal Court that was recommended by the Waki commission report. The court implicated those who were allegedly involved in the post-election violence of 2007 (Truth, Justice Reconciliation Commission, 2008). Another intervention was the coalition government of former President Mwai Kibaki and former Prime Minister Raila Odinga. This was after the signing of the National Accord following the Kenya National Dialogue and Reconciliation commission that was spearheaded by the Panel of Eminent African Personalities. The signing of this accord paved the way for resolving the political crisis that led to one thousand, one hundred and thirty-three people dead and three hundred and fifty thousand displaced (Wambua, 2019).

Subsequently, the TJRC Commission was established and after 6 years, they handed over the TJRC report which was not implemented (Kimathi, 2013). In 2017, the handshake between President Uhuru Kenyatta and Prime Minister Raila Odinga was a result of the tense political standoff that was brought about by the heavily disputed presidential elections. The handshake led to the establishment of the BBI Taskforce in a bid to bring national unity and cohesion. This puts forward the question on the effectiveness of the conflict resolution mechanisms employed in Kenya to achieve sustainable peace (Tuikong, 2014). The BBI Report was finally launched on the 26<sup>th</sup> of October 2020. Despite these measures being set up prior to the BBI, sustainable peace is yet to be achieved. There are already talks on the 2022 general elections which could trigger post-election violence. This study therefore, sought to evaluate post conflict reconstruction measures employed in Kenya and their prospects for

sustainable unity and cohesion. The data collected through this study further explained sporadic election-related conflicts in Kenya between 1992 and 2017 .

### Purpose of the Study

The intention of this study was to evaluate immediate conflict resolution mechanisms used in Kenya to control election-based violence. In this regard, the study examined the history of post-election violence in Kenya between 1992 and 2017. It also sought to understand the failure of mechanisms set as post-conflict reconstruction measures prior to 2017 to bring about sustainable national unity and cohesion. Subsequently, it established gaps of these measures. It also aimed at deciphering the Building Bridges Initiative report, a product of the 'handshake' and to question its premeditated success and failure.

### Objectives of the Study

The main objective of the study was to evaluate post conflict reconstruction in Kenya and why previous mechanisms have not been efficient in eradicating the post-election violence cycle. The specific objectives of the study were to:

1. Examine the history of post-election violence cycles in Kenya between 1992 to 2017.
2. Evaluate measures aimed at fostering post conflict reconstruction in Kenya.
3. Assess the viability of the BBI as a prospect for national unity and cohesion in Kenya.

### Research Questions

The following were the research questions addressed by the study:

1. What is the history of post-election violence in Kenya from 1992 to 2017?

2. How were the measures aimed at fostering post conflict reconstruction in Kenya effective?
3. Is the BBI capable of fostering national unity and cohesion in Kenya?

#### Justification for the Study

The impetus of this study was to examine previous post conflict reconstructions and to also evaluate if the BBI will enable Kenya to break the cycle of post-election violence. If this study is done now, then it could aid in the understanding of sporadic conflicts with the aim of understanding why other post-conflict reconstruction mechanisms that have been set up over the years have not been successful in achieving positive peace and sustainable unity. Furthermore, the impact of post-election violence in informal settlements such as Kibera, Kawangware and Mathare, in Nairobi is tremendous (Human Rights Watch, 2020). This includes, destruction of property, deaths and disruption of businesses that affect the economy of the state (Aluoch, 2008).

Subsequently, studies have been done on Kibera and Mathare slums such as the role on political mobilization on political violence and how ethnicity informs violence in Kibera and Mathare (Musya, Matanga, & Amutabi, 2017). There is also a study by Ondiek (2011), on the impact of post-election violence on enterprises in Kibera that are disrupted by the violence. This then informs the decision to center the study in Kawangware Ward, one of the affected slums that has not being studied as much as the ones previously mentioned with regard to post-election violence and subsequent post-conflict reconstruction measures adopted.

Furthermore, the BBI report that was released on the 26<sup>th</sup> of October 2020, has been centered on the politics of how it will supposedly put an end to corruption, poverty,

youth unemployment, negative ethnicity and divisive elections (Ayaga, 2020). Kenya is about to have another election season in 2022. Campaigns have already being rolled out and the political climate's tension is gradually going high. The findings of this study were to examine the historical causes of post-election violence from 1992, assess the effectiveness of past and existing post-conflict reconstruction measures as well as gauge the viability of the BBI as a possible post-conflict reconstruction tool.

### Significance of the Study

The findings of this study will be beneficial to Kenyans in understanding how they can achieve sustainable unity and cohesion amid divisive politics, corruption and high unemployment rates. It will highlight and reflect on post conflict reconstruction measures taken and whether the BBI will be able to bring forth sustainable peace. It will also enable the peace and security fraternity to understand why initial measures were ineffective as well as the relevance of the BBI in promoting sustainable peace and cohesion. additionally, it deciphered the gaps in mechanisms initially used. Finally, it examined the BBI report as a prospect for national unity and formed foundations for further research with regard to sporadic violence during election seasons.

### Assumptions of the Study

The study was based on the following assumptions.

1. All respondents in Kawangware, the area of study, have read the Building Bridges Initiative Report.
2. The demographic targeted for the research will provide honest answers in the questionnaires used to collect data on the study.

3. There is likelihood of an outbreak of post-election violence in 2022 and the BBI may aid in preventing violence triggered by elections.

#### Scope of the Study

This study sought to question the significance and probability of success of the BBI as a post-conflict reconstruction tool. This was done through careful examination of secondary data explaining the failures of initial post-conflict reconstruction mechanisms between 1992 and 2013. As identified in the objectives the research looked into post-conflict mechanisms used from 1992 to avert the cycle of post-election violence, their successes and failures. It then questioned the BBI and its ability to achieve sustainable peace and cohesion that could stop post-election violence from recurring. The study was done in Kawangware Ward, Nairobi County and revolved around people between the ages of twenty-two years and sixty years of both genders. This age group was chosen in a bid to get respondents who had voted at least once. Finally, the study was carried out for a period of one year.

#### Limitations of the Study

The following were the limitations of the study:

1. The study was limited to Kawangware Ward, thus its inferential may not reflect on other parts of the country that were affected by post-election violence.
2. The BBI report was subjected to the court of appeal and the high court which affected the outcome of the proposed peace initiative following the rulings.
3. The BBI was a new phenomenon launched in 2019, thus limited research had been done prior to this study.

### Delimitations of the Study

Since the study was based in Kawangware ward, the researcher ensured that a cosmopolitan view was sought to ensure that the majority of the ethnic groups living in the ward were engaged. The study also used updated information with regard to the anticipated court of appeal ruling in the conclusion and recommendations section. Additionally, the research intended to form a basis for further research on the BBI and its prospects for sustainable national unity and cohesion.

### Definition of Terms

Authoritarianism- “A form of government that monopolizes authority over the state without guaranteeing political pluralism or defense of civil liberties and with little or no accountability to the population”, (Vaillant, 2012, p. 4). In this study, this term was used to refer to government systems that have centralized power at the expense of the freedom of citizens. The ruling class exercise the power without being constitutionally responsible to the citizens of the state in question.

Election- “the formal process of selecting a person for public office or accepting or rejecting a political proposition by voting”, (Gibbins, Webb, & Eulao, 2015, p. 10). For this research, this term referred to the process in which citizens choose their political leaders.

Ethnic-based conflict- “It is a conflict between two or more rival ethnic groups. While the origin of the conflict may be political, social, economic or religious. The individuals in conflict must expressly fight for the survival of their group within society. Ethnic conflict may be violent and may be non-violent”, (Hashmi, 2018, p. 1). Ethnic-based conflict in this context, is conflict that is between two or more groups that belong to different ethnic backgrounds in this study.

Ethnic-based violence- Actions motivated by ethnic conflicts and ethnic prejudice against parties in question (Hashmi, 2018, p. 1). In this research, the term was used to describe attacks that are targeted towards a specific group due to their ethnic background.

Negative peace- Absence of overt violence (Galtung, 1996). In this study, this is used to refer to the absence of violence in a conflicting state. However, the conflicting ethnic groups still have undertones of prejudice, hate and stereotypes towards each other that could be triggered into full blown violence.

Post-conflict reconstruction- “It is a complex process that incorporates simultaneous short-, medium- and long-term programs to prevent disputes from escalating, avoid relapses and build sustainable peace”, (NEPAD Secretariat, 2005, p. 1). In this context, post-conflict reconstruction was used to refer to a process that involves several programs, established in conflicting societies to deescalate conflict, build sustainable peace and reestablish positive relationships between the conflicting parties.

Structural issues- These are underlying factors in societies that are left unresolved that cause conflict when triggered (Charland, 2014). In this study, this referred to past unresolved grievances that are present in a society with negative peace. These structural issues could lead to violence if triggered by events such as elections.

Trigger- A trigger is an element in a society that sparks violence from the negative peace experienced long-term (Rummel, 1979). In this context, triggers were events that may have led to violence in societies that have unresolved structural issues.

## Summary

This chapter introduced the reader to the study which sought to evaluate post conflict reconstruction measures and their prospects for sustainable unity and cohesion. It featured a background which provided an overview of the sporadic violence that occurs during election cycles in different states and subsequent post conflict reconstruction measures applied in the international political system. It also covered the significance of this study and the overall justification along with the scope, assumptions, limitations as well as delimitations.

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## CHAPTER TWO

### LITERATURE REVIEW

#### Introduction

This chapter sought to provide an overview of political violence experienced during election cycles in the global political economy. While the study essentially focused on post-conflict reconstruction in Kenya, this chapter also reviewed general violence during election cycles and post-conflict mechanisms used in other states, having been covered by different scholars over the years.

It sought to dissect and incorporate social learning theory of transitional justice as its theoretical framework. Additionally, it reviewed the relevant literature on violence during election cycles. The study also entailed general history of political violence during election cycles, measures taken, and the challenges met in the general literature review. In the empirical literature review the study sought to explore the history of ethnic-based political violence in election cycles in Kenya from 1992 to 2017. Moreover, it looked at the measures taken to foster sustainable national unity and cohesion as well as their effectiveness. Finally, it looked at the Building Bridges Initiative's viability as a prospect of national unity and cohesion in Kenya in the conceptual framework and discussion.

#### Social Learning Theory of Transitional Justice

Transitional justice has been used since the nineties to bring forth reconciliation in different states. It was first established through the establishment of a truth commission in Argentina in 1983 (United States Institute of Peace, 1983). However, according to Aiken (2011), the link between post-conflict reconstruction in divided

societies and transitional justice was undertheorized. As a result, he founded the social learning theory of transitional justice in 2010 as his thesis dissertation.

Aiken (2014) argued that some form of transitional justice is essential in conflicting societies for reconciliation processes in societies that are divided by past histories of violence committed between ethnic lines, religious lines, or political lines. He further argued that for reconciliation and sustainable peace to be achieved in divided societies, a magnitude of projects and processes need to be set up to confront the hostile relationships and belief systems between conflicting parties. Therefore, social, and psychological processes need to be reexamined through social learning for reconciliation to be achieved.

With violence between the conflicting identity groups, the environment to challenge the perceptions, stereotypes and prejudice that inform the conflict, is destroyed because communication and trust is disrupted. Dehumanization of the 'other' also comes into play and it also features biased communal beliefs where past violence occurred and was left unresolved completely. This ossifies the relationship between the parties in conflict (Aiken, 2014). Therefore, for reconciliation to be successful in conflicting divided societies, social learning must be included to unlearn the stereotypes and prejudice projected on each other which foster the conflict (Adler, Barnett, & Smith, 1998). The authors define social learning as "an active process of redefinition or reinterpretation of reality – what people consider real, possible, and desirable – on the basis of new causal and normative knowledge", (p. 42). This social learning process would foster positive relationships by challenging the communal beliefs and redefining identities between conflicting parties in a bid to reestablish better relationships.

Aiken (2014) added that to foster positive peace, three social learning forms should be set up to give the conflicting parties an environment where they can debunk their negative stereotypes and prejudice of each other and build new perceptions that will encourage reconciliation and sustainable peace. these forms are assumptions of the theory. The first form is instrumental learning.

### Instrumental Learning

The first assumption of this theory, instrumental learning, centers itself on the notion 'let bygones be bygones' through encouraging conflicting parties to cooperate repeatedly with the goal of developing trust and acceptance with and of each other.

The first of these social learning processes, instrumental learning, refers to the use of interventions designed to engage former antagonists in sustained cooperative interaction in the post-conflict period, through which they can begin to transform their relationships with one another and 'gradually learn to replace enmity with trust and negative with positive perceptions of the other. (Nadler & Shnabel, 2015, p. 40)

According to Ellis (2015), one of the ways instrumental learning can be carried out is through positive intergroup contact. If this positive contact is undertaken with supportive institutional structures, agreement by relevant authorities and a social and normative climate conducive environment, then this contact would help reduce negative perceptions, attitudes, and stereotypes of each other. Once contact is established, the second means of instrumental learning rolled out is transformative dialogue. Meaningful dialogue and communication across conflicting groups enhances a step closer to reconciliation and sustainable peace. This is fostered by changing the interaction rituals resulting in the conflicting parties re-examining and

re-organizing the relationship with each other. This 'identity negotiation' mechanism therefore helps the conflicting identity groups to unlearn their perceptions and construct more inclusive peaceful ones. However, this too requires specific contexts and conditions such as the presence of supportive inbuilt forums and institutional structures (Aiken, 2014).

### Socio-emotional Learning

The second assumption of the social learning theory is socio-emotional learning. While contact and communication are essential in rebuilding relationships between conflicting societies, more processes need to support the overall attainment of sustainable peace and unity. The history of violence among the conflicting parties needs to be addressed in order to support the rebuilding of trust and communication channels. According to Nadler and Shnabel (2008), transitional institutions involved are required to hold spaces where past abuses are dealt with. This ensures the 'truth' is upheld to deal with historical propaganda and discrimination that may encourage the upsurge of violence between conflicting parties. The truth can be achieved through justice accountability and acknowledgement.

Consequently, to establish harmony and positive peace among conflicting parties, past injustices and atrocities need to be investigated, established, and publicly disseminated regardless of the justice system chosen (Crocker, 2000). Therefore, the justice system chosen is required to be impartial and context-specific for this to be achieved. For instance, after the Rwandan genocide of 1994, the state set up Gacaca courts while Kenya used the International Criminal Court after the post-election violence of 2007/2008.

Justice in these societies needs to uphold several pointers for it to be deemed successful. The first one is acknowledging injustices and holding perpetrators accountable for it to serve as a bridge between past injustices and an inclusive peaceful future. Secondly, the justice institutions invoked need to indicate that the use of violence will not be permitted. Furthermore, the justice institutions involved need to acknowledge this process can also begin to reduce the feelings of victimization and animosity against each other. Finally, the justice institution needs to recognize the dignity and basic moral worth offered by justice may be essential in victim's healing processes. Therefore, accountability is an integral part in transitional justice regardless of the form of justice practiced (Lambourne, 2009).

The other means is truth recovery which ensures the establishing the truth between antagonizing parties. Aiken (2014) argues that the recovery of the truth contributes to social learning by helping conflicting parties to confront their belief systems formed based on their past histories of violence. He adds that this is essential because the involved parties may have different truths of the past violence. This according to Bar-Tal (2003) is referred to as collective memories where parties focus on the other's violence and atrocities as well as their own self-justification and righteousness. The collective memories are then passed down generations which inhibit sustainable peace by encouraging hate and prejudice. Aiken (2014) therefore proposes that the truth of both parties needs to be re-examined to deal with the biased collective memories. With this therefore, truth commissions are essential in the reconciliation process to ensure transition from impunity to accountability (Crocker, 2000).

### Distributive Learning

Once contact, communication and truth are established in a bid to build a bridge between conflicting parties, economic and structural factors also need to be addressed to ensure reconciliation and sustainable peace is achieved and maintained. This is done through the third assumption of the theory, distributive learning which addresses material and structural marginalization. According to Aiken (2014), for positive peace to be achieved, physical violence as well as acute inequalities in distribution of economic wealth, political power and social status need to be addressed and dealt with.

There are two ways in which distributive learning can be done. First, some form of reparations program needs to be set up targeting the worst affected by the conflict through either socio-economic or socio-political disadvantages under systems of oppression. Secondly, distributive learning requires institutions to be restructured to work alongside material and structural reforms in order to address all past abuses. However, these institutions should ensure that material and structural inequalities are addressed to ensure that the justice efforts do not appear 'toothless' thereby breeding negative peace (Crocker, 2000). Some of the institutions that require reforms for positive peace to prevail are the police, military, judiciary, and tax centers.

In conclusion, based on this theory, transitional justice and peace initiatives require 5 mechanisms for positive peace to be achieved and sustained. These are contact, communication, promotion of truth and justice and the amelioration of structural and material inequalities. This social learning theory that is specifically tailored for divided societies be it on ethnic, racial, or religious lines, issues frameworks that should work hand in hand to achieve sustainable national unity and cohesion.

Therefore, the process of achieving sustainable national unity and positive peace is heavily reliant on promoting instrumental, socio-emotional, and distributive learning processes with adherence to context-specific tailored programs. This would ensure the transition of former antagonists to a better rebuilt relationship upheld by truth and equality.

A critical analysis of post-conflict reconstruction mechanisms in Kenya demonstrated that some of these aspects highlighted by this theory such as material reparations are often ignored thus the unresolved conflicts keep recurring. Elections act as triggers to these unresolved conflicts. Therefore, this theoretical framework was relevant to this study as it reflected on key approaches and steps that have often been ignored hence the failure of different post conflict resolution mechanisms applied in Kenya from 1992. Furthermore, the theory was relevant as it was centered on societies with deep cleavages that are premised on the different identities of the members of the societies, therefore, it applies in Kenya's context, a multiethnic state, hence was applicable in this study.

#### General Literature Review

The following section sought to provide an overview of literature with regard to post-election violence and measures taken to foster sustainable national unity and cohesion. It provided the general history of ethnic-based violence in election cycles, different measures set up by several states to avert post-election violence and their effectiveness in promoting national unity and cohesion as well as components of an effective post-conflict reconstruction program based on different scholars.

### History of Ethnic-Based Violence in Election Cycles

According to Wimmer and Schetter (2003), members of different ethnic communities lived harmoniously. However, the enmity grew due to the ethnicization of political conflicts. They argue further that this enmity was then integrated into the structural systems and institutions of government thereby pushing the rift between the conflicting ethnic groups further. This was done through political exclusion of some ethnic groups and marginalization with regard to economic development and development of social amenities. A prominent example would be the Hutu and Tutsi of Rwanda whose enmity grew due to the divide and rule mechanism used by the German colonial government (Wimmer & Schetter, 2003). Just like the theory of social change, they argue that the conflict between ethnic communities is passed down generations based on perceptions of each party rather than the factual historical developments.

Historically, post-election violence has been witnessed since the gaining of independence for colonized entities. This was after the colonial governments used the 'divide-and-rule' strategy whereby the rulers would break up the rival center pieces of power into small pieces that had less power than the ruler (Bethke, 2013). The colonial powers then established government and administrative institutions which served the purposes of extracting revenues and maintaining public order. In the 1960s, most states transitioned to independence therefore, the imperial governments had to hand over power. They negotiated with indigenous governments which resulted in the imperial governments overseeing multi-party elections whereby the winner became the president of the state. The presidents oversaw constitutional amendments that re-established authoritarianism (Bethke, 2013). According to Hyden (2006), the first

decade of independence in most states featured the reinstating of authoritarian governments.

According to Ray (2018), studies have shown that a legacy of the British colonial rule is likely to make a state prone to ethnic-based violence due to the divide and rule mechanism. This is conditioned on the inequalities faced in representation during the colonial government regime which excluded some ethnic groups subsequently causing inter-ethnic conflict and violence. The French imperial government also used the indirect rule mechanism whereby they maintained the leadership systems in highly centralized ethnic groups in a bid to maintain law and order at the lowest cost possible. This saw the rise of pro-government leaders who would target those that were against the imperial government. The result was that those that were pro-government were able to secure seats in the governments while the antagonists were excluded. This developed into a fragmented state with marginalized communities caused by imperial governments (Tornberg, 2013).

Due to misrepresentation, fragmentation brought about by the colonial governments and marginalization that came about as a result, unresolved land disputes and resource allocation contributed to violence that was often triggered by elections and politicized ethnicity. This was evident in Mozambique, India, Cote D' Ivoire, Nigeria, Sierra Leone, Burundi, India and Kenya among others. Therefore, in conclusion, colonial legacies are huge contributors to the history of ethnic-based post-election violence in the contemporary international political system.

#### Effectiveness of Measures Taken to Foster National Unity and Cohesion

Elections are essential in democratic processes yet, in cases where structural issues are left unresolved; they bear the weight of triggers of violence. According to

Hoglund and Jarstad (2010), elections in transitional or war-torn states generate conflicts as opposed to solving them. Therefore, managing election-related violence is essential in building a democratic society that bears and enjoys positive peace.

They argue that election related violence can be managed through; the presence of international and local election monitors such as the civil societies and non-governmental organizations. The monitor's role would be to name and shame mechanisms being used to create and heighten tensions in the state in question. Secondly, a mediation process could be carried out to prevent election related violence. A legal framework and institutions could also manage violence by combating impunity and creating structures and conditions that discourage violence. Finally, violence can be prevented and managed by creating voter-focused strategies that lay emphasis on the long-term prevention of violence and its benefits (Höglund & Jarstad, 2010). While these measures may work at preventing election-related violence, structural issues are left unresolved and thus may be triggered even after the elections in question.

Taylor (2018) on the other hand, acknowledges that preventive measures need to address both triggers as well as structural causes. In his study, he lays emphasis on strategies being either stakeholder-initiated, aimed at improving elections to promote social peace and finally they could either be short-term or long-term. The strategies should be chosen based on the context of state. Using Malawi as one of his case studies, Taylor (2018) identifies several anti-violence measures that ran simultaneously ahead of the 2014 elections that were initiated by both the civil society and government agencies. One of anti-violence measures was spearheaded by the Public Affairs Committee (PAC), a civil society organization, which brought together twelve presidential candidates to sign the Lilongwe Peace Declaration. This

declaration stated that the candidates would carry out peaceful campaigns and accept results without inciting violence.

Another measure set was the Multiparty Liaison Committees (MPLCs) which were established by the Malawi Electoral Commission. Twelve MPLCs were established in each district to work as local conflict resolution committees. The committees consisted of government leaders, district commissioners among others. The goal was to resolve local conflicts that could escalate during the election season. While these measures reduced the level violence, they ignored the grassroots levels and were crippled with government bias where leaders were not held responsible for incitement (Taylor, 2018).

According to Alihodzic and Asplund (2018), preventive and mitigation measures of election-related violence need to be tailored to the context just like Taylor (2018). Using Nepal as a case study, they identify that one of the main causes of election related violence was political and social exclusion of women. Thus, to resolve this, the electoral board pushed for gender and minority quotas in 2007. Gender and minority representation in politics and government was an integral part in electoral law reform. Thirty-three percent of the seats were secured by women. This representation barred the recurrence of post-election violence in the elections that were held after 2007.

On the other hand, Claes and Borzyskowski (2018) argue that multiple measures need to be set to prevent reoccurrence of any form of election-related violence. Using Liberia, they identify several measures that were set up. One of the measures was provision for security during voter registration, campaigns and elections by the Liberia National Police (LNP). Election monitoring was also done by both local and

international observers such as the African Union and the Economic Community of West African States (ECOWAS). Furthermore, civic education was carried out by the National Elections Committee and civil society organizations such as the Association of Liberia Community Radio. However, due to unresolved structural causes such as capacity gaps post-election violence occurred but in low magnitude (Claes & Borzyskowski, 2018).

#### Components of Post-Conflict Reconstruction Mechanisms that Promote National Unity and Cohesion

For Post-conflict reconstruction mechanisms to be deemed effective in bringing and maintaining peace in conflicted areas, certain factors need to be observed. According to the African Union (2006), post conflict reconstruction mechanisms need to promote and implement peace building, integrate peace, and prevent the resurgence of violence for them to be deemed effective. This is done through addressing root causes of conflict, implementing reconstruction activities which will be inclusive, equitable and non-discriminatory when it comes to distribution of wealth, engaging both local and national actors in capacity building and all reconstruction processes. This overall, would ensure that violence resurgence is prevented, and peace is integrated.

Post Conflict Reconstruction is deemed successful if 4 pillars are considered and fully worked on (Association of the United States Army & Center for Strategic and International Studies, 2002). The first principle is security which deals with public safety and avoiding violence. Secondly, there is the principle of justice and reconciliation which deals with impartially resolving past abuses through either informal or formal means such as the court. Furthermore, socio-economic wellbeing also needs to be considered. This principle should focus on provision of emergency relief in conflicting areas, restoration of essential services and advancing the economy

of the area through national investment. Finally, there is the principle of governmental participation which deals with strengthening political and administrative institutions, constitutional reforms and public participation in the formulation of government and its policies. This projection ensures that peace is sustained through ensuring security, socio-economic advancements, political involvement and addressing root causes of conflict thereby achieving justice.

Like the previous study, the New Partnership for Africa's Development (NEPAD) Secretariat (2005) encourages focusing on the four principles. However, the study adds that post-conflict reconstruction programs should be divided into three stages: the emergency phase, transition phase and the development phase. With these phases, then the programs should be multi-faceted, with different initiatives running at the same time and multi-dimensional. Furthermore, for post-conflict reconstruction mechanisms to be successful the programs need to be tailor-made meaning the programs should be specifically drafted and manned with regard to the conflicting region.

While criticizing the United Nations Mission in Sierra Leone (UNAMSIL), Ismail (2008) adds that aside from the principles discussed earlier, post-conflict reconstruction mechanisms also need to feature a disarmament, demobilization and reintegration (DDR) program for the armed combatants involved in the violence. This program should ensure that once the combatants are disarmed, that they are integrated into the society and involved in other socio-economic activities that would advance peace, security and development thereby preventing a resurgence of violence in the state of the region.

## Empirical Literature Review

This section of the study aimed at examining specific literature findings with regard to the history of ethnicized political violence in election cycles in Kenya between 1992 and 2017. It also looked into the effectiveness of the Akiwumi Commission report, the TJRC and the coalition government as measures aimed at averting political violence. Finally, this section entailed the BBI and its components as a post conflict reconstruction tool.

### History of Post-Election Violence in Kenya from 1992 to 2017

To fully dissect the post-election violence experienced in Kenya in 1992, 1997, 2007, 2008 and 2017, it was important to provide a backbone by looking into Kenya's political scene since gaining its independence from the British colonial legacy. Post-election violence crises that have been experienced have been drawn over ethnic lines due to unresolved land disputes and inequality that was encouraged and fostered by the imperial government (Cooke, 2009). As discussed earlier, due to the divide-and-rule mechanism used by the British, inequality became deeply enshrined in the political and administrative scene and has been carried forward into all government regimes since independence.

In 1964, when KADU was dissolved to join KANU, Kenya became a de facto one-party state, thereby doing away with political opposition. In 1982, during President Daniel Arap Moi's regime, Section A, a constitutional amendment was passed to make Kenya a de jure one party state (Oucho, 2010). This further divided Kenya since political and administrative positions were issued based on ethnic groups that were pro-Moi. However, in 1991, due to international pressure, the government under Moi's rule reinstated multi-party politics in a bid to score foreign aid provided

through the structural adjustment programs. Human rights organizations such as Amnesty International and the protests dubbed Saba advocated for multipartyism which was passed in 1991. President Daniel Moi warned that reverting back to this would encourage post-election violence in the forthcoming elections. According to Hansen (2009), one thousand, five hundred Kenyans were killed and three hundred thousand displaced. Therefore, Moi's regime instigated the violence.

A study carried out by the National Academy of Engineering (2013) revealed that the state-sponsored post-election violence in 1992 targeted the Luo, Luhya, Kikuyu and Kamba ethnic groups in Rift Valley. Former President Daniel Moi rigged the elections and went on dissociating with the violence that affected the state's economy. In 1997, post-election violence was state sponsored targeting the Rift Valley and Coast regions. Approximately one hundred thousand Kenyans were internally displaced and four hundred murdered. Both incidents were left unaddressed and unresolved by Moi's regime in 2002 when Former President Mwai Kibaki running under the NARC ticket won against KANU's Uhuru Kenyatta (Oucho, 2010).

While the 2002 general elections were reported as free, fair and peaceful, there were isolated incidents of violence (European Union Electoral Observation Mission, 2002). Based on the Carter Center (2003) findings, the handing over from Former President Daniel Moi's regime to the incumbent Mwai Kibaki was seamless. This relatively peaceful political transition demonstrated Kenya's journey to democracy however it was tarnished when campaigns began in 2004. NARC was dissolved to form the Party of National Unity (PNU) and the Orange Democratic Movement (ODM) was the opposition party. These were restructured for the 2005 new constitution referendum, with PNU using bananas as their symbol, for pro-referendum while ODM, oranges, represented the no vote (Andreassen & Tostensen, 2006). While this campaign was

reported to be peaceful, it fostered ethno-political cleavage that further caused a rift and influenced the turnout of the elections in 2007. Political loyalty was premised on one's ethnic group.

The 2007 general election campaigns featured incitement, hate speech and violence from both parties who took advantage of the ethnic rift that was present (Rawlence & Albin-Lackey, 2008). The Kenya National Commission on Human Rights (KNCHR) documented several such cases, but no investigations or prosecutions were carried out. Campaign slogans such as 'remove the roots' and 'cut the grass' targeting the Kikuyu in Rift Valley were pushed by local radio stations (Andreassen & Tostensen, 2006). Further into the campaigns, there were the 'No Raila, No Peace' and the 'Kibaki Tena' slogans used for campaigns that fostered further tensions (Smedt, 2009).

During the campaigns and the voting process on 27<sup>th</sup> December 2007, the presidential elections were stripped down to competition between the Kikuyu vis a vis the Luo, Luhya and Kalenjins bandwagon (Maupeu, 2008). The rushed announcement of Mwai Kibaki's presidential win on 30<sup>th</sup> December 2007 by Samuel Kivuitu, the Electoral Commission of Kenya's (ECK) chairman, triggered violence that broke out in several areas namely the Mau Forest, Eldoret, Nakuru, Nairobi, Kisumu, Kericho, Naivasha among others (Lafargue & Katumanga, 2008). This led to the deaths of one thousand two hundred and twenty people and the displacement of approximately three hundred thousand citizens (Office of the High Commissioner for Human Rights, 2008). In his study, Kioko (2020) concluded that this post-election violence was instigated by political leaders who should be subjected to the International Criminal Court.

After the mediation process that led to the signing of the Kenya National Dialogue and Reconciliation commission and Reconciliation agreement, a coalition government was formed thus stopping violent attacks and counter attacks from both camps. Although the coalition government submerged the violence, Murunga (2011) argues that post-election violence will continue to recur since historical injustices are often left unresolved. He further argues that nation-building has to be adopted for there to be positive peace.

According to Kioko (2020) the 2012 elections that followed were relatively peaceful as the then President Mwai Kibaki handed over to the incumbent Uhuru Kenyatta. Raila Odinga, the former prime minister in the coalition government became the opposition. The 2017 elections featured President Uhuru Kenyatta's bid for a second term and former Prime Minister Raila Odinga as the two main contenders. Others included, Former Vice President Kalonzo Musyoka, Musalia Mudavadi, Moses Wetangula, Abduba Dida and Ekuru Aukot. The main contenders, Jubilee's Uhuru Kenyatta and National Super Alliance's (NASA) Raila Odinga fostered a tense political climate that resembled the 2007 election campaigns. Upon the presidential election results declaration by the Independent Electoral and Boundaries Commission (IEBC), the NASA political party filed an election petition in the Supreme Court leading to a second presidential election on October 26<sup>th</sup> which was boycotted by the NASA principle and his supporters (Carter Center, 2018).

There were reports on hate speech from both camps, increase in protests and violence in NASA strongholds mainly in Nyanza and Kibera. The elections were also crippled with interference in polling stations in Vihiga, Kakamega, Busia and Nairobi counties. The Kenya Commission on Human Rights (2018) also recorded thirty deaths and twenty-two attacks in private residential areas by the police. Property was also

destroyed during these protests through looting. The tension that crippled the state with consistent protests by the NASA camp and heightened cases of brutality led to the close-door meeting between the two principles, President Uhuru Kenyatta and former Prime Minister Raila Odinga. They called for peace through a handshake that signified the walk to reconciliation and peacebuilding.

#### Post-Conflict Reconstruction Measures Used to Foster National Unity and Cohesion in Kenya

Prior to the handshake between the two main principles, President Uhuru Kenyatta and former Prime Minister Raila Odinga, several other measures had been put in place to deal with and prevent the recurrence of post-election violence. This section aimed to review studies on the Akiwumi Report, the TJRC, and the Kenya National Dialogue and Reconciliation Commission. It also looked into their effectiveness.

#### The Akiwumi Commission Report

After the post-election violence incidents in 1992 and 1997, the then sitting president, President Daniel Moi appointed a commission through Gazette Notice Number 3312 on the 1<sup>st</sup> of July 1998 (Akiwumi, 1999). The commission was chaired by Appeal Court Judge Akilano Akiwumi with the goal of investigating ethnic clashes since 1992, underlying causes of the conflicts and recommending prosecutions. It was also charged with identifying measures that the government should take to deal with and prevent further clashes during election cycles (Immigration and Refugee Board of Canada, 2000).

Macharia (2018), argued that the Akiwumi Commission Report was crippled by the infiltration of the pro-government prosecutor. This was due to the tempering of witness accounts, thus by the time the report was being released to the public in 2002,

its credibility was being questioned. The High Court also affected its credibility by countermanding findings of the report that suggested the prosecution of several politicians such as Nicholas Biwott. Another reason that crippled its effectiveness was the policy that accounts issued by witnesses that were prejudicial to the Head of State were admissible.

That evidence came without warning. Rule 4 of our rules of procedure provides that without the leave of the Commissions, “No evidence...”

The only action we must now take is to order that the evidence wherein the President is mentioned must be expunged from records of these proceedings (AfriCOG, 2007, p. 4)

The commission investigated ethnic clashes in Rift Valley, Nandi, Kericho, Uasin Gishu and Coast Provinces and issued a report on the 11<sup>th</sup> of July 1999. They also recorded accounts of attacks which were sponsored by the government officials in 1992 and 1997 during and after the elections. Organized violence targeting ethnic groups that supported opposition were reported as well (Akech, 2015).

According to the Immigration and Refugee Board of Canada (2000), reports on the release of the Akiwumi report were suppressed. However, they were released in 2002 just before the election of former President Mwai Kibaki's government. The incumbent regime ignored the report and its recommendations thereby deeming it unsuccessful (Rawlence & Albin-Lackey, 2008).

#### The Kenya National Dialogue and Reconciliation Commission

Following two months of post-election violence in 2007 and 2008, the Kenya National Dialogue and Reconciliation forum for dialogue and mediation was set up to achieve sustainable peace, stability and justice. This was after several futile efforts in

mediation by other parties such as Jedayi Frazer, the American assistant secretary of state for African affairs and Nobel Peace Laureate, Archbishop Desmond Tutu (Brown, 2012). He offered to mediate between the two principles; Raila Odinga and Mwai Kibaki. However, he was met with resistance when the government officials declared that they did not require external mediators to resolve the conflict in the country. On the other hand, Raila Odinga, through his spokesman Salim Lone had made it very clear that he would only be involved in a negotiation process only if it is conducted by an international mediator (N.A, 2008). The Archbishop's arrival was untimely hence his failures in being able to convince the two principles to hold negotiations (Lindenmayer & Kaye, 2009).

John Kufour, the chairperson of the African Union at the time, tried to arrange a mediation meeting, however, both parties disregarded saying he was not a credible mediator (Selva, 2008). This was after a two-day mediation mission that ended with no agreement and no meeting between Mwai Kibaki and Raila Odinga. However, he was able to persuade the two leaders to work together with Kofi Annan, the chairman of the Panel of Eminent African Personalities to which they agreed (Attewill & Weaver, 2008).

Following this agreement by both principles, a mediation process spearheaded by Kofi Annan, former President of Tanzania, Jakaya Kikwete and Graca Machel, the former first lady of South Africa, began on the 22<sup>nd</sup> of January in 2008. On 29<sup>th</sup> January, the Kenya National Dialogue and Reconciliation committee which included panel and the two principles, Raila Odinga and Mwai Kibaki was launched (Tsuda, 2013). In pursuit of negotiations and possible compromises from the PNU and ODM camps, the committee after a series of meetings, agreed to a four-part agenda. These were; immediate action to stop the violence and restore fundamental rights and

liberties, immediate measures to address the humanitarian crisis and promote healing and reconciliation, how to overcome the political crisis and how to address long-term issues that affected the unity and cohesion of the state (South Consulting, 2011).

The first three agendas were set to be addressed between seven and fifteen days after the agreement on 1<sup>st</sup> February 2008. This was because the three were premised on stopping the violence, dealing with the humanitarian crisis and overcoming the political crisis respectively (Attewill & Weaver, 2008). The fourth agenda addressed long-term causes of conflict through constitutional, legal, institutional and land reforms (Panel of Eminent African Personalities, 2008). This influenced the reforms in the Judicial Service Commission, Parliament, the police and the disbandment of the Electoral Commission of Kenya (ECK) which was later on replaced with the Interim Independent Electoral Commission before the establishment of the Independent Elections and Boundaries Commission (IEBC) in 2011. The promulgation of the new constitution in August 2010 was also premised by the KNDR commission. According to a study by South Consulting (2011), the new constitution filled a lacuna that brought forth an environment conducive for these reforms set to be achieved in Agenda four.

Another institution that was established under the fourth agenda was the Truth, Justice and Reconciliation Commission which was mandated to investigate historical injustices and gross human rights violations that deter the achievement of sustainable peace (Truth, Justice and Reconciliation Commission, 2013). The Commission of Inquiry into the Post-Election Violence was also established in June 2008 with the mandate of investigating the post-election violence, the involvement of state security agencies and issuing recommendations to bring perpetrators to justice (Truth & Reconciliation Commission, 2008). In October, a report was released by the

commission with one of the recommendations being that the government set up a special tribunal that could prosecute the perpetrators based on the report.

The commission gave the government one hundred and five days to follow through and following its failure, the commission through Kofi Annan forwarded the names to the International Criminal Court Prosecutor Luis Moreno-Ocampo and requested him to open an investigation (South Consulting, 2011). Although the cases were opened, due to setbacks such as witness tampering and political interference, none of those indicted were found guilty, thus no one was held accountable (Duerr, 2016). With that therefore, while the KNDR was instrumental in bringing in peace and advocating for sustainable national unity, it failed to fulfill the second agenda with regard to compensating and relocating those that were displaced during the violence outbursts. It also failed in holding the perpetrators accountable thereby bringing justice to the victims (Brown, 2012).

The KNDR commission was able to negotiate an Agreement of the Principles of Partnership of the Coalition Government which launched a power-sharing government (Lindenmayer & Kaye, 2009). This was after the signing of the National Peace Accord on the 28<sup>th</sup> of February 2008 in fulfilment of agenda one and three; immediate action to stop the violence and overcoming the political crisis (Brown, 2012). This National Accord and Reconciliation Act was adopted and implemented into the constitution on 20<sup>th</sup> March 2008 leading to Raila Odinga being sworn in as Prime Minister. It also introduced two deputy prime minister positions from both camps (National Council for Law Reporting, 2008).

Although the Accord outlined roles and the structure of the coalition government, several challenges were faced. With regard to the ministerial dockets, the Accord did

not outline clearly how the positions would be distributed, thus the principles added more positions to ensure equal representation. However, even with the addition, boycotts surfaced when Former President Mwai Kibaki allocated powerful ministerial portfolios such as finance and energy to PNU supporters without consulting the Prime Minister. Out of the five most powerful ministerial portfolios, ODM was allocated one therefore encouraging a boycott (Sihanya, 2012). Due to the boycotts in the onset of the establishment of this government, mistrust crippled the coordination of ministries. The coordination of ensuring ministers and assistant ministers from opposing sides were consulted in decision-making and policy-making became a challenge that back-tracked the progress of the coalition government (Schreiber, 2016).

That aside, the coalition government was able to succeed as a bridge to relative peace. According to a study by Juma (2013), the coalition government was the best solution to address the post-election violence in 2007/08. In his findings, eighty percent (80%) of his respondents agreed to this due to the ending of violence after the mediation process and the formation of the coalition government. Thus, the coalition government was able to bring relative peace as mandated despite the mishaps discussed. However, Ndung'u and Wepundi (2012) argue that although violence was halted, the lack of attention to lack of divisive nature of politics and unresolved issues would lead to the recurrence of violence in another election season.

#### The Truth, Justice and Reconciliation Commission

The TJRC was established by the Truth Justice and Reconciliation Commission Act Number 6 Of 2008 in Parliament with the mandate to investigate injustices since 1963 to 2008 (Truth, Justice and Reconciliation Commission, 2013). This was informed by

the fourth agenda of the Kenya National Dialogue and Reconciliation commission. The goal of the commission was to promote peace, justice, national unity, healing and reconciliation as it investigated all the injustices that Kenyans went through over the years. After four years of investigations and compiling of the report into four volumes, the report was handed over to President Uhuru Kenyatta in May 2013 with detailed injustices, abuses as well as recommendations including further investigations and prosecutions, reparations and institutional reforms (Lynch, 2019). It recommended the prosecution of 32 people, banning of 33 individuals from holding public office and that the government should investigate 229 individuals and 12 businesses (Lanegran, 2015). Although 40,000 statements were recorded from Kenyans across the country, the president, Uhuru Kenyatta, as well as the former Prime Minister, Raila Odinga, ignored the recommendations (Maliti, 2020).

The TJRC Report was also crippled by the questioning of the commission's credibility due to the appointment of the late Ambassador Bethuel Kiplagat as the chairperson. He was accused of being involved in the crimes that fell under the mandate of the commission's investigations (The New Humanitarian, 2011). Although he stepped aside for investigations, his return as chairperson affected the credibility and support of the report thus deeming it useless. That aside, the report was not given enough media attention thus further affecting the support of the commission and the report they released. This also influenced the decision to shelf the report thereby leaving the structural issues unresolved and unattended to.

For a truth commission to be successful, political will is essential. The TJRC report, faced lack of political will which interfered with the foundation laid for reconciliation. According to Asaala and Dicker (2013), report censoring by the Office of the President also interfered with the transparency of the TJRC. The chapter on land

injustices was amended to remove information on the alleged involvement of President Jomo Kenyatta in land injustices as initially highlighted. Therefore, while a foundation was laid for post-conflict reconstruction, the initiatives recommended were not taken hence its ineffectiveness. Masika (2014) argues that based on his findings, regardless of the challenges faced, the TJRC laid a foundation for reconciliation as it was mandated. Thus, the TJRC was unsuccessful in fostering sustainable peace and unity in Kenya, but it spearheaded the conversation on reconciliation and re-examination of structural issues that are triggered by elections despite it being shelved.

#### The Building Bridges Initiative and its Prospects as a Possible Post-Conflict Reconstruction Tool

After the 'handshake' on March 9<sup>th</sup>, 2018, the process of transitioning to peace was spearheaded by the two principles, President Uhuru Kenyatta and Former Prime Minister Raila Odinga. Subsequently, a Taskforce was appointed under Gazette Notice Number 5154 on 31<sup>st</sup> May 2018 (Building Bridges Taskforce, 2019). The Taskforce was charged with evaluating national challenges to national unity and cohesion as well as making recommendations and reform proposals that would enable the state to achieve and build lasting unity. This section seeks to examine the findings of the BBI Taskforce that are broken down into nine challenges, proposed recommendations and reforms to be implemented as documented by the Steering Committee. The research will also delve into the challenges met after the release of the BBI Report and the report of the Steering Committee on the implementation of the BBI.

## Tenets of the Building Bridges Initiative Report

The challenges that harbored national unity and cohesion in Kenya were categorized into nine core tenets in the report. The first core challenge was the lack of national ethos. According to the BBI Taskforce (2019), Kenyans do not have shared beliefs and ideals thus the lack of a collective vision inhibits the growth and development of national unity. The multi-ethnic nature of the state has proven to be a challenge in achieving national ethos however, the report outlines that with respect to the diversity, and national ethos could be taught and observed if several recommendations are put in place. One of the recommendations is strengthening the Leadership and Integrity Act in a bid to cut down on breaches of national value such as misleading the public, discrimination and demeaning the public office (Steering Committee, 2020).

The second tenet was responsibilities and rights. According to the BBI Taskforce report (2019), Kenyans are oblivious of their responsibilities as citizens of the state, yet for national ethos to be fully adapted, they need to uphold their responsibilities as they uphold their rights. Some of the responsibilities include voting for citizens above the age of 18, public participation, conserving the environment and holding public service institutions accountable (The Constitution of Kenya, 2010). To deal with the lack of recognition of the responsibilities of citizens of the state, the Steering Committee recommends instilling ethical values cooped up with the rights and responsibilities by guardians, the clergy, media and political leaders. This will ensure national ethos as well as responsibilities are instilled from a young age.

Another challenge explored was ethnic antagonism and competition. The multi-ethnic aspect of Kenya has overtime been politicized thereby causing a rift especially around election seasons which in-turn breeds into post-election violence. This rift has also

been used to push competition where there is belief that representation in government from one's ethnic group means accessibility of resources (Building Bridges Taskforce, 2019). While the Taskforce recognizes that the 'divide-and-rule' mechanism used by the colonial enterprise manipulated and stipulated the ethnic antagonism, it also outlines that politicians have over the years used this for their benefit during election seasons.

Therefore, to outlaw this, they recommended deep integration to achieve political federation in the East African Community. This has already been laid out in the objectives of the East African Community which include establishing a customs union, a common market, monetary union and lastly the political federation (Ogola, Njenga, Mhando, & Kiggundu, 2015). The transition into a political federation according to the Taskforce would make ethnic antagonism a miniature issue as larger populations from the East African States will be part-of. Another recommendation to curb ethnic antagonism is ensuring that secondary education institutions that are publicly funded have representation from several counties (Building Bridges Taskforce, 2019).

Other recommendations issued in the Steering Committee report (2020) include, criminalizing hate speech and the use of violence in political rallies and campaigns, changing the school curricula to reflect on national unity whilst celebrating diversity and discouraging local recruitment of teachers. Furthermore, the government institutions should look into having reforms in the electoral system to make the executive structure more inclusive. This would aid in doing away with the winner-takes-all system that leads to ethnicized politics. Finally, implementing recommendations from the TJRC report to address historical injustices and work on

land reforms would help in spearheading the shift from ethnic antagonism and competition by dealing with identified structural issues.

The fourth tenet was divisive elections. The winner-takes-all system that was adopted after 1963 has further caused a rift along ethnic lines due to the politicized competition especially for the presidential seat. While the systems have changed over time from presidential to parliamentary, the winner-takes-all system has been enshrined in both thereby making elections divisive and competitive.

The winner-take-all system, is a political system in which an alliance defined by ethnicity wins an election and the elected candidate proceeds to assume exclusive control of the National and County-level Executive and makes decisions that are perceived to exclude the interests of ethnic alliances that were on the losing side of the election. (Building Bridges Taskforce, 2019)

Based on this definition, elections are reduced to ethnic-based politics which end up being violent. The tension that surrounds elections, breeds mistrust of the election body and the process itself and due to the importance of the outcome, rigging and/or rejecting results are some of the characteristics surrounding elections. This results into conflict between ethnic groups thereby undermining national unity, cohesion and stability.

With this therefore, the Taskforce (Ibid) recommended a home-grown executive structure which would introduce several positions namely prime minister, minister of state, leader of the official opposition and a shadow cabinet. The executive president would win elections by having 50% + 1 presidential votes and at least 25% votes from more than half the counties. The prime minister would be appointed by the president. He/she must be an elected member of the National Assembly from a political party

with majority numbers in the National Assembly. The leader of official opposition was set to be the runner-up in the presidential election and they would have a shadow cabinet to oversee and bring in a check and balance system by holding the government accountable. The minister of state position is also proposed to oversee political direction and accountability of the cabinet ministers. Lastly, cabinet ministers would be drawn from parliament and technocrats as well (Ibid).

Furthermore, reforms are required in the IEBC. To ensure its transparency, political party leaders should nominate non-partisan individuals. The IEBC staff is proposed to be employed on a three-year contract basis which is only renewable once. This institution is also recommended to be responsible in ensuring more representation of women in politics and governance by lowering nomination fees and enforcing the Political Parties Act alongside the Office of the Registrar of Political Parties (Steering Committee, 2020).

The fifth tenet featured was inclusivity. According to the Taskforce (2019), Kenyans feel there is little being done on inclusivity for minority groups politically and economically. These groups included women, historically marginalized ethnic groups, elderly, people living with disabilities and the youth. Over the years, these groups have witnessed little to no representation in decision-making processes involving allocation of resources, accessibility of resources and social amenities and political representation.

To do away with lack of inclusivity and the marginalization of these minority groups, it was recommended that the Public Participation Rapporteur Office should run all public participation for the state and non-state entities and keep accessible records. Public service dockets should also reflect inclusivity along political, ethnic and

religious lines. The public Service Commission should also be mandated to release an annual report on the diversity in the Public Service for purposes of credibility and accountability (Building Bridges Taskforce, 2019). It was recommended that the representation of people with disabilities in parliament to be increased to five percent (Steering Committee, 2020). The two-thirds gender rule should also be followed through in the next government as well as the Basic Education Amendment Act to ensure that girls in primary and secondary schools are issued with sanitary towels.

On shared prosperity, the BBI Taskforce (2019) recognized that Kenya has inadequate jobs and employment opportunities especially for the youth. Furthermore, government tax failed to promote small businesses as well as little support for the agricultural and livestock industries. Thus, for the state to have a better economy the Steering Committee proposes, tax reforms, which will include a seven-year tax holiday on businesses started by the youth, reducing the number of business permits and eliminating double taxation by the national government and county governments. The government is also encouraged to invest in the agriculture, livestock and fishing industries by growing their technological capabilities thereby, investing in the sectors from the grassroots (Steering Committee, 2020).

Another profound challenge highlighted was corruption. The public perception that corruption is rewarded in government institutions has threatened the cohesion and security of the state. In 2020 alone there were several corruption scandals surrounding COVID-19 funds that have been investigated by the Ethics and Anti-Corruption Commission (EACC). According to Igunza (2020), tenders were allegedly not issued based on merit, for example, Shop and Buy Limited was issued a ten-million-dollar tender despite it being formed in February. This among other companies and government officials are under investigation by the EACC. Over the years,

investigations have been done but arrests and other forms of holding the accused accountable have not been followed through.

Therefore, in a bid to build an anti-corruption state and government, the Steering Committee (2020) recommended speedy prosecutions and conclusion of cases, protection of whistleblowers, stiffer sentences on those found guilty, full implementation of the Bribery Act and digitalization of all government services to curb corruption in national and county offices. The judiciary should also be accorded more support by the executive to strengthen the process of responding to complaints and dealing with the backlog of cases that have accumulated overtime. Furthermore, politicians and government officials should have their wealth declaration forms publicly accessible to curb accumulating stolen funds from government projects.

Devolution had also proven to be a challenge in promoting peace, national unity and cohesion. While the 2010 constitution created and adopted a devolved system to decentralize power and development, several challenges have risen overtime. First, there is duplicity of tax charges and roles from the national government and the county governments. County governments are also crippled by corruption, nepotism and inefficiency in service delivery. Ineffective oversight bodies and mechanisms have crippled devolution as well and marginalization has not been down-sized as expected (Building Bridges Taskforce, 2019).

To deal with the challenges that back-track the development set to be made by devolution, the Taskforce recommended increasing the county resources by at least 35% to complete pending projects and functions. On this allocation, the resources should be based on the population in a county as opposed to its size to ensure that amenities and resources are more accessible to all citizens. The Steering Committee

(2020) recommended the complete transfer of functions from the National Government to the County governments to curb duplicity. It also encouraged reforms in the National Health Insurance Fund (NHIF) to improve service delivery in health facilities across all counties.

The final challenge reviewed was the lack of safety and security in the state. According to the BBI Report, Kenyans did not feel safe due to terrorism threats and attacks, police brutality targeting citizens as well as threats on the territorial integrity by neighboring states (Building Bridges Taskforce, 2019). Kenya has experienced several terrorism attacks, the most recent on being an attack in Carissa on the 7<sup>th</sup> of January 2020. According to Yusuf (2020), al Shabaab militants attacked Sarthe Primary School in Garissa County and killed four people. Before this attack, they launched an attack on a U.S military base in Lama that killed one US military officer.

On police brutality, Kenyans in Nairobi and Mombasa were earlier in 2020 harassed and beaten by police as the 7pm curfew was being imposed as a COVID-19 measure. On the 27<sup>th</sup> of March, the first day of the dusk-to-dawn curfew became a violent enforcement of curfew by the police officers. Likien Ferry Terminal became one of the centers of violence where citizens were clobbered by police before the proposed curfew time. Teargas was also thrown at the people (Namu & Riley, 2020). In the first nine weeks of the dusk-to-dawn curfew, 15 people were killed by officers (Human Rights Watch, 2020).

The sovereignty and territorial integrity have been threatened by Somali whose government featured Kenya's saline in a foreign investment in oil. Both states claim one hundred thousand kilometers of continental shelf that has oil and this dispute is traced back to the post-colonial era (Kammerud, 2012). This has seen the states cut

diplomatic ties as they await the judicial decision from the International Court of Justice (ICJ) set to issue its ruling in March 2021. Somalia instituted proceedings in 2014 in the ICJ and later on auctioned prospecting rights in February 2016 to oil companies from the United Kingdom and Norway (Ragas, 2020). This further severed the ties of both states. Other security issues revolve around food insecurity, cyber-crimes, unsolved crime, natural disasters, resource-based conflicts and land issues.

To improve the safety and security for Kenyans, the Steering Committee recommended strengthening the 'nyumba kumi' initiative to curb terrorism and violent attacks in neighborhoods. The 'nyumba kumi' initiative is a strategy of community policing to help the national police to enforce law and reduce crime (National Police Service, 2017). Also, improving the work environment for police and redistributing resources in the police, investigation and prosecution institutions. This would ensure that fewer crimes are left unsolved and criminal activities are reduced significantly. To curb terrorism, the Ministry of Foreign Affairs is encouraged to review diplomatic relations with states that sponsor terrorism and threaten the territorial integrity of Kenya.

Generally, having gone through the challenges and the recommendations issued, the reforms set revolve around constitutional reforms, legislative reforms, policy reforms and administrative reforms. The Report by the Steering Committee outlines the bills that need to be put into effect for some constitutional reforms to be achieved. Overall, the changes recommended are expected to strengthen the Rule of Law, unite Kenyans, deepen constitutionalism and launch a comprehensive reform process to consolidate the 2018 handshake (Steering Committee, 2020).

The BBI Report has, however, been met with a lot of opposition from political figures which has led to its politicization. Some of its opposers have reduced the report to a ploy to increase executive seats and change laws that would favor a fraction of the political class (Asamba, 2020). The opposition from leaders from the Jubilee party has led to the division into ‘Tanga’ and ‘Kieleweke’ movements with the initial camp backing Deputy President William Ruto who proposes that the BBI go through adjustments and if not so should be opposed, while the former backs President Uhuru Kenyatta for the BBI to pushed as it is and be implemented once voted in (Asamba, 2020a). This politicization of the post-conflict reconstruction tool is slowly being used to drive a wedge within ethnic groups ahead of the referendum in 2021 (Muiruri, 2020). However, the determining factor of the success rate of the BBI and its implementation depends on the voters’ decision in the referendum set to be held in 2021.

#### Conceptual Framework

According to Adom, Hussein and Agyen (2018), a conceptual framework is a structure used to explain the progression of the research problem being studied. This is done by identifying the independent, dependent, and intervening variables. The independent variable in this study was post-conflict reconstruction measures in Kenya while the dependent variable was sustainable unity. The diagram below presented the outline of the conceptual framework based on these variables.

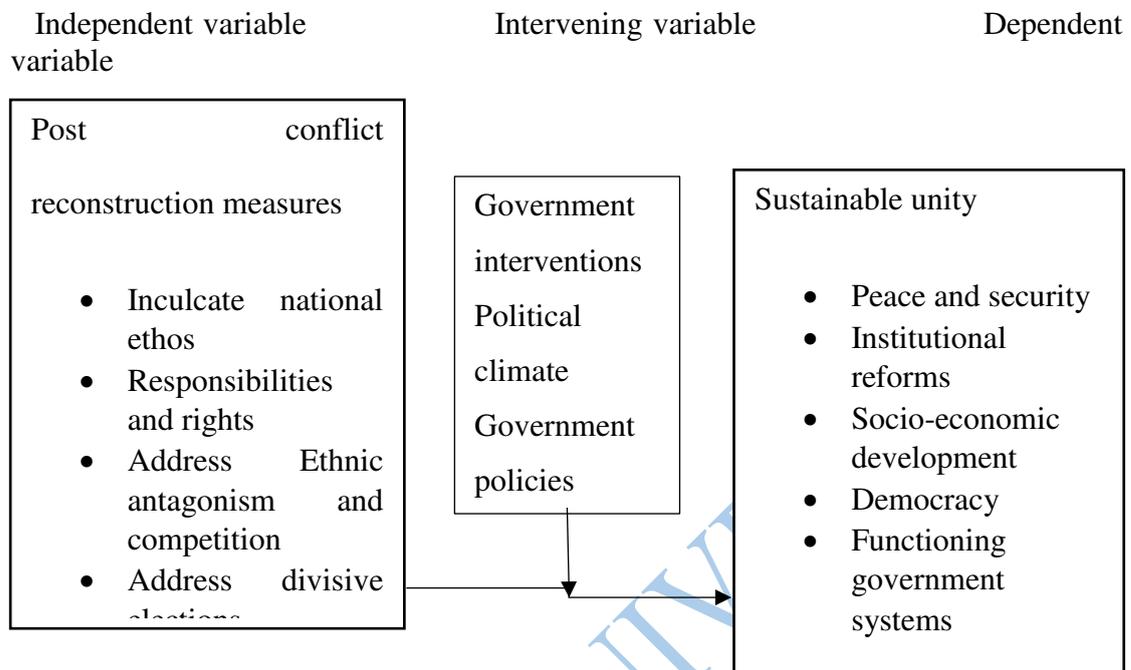


Figure 2.1: Conceptual Framework  
 Source: Author, 2021

### Discussion

The BBI report highlighted nine core challenges which, if addressed effectively; Kenya would achieve sustainable national unity and cohesion. These were lack of national ethos, responsibilities and rights, ethnic antagonism and competition, divisive elections, inclusivity, shared prosperity, corruption, devolution and safety and security. Subsequently, based on the BBI mandate, peace and security, socio-economic development, institutional reforms, and peace and security would be attained. Additionally, other post conflict reconstruction measures in the study, the Akiwumi commission, the TJRC and the coalition government sought to address post-election violence differently based on their mandates which included identifying the causes of post-election violence, recommending tentative solutions to address the

crises. With reference to the social learning theory of transitional justice, for post conflict reconstruction measures to achieve sustainable national unity and cohesion in Kenya, they needed to foster contact, communication, accountability, reforms and reparations between conflicting parties. These according to Aiken (2014) would lead to peace and harmony in the state.

There are intervening variables that may catalyze or disrupt the achievement of positive peace. One of them is political climate during election seasons. According to Otieno (2021), the political climate is already heating up amidst talks on the 2022 presidency. This has seen leaders such as Musalia Mudavadi going back to his ethnic community and asking for support as he plans to run in 2022. The 'hustlers' vis a vis the 'dynasties' narrative being driven by Vice President William Ruto has also seen the increase in political tensions. The tense political climate during elections thereby invokes political divisions along ethnic lines thereby it may affect efforts put in place to achieve sustainable peace and national unity in Kenya.

Another intervening variable as projected in the diagram is government policies. An example would be a policy against hate speech. Hate speech is a term which refers to a whole spectrum of negative discourse, stretching from hate or prejudice and inciting to hatred. Hate speech is designed to degrade, intimidate, or incite violence or prejudicial action against a person or group of people based on their race, ethnicity, nationality, religion, language ability, or appearance. (National Cohesion and Integration Commission, 2010).

Thus, hate speech could harbor achieving sustainable national unity and cohesion as division, prejudice, and violence by either or both conflicting ethnic communities is encouraged. Based on the social learning theory of transitional justice, positive peace

can only be achieved if prejudice is dealt with by establishing accountability. As mandated by the National Cohesion and Integration Act of the Constitution, the National Cohesion and Integration Commission investigates cases of hate speech and makes recommendations to the Attorney General, the Human Rights Commission as well as other relevant authorities for further action to be taken. Having hate speech guidelines executed effectively may anchor post conflict measures to achieve sustainable national unity and cohesion in Kenya.

Government interventions acted as intervening variables to achieving sustainable peace and unity. Using the Akiwumi Commission as a case study, a pro-government prosecutor was placed in the commission thereby interfering with the transparency of victim accounts against the government's involvement in the 1992 post-election violence (Macharia, 2018). This infiltration affected the effectiveness of the Akiwumi Commission thereby affecting the successful attainment of sustainable national unity and cohesion.

However, in Rwanda, the involvement of the government in reconciliation processes after the 1994 genocide encouraged the achieving of peace in the state. The government, based on the social learning theory of transitional justice, was involved in constitutional reform and reparations by encouraging public participation in constitution-making in 2002 that was later implemented in 2003. This was able to foster contact and communication between the Hutu and Tutsi (Wang, Suhrke, & Tjønneland, 2005). Therefore, using this in comparison, government interventions may affect the attaining of the goal either positively or negatively.

## Summary

This chapter introduced the reader to the magnitude of reviews on the social learning theory of transitional justice which expounds on how post conflict resolution mechanisms need to be multifaceted for them to be effective. It also looked into the literature on the history of violence during election cycles and post-conflict resolution measures taken to address and curb its reoccurrence. It then looked at components of post-conflict reconstruction measures that promote national unity. This chapter discussed the empirical literature on history of election-based violence in Kenya since 1992, post conflict resolution measures taken such as the Akiwumi Commission report, the KNDR commission and the TJRC.

The chapter also delved into the Building Bridges Initiative as a tool of post conflict reconstruction by examining the BBI Taskforce and Steering Committee reports by discussing the nine tenets featured, recommendations issued, and the challenges met thus introducing the reader to the proposed post conflict resolution mechanism. Finally, the study looked into the conceptual framework and subsequently, a comprehensive discussion on the dependent independent and intervening variables that inform this research. The chapter that follows will outline the research methodology that will be used in this research.

## CHAPTER THREE

### RESEARCH METHODOLOGY

#### Introduction

This chapter presented the research methodology used for this study. “Research methodology is a way to systematically solve the research problem” (Kothari, 2004, p.8). It is also defined as the science of studying how research is carried out (Rajasekar, Philominathan, & Chinnathambi, 2013). Therefore, it is the scientific study of how research is carried out from the process of data collection to interpretation with regard to the problem being investigated. This section highlighted and delved into the research design, target population of the study and the sample size, the relevant sampling technique and data collection instruments. It also delved into the data collection procedure, data analysis plan as well as ethical considerations.

#### Research Design

A research design as Kothari (2004) puts it is a blueprint for collection, measurement and analysis of data. He goes on to define it as a conceptual framework within which to carry out research in a manner that provides the collection of relevant data. Creswell (2009) posits that a research design is a type of inquiry within the methods of data collection that provides direction of the research.

The most relevant research design that was used for this study was a descriptive research design. A descriptive research design aims at describing phenomena and their characteristics in depth (Nassaji, 2015). This study aimed to describe Kenya’s

struggle with post-election violence cycles that have not been curbed by several post-conflict resolution mechanisms that have been set up over the years. It aimed to answer the question, what are the post-conflict reconstruction measures used in Kenya? What is the history of Kenya's post-election violence? What is the viability of the BBI and its prospects for sustainable national unity and cohesion?

### Population

According to Sharma, Wani, and Chaudhary (2016), population in research studies refers to a collection of a specified group of human beings. Therefore, the population represents people used to collect data to solve a research problem. The population studied in this research was a set of individuals between the ages of 22 and 60 years residing in Kawangware Ward, Nairobi County. The population comprised of Kenyan citizens who have over the years been through several post-conflict resolution measures between 1992 and 2021 and were assumed to be conversant with the BBI. This population was relevant to this study because the research aimed to examine the history of post-election violence, thus the targeted population should have witnessed the outcome of at least one election season in Kenya.

### Target Population

The target population was aimed at being Nairobi county residents who had voted at least once since 1992 and had witnessed the execution of at least one post-conflict reconstruction mechanism used since 1992. This is because Nairobi county is identified as one of the urban towns among two hundred and thirty (230) urban towns which has forty-five percent (45%) of the state's population as its residents (Mundia, 2017). According to the Kenya National Bureau of Statistics (2019a), Nairobi County has the largest population of four million, three hundred and ninety-seven thousand

and seventy-three (4,397,073). According to the Human Rights Watch (2020), Nairobi slum areas were the most affected areas by post-election violence in Nairobi County. Some of the slum areas in Nairobi include Kibera, Mathare and Kawangware. There have been several studies based on Kibera and Mathare such as the role on political mobilization on political violence and how ethnicity informs violence in Kibera and Mathare (Musya et al., 2017). This informed the decision to center the study within Kawangware Ward which is one of the slums most affected by post-election violence. According to the Kenya National Bureau of statistics (2019), the population of Kawangware was two hundred and ninety-one thousand, five hundred and sixty-five (291, 565) in the previous census conducted in 2019.

#### Sample Size

According to Kothari (2004) a sample is a selection of respondents to represent the total population relevant to this study. Salkind (2010) posits that a sample size is the use of a proportion of participants and using the results achieved to apply to the broader population. For this study, the sample selected to represent Kenyan adult citizens was population in Nairobi County. As established earlier, the most relevant area of study is Nairobi County as it has the largest population in comparison to the other forty-six (46) counties. Furthermore, Nairobi county is a cosmopolitan hence providing proper representation that is relevant to this study.

According to Gay, Mills, and Airasian, (2012), to avoid working with a sample size that is either too big or too small, researchers should reduce their population by a fraction of ten percent (10%) for the sample size to represent the larger population. With the population of Kawangware Ward being two hundred and ninety-one thousand, five hundred and sixty-five, ten percent of this population was twenty-nine

thousand, one hundred and fifty-seven (29,157) people. A further ten percent of this was required because twenty-nine thousand, one hundred and fifty-seven is still a huge number of respondents. This in turn became two hundred and ninety-six (296). Of the 296, 15 respondents participated in key informant interviews while the rest, 281 respondents were issued questionnaires. The 15 respondents comprised of experts in the field of peace and security in Nairobi from Interpeace, Linda Katiba forum and NCIC, government officials from Jubilee Party and the Orange Democratic Party, area chiefs in Kawangware Ward as well as the Member of County Assembly of the ward.

#### Sampling Techniques

Sampling techniques can be categorized into two groups namely probability sampling techniques which randomly pick out objects of study and non-probability sampling techniques which are deliberate in objects chosen by researchers to collect data from (Kothari, 2004). One of the sampling techniques that was used was quota sampling which is where participants are chosen based on predetermined characteristics (Taherdoost, 2015). “Quota sampling is the process of selecting a sample based on required, exact numbers, or quotas, of individuals or groups with varying characteristics”, (Gay et al., 2012). In this study the research aimed at Kenyan citizens, in Kawangware Ward, Nairobi County, between the ages of 22 and 60. The sampled population must have witnessed at least one of the post-conflict reconstruction measures set after post-election violence.

Purposive sampling was also used with regard to key informant interviews featured in this research. Purposive sampling is the deliberate choice of informants conversant with the area or subject of study (Tongco, 2007). This targets particular persons

involved in the formulation and execution as well as experts of these post-conflict reforms studied.

### Data Collection Instruments

Data collection instruments are dependent on the type of data being collected that could either be primary or secondary data. Primary data is data collected for the first time while secondary data is collected from prior studies done by other researchers (Kothari, 2004). In this study both primary and secondary data were collected to effectively solve the problem being researched on. The methods of data collection that were conversant with the research problem of this study were key informant interviews, questionnaires and content analysis.

### Key Informant Interviews

For primary data collection this study used key informant interviews and questionnaires. A key informant interview is a data collection method that aims at gathering qualitative information from fifteen to thirty experts and decision-makers about the problem in question (Kumar, 1989). It is also defined as a qualitative in-depth interview to collect information from individuals conversant with the community and the phenomenon being studied (Kun, Kassim, Howze, & MacDonald, 2013).

A number of reasons were considered for this method to be applicable. This study aimed at understanding Kenya's post-election-violence cycle and why it had not been broken yet despite several measures being set up over the years. These key informant

interviews were relevant in provision of information on implementation processes of the post-conflict reconstruction mechanisms and why violence reoccurs regardless of these measures. Furthermore, for the study to be deemed effective, experts in post-conflict societies were consulted to give their views on Kenya's endless cycle of violence.

For this, the researcher intended to interview respondents from Linda Katiba Campaign, the National Cohesion and Integration Commission, Interpeace as well as government officials such as representatives from Jubilee political party and the Orange Democratic Party (ODM), the Member of County Assembly of Kawangware Ward and one of the chiefs in Kawangware ward. Fifteen (15) individuals from these organizations were interviewed.

#### Questionnaire

Another primary data tool that was relevant to this study was provision of questionnaires. A questionnaire is defined as the research instrument consisting of a series of questions and other prompts for the purpose of gathering information from respondents (Mellenbergh, 2008). Guided questions for the sampled population helped in collecting relevant data on the research problem. The questionnaire was guided by the research questions of this study to ensure data collection was achieved.

This tool was used specifically to collect data from the sample population chosen for the study. The questionnaires were distributed to the respondents with a request to answer all the questions. This method was selected because it was cost-effective and less time consuming in collection of data. The success of a questionnaire was dependent on the honesty and cooperation of the two hundred and eighty-one (281) respondents. The questionnaires were developed by the researcher to be structured to

ensure that enough relevant information was collected. They contained closed-ended questions to ensure the researcher received adequate information.

### Content Analysis

Content analysis is the analysis of documentary materials such as books, magazines, newspapers and reports among others (Kothari, 2004). According to Hsieh and Shannon (2005), it is the scientific study of human communications recorded either in books, videos or audios. Therefore, it is the interpretation of the context of the text being studied.

This method was relevant in this study as it was used to analyze reports on post-conflict reconstruction measures put in place to foster sustainable national unity and cohesion. The study examined the BBI report in a bid to evaluate its viability in attributing to sustainable national unity and cohesion. This was done through establishing themes informed by the social learning theory of transitional justice to examine the report.

### Types of Data

The type of data can generally be regarded as the classification of data which influences the mode of collection of data. There are two types of data; primary and secondary data. Primary data refers to the information obtained first hand by the researcher on the variables of interest in the study (Loru, 2019). Primary data can be qualitative or quantitative. Qualitative is concerned with social phenomena regarding human behavior or social issues while quantitative data is based on scientific data measures using numbers and statistics (Kothari, 2004). Primary data could also be mixed where insights from both qualitative and quantitative were used to investigate and collect data on a research problem. For this study, the most relevant methodology

was mixed methods. “The term “mixed methods” refers to an emergent methodology of research that advances the systematic integration, or “mixing,” of quantitative and qualitative data within a single investigation or sustained program of inquiry” (Wisdom & Creswell, 2013). Therefore, it integrated both qualitative and quantitative methods of research

Secondary data on the other hand refers to information gathered from existing sources (Loru, 2019). Therefore, this is data already collected, analyzed, interpreted and stored for public use as reports, historical documents, journals and research papers among others. In this study, both primary and secondary data were collected, analyzed and represented based on the data collection instrument used. This research relied on both primary and secondary data to answer and expound on the research questions. This primary data was collected through questionnaires and key informant interviews from two hundred and ninety-six respondents. For secondary data, it was collected through content analysis of the BBI report through the lens of social learning theory of transitional justice.

#### Data Collection Procedure

A research assistant was trained and briefed on the purpose of the study and utilized in collection of data relevant to the study. The researcher along with the research assistant administered questionnaires that were answered by two hundred and eighty-one respondents. As for the fifteen key informant interviews, they were administered by the researcher. Some interviews were face-to-face while others will be conducted via Zoom due to COVID-19 restrictions. The data collected from the questionnaires was filled by the respondents at their convenience to ensure that they provided adequate information. Data collected was recorded and stored in Excel sheets and

stored in cloud storage for backup. Furthermore, physical copies of questionnaires and interview guides were stored and preserved. Data collected through content analysis was recorded and stored as well under a thematic coding system and backed up as well.

### Pretesting

Pretesting is defined as reflection and revision of data collection instruments used by researchers beforehand to pinpoint problem areas, reduce errors and determine whether respondents may be able to interpret the questions (Ruel, Wagner, & Gillespie, 2016). In this research the pretest was be done for the questionnaires in Kawangware ward. This helped in identifying possible errors and how relevant instruments would be in collecting the data required in the demographic selected.

### Data Analysis Plan

A data analysis plan is a roadmap for the organization of data collected and how it is to be analyzed. It is expected to reflect the objectives of the study to ensure that the data collected is relevant to the research being carried out (CDC, 2013). Therefore, it is a plan for analyzing data that has been collected through the instruments the researcher chooses to use. The data collected was processed by the Statistical Package for Social Sciences and presented through frequency tables, descriptive percentages in pie charts and graphs as well as a comprehensive discussion on the findings.

### Ethical Considerations

The researcher obtained a research permit from the Daystar University Ethics Review Board (DU-ERB) as well as a national research permit from the National Commission

for Science Technology and Innovation (NACOSTI) in order to proceed to the field to collect data. The researcher also ensured that respondents only participate voluntarily. This was certified upon the signing of the consent form. If the respondents chose to revoke their consent, the researcher respected this and the data collected prior was not used.

Post-election violence is a traumatic experience for victims; thus, the researcher informed the respondents in advance and in depth about the research and what it entailed since the study was premised on post-conflict reconstruction measures set after post-election violence cycles. In the event that a respondent was not able to effectively answer the questionnaires, the researcher respected this and gave the respondent time to recoup. If the respondent did not wish to continue, the researcher also respected that and assured them that the data collected would not be used without their approval.

The researcher did not use the names of the respondents, instead, where names needed to be mentioned, for the security of the respondents, pseudo names were used in discussion of the data collected. High standards of confidentiality were maintained by assuring the respondents that the data collected was only used for academic purposes. The researcher clearly explained the purpose of the study and provided a written assurance that the data collected would be strictly used for academic purposes only. For key informant interviews, the researcher booked appointments with the respondents for convenience and courtesy. Furthermore, the researcher credited all scholars whose works were to inform this study. The researcher also undertook the necessary precautions and procedures to ensure that ethics and confidentiality were upheld during the process of collection of data. This was upheld by ensuring the

participants gave consent by signing the consent form voluntarily and by not using the names of the respondents to protect their identities.

### Summary

This chapter outlined the research methodology used in this study by expounding on the research methods used, the sampling size and technique, data collection procedure, data analysis plan and ethical considerations. The findings will be presented in the next chapter.

DAYSTAR UNIVERSITY

## CHAPTER FOUR

### DATA ANALYSIS, PRESENTATION AND INTERPRETATION

#### Introduction

This chapter presents findings of the study based on the research methodology outlined in chapter three. The study sought to assess post conflict reconstruction measures and their prospects for sustainable unity. The data collected for the questionnaires was done in Kawangare Ward. On the other hand, the data collected from key informant interviews involved informants from Interpeace, NCIC, Jubilee and ODM political parties as well as one of the area chiefs in Kawangware Ward. Therefore, this chapter presents the findings of the research conducted through content analysis, key informant interviews and questionnaires. Thus, the data is presented through graphs, frequency tables, pie charts and comprehensive discussions.

#### Analysis and Interpretation

The following section presents the findings of the study that is broken down to factor in content analysis of the BBI report and analysis of the data collected from the questionnaires, as well as the key informants. In the month of August, the researcher issued questionnaires to the residents of Kawangware ward and conducted interviews of the key informants. The researcher was able to interview 10 key informants: 2 informants from Interpeace, 3 informants from NCIC, 2 from Jubilee Party, 2 from ODM party and 1 area chief in Kawangware Ward. Out of 281 questionnaires that were administered, 210 were valid and used for analysis. Therefore, the response rate was 74.7%. According to Babbie (2010), a 50% response rate is adequate, 60% is

good and above 70% is a sufficient rate to conduct an adequate analysis and generate a report. Thus, based on this contention, the response rate of this study is sufficient enough to give adequate information on Kawangware Ward with regard to the study.

*Table 4.1: Questionnaire Return Rate*

Issued Questionnaires	Returned	Response Rate
281	210	74.7

The questionnaire was structured to answer the research questions and thus the following section will seek to identify the history of post-election violence, the measures aimed at fostering post-conflict reconstruction and the viability of the BBI as a prospect of unity according to the 210 respondents in Kawangware Ward.

#### Demographic Information

The study sought to identify the gender of the respondents. From the data collected, 61% of the respondents were male while 39% of the respondents were female. In total, there were 210 and respondents whose questionnaires were used for data collection. The researcher sought to base her study on residents of Kawangware ward who were between the ages of 22 and 60 years to ensure that they had voted at least once. Table 4.2 shows the age brackets of the respondents.

*Table 4.2: Age Bracket of Respondents*

Age Bracket	Frequency	Percent
22-30 years	77	36.7
31-40 years	69	32.9
41-50 years	37	17.6
51-60 years	27	12.9
Total	210	100.0

The study revealed that the majority of the respondents were aged between 22 and 30 years with a total of 36.7%. Between 31 and 40 years, 32.9% of the respondents participated in the study while 17.6% of those aged between 41 and 50 years

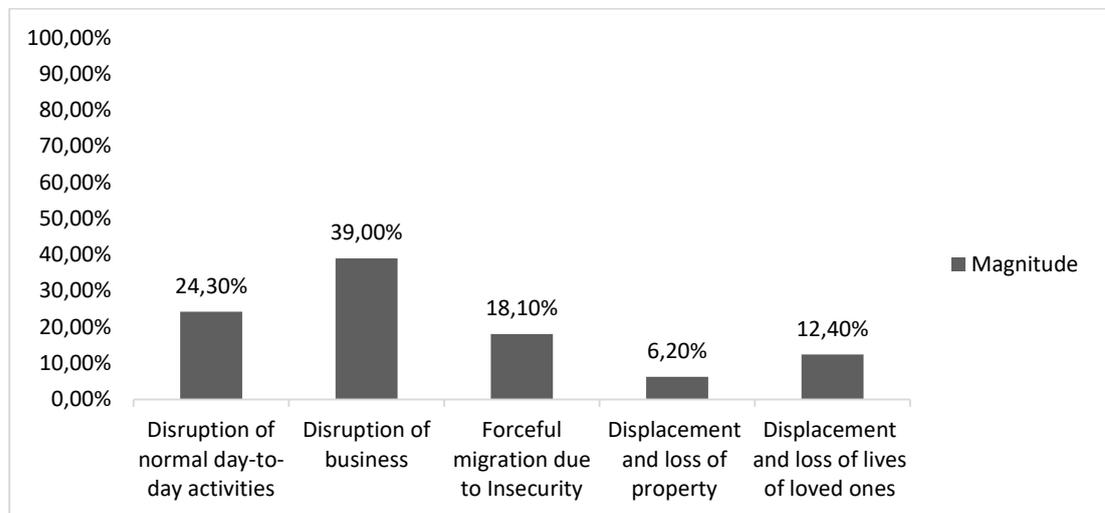
participated. The least number of respondents were aged between 51 and 60 years at 12.9%. From this, the least number of participants fell between the age bracket of 51 and 60 years because very few could be involved in the study due to their availability. The most available participants as portrayed on Table 4.2 were those that fell in the age bracket of 22 to 30 years. This could be because of COVID which rendered a lot of the youth either unemployed or working from home.

The researcher also wanted to identify how many times the participants had voted between 1992 and 2017. From the data collected 25.7% of the respondents had voted once while 28.6% had voted twice between 1992 and 2017. 18.1% of the respondents indicated that they had voted three times while 27.6% indicated that they had voted more than three times in the general elections. Thus, majority of the respondents had voted in the general elections held in 2012 and 2017.

#### Findings on the History of Post-Election Violence in Kenya

On the basis of the first objective of the study, examining the history of post-election violence in Kenya, the researcher sought to find out if the respondents had experienced post-election violence. The data collected demonstrated that 78.1% had experienced post-election violence while 11.9% said they had not experienced. On the other hand, 10% of the respondents indicated that they were not sure whether or not they had experienced post-election violence. Majority of the respondents had indeed experienced post-election violence at least once since 1992. The researcher asked the respondents to indicate the magnitude of post-election violence that they had experienced. This was based on a scale where the respondents were expected to select which magnitude represented what they experienced most during the cycles of post-

election violence. The bar graph on Figure 4.1 demonstrates the response of the participants.



*Figure 4.1: Magnitude of Post-Election Violence*

From the figure 4.1, 24.3% of the respondents had their normal day-to-day activities disrupted during post-election violence while 39% respondents reported their businesses and school years were disrupted. On the other hand, 18.1% of the respondents were forced to move due to lack of safety and 6.2% of the respondents were displaced and lost property. 12.4% of the participants stated that they were displaced and lost loved ones during the cycles of post-election violence. From this presentation, then it was clear that majority of the respondents had their businesses and school years disrupted due to post-election violence.

The researcher also asked respondents whether they had been targeted due to their ethnic identity. Based on the findings, 66.7% of respondents were targeted due to their ethnic identity. On the other hand, 33.3% felt that they had never been targeted due to their ethnic identity during post-election violence outbreaks. From this therefore, the majority of the respondents in Kawangware had indeed been targeted during post-election violence due to their ethnic backgrounds.

Upon being asked which election year the respondents felt exposed to post-election violence, 4 respondents experienced post-election violence in 1992. 19 respondents were exposed in 1997 while 1 was exposed in 2002. In 2007, 195 respondents indicated they were exposed while 7 felt exposed in 2013 and 41 respondents expressed that they were exposed in 2017. Therefore, majority of the respondents felt most exposed to post-election violence due to their ethnic identity in 2007 at 92.86%. Based on this analysis, while majority of the respondents felt exposed to post-election violence in 2007, there was post-election violence after every season of general elections from 1992.

Other than ethnicized politics being the cause of vicious cycle of post-election violence, the key informants identified that unresolved root causes of post-election violence such as land injustices and unaddressed historical injustices were often triggered by irregularities in elections hence the outburst of violence every election season. The marginalization of minority ethnic communities was also a huge issue that contributes to the vicious cycle of post-election violence. Furthermore, it was identified that post-election violence reoccurs due to inconclusive resolution of conflicts. Informant 001 stated that:

*One of the main problems why Kenya has been stuck in a vicious cycle is generally because of inconclusive resolution of the drivers of conflict. So many at times most of the conflicts are left to time and season and are often left unresolved, very few get attention. This makes the resolutions not sustainable because they only look at the effect of the conflict. Kenya has been able to carry out a number of inquests surrounding these effects. Issues such as land, issues like police brutality. All these things have just been left without being*

*implemented. Most of the times we just provide temporary anesthesia to make us forget about the problem.*

Another informant identified that political competition further fuels this cycle of violence because people accord representation to inclusion. Thus, they resort to violence when leaders from their communities do not attain the seats they were running for. *“The conflict about power in Kenya is not about service delivery to the population it is generally representation and also mechanism for getting to the government resources”* (Informant 001). Thus, people resort to violence when the leaders from their communities lose after elections. Furthermore, the ethnicization of politics was also identified as a huge contributor to the never-ending cycle of post-election violence.

The BBI report identified that due to past unaddressed injustices, post-election violence was fueled when triggered by election discrepancies (Building Bridges Taskforce, 2019). Furthermore, it identified that ethnic antagonism and competition rooted in the British imperial government’s divide-and-rule had pushed this competition through the winner-takes-all system that often led to recurring violence (Building Bridges Taskforce, 2019). Although the report did not explicitly discuss or address the history of post-election violence in Kenya, it identified that it was rooted in ethnic political competition that leads to divisive elections, lack of inclusivity of all ethnic communities, marginalization, and inadequacy in sharing government resources. However, according to Shilaho, (2020) the eradication of the winner-takes-all system as argued in the BBI report did not address historical injustices and a polarized society. This was also supported by Ghai, (2020) who argued that the BBI report lists many problems but failed to acknowledge and address those that need to be engaged urgently.

### Findings on the Evaluation of Existing Measures Aimed at Fostering Post-Conflict Reconstruction in Kenya

To identify the measures aimed at fostering sustainable national unity and cohesion with regard to the second objective of the study, the respondents were asked if the government put up any measures to promote national unity and cohesion. Table 4.3 depicts the responses of the participants.

*Table 4.3: Whether Government has put up Measures to Promote National Unity*

Response	Frequency	Percent
Yes	116	55.2
No	94	44.8
Total	210	100.0

Based on table 4.3, 55.2% respondents stated that the government had put up measures to promote national unity while 44.8% said the government had not put up any such measures. From this basis, the government did indeed put-up measures to foster post-conflict reconstruction. Informants also highlighted that the government had put up measures. However, they were crippled with inefficiency hence explaining the reoccurrence of violence. Informant 002 stated that:

*I think one of the main problems why Kenya has been stuck in a vicious cycle is generally because of inconclusive resolution of the drivers of conflict. So many at times most of the conflicts are left to time and season and are often left unresolved, very few get attention. This makes the resolutions not sustainable because they only look at the effect of the conflict.*

With this therefore, the government did put up several measures to foster post-conflict reconstruction, but they were not sufficient enough to eradicate the vicious cycle of post-election violence. The respondents that responded yes, on the question of the government providing measures to foster national unity, were requested to identify measures that the government had taken to promote national unity and cohesion.

*Table 4.4: Government Measures to Promote National Unity and Cohesion*

Government Measures	Frequency	Percent
Coalition government	79	37.6
TJRC	31	14.8
Akiwumi Commission	1	.5
BBI	6	2.9
Not applicable	93	44.3
Total	210	100.0

Based on table 4.4, 37.6% of the respondents were conversant with the coalition government. 14.8% identified the TJRC, 0.5% identified the Akiwumi Commission while 2.9% selected the BBI. Therefore, majority of the respondents identified the coalition government of 2008 to 2013 as the most popular measure set to foster post-conflict reconstruction. Therefore, majority of the respondents were conversant with the coalition government as a post-conflict reconstruction tool set to foster national unity and cohesion. On the other hand, 44.3% of the participants responded to why they felt the government did not put up any measures to promote national unity and cohesion.

*Table 4.5: Why the Government Did Not Put up any Measures to Foster Unity*

Reason	Frequency	Percent
There has been reoccurrence of PEV	44	21.0
There is presence of ethnic conflicts that has not been resolved	37	17.6
No compensation for victims of previous PEV	12	5.7
Not Applicable	117	55.7

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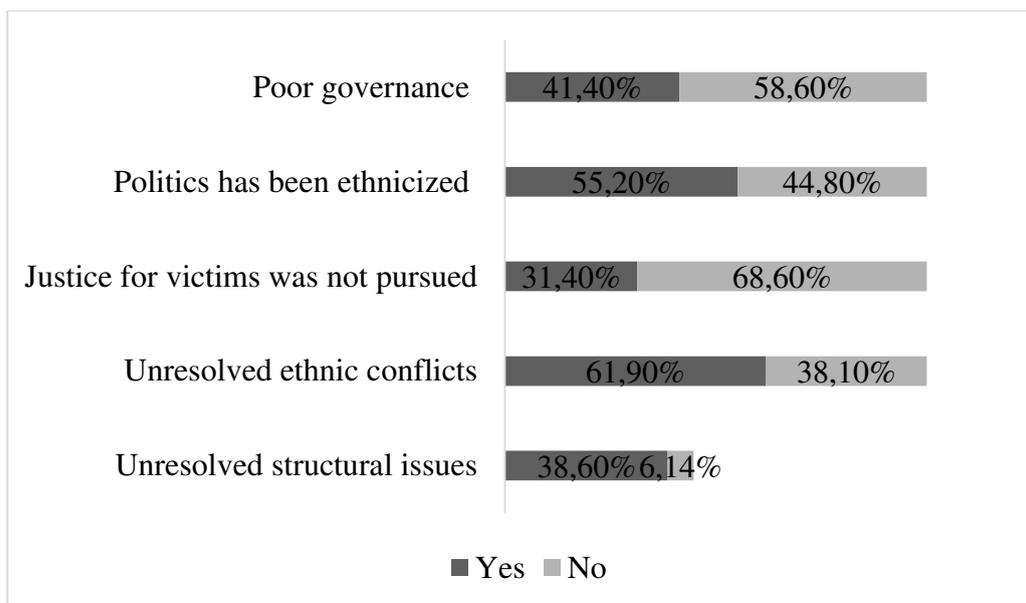
Total	210	100.0
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Based on the findings presented on table 4.5, 21% of the respondents believed the government had not set up any measures due to the reoccurrence of post-election violence. 17.6% respondents depicted that there was still presence of ethnic conflicts that were yet to be resolved. Moreover, 17.6% declared that no compensation was made to victims of previous post-election violence cycles. 55.7% of the respondents that are marked as not applicable are those that indicated that the government has put up measures to promote national unity and cohesion. Therefore, majority of the respondents felt that the government did not do anything to foster post conflict reconstruction due to the reoccurrence of post-election violence.

Additionally, the BBI report identified that there had been a system of sweeping injustices under the carpet. Redress was sought, commissions were launched yet reports were shelved and left unimplemented (Building Bridges Taskforce, 2019, p. 27). However, it did not address these past injustices. The shelving of these reports could be tied to the fact that those that receive these reports were meant to see through their implementation were beneficiaries of the injustices highlighted either directly or indirectly. According to an informant, those meant to implement were beneficiaries through proxy. Hence, the cycle of violence was not resolved, and the measures aimed at fostering post conflict reconstruction were not adequately implemented. It identified the coalition government as one of the measures used to foster peace and unity.

The researcher also wanted to investigate why post-election violence had reoccurred since 1992. The respondents were to tick all the relevant reasons that explained the violence cycle every election season.

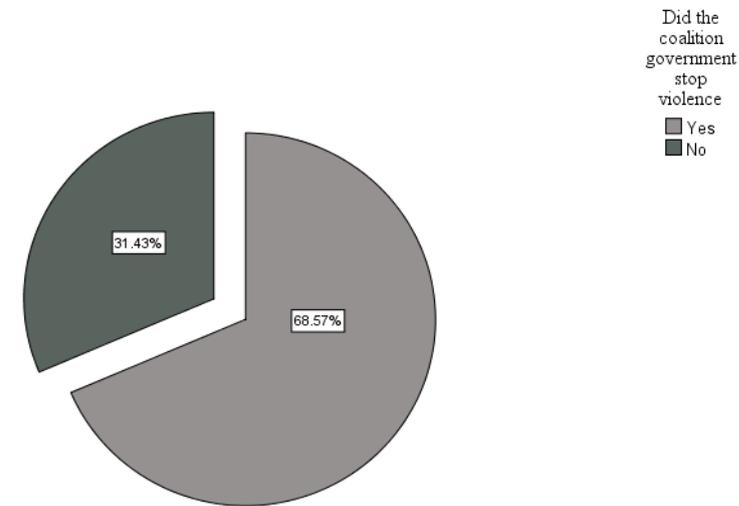


*Figure 4.1: Reasons Explaining the Reoccurrence of Post-Election Violence*

Based on the graph presented as figure 4.2, 41.4% of the respondents believed that poor governance was fueling the cycle of violence during election seasons while 58.60% stated that it did not. Additionally, 55.2% declared it was due to the ethnicized politics nature in Kenya while 44.80% indicated it was not. On the other hand, 31.4% presumed it was due to justice for victims not being pursued while 68.60% felt it was not. 61.9% stated it was due to unresolved ethnic conflicts while 38.10% disagreed. Those that considered unresolved structural issues as the reason explaining the vicious cycle of post-election violence were 93.86% while 6.14% indicated it did not. Therefore, based on the findings, the reoccurrence of post-election violence could mainly be attributed to the ethnicization of politics.

To investigate the measures of post conflict reconstruction discussed in the study, the researcher sought to find out whether the respondents thought the coalition government stopped violence in 2008. Based on the findings presented on figure 4.3, 68.57% of the respondents agreed that the coalition government stopped violence in

2008 while 31.43% declared that the coalition government did not stop violence in 2008.



*Figure 4. 2: Did the Coalition Government Stop Violence in 2008*

According to an informant from NCIC, the coalition government should not be seen as a post-conflict reconstruction tool. Instead, it should be considered as a consensus to share the loot. *“Coalition govts do not stop violence. It’s a consensus to share the loot. The people felt their leader got it, so they’ve got it”* (Informant 005). To further understand the role of the coalition government the researcher sought to find out if it brought about long-lasting peace after the 2008 post-election violence from the informants. Several key informants stated that although the coalition government stopped the violence it did not bring peace. One of the informants mentioned that the coalition government did not bring long lasting peace because it was a temporary solution. *“The coalition government was a solution to post-election violence. However, it was not a locally-led solution as it was spearheaded by the AU personalities”* (Informant 007). Another informant also supported this by saying that

while it did not bring long lasting peace, the Kibaki-Raila government stopped violence and brought elements of peace.

Upon being asked what deterred the effectiveness of the coalition government as a post-conflict reconstruction tool, some informants highlighted that it was crippled by mistrust, competition, corruption scandals and misrepresentation. It was also highlighted that the coalition government did not have clear guidelines on sharing of the ministerial positions that were to be equally shared. The following was stated by Informant 008.

*Even in the sharing of positions, the president had the more powerful positions such the attorney general and defense. It was not long when the Prime Minister started to complain that he was getting a raw deal in the government.*

From this discussion, the coalition government could have been more effective if more guidelines were set with regard to the sharing of positions and issues to do with misrepresentation. Moreover, in a bid to understand the coalition government's role, the respondents were asked whether the coalition government addressed ethnic conflict. 23.3% declared it did while 76.7% stated that it did not as indicate on table 4.6.

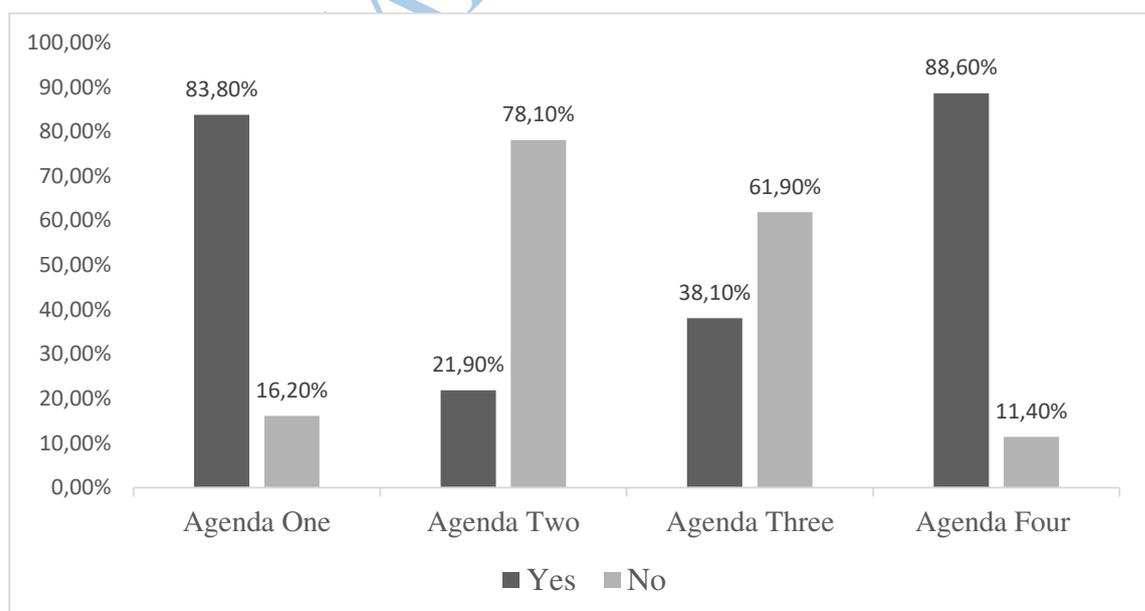
*Table 4.6: Did the Coalition Government Address Ethnic Conflict?*

Response	Frequency	Percent
Yes	49	23.3
No	161	76.7
Total	210	100.0

These findings were also supported by the respondents who mainly stated that the coalition government was a strategy of inclusion for the conflicting communities mainly the Luo and the Kikuyu and once the coalition government was in effect, the ethnic conflicts were not addressed. Informant 004 stated as follows:

*“The tribal rivalry between the Kikuyu and Luo has been there since the fall out between President Kenya and Vice President Oginga Odinga. With their followers giving them fanatical following, these raised the political temperatures thus leading to the coalition government bridging peace among the two ethnic groups”.*

Therefore, the coalition government brought forth inclusion albeit facing challenges that limited its effectiveness. Furthermore, the study also sought to examine the Kenya National Dialogue and Reconciliation Commission through identifying whether its four agendas were addressed. The graph on figure 4.4 presents the findings of the study.



*Figure 4.3: Were the four Agendas Addressed*

As presented on the graph on figure 4.4, 83.8% of respondents stated that the KNDR commission was able to address the first agenda which was putting immediate actions to stop the violence and restore fundamental rights and liberties of Kenyans. However, 16.2% believe that this was not achieved. Furthermore, 21.9% of the respondents believed that the second agenda, response to the humanitarian crisis and promotion of healing and reconciliation, was addressed while 78.1% disagreed. On the other hand, 38.1% believed that a political crisis was addressed while 61.9% did not. With regard to the fourth agenda, addressing long-term issues such as land injustices, 11.4% believe this was addressed while 88.6% stated that it was not fulfilled.

From the key informant interviews, all agendas were set to be addressed but were not sufficiently worked on because the institutions that were set up to carry out these functions were not strengthened enough. For the fourth agenda specifically, it was highlighted that the new constitution was promulgated as a result and NCIC, IEBC as well as the National Lands Commission were set up. However, their efficiency was affected hence the recurrence of post-election violence. Informant 007 stated that:

*The KNDR Commission gave us institutions that can address issues such as the land commission, TJRC, economic and social issues, that were supposed to address the underlying problems. The problem has been the effectiveness of the institutions. It is questionable thus they have not been able to address. Due to immense govt control, like in NCIC, they do not have direct budgets from parliament, they are under the ministry of interior thus funding is a problem. Resourcing is a problem. Investment and community engagement is not efficient enough thus they control the output.*

To follow up on this discussion, the informants were asked why the TJRC and Akiwumi Commission reports were suppressed thereby not being implemented. According to one of the informants, the underlying issues that were triggered by irregular elections had been in existence throughout different government regimes which resort to establishing different commissions to investigate them. However, the reports were not implemented because the main perpetrators mentioned in the reports were the ones receiving the reports and were expected to implement them. To support this, Informant 002 said the following:

*A good number of beneficiaries are still what we call, duty bearers, they are the ones who are supposed to be implementing. So, a duty bearer who through either proxy or through his family managed to benefit from large inappropriate acquisition of land or government resources will not be able to vindicate themselves by implementing this kind of report.*

Other issues that crippled the implementation of these reports that were raised include corruption and government interference during investigations. Informant 009 noted that in the Akiwumi Commission, the prosecutor was changed to a pro-government prosecutor thereby limiting the credibility of the commission. On the other hand, another informant contributed by saying that the issues raised in the reports are difficult to implement hence why they are shelved. He reiterated this by saying.

*These reports have been suppressed because the issues raised such as land issues and matters concerning territorial integrity are critical in ensuring sustainability. These issues that are investigated by the*

*commissions and presented in the different reports are hard to implement, that is why the reports are shelved and left to collect dust.*

Upon being asked components that should be considered in mechanisms put in place to promote national unity and cohesion, based on the dependent variables of the conceptual framework of the study, the respondents answered as presented below. The variables include justice and reconciliation, socio-economic development, political reforms, constitutional reforms, public participation, and security reforms.

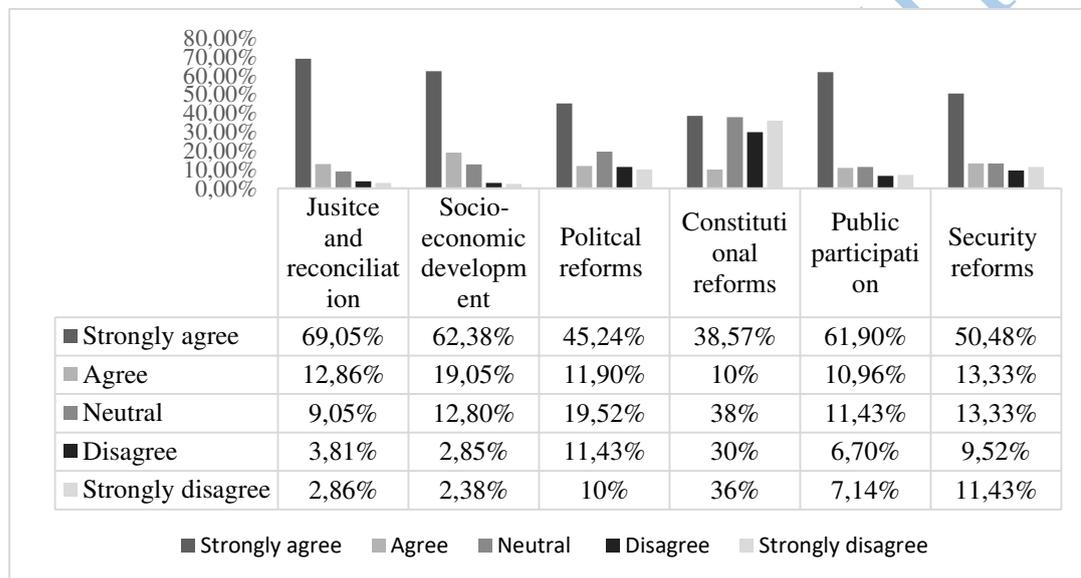


Figure 4.4: Scale of Components to be Considered to Promote National Unity

Based on the graph presented as figure 4.5, 69.05% of the respondents strongly agreed that justice and reconciliation should be considered to promote national unity and cohesion. 12.86% of respondents agreed while 9.05% of the respondents felt neutral. On the other hand, 3.81% of respondents disagreed and the remaining 2.86% strongly disagreed that justice and reconciliation was an important factor that should be considered in mechanisms put in place to promote national unity and cohesion. From the graph above, 62.38% of the respondents strongly agreed that socio-economic development was among the components that should be considered when measures to

promote national unity and cohesion are put up. 40% agreed while 12.8% indicated neutral. On the other hand, 2.86% disagreed and 2.38% strongly disagreed.

The respondents were also asked whether political reforms should be considered. 45.24% strongly agreed, 11.9% agreed, 19.52% chose to stay neutral, 24% disagreed and 21% strongly disagreed on political reforms being required to promote national unity and cohesion. With regard to constitutional reforms, majority of the respondents, at 61.9%, strongly agreed that it should be considered for national unity and cohesion to be achieved. 10% agreed, 38% opted neutral, 30% disagreed and 36% strongly disagreed. When asked to indicate whether public participation was essential as well, 61.90% strongly agreed, 10.96% agreed, 11.43% opted to stay neutral, 6.7% disagreed and 7.14% strongly disagreed. Therefore, from the findings, the most essential fragments that needed to be considered in mechanisms set to foster national unity and cohesion were justice and reconciliation, socio-economic development, and public participation.

Other key components that were raised by the key informants were civic education on national values which would resort into building patriotism thereby reducing the rate at which violence occurs every electioneering season. This was reiterated by Informant 001 who said the following:

*What is able to bring national unity is if we are able to bring change to our value system that is something that should come from the top. Virtues are usually best illustrated from top flowing downwards unlike when you anticipate the children to have good values but if they are living in a toxic environment that rewards corruption, that rewards bad behavior, then the children cannot be expected to have good*

*values, yet the bad ones are rewarded heavily. So, we have a big problem on value system, and it needs to be addressed.*

The issue on national values and ethos was also highlighted in the BBI report. According to the report, Kenyans lack national ideals and beliefs that could reinforce unity through guiding and constricting the actions of the state to benefit Kenyans (Building Bridges Taskforce, 2019). Furthermore, the informants highlighted that the government needs to strengthen existing government institutions to ensure that they are efficient enough to carry out their mandates. Political goodwill was also essential in implementing the proponents that would bring about national unity. Moreover, past injustices needed to be addressed for peace to be achieved. More interethnic schools especially in conflicting zones such as the Northeastern need to be established to build harmony and national unity. On the other hand, Informant 008 suggested a national dialogue was needed to correct the imbalances that fuel the vicious cycle of violence by stating.

*“We need a national dialogue where Kenyans can share opportunities fairly. So long as those who are in power take the lion’s share of opportunities, it will be impossible to bring about sustainable national unity and cohesion”.*

#### Findings on Assessing the Viability of the Building Bridges Initiative as a Prospect for National Unity and Cohesion in Kenya

In this section, respondents were asked questions with regard to the BBI. The first question sought to find out whether the respondents had read the BBI report that was launched in 2018. Table 4.7 indicates their responses.

*Table 4.7: Response to Whether the Respondents Had Read the BBI Report*

Response	Frequency	Percent
Yes	47	22.4
No	163	77.6
Total	210	100.0

From table 4.7, 22.4% voted yes while 77.6% indicated that they had not read the BBI report. For those who indicated that they had read it, they were asked to indicate the source of the document. The majority, 89.58% percent accessed the report through the internet, while 6,25% read the report on the newspaper. The remaining 4.17% of the respondents that answered yes to the previous question read the report from other channels aside from the internet and the newspaper. For those that indicated they had not read the BBI report, they were asked to indicate the reason that best described why they had not read the report. The following table depicted their responses.

*Table 4.8: Reason Why Respondents had not Read the BBI Report*

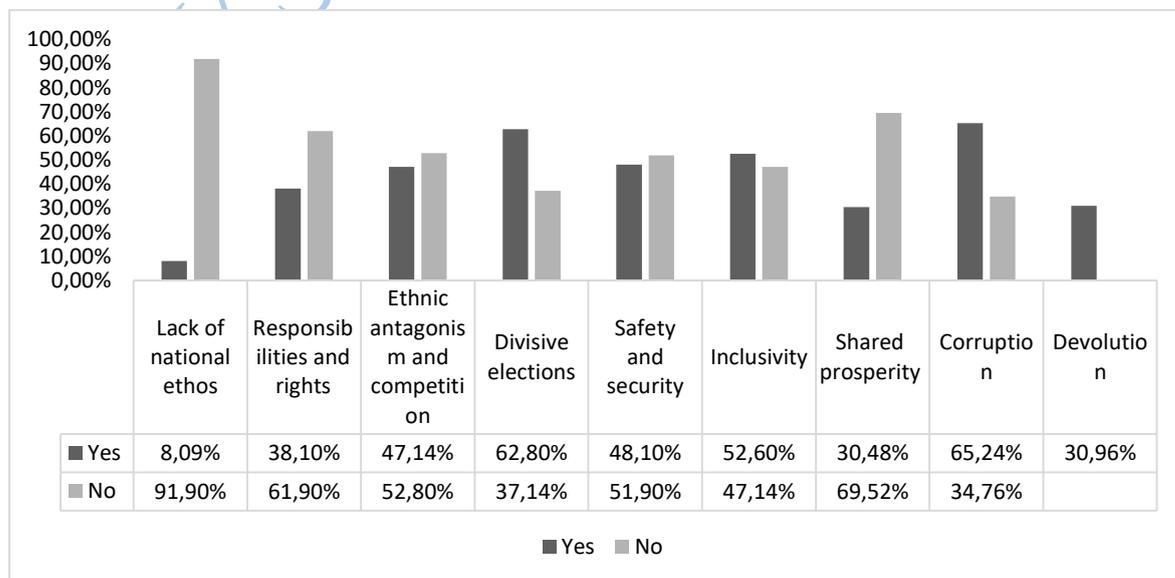
Reason	Frequency	Percent
The BBI report is not accessible	98	46.7
I cannot read	0	.0
I have no interest in the BBI	61	30.5
Not applicable	48	22.9
Total	210	100.0

Based on table 4.8, 46.7% of the respondents indicated that they had not read the report because it was not made accessible to them. On the other hand 30.5% indicated that they had no interest in the BBI. Those marked as not applicable were the respondents that had indicated that they read the BBI report. From the findings, majority of the respondents had not read the BBI report due to its limited accessibility.

Moreover, the researcher sought to find out whether the BBI report would address past injustices. Based on the findings, 75.3% of the respondents indicated that the BBI report did not address past injustices while 24.3% stipulated that it did. Majority of the informants also felt that the BBI reports did not address past injustices. Informant 003 reiterated this by stating as follows:

*The BBI does not address anything. It does not promote specific remedies for all the issues. It highlights major challenges and suggestions how they can be addressed. It provided more political solutions instead of majority of the social issues. It's a fallacy that does not address past historical injustices (Informant 003).*

On the other hand, informant 010 highlighted that the suggestion of the BBI report to move from the presidential system to the parliamentary system would have seen more political inclusion thereby addressing some past injustices that have been due to exclusion. The researcher also sought to understand which of the nine core challenges of the BBI would result to national unity and cohesion if addressed. Figure 4.6 indicates the responses of the participants.



*Figure 4.5: Challenges in the BBI that Should be Addressed to Promote National Unity*

Based on figure 4.6, 91.91% of the respondents indicated that national ethos was not essential to achieving national unity while 8.09% depicted that it was. With regard to responsibilities and rights, 61.9% stated that it was not essential while 38.1% said that it was. Moreover, 52.86% mentioned that ethnic antagonism and competition was not an essential challenge to consider in achieving national unity, however, 47.14% believe that it was. Furthermore, 62.86% indicated that divisive elections were a challenge that needs to be addressed while 37.14% stipulated that it was not. 48.1% of the respondents indicated that safety and security was a core challenge while 51.9% said it was not a core challenge that should be addressed to promote and achieve national unity and cohesion.

When the respondents were asked to indicate whether inclusivity was a core challenge that needed to be addressed, 52.86% opted that it was while 47.14% indicated that it was not. The majority of the informants also reiterated that if inclusivity was looked into then sustainable national unity and cohesion could possibly be achieved. To add onto that, 69.52% mentioned that shared prosperity was not a challenge that should be addressed while 30.48% believe that it should be looked into to bring about national unity and cohesion. This too was supported informant 010 and informant 008 who argued that if the shared prosperity included marginalized communities, then they would not resort to violence to raise concerns on the unequal distribution of government resources.

As for corruption, 65.24% opted that it was a challenge that should be addressed while 34.76% indicated that it was not. With regard to the final tenet of the BBI, devolution, 69.05% declared that it was not a core challenge. However, 30.95% of the respondents believe that it was a challenge that should be addressed to achieve

national unity. Based on these findings, the major issues reflected on the BBI report that could lead to fostering sustainable national unity and cohesion were divisive elections, inclusivity, and corruption. Informant 007 argued that the issues that the BBI identified were real and Kenyans were facing by stating the following:

*The suggestions made were realistic. If taken into consideration in terms of diversity management and better ethnic relations, then sustainable peace and unity could be achieved. The solutions can be done without amending the constitution. We don't need to wait for the referendum. Lack of good will from the govt to implement solutions for the societal good will. We don't need a referendum, constitutional amendment. Those spearheading are only interested in political power and not the well-being.*

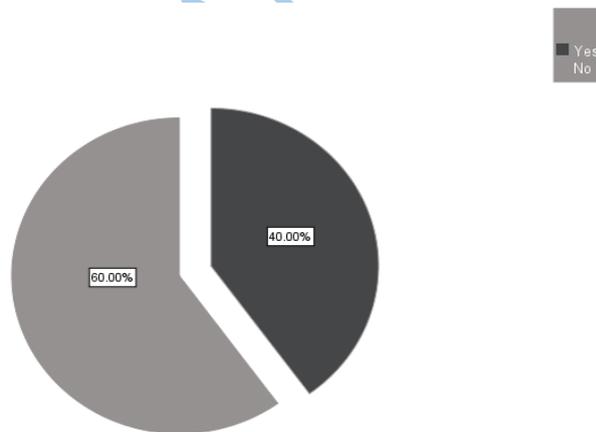
The respondents were also asked whether the BBI would bring about long-lasting peace, security and unity if implemented. From the data collected, 62.4% of the respondents indicated that the implementation of the BBI would not bring about long-lasting peace while 37.6% stated that it would. This could be due to the fact that the BBI report was not made as accessible compared to the 2010 constitution before the referendum held on the 4<sup>th</sup> of August 2010.

The researcher also sought to find out whether the implementation of the BBI would ensure that post-election violence is not experienced in 2022. From the findings, 31.4% suggested that the implementation of the BBI would stop violence during and after the 2022 election season while 68.6% believed that it would not. To follow this up, the study sought to find out whether the politicization would also influence the decision of the respondents should there be a referendum in 2022.

*Table 4.9: Influence on the Decision of the Respondents 2022 Referendum*

Response	Frequency	Percent
Yes	13	6.2
No	197	93.8
Total	210	100.0

Based on table 4.9, 6.2% of the respondents indicated that they would be influenced by the politicization of the BBI report while 93.8% stated that they would not be influenced. To this effect, the informants were asked whether the politicization of the BBI report drove a wedge within ethnic communities. Majority agreed that it did by explaining that the wedge between political leaders who were pro-BBI and those against the BBI was also present in their supporters. However, one informant noted that Kenyans were more enlightened hence they had not let the politicization of the BBI drive a wedge between the different existing ethnic communities. Finally, the respondents were asked how they would vote for the BBI should there be a referendum. The pie chart below depicts the responses of the participants.



*Figure 4.6: How Respondents will Vote for the BBI Should There be a Referendum*

From figure 4.7, 40% of the respondents would vote yes while 60% of the respondents would vote against the Building Bridges Initiative. Therefore, from this basis, the BBI would not have surpassed the referendum had there been a referendum held in 2022.

Using the first lens of the social learning theory on transitional justice, establishing contact and communication, the BBI report sought that this could be fulfilled by dealing with ethnic antagonism and competition through recommending that all political parties should be compelled to reflect the face of Kenya by being inclusive (Building Bridges Taskforce, 2019). It also recommended that Kenyans should be educated on the ethnic diversity in the state (Building Bridges Taskforce, 2019). However, according to Ghai (2020), addressing this fragment of ethnic competition would not lead to bringing unity because paramount issues such as marginalization and inequities in distribution of government resources are not effectively addressed.

From the second lens of truth recovery through justice and accountability, the BBI report identified that the trust of Kenyans in the government had slowly diminished because of the trend of commissions' reports being shelved albeit addressing some of the challenges Kenyans were facing. It was from this front that the BBI report recommended that corruption should be addressed by establishing incentives for whistleblowers and strengthening the judicial system (Building Bridges Taskforce, 2019). However, the accountability of the judicial system would be affected if the recommended office of the judicial ombudsman was established as that would link the executive to the judiciary thereby limiting the latter's powers. It is in this front that an informant reiterated this by stating that the independence of the judiciary would be infiltrated by the establishment of the office of the ombudsman who would act as an overseer of the government in the judiciary. Furthermore, this notion was also

supported by Mbaku (2021) who argued that if this amendment was adopted, it would undermine the judicial institution by threatening its independence.

Another aspect in the BBI report that depicts justice and accountability is on the recommendation that leaders who are caught up in corruption scandals should resign with immediate effect as a way of taking responsibility (Building Bridges Taskforce, 2019). Furthermore, the Office of Director of Public Prosecutions (ODPP) and the Directorate of Criminal Investigations (DCI) should be strengthened to ensure more corruption cases are fully addressed and the perpetrators are held accountable (Building Bridges Taskforce, 2019).

From the viewpoint of addressing material and structural marginalization, the BBI report comprehended that inclusivity could ensure that the cycle of violence was dealt with, and that Kenyans would live in peace and harmony. The report identified that Kenya has a diverse population with regard to ethnicity, culture and race. According to the report some Kenyans felt politically excluded because they believed only some communities were able to get into the executive and the represented communities were the only ones that could access government resources (Ibid). This in turn leads to divisive elections thereby fueling violence.

Therefore, for there to be political inclusion, the BBI report recommended political and economic inclusion through adopting a home-grown executive structure that suggests the move from a presidential to a parliamentary system with additional positions; prime minister, leader of the official opposition and a shadow cabinet. The shadow cabinet would work under the leader of opposition to challenge the government and hold it accountable (Ibid). This system would eradicate the winner-take-all system that further depicts exclusion. It would also foster ethnic competition

and divisive elections, hence the BBI report recommends that for sustainable peace to be achieved, it needs to be replaced by the homegrown solution discussed earlier.

However, according to Ghai (2020), while this is an issue, the BBI report did not provide efficient measures that would help resolve inclusivity issues, extreme poverty, underdevelopment and ethnic animosity. Instead, the solutions recommended were centered on the leaders and not the Kenyans. She also added that the addition of the Prime Ministerial position without explicitly reducing the roles of the president further undermined the role of the latter. Furthermore, the power the presidency would have to remove the prime minister would mean that the president could threaten the latter thereby limiting their effectiveness in holding the president accountable.

Distributive learning was also seen in the discussion of shared prosperity. The BBI report identifies that marginalization can be addressed through the '*Kubadili*' plan which would identify the most marginalized wards, and develop a plan to build schools, health facilities and other social amenities to make accessibility of these resources easier (Building Bridges Taskforce, 2019). With regard to devolution, the BBI report recommended that the Commission of Revenue Allocation should revise its revenue allocation formula particularly in allocating funds to marginalized communities (Building Bridges Taskforce, 2019).

Although the document did not explicitly discuss reparations to affect marginalized communities, it laid emphasis on several institutional reforms. For the county governments, the report emphasized on gender equality to fulfill the two-thirds gender rule. It recommended that running mate of a governor should be someone of the opposite gender to fulfill this (Ibid). It also recommended the shift from a presidential

system to a parliamentary system to get rid of the winner-takes-all system as discussed earlier. However, according to Shilaho (2020), this was untrue as there would still be a winner and a loser after general elections regardless of the system either being presidential or parliamentary.

Furthermore, it also discussed changing the education system. The system would be set to cover more cultural and ethnic diversity as a bottom-top approach to improve the national ethics of Kenyans that could do away with enmity and thus foster national unity (Building Bridges Taskforce, 2019). It also recommended reforming the Independent Electoral and Boundaries Commission (IEBC) to ensure that it was secure, accountable, and transparent by limiting the terms of the staff and having political party leaders nominate non-partisan commissioners for credibility purposes (Ibid).

#### Summary of Key Findings

From the findings above, it was concluded by the researcher that the history of post-election violence since 1992 had reoccurred due to unaddressed structural issues such as land injustices, past historical injustices such as the Wagalla massacre, ethnicization of politics, poor governance and unresolved ethnic conflicts that were politicized. Another key fragment that was a driver of conflict was marginalization. These drivers of conflict were often left unaddressed and thus were triggered by the irregularities in elections hence the vicious cycle of violence. Furthermore, most of the respondents indicated that they were exposed to post-election violence due to their ethnic identity in 2007 and majority had their businesses disrupted.

With regard to the measures aimed at fostering sustainable national unity and cohesion, the majority of the respondents felt that the government did not put up any

measures. Based on the key informants, the government put up measures, but they were not implemented effectively to address the root causes of the vicious cycle of violence. Furthermore, the majority of the respondents were conversant with the coalition government of 2008 to 2013 compared to the TJRC, Akiwumi Commission and the BBI. Moreover, majority of the respondents that felt that government had not put up any measures indicated that it was due to the reoccurrence of post-election violence and the presence of unresolved ethnic conflicts.

The majority of the respondents also indicated that the coalition government stopped violence, but it did not bring about long-lasting peace and neither did it address ethnic conflict. This was also reiterated by the key informants who stated that it was a temporary solution that barely addressed the underlying causes that were often triggered by violence.

To add on to that, the majority of the respondents reiterated that justice and reconciliation, socio-economic development, public participation, and security reforms needed to be considered to promote national unity and cohesion. For the key informants, majority suggested affirmative actions to ensure inclusivity, resource allocation in marginalized wards and strengthening of existing government institutions. Additionally, majority of the respondents indicated they had not read the BBI report due to its inaccessibility to the locals. In that regard therefore, majority indicated that they would vote no if a referendum was to be held. Furthermore, based on the findings, the BBI report did not offer sufficient prospects to achieve sustainable national unity and cohesion.

## Summary

This chapter sought to present the findings of the study,. It highlighted the propensity of the post-election violence cycles albeit efforts to stop the cycle have been employed over the years based on the data collected from key informants, questionnaire respondents and content analysis of the BBI report through the lenses of the social learning theory of transitional justice. The next chapter presents discussions and draws conclusions from the data presented and interpreted in this chapter in a bid to evaluate post conflict reconstruction measures in Kenya and their proponents in achieving sustainable unity and cohesion.

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## CHAPTER FIVE

### DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

#### Introduction

This chapter seeks to provide a comprehensive discussion on the findings analyzed and presented in the previous chapter. The study sought to assess the history of post-election violence in Kenya since 1992, examine measures taken to bring about peace and analyze the viability of the BBI and its prospects for unity and cohesion. To accomplish this, the study collected data from residents of Kawangware Ward, key informants and finally through analyzing the BBI report through the lens of the social learning theory of transitional justice. After discussing the findings and drawing conclusions, recommendations will also be made based on the findings with regard to post-conflict reconstruction in Kenya and areas for further research will also be proposed herein.

#### Discussion of Key Findings

##### History of Post-Election Violence Cycles in Kenya Since 1992

The first objective of the study was to evaluate the history of post-election violence in Kenya from 1992 and its causes. The study found that the vicious cycle of violence was indeed caused by unresolved structural issues. These structural issues included historical injustices and marginalization which are often triggered by irregularities experienced during elections. The study also found that the ethnicization of politics was also a contributing factor to the post-election violence cycle. As Cooke (2009) argued, post-election violence is rooted in the divide and rule system that as used by the British imperial government. Based on the findings from the key informants this

marginalization and exclusion of these minorities translated to them choosing to use violent outbursts to express their frustrations to the government.

Furthermore, the study found past land and historical injustices that were left unresolved were also drivers of post-election violence that were often triggered by elections. Based on the key informants, the government often chooses to address the triggers which in this case were the irregularities of the elections and thereby offer temporary anesthesia to the conflict. This explained why post-election violence reoccurs almost every election season in Kenya.

Moreover, the majority of the residents of Kawangware Ward experienced post-election violence and were targeted due to their ethnic backgrounds. These findings were in support of the study by Maupeu (2008) who argued that the general elections were stripped down to a battle between the main ethnic communities thereby exposing those who had the same ethnic backgrounds to violence. Therefore, based on the findings, majority of the respondents had their businesses disrupted during election seasons especially in 2007 and 2017.

Another important factor that was highlighted in the study was the politicization of ethnic conflicts and the ethnicization of politics were also huge contributors to post-election violence. Respondents reiterated that politics were driven based on ethnic lines hence causing a divide between different ethnic communities and thereby fueling the conflict. This was also supported by the key informants who argued that elections were made competitive since people feel that if a leader from their community gets a top political position, then they are represented. This demonstrated that Kenyans' perception of inclusivity was drawn towards having representation and

not regarding having representation to assure that they were assured more access to government resources.

The notion that politics had been ethnicized thereby fostering post-election violence was also highlighted in the BBI report where it stated that ethnic antagonism and competition fueled violence (Building Bridges Taskforce, 2019). Therefore, the report recommended the removal of the winner-take-all model for the presidential seat by adopting a more consociation model. A consociationalism model would be a model where people vote along their ethnic lines to ensure they attain membership in the most powerful government positions (Ghai, 2020). However, according to Aljazeera (2021), the adoption of this model that would lead to creation of more positions to ensure representation would further burden the tax payers while creating more opportunities for patronage and corruption. Therefore, from this, a conclusion could be drawn that the BBI report only favored the interests of the political class at the expense of Kenyans.

#### Effectiveness of Existing Measures Aimed at Fostering Post-Conflict Reconstruction in Kenya

The second objective of the study was to examine existing measures aimed at fostering national unity and cohesion in Kenya. The measures considered in this study were the Akiwumi Commission, the TJRC and the KNDR Commission. For this, 55.2% of the respondents identified that the government put up measures to address post-election violence albeit not being successful in bringing about long-lasting peace. This was supported by key informants who argued that the government put up institutions such as NCIC, NLC, ODPP, IEBC and the DCI but they had not been efficient in fulfilling their mandates. Upon being asked why, the respondents stated that these government institutions were either weakened by government presence through

restriction of funding or corruption. This notion was supported by the fact that in 2017, the Supreme Court nullified the presidential results by stating the IEBC was not transparent neither was it verifiable (BBC News, 2017).

Moreover, the study also found that lack of political goodwill as a limiting factor. Additionally, the study found government institutions mandated under the fourth agenda of the KNDR commission often have similar mandates which limit their effectiveness. This was confirmed by a respondent from NCIC who stated that the mandate of the BBI Taskforce could have fallen under the NCIC as opposed to establishing another commission.

Furthermore, the study wanted to understand why the Akiwumi Commission and the TJRC reports were suppressed. According to Macharia (2018) the Akiwumi Commission report was suppressed because its credibility was questioned when another pro-government prosecutor was appointed to the commission. This, he argued, crippled its efficiency, and led to mistrust. The credibility of the TJRC report was also questioned due to the appointment of the late Ambassador Bethuel Kiplagat as one of the commissions yet he was allegedly a perpetrator of past injustices (The New Humanitarian, 2011).

Additionally, the lack of media attention and the allegations that the chapter on land injustices was edited to omit information that mentioned the involvement the late Jomo Kenyatta further drove its incredibility (Asaala & Dicker, 2013). These findings were also supported by key informants who argued that those that received the reports and were meant to facilitate the implementations were directly or through proxy, identified as perpetrators. Thus, expecting them to implement these reports had proven to be difficult. This study also found that some of the aspects recommended by

the reports were difficult to implement as they revolved around territorial integrity and land which is one of the biggest drivers of conflict. This was also confirmed in the BBI report which highlighted that the reports were put out to collect dust because those it implicated could not implement it.

To add onto that, the study found that the government had not put-up measures that were sufficient due to the reoccurrence of post-election violence. This was confirmed by key informants who reiterated that the government put up measures to deal with the triggers as opposed to the structural issues that drive the conflicts. Thus, although the coalition government stopped violence in 2008, it did not bring about long-lasting peace because it was a temporary solution that ended in 2013 when it was disbanded. According to one of the informants, the coalition government failed to bring about long-lasting peace because it was mainly controlled by the African Union Panel of Imminent Personalities led by the late Kofi Annan.

The study also found that the coalition government, a product of the KNDR Commission, was not effective due to corruption and mistrust. These findings were also highlighted by Sihanya (2012) who stated that although the coalition government brought relative peace it was crippled by mistrust and issues with regard to sharing of the ministerial dockets equally between both camps. Contrary to this opinion, some informants argued that the coalition government should not be considered as a post-conflict reconstruction tool. Instead, it should be seen as means to share the loot without regarding the needs and urgencies of Kenyans. Hence, it did not address ethnic conflict.

## Viability of the Building Bridges Initiative as a Prospect for National Unity and Cohesion in Kenya

To stop the 2017 post-election violence, the two main principals, President Uhuru Kenyatta, and Prime Minister Raila Odinga shared a handshake that bore the BBI Taskforce in 2017. The Taskforce as discussed earlier was mandated with investigating challenges that face Kenyans leading to post-election violence as well as identifying solutions that would unify Kenyans by building bridges. This was mandated by Gazette Notice 5154 on 31<sup>st</sup> May 2018. On 26<sup>th</sup> October 2019, the report was released. The third objective was based on the report; to examine its validity and its prospects for sustainable national unity and cohesion.

According to Kimari, Melchiorre and Rasmussen (2021), the widespread unpopularity of the BBI among Kenyans was confirmed in a national poll. The national poll found that only 30% of Kenyans favored the proposed bills recommended by the report in October 2020. According to a report by the Star News (2021) this dropped by 33% in a survey that was done between January 28 and 5<sup>th</sup> February.

In this study, 22.4% of the respondents had read the BBI report while 78.6% had not. Majority of the respondents noted that the report was not made accessible to them hence why they had not read it. This was confirmed by one of the key informants who noted that the BBI report was not shared as much as the 2010 constitution before its amendment. At the time before the referendum on the constitution, they mentioned that there was a lot of civic education done however, this was not the same for the BBI. Therefore, majority of the respondents relied on hearsay to form their opinions on the report and the initiative.

The study also found that the report did not address historical injustices. Based on the findings of the study, 75.3% of the respondents felt that the BBI report did not address

past injustices hence it would not bring about long-lasting peace. This was reiterated by key informants who stated the BBI was mainly a political ploy that was set to favor the political elite. According to Shilaho (2020) the report was a ploy that favored the rogue political elite as it ignored the root causes of post-election violence in Kenya.

The study also analyzed the report through the lenses of Aiken's social learning theory of transitional justice. From the lens of instrumental learning which encourages establishing contact and communication among conflicting parties, it was noted that the recommendations on dealing with ethnic antagonism and competition were present. This was evident through the recommendation that all political parties should be inclusive of all ethnic communities to ensure representation (Building Bridges Taskforce, 2019). This could also be seen in the recommendation of civic education with regard to the ethnic diversity in Kenya to ensure Kenyans were well equipped with information about other communities thus doing away with the stereotypes and prejudices that exist and fuel conflict (Ibid).

On the basis of the second lens, justice accountability and truth recovery, the BBI report suggested that leaders who were caught up in corruption should immediately resign and face charges regardless of their political class (Ibid). Furthermore, it recommended that the ODPP and the DCI should be strengthened to ensure that those caught up in corruption scandals are charged and held accountable (Building Bridges Taskforce, 2019). These sentiments were also shared by key informants who suggested that the strengthening of government institutions especially through funding could enable them to achieve their mandates effectively and successfully.

Another lens was addressing material and structural marginalization. In the BBI report, one of the recommendations that covered this lens was inclusivity which

would ensure equal representation for all communities. Furthermore, the report suggested that a person running for governor in a county should have a person of the opposite gender running as the deputy governor (Building Bridges Taskforce, 2019). This would gear towards having more women leaders in government thereby achieving the two-thirds gender rule. However, it was noted by one of the key informants that the BBI did not highlight more recommendations that favored women hence stating it would not be sufficient. The exclusion of the youth in the BBI was also evident. According to Kimari, Melchiorre and Rasmussen (2021), aside from the youth commission that was proposed and would be mandated to look into the problems of the youth, it would not have translated into inclusion of the youth.

Furthermore, the BBI report suggested that structural marginalization could be dealt with through the '*Kubadili*' Plan which would identify the most marginalized wards and plans would be set in place to build social amenities for those affected to ensure that government services were made more accessible. The report also recommended the addition of administrative units to ensure representation of all minorities in government (Building Bridges Taskforce, 2019). However, this was contradicted by Shilaho (2020) who stated that the move to add more administrative units would only bloat the budget at the expense of Kenyans and adding these positions would not achieve inclusivity neither will it bring about unity. These sentiments were reiterated by an informant who argued that the recommendations made on sharing prosperity would lead to making more administrative units which would in turn cause more conflicts especially in areas such as Marsabit County where this was already an issue. Furthermore, creating more political seats would further burden taxpayers.

For the respondents, majority, at 62.4%, agreed that the BBI report would not bring long lasting peace and thus majority would have voted against it had there been a

referendum. To reiterate this, one of the key informants stated that the BBI report should not be looked at as a post-conflict reconstruction tool or one that could spearhead it because it provided more political solutions as opposed to those that would look into social issues that affected Kenyans and were triggered by elections thereby leading to violence. This was confirmed by another informant who stated that the BBI was a tool of fallacy that only favored key political leaders due to the positions it sought to add. Furthermore, he added that the recommendation of the government appointing a judicial ombudsman would affect the credibility of the judiciary since the executive would be involved. This also went against the establishment of justice and accountability as based on the social learning theory of transitional justice. According to Mbaku (2021), the amendments on the judicial ombudsman would threaten its independence.

The study also found that the BBI report did not address the underlying structural drivers of conflict hence proving its inefficiency as a possible tool for post-conflict reconstruction. This was further supported by a report by Aljazeera (2020) that stated that the amendments recommended by the BBI report were spearheaded by the president and undermined the constitution which states that constitutional amendments can only be initiated by Parliament according to Article 256 of the constitution. Mbaku (2021) added that although the BBI report, a result of the handshake, brought relief and peace, it did not address underdevelopment, inequality, inequity in the distribution of income and land as well as ethnic animosity which are some of the main drivers of conflict in Kenya. Therefore, it can only be viewed as a political ploy set to undermine sustainable national unity and cohesion at the expense of the political class.

## Conclusion

Based on the study findings on the first objective, it can be concluded that the history of post-election violence is rooted in unresolved structural issues, mainly land and historical injustices, inequity in resource allocation and distribution as well as marginalization. These drivers of conflict are triggered by election irregularities. From the measures discussed, a pattern can be drawn whereby, after elections, violence occurs, the incumbent government sets a commission to investigate the post-election violence, a report is released and left unimplemented. This cycle is evident and has been confirmed by the key informants who work in government in post-conflict societies in Kenya.

Furthermore, on the basis of the second objective of the study, evaluating existing measures aimed at fostering post-conflict reconstruction in Kenya, it was highlighted that the perpetrators during post-election violence benefit either directly or indirectly from not implementing the measures hence resolving the vicious cycle of post-election violence becomes difficult. Temporary solutions such as the coalition government and the handshake are offered but underlying issues are often left unresolved. This, therefore, explains the vicious cycle of post-election violence that is often triggered by election irregularities.

Additionally, from the findings on the third objective, assessing the viability of the BBI and its prospects for national unity, it was established that while the handshake between President Uhuru Kenyatta and Raila Odinga brought relative peace, the BBI would not have filled the gaps of previous post-conflict reconstruction measures that were used prior to 2017. This conclusion was drawn from the basis that the BBI report's recommendations did not meet the full threshold of the social learning theory

of transitional justice. Instead, the BBI report offered political solutions to the political ruling class as opposed to looking into the social and cultural challenges that Kenyans face. The findings from this study can be supported by Shilaho (2020) who stated that the implementing the winner-take-all system would not solve Kenyans problems. To him, those that support the BBI do not acknowledge that elections should rightfully produce winners and losers. This proposal, therefore, was an elitist move that yet again left out Kenyans. Thus, the Building Bridges Initiative did not offer sufficient prospects for sustainable national unity and cohesion.

This was also confirmed by the Court of Appeal ruling that upheld the ruling of the High Court by stating that the proposed constitutional amendments were unconstitutional since it was spearheaded by the President and some of the amendments would deter accountability of the executive and government if it were to be implemented (Miriri, 2021). Furthermore, the court of appeal ruling clearly states that the proposed amendments were unconstitutional because such amendments can only be initiated by parliament according to Article 256 of the constitution (Mbaku, 2021). Therefore, the Building Bridges Initiative would not have brought about sustainable national unity and cohesion whether or not it would have been halted by the courts.

In conclusion, the BBI was a political ploy that majorly looked into the interests of the political elite at the expense of Kenyans. Therefore, based on the findings, the study can conclude that there is no validity in the BBI, and its proposed aspects and recommendations set to unify Kenyans.

## Recommendations

Based on the findings, the study recommends that historical injustices need to be addressed to ensure that victims get their closure and perpetrators, regardless of their political status are brought to books. It also recommends that the government should strengthen government institutions to ensure that they are able to fulfill their mandates effectively. This should be done through financing so as to efficiently equip them. If this is done, then it will ensure that the multiplicity of mandates for taskforces and government institutions do not come about. If this was considered prior, then the BBI would not have had a similar mandate as that of NCIC.

The government also needs to look into marginalized societies with urgency. This will ensure that they are represented in government and government services are made more accessible to them thereby resolving some of the underlying issues that are often triggered by elections. To add onto that, with election season close by the government should look into addressing the grave division that has been caused by the politicization of the BBI to ensure that it is deescalated. If this is not addressed immediately then there might be a possibility of violence breaking out during and/ or after the elections. Moreover, the government should consider implementing some of the measures recommended by the TJRC report which addressed historical injustices from 1963.

Finally, the government needs to investigate multiple post-conflict reconstruction measures that address the stereotypes and prejudices formed, as well as bring about justice and accountability especially to victims of post-election violence. These measures should also encourage all-inclusive public participation as well as socio-economic development especially in marginalized societies. Additionally,

constitutional reforms and political reforms need to be implemented to encourage inclusion. This would spearhead reconciliation and healing thereby creating a path towards achieving sustainable national unity and cohesion.

#### Recommendations for Further Research

This study was based at a time when the BBI proceedings were continuing in court thereby limiting the study due to the timeframes. Although the BBI was halted through a court order, it is a subject that requires more studying with regard to the principals' goals in spearheading it. Further research could also be done on possible measures that could contribute to the resolution of underlying issues that drive conflict and are triggered by elections in Kenya.

The BBI continues to develop and there are possibilities that the principals could move to the Supreme Court. This too would be a key area of study following the different court procedures and its limitations. More analysis also needs to be carried out on the BBI report and the recommendations suggested from another lens other than that of the social learning theory of transitional justice. Additionally, further studies need to be done on practical measures that could address unresolved structural issues, such as land injustices and marginalization, that are triggered by irregularities during elections to build a bridge towards achieving sustainable national unity and cohesion.

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## APPENDICES

## Appendix A: Interview Schedule

Dear Participant

RE: REQUEST FOR AN INTERVIEW

My name is Tracy Wangare Karume. I am a postgraduate student pursuing a Master's Degree in Diplomacy, Development and International Security in Daystar University. I have finished my coursework and I am required to write a thesis for completion of my study. The topic of my study is *An Evaluation of Post Conflict Reconstruction Measures in Kenya and their Prospects for Sustainable Unity*. This study will not only help me enhance my skills in research, it will also contribute profoundly in the scholarly field.

I am writing to you to request your participation in my study I therefore request to schedule an interview between 1<sup>st</sup> August 2021 and 24<sup>th</sup> August 2021. Please communicate the preferred day at your convenience. Please find attached an enclosed guide with questions to be answered during the interview. Your contribution will be highly appreciated.

Sincerely,

Tracy Karume.

## Appendix B: Interview Guide

1. Why has Kenya been in a cycle of post-election violence since 1992?
2. What issues influenced the decision to suppress the Akiwumi Report?
3. What issues did the Truth Justice and Reconciliation Commission Report address?
4. What factors affected the effectiveness of the TJRC Report?
5. The fourth agenda of the Kenya National Dialogue and Reconciliation forum spearheaded by Kofi Annan was on addressing long-term issues such as land injustices, electoral board and constitutional reforms to bring sustainable peace and unity. Why then was there reoccurrence of PEV in 2017?
6. How did the coalition government of 2008 to 2013 address the post-election violence of 2007/08?
7. What factors limited the effectiveness of the coalition government as a post-conflict reconstruction tool?
8. How will the Building Bridges Initiative address the ethnicized post-election violence?
9. Is the politicization of the BBI being used to drive a wedge within ethnic communities in Kenya ahead of the referendum in 2021?
10. Will the politicization of the BBI influence the decision of voters should a referendum be carried out in 2022?
11. How will the high court ruling of the BBI influence the decision of voters during the referendum if the court of appeal overrules the high court ruling?

12. How will the implementation and execution of the BBI foster national unity and cohesion if the court appeal overrules the high court judgement?
13. What measures would bring sustainable national unity and cohesion in Kenya?

DAYSTAR UNIVERSITY

### Appendix C: Questionnaire for Respondents in Kawangware Ward

My name is Tracy Wangare Karume. I am a student at Daystar University pursuing a Master's Degree in Diplomacy, Development and International Security. I am conducting a research on post conflict reconstruction in Kenya with the title; *An Evaluation of Post Conflict Reconstruction Measures in Kenya and their Prospects for Sustainable Unity*. This study aims identifying why Kenya has had several post-conflict reconstruction measures that have not been successful in preventing the recurring of post-election violence.

I kindly request for you to take part in this study. The information shared will solely be used for this study and will be kept confidential. Each response will help in the study. This letter is to ensure that the participant grants consent to the researcher to use the data collected. Once signed it will also indicate that the respondents participated voluntarily. Anonymity will be granted as the researcher will use pseudo names if need be. Please tick the box provided below to grant consent to the researcher.

#### INSTRUCTIONS

**Please take a few minutes to fill the questionnaires. Kindly answer all the questions.**

#### Section A: Demographic Information

Please indicate the relevant information in the box provided

1. Name (optional) \_\_\_\_\_
2. Tick the box to indicate your sex  
 Male       Female
3. Tick the box within your age bracket  
 22 - 30 years     31 – 40 years     41 – 50 years     51 - 60 years

4. How many times have you voted in general elections between 1992 and 2017?

- Once    Twice    Thrice    More than three times

Section B: History of post-election violence in Kenya

1. Have you experienced post-election violence?  Yes    No    Not Sure

2. On a scale of one to five, with five representing most intense, indicate the magnitude of the post-election violence experienced

One	Disruption of normal day-to-day activities	
Two	Disruption of business and school year	
Three	Being forced to move in search of safety due to targeted attacks	
Four	Displacement and loss of property	
Five	Displacement and loss of lives of loved ones	

3. Have you been targeted during post-election violence because of the ethnic community you belong to?

- Yes    No

4. Which election year were you exposed to violence due to your ethnic identity?

- 1991    1997    2002    2007    2013  
 2017

Section C: Measures Aimed at Fostering Sustainable National Unity and Cohesion

1. Did the government put up any measures to promote national unity and cohesion?

- Yes    No

i. If answered yes, kindly tick the box or boxes that indicate the measures taken by the government to promote national unity and cohesion

- The coalition government of 2008-2013  
 The Truth Justice and Reconciliation Commission  
 The Akiwumi Commission  
 The Building Bridges Initiative (BBI)

ii. If answered no, kindly tick the box that best describes why the government did not put up any measures to promote national unity and cohesion

- There has been reoccurrence of post-election violence

There is a presence of ethnic conflicts between different ethnic groups that has not been resolved

No compensation was made to victims of previous post-election violence cycles

2. Why do you think post-election violence has reoccurred since 1992? Tick all the reasons that explain the reoccurrence of post-election violence.

Unresolved structural issues that are triggered by elections

Unresolved ethnic conflicts

Justice for victims was not pursued

Politics has been ethnicized

Poor governance

Perpetrators have not been brought to justice

3. Did the Kibaki-Raila grand coalition government stop violence in 2008?

Yes  No

4. Did the coalition government bring forth long-lasting peace after the 2008 post-election violence?

Yes  No

5. Did the grand coalition government address ethnic conflict?

Yes  No

6. The Kenya National Dialogue and Reconciliation Commission set to achieve sustainable peace, stability and justice through the four agendas. Please tick the box of the Agenda that you consider was addressed.

Agenda One: Immediate action to stop the violence and restore fundamental rights and liberties

Agenda Two: Immediate measures to address the humanitarian crisis and promote healing and reconciliation

Agenda Three: How to overcome the political crisis

Agenda Four: Address long-term issues; undertaking constitutional, legal and institutional reforms, land reforms, tackling poverty and inequality, tackling unemployment, consolidation national cohesion and unity and addressing transparency, accountability and impunity

7. Kindly respond to the following statements by checking the box with the intensity in which components should be considered in mechanisms put in place to promote national unity and cohesion

Components	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Justice and reconciliation					
Socio-economic development					
Political reforms					
Constitutional reforms					
Public participation					
Security reforms					

#### Section D: The Building Bridges Initiative

1. Have you read the Building Bridges Initiative Report?

Yes       No

i. If yes kindly check box indicating where you read it from

Newspaper       Internet ( [www.bbi.go.ke](http://www.bbi.go.ke) )

Any other source \_\_\_\_\_

ii. If answered no, kindly check the box indicating which of the statements fit your response

The BBI report is not accessible

I cannot read

I have no interest in the BBI report

2. Does the Building Bridges Initiative address past injustices that caused post-election violence before 2017?

Yes       No

3. The BBI has nine tenets that address the challenges of Kenya in achieving sustainable national unity and cohesion. Please tick the box of the tenets you believe if addressed will bring about national unity and cohesion.

Lack of national ethos

Inclusivity

Responsibilities and rights

Shared

prosperity

Ethnic antagonism and competition

Corruption

Divisive elections

Devolution

Safety and security

4. Will the Building Bridges Initiative bring long-lasting peace, security and unity if implemented?
- Yes       No
5. Will the implementation of the BBI ensure that post-election violence does not in 2022 and other election years that follow?
- Yes       No
6. Is the high court ruling going to influence your decision if the court of appeal nullifies the ruling?
- Yes       No
7. Is the politicization of the Building Bridges Initiative going to influence your decision should a referendum take place in 2022?
- Yes       No
8. Should there be a referendum, how will you vote for the Building Bridges Initiative?
- Yes       No

End

Thank you for your time and participation!!

## Appendix D: Introduction Letter from Daystar University



Athi River Campus  
P. O. Box 17 - 90145  
Daystar University, Kenya  
Tel: 045 6622601 (2) (3)  
Fax: 045 6622420  
Email: admissions@daystar.ac.ke

Nairobi Campus  
P. O. Box 44400 - 00100,  
Nairobi, Kenya  
Tel: 020 2723 002 (3) (4)  
Fax: 020 2728338  
Email: admissions@daystar.ac.ke

Mombasa Campus  
Apollo House, Moi Avenue  
P.O. Box 99483 - 80107,  
Kilindini Mombasa  
Tel: 020 2416916  
Email: mombasa@daystar.ac.ke

[www.daystar.ac.ke](http://www.daystar.ac.ke)

Thursday, June 10, 2021

The Director General

National  
Commission for  
Science,  
**Technology and  
Innovation**  
P.O. Box 30623 –  
00100 **NAIROBI**  
– **KENYA**

Dear Sir/ Madam

**RE: TRACY WANGARE KARUME (14-2359)**

The above named is a MA student in the Department of Peace and International Studies at Daystar University. She has successfully defended her thesis proposal entitled, **“POST CONFLICT RECONSTRUCTION IN KENYA: AN EVALUATION OF THE BUILDING BRIDGES INITIATIVE AND ITS PROSPECTS FOR SUSTAINABLE NATIONAL UNITY AND COHESION. A CASE OF KAWANGWARE WARD.”** I would be grateful if you could grant her a research license to enable her undertake her field research.

Yours Sincerely,



Mrs. Sylvia Wakene Muriuki  
HoD, Department of Peace and International Studies  
Appendix E: Ethical Clearance

## Appendix E: Ethical Clearance

**VERDICT: APPROVAL WITH COMMENTS**

Daystar University Ethics Review Board

Our Ref: **DU-ERB/3/08/2021/000553**Date: 3<sup>rd</sup> August 2021

To: Tracy

Karume,

Dear

"Tracy,

**RE: POST CONFLICT RECONSTRUCTION IN KENYA: AN EVALUATION OF THE BUILDING BRIDGES INITIATIVE AND ITS PROSPECTS FOR SUSTAINABLE NATIONAL UNITY AND COHESION. A CASE OF KAWANGWARE WARD**

Reference is made to your ERB application reference no. 140721-01 dated 14<sup>th</sup> July 2021 in which you requested for ethical approval of your proposal by Daystar University Ethics Review Board.

We are pleased to inform you that ethical review has been done and the verdict **is to revise to the satisfaction** of your Supervisors before proceeding to the next stage. As guidance, ensure that the attached comments are addressed. Please be advised that it is an offence to proceed to collect data without addressing the concerns of Ethics Review board. Your application approval number is DU-ERB-000553. The approval period for the research is between **3<sup>rd</sup> August 2021 to 2<sup>nd</sup> August 2022** after which the ethical approval lapses. Should you wish to continue with the research after the lapse you will be required to apply for an extension from DU-ERB at half the review charges.

This approval is subject to compliance with the following requirements.

- i. Only approved documents including (informed consents, study instruments, MTA) will be used.
- ii. All changes including (amendments, deviations, and violations) are submitted for review and approval by Daystar University Ethics Review Board.
- iii. Death and life threatening problems and serious adverse events or unexpected adverse events whether related or unrelated to the study must be reported to Daystar University Ethics Review Board within 72 hours of notification.
- iv. Any changes anticipated or otherwise that may increase the risks or affected safety or welfare of study participants and others or affect the integrity of this research must be reported to Daystar University Ethics Review Board within 72 hours.
- v. Clearance for export of biological specimens must be obtained from relevant institutions.
- vi. Submission of a request for renewal of approval at least 60 days prior to expiry of the approval period. Attach a comprehensive progress report to support the renewal.
- vii. Submission of a signed one page exclusive summary report and a closure report within 90 days upon completion of the study to Daystar University Ethics Review Board via email [duerb@daystar.ac.ke].

Prior to commencing your study, you will be expected to obtain a research license from National Commission for Science, Technology and Innovation (NACOSTI) <https://oris.nacosti.go.ke> and other clearances needed.

Appendix F: Research Permit

 **REPUBLIC OF KENYA**

 **NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION**

Ref No: 748819 Date of Issue: 12/August/2021

**RESEARCH LICENSE**



**This is to Certify that Miss., Tracy Wangare Karume of Daystar University, has been licensed to conduct research in Nairobi on the topic: Post-Conflict Reconstruction in Kenya: An Evaluation of the Building Bridges Initiative and its Prospects for Sustainable National Unity and Cohesion. A Case of Kawangware Ward for the period ending : 12/August/2022.**

License No. NACOSTI/P/21/12365

748819  
Applicant Identification Number

*W. Wabwire*  
Director General  
NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION

*Reginald M*  
**COUNTY COMMISSIONER  
NAIROBI COUNTY  
P. O. Box 30124-00100, NBI  
TEL: 341666**  
16/8/2021

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## Appendix G: Plagiarism Report

## Tracy Karume Thesis

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Sosteness Francis Materu. "The Post-Election Violence in Kenya", Springer Science and Business Media LLC, 2015

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